

# NSW Independent Liquor & Gaming Authority

Mr Dion Pophristoff Licensee Pino's Italian	Superintendent Kylie Endemi Newcastle City Police District
<b>Section 140(3) – Third parties</b> Ms Irene Licata Premises Owner	

Our ref: DOC24/172957

26 July 2024

Dear Sir/Madam

## Decision regarding complaint about Mr Dion Pophristoff under section 139 of the *Liquor Act 2007*

### Our decision

We are satisfied that the grounds of complaint are established and have determined to:

- **Disqualify** Mr Dion Pophristoff from holding a licence, or from being the manager of licensed premises under section 141(2)(f) of the *Liquor Act 2007* (Act), for life.

### Application for Complaint under section 139 of the Act

On 2 August 2023, a delegate of the Commissioner of Police submitted a complaint in relation to Mr Dion Pophristoff, licensee of Pinos Italian (LIQO660035476), located at 98 Maitland Road, Islington. The complainant alleged that Mr Pophristoff allowed stolen firearms to be stored on the premises and that he made a largely fictitious report to police that he was robbed at knifepoint.

### Details of complaint

Mr Pophristoff reported to police that in the early hours on 9 July 2022 he drove an employee home after work Mr Pophristoff reported that he got out of the car while a male entered the car and drove off. Mr Pophristoff reported the robbery to police but refused to provide a formal statement. Police investigated Mr Pophristoff's report and learned that he had deliberately withheld information and was not honest about details of the alleged robbery.

On 13 July 2022, police executed a search warrant at the restaurant to seize the restaurant's CCTV footage as police suspected that there were further details to the alleged offending. During this time, Mr Pophristoff changed his version of events and admitted to police to storing firearms and ammunition, which he later learned were stolen, at the restaurant.

Police reviewed the CCTV footage from the restaurant which captured Mr Pophristoff receiving firearms on 6 July 2022 and storing them within the restaurant.

As a result of Mr Pophristoff's conduct, he was convicted of the following offences on 19 January 2023 at the Newcastle Local Court:

- Possess unauthorised firearm.
- Possess ammunition without holding a licence/permit/authority.
- Goods in personal custody suspected being stolen.

Police believe that Mr Pophristoff should be disqualified from being the holder of a licence or from being a manager of a licensed premises or a close associate of a licensee.

### **Ground of complaint**

The ground of complaint is that Mr Pophristoff is not a fit and proper person to be the holder of a licence under section 139(3)(i) of the Act.

### **Submissions and consultation**

On 30 January 2024, we issued a show cause notice inviting submissions as to why we should not take disciplinary action. No submissions were received in response from the licensee, NSW Police or the premises owner.

### **Our findings**

Mr Pophristoff's conduct falls significantly below the standard of behaviour expected of a licensee and raises serious concerns about his fitness and propriety to hold a liquor licence.

Allowing firearms and ammunition to be stored at the licensed premises is not only illegal conduct; it poses significant risks to the safety and wellbeing of staff and customers at the premises. This behaviour demonstrates a significant failure by Mr Pophristoff to understand and comply with the legislation.

Given the serious nature of Mr Pophristoff's conduct and his willingness to make a false report to police, we believe that Mr Pophristoff does not have the requisite character to hold a liquor licence and disciplinary action is warranted.

### **Relevant legislation**

#### **Prescribed grounds of complaint**

We are satisfied that the complaint was made validly and that the established ground of complaint is a prescribed ground under section 139(3)(i) of the Act.

### **The material we considered**

In determining the disciplinary complaint, the following material was considered:

- disciplinary complaint from NSW Police dated 2 August 2023, including four annexures.

### **If you are dissatisfied with this decision**

The respondent or complainant may apply to NCAT for a review of this decision under the Administrative Decisions Review Act 1997.

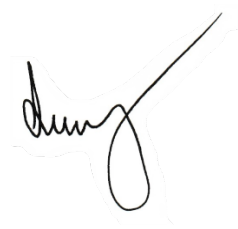
For more information, please contact the NCAT Registry at 1300 006 228 or visit the NCAT website.

This decision will be published on our website.

**If you have any questions**

Please contact the Office of ILGA at [office@ilga.nsw.gov.au](mailto:office@ilga.nsw.gov.au) if you have any questions.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jeff Loy', with a long, sweeping line extending upwards and to the right.

Jeff Loy

**Board Member**

For and on behalf of the **Independent Liquor & Gaming Authority**