



SUBJECT	DISCUSSION	ACTION
<p><b>E.</b></p>	<p><b><u>APPROVAL OF MINUTES</u></b></p> <p><u>Open Session Minutes of May 6, 2021</u></p>	<p><b><u>Motion:</u></b>          Ms. Nishimitsu moved to approve the Open Session Minutes of May 6, 2021. Mr. Pacheco seconded the motion. Motion carried 7:0.</p>
<p><b>F.</b></p>	<p><b><u>VIOLATION HEARINGS:</u></b></p> <p>1. <u>VIVA KAI LLC dba KAI BAR ROASTERS: Violation of Rule 7.8 Manager on Duty, qualifications.</u></p> <p>a. <u>Kai Bar Coffee Roasters is licensed as a Restaurant General on-premises establishment.</u></p> <p>b. <u>On June 8, 2021, at approximately 6:33 pm Kai Bar Coffee Roasters did not have a person who possessed a liquor blue card and who was in active charge of the liquor sales when persons other than employees were present in the licensed area of the establishment when an Investigator from the Liquor department was delivering a Notice of Hearing to the establishment.</u></p> <p>c. <u>Rule 7.8 (a) Manager on duty, qualifications states: A person who is not less than twenty-one years of age shall be in active charge of any on premises establishment at all times when there is anyone who is not an employee in the premises. Rule 7.8 (b) in part states: This person shall have passed the test for a liquor blue card and have this card on their person or have it readily available.</u></p> <p>d. <u>Prior violations: On May 28, 2021, at 6:20 pm, Kai Bar Coffee Roasters was cited for violation of Rule 7.8 Manager on Duty, qualifications.</u></p>	

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	<p>Sean Garcia, Owner was present to represent Viva Kai LLC dba Kai Bar Roasters.</p> <p>Chair Gibson asked Mr. Garcia are you represented by Counsel.</p> <p>Mr. Garcia replied no he is representing himself.</p> <p>Chair Gibson swore Mr. Garcia in.</p> <p>Director Leo Sandoval read the charges listed below:</p> <ul style="list-style-type: none"><li>a. Kai Bar Coffee Roasters is licensed as a Restaurant General on-premises establishment.</li><li>b. On June 8, 2021, at approximately 6:33 pm Kai Bar Coffee Roasters did not have a person who possessed a liquor blue card and who was in active charge of the liquor sales when persons other than employees were present in the licensed area of the establishment when an Investigator from the Liquor department was delivering a Notice of Hearing to the establishment.</li><li>c. Rule 7.8 (a) Manager on duty, qualifications states: A person who is not less than twenty-one years of age shall be in active charge of any on premises establishment at all times when there is anyone who is not an employee in the premises. Rule 7.8 (b) in part states: This person shall have passed the test for a liquor blue card and have this card on their person or have it readily available.</li><li>d. Prior violations: On May 28, 2021, at 6:20 pm, Kai Bar Coffee Roasters was cited for violation of Rule 7.8 Manager on Duty, qualifications.</li></ul> <p>Chair Gibson asked Mr. Garcia did you receive a copy of the charges.</p> <p>Mr. Garcia responded yes.</p>	

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	<p>Chair Gibson asked do you understand the charge.</p> <p>Mr. Garcia responded yes I do.</p> <p>Chair Gibson asked do you admit or deny the charge.</p> <p>Mr. Garcia replied I admit the charge.</p> <p>Chair Gibson asked do you wish to explain what happened.</p> <p>Mr. Garcia stated we really don't have a great excuse but I will briefly tell you what happened from our side. So this was our 2<sup>nd</sup> violation with the same person, Jenny who is one of our long time employees. It was one of those perfect storms, this was a Tuesday she was taking her test the following day. I was travelling as was our Store Manager was travelling and we just didn't catch it. It was a schedule mess up there is no good defense or good excuse. We did make the mistake that employee that was involved in the two incidents did get her blue card the following day. Again we apologize, we have been a lot better since then.</p> <p>Chair Gibson thanked Mr. Garcia and asked Director Leo Sandoval for a Department recommendation as far as the penalty.</p> <p>Director Leo Sandoval replied yes like Mr. Garcia has said this will be the 2<sup>nd</sup> violation for Viva Kai LLC within a 12 month time period for the same violation. The previous violation was adjudicated at the previous Commission Meeting on June 17, 2021, which was the previous Commission Meeting. During that meeting the recommendation fine was \$250.00 with a \$150.00 fine suspended with the condition that the violation does not reoccur within the year. Due to the fact that the 2<sup>nd</sup> violation had already occurred at the time of the condition set forth by the Commissioners they were already mitigating circumstances that prevented the licensee from remaining within the set conditions allowed for suspension of the original fine.</p>	

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	<p>Having said that the Department would like to recommend that the original fine of \$250.00 be assessed once again however with no suspension on any portion of the fine with a motion to do so. Such fine would be permitted according to guidelines outlined in Hawaii Revised Statutes 281-91. Mr. Chair with a motion you can close the Public Hearing at this point.</p> <p>Chair Gibson stated before we do that can you clarify the amount of the fine.</p> <p>Director Leo Sandoval responded the Department's recommendation is \$250.00 with no suspension of any portion of the fine on this one. Which would remain on the lower side of the spectrum of the fines given the opportunity to correct which they have already been working on and not have an increase or graduated amount of fine to the next level.</p> <p>Chair Gibson asked is this \$250.00 plus the amount we held in abeyance, the previous one.</p> <p>Director Leo Sandoval replied no that was the mitigating circumstance at the time of the violation when the original conditions were set. The licensee was unable to comply because he was already in violation. So therefore we are setting a condition that could not be met at that point. The Department is requesting to assess \$250.00 and not suspend any portion of the fine instead of graduating to the next higher penalty amount.</p> <p>Chair Gibson asked any questions from the Commissioners.</p> <p>The Public Hearing for Kai Bar Coffee Roasters is now closed.</p> <p>Director Leo Sandoval advised for clarification this is to close the Violation Hearing not Public Hearing.</p> <p>Chair Gibson stated the Violation Hearing for Kai Bar Coffee Roasters is now closed.</p> <p>Commissioner Nishimitsu commented they had a notice of violation on May 28, 2021, approximately two weeks later there is another violation notice. So there was a two week period during which rectification of the scheduling could have been done. I'm just concerned about not imposing the suspended portion on the first violation and just allowing a \$250.00 fine for the 2<sup>nd</sup> violation.</p>	

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	<p>That is all I want to contribute to this discussion. I understand what the Director is saying, but notice was given on the 28<sup>th</sup> and on June 8<sup>th</sup> again a violation.</p> <p>Commissioner Nishimura stated I am in agreement with Commissioner Nishimitsu and I think if anything we need to agenda the previous violation perhaps at the next meeting to consider whether we should forgive the suspended amount or not. In regards to this particular action I don't think we can take action on the previous violation at this point in time.</p> <p>Chair Gibson commented I think the Director has researched this with the County Attorney, is that correct Director Leo Sandoval.</p> <p>Director Leo Sandoval replied no Chair we have not had a chance to speak about this one. He just stepped back in and haven't had the opportunity to discuss this particular violation.</p> <p>Chair Gibson replied ok, Commissioner Nishimura are you withdrawing your motion?</p> <p>Commissioner Nishimura responded no, I am leaving my motion in for this particular violation. I request that we take up the previous violation at a future meeting.</p>	<p><u>Motion:</u>          Mr. Nishimura moved to accept the recommendations by the Department for Kai Bar Coffee Roasters a fine of \$250.00. Mr. Kahawai seconded the motion. The vote was unanimous.          Motion Carried.</p> <p><u>Roll Call Vote:</u>          Shimabukuro – Aye          Pacheco – Aye          Nishimitsu – Aye          Nishimura – Aye          Kahawai – Aye          Crowell – Aye          Gibson - Aye</p>
	<p>2. <u>MPK Management Co. LLC dba BEACH HOUSE RESTAURANT: Violation of HRS Sec 281.31 (c)(1) Licenses, classes.</u></p> <p>a. <u>Beach House Restaurant is licensed as a restaurant permitted to sell liquor for consumption for on-premises only.</u></p> <p>b. <u>On June 16, 2021, at approximately 6:55pm MPK Management Co. LLC. dba Beach House Restaurant did permit the removal of an alcoholic beverage from their licensed premises which was directly related to the licensee's operation as a restaurant which is a violation of HRS Sec. 281-31 (c)(1) Licenses, classes.</u></p>	

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	<p>c. <u>HRS Sec. 281-31 (c)(1) states: A license under this class shall authorize the licensee to sell liquor specified in this subsection for consumption on the premises; provided that a restaurant licensee, with commission approval, may provide off-premises catering of food and liquor; provided further that the catering activity shall be directly related to the licensee's operation as a restaurant.</u></p> <p>d. <u>Prior Violation History w/in 12-month period includes: None.</u></p> <p>Mr. Robert Ichikawa, Attorney and Ms. Sara Hill, CFO were present to represent MPK Management Co. LLC dba Beach House Restaurant.</p> <p>Chair Gibson asked Director Leo Sandoval to read the charges.</p> <p>Director Leo Sandoval read the charges listed below:</p> <p>a. Beach House Restaurant is licensed as a restaurant permitted to sell liquor for consumption for on-premises only.</p> <p>b. On June 16, 2021, at approximately 6:55pm MPK Management Co. LLC. dba Beach House Restaurant did permit the removal of an alcoholic beverage from their licensed premises which was directly related to the licensee's operation as a restaurant which is a violation of HRS Sec. 281-31 (c)(1) Licenses, classes.</p> <p>c. HRS Sec. 281-31 (c)(1) states: A license under this class shall authorize the licensee to sell liquor specified in this subsection for consumption on the premises; provided that a restaurant licensee, with commission approval, may provide off-premises catering of</p>	

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	<p>food and liquor; provided further that the catering activity shall be directly related to the licensee's operation as a restaurant.</p> <p>d. Prior Violation History w/in 12-month period includes: None.</p> <p>Chair Gibson swore in Ms. Hill, do you swear to tell the truth, the whole truth and nothing but the truth?</p> <p>Ms. Hill replied yes.</p> <p>Chair Gibson asked did you receive a copy of the charge.</p> <p>Ms. Hill replied yes.</p> <p>Chair Gibson asked do you understand the charge.</p> <p>Ms. Hill replied yes.</p> <p>Chair Gibson asked do you deny or admit the charge.</p> <p>Mr. Ichikawa replied we would admit to it with an explanation. Beach House Restaurant understands the violation and will take responsibility for it. It is an isolated incident they have not have a problem or an issue before. On this particular situation it was probably because of just a timing situation of a change in General Manager. These stanchions that are put into the ground are secured in the ground, when the yardwork comes apparently they take it off to do the manicuring of the lawn area. In this situation the Management was not aware that it was not put back in. As soon as they found out about the violation they definitely put the stanchions back in and have made every effort to make sure that everyone is aware and this incident won't happen again. In the past seven that they have been managing this Restaurant they had not have this violation problem.</p> <p>Ms. Hill stated one quick verification it's been five years for managing. I do just want to apologize directly to the Commission. This is obviously an oversight we take this issue extremely seriously. Like Mr. Ichikawa said typically there are stanchions that delineate the liquor service area on our lawn.</p>	

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	<p>Those stanchions were not in the ground due to landscapers being there. Since the day of the violation we have educated our Management Team which is my responsibility and I sincerely apologize, but they did not already fully understand the importance of the stanchions and the location of them prior to that date. I had relied on our former General Manager to take care of that education, it is my fault that there was a lapse in that. I very much apologize for that and do want to ensure the Commission we have taken steps to make sure the hourly staff and the management team are well aware of the importance of the stanchions being up and ensuring that guest stay within them while they are consuming alcohol at the Beach House Restaurant.</p> <p>Chair Gibson asked Ms. Hill are there any signs that explains, this is a private function.</p> <p>Ms. Hill replied there are no signs up currently, but we have already taking steps to get signage. So it is very clear for guest who are enjoying beverages on that lawn and lawn area as well.</p> <p>Chair Gibson thanked Ms. Hill. Commissioners are there any further questions.</p> <p>Commissioner Nishimura commented the Inspector and I don't know the process that they use, wanted to confirm that the Inspectors have gone back there and can confirmed that Management has taken cared of this issues.</p> <p>Director Leo Sandoval replied he would like to direct that to the Investigator that made that report to see if he has done any follow-ups. Investigator Berry should be available.</p> <p>Investigator Herman informed the Commission that Investigator Berry is on the line.</p> <p>Investigator Berry stated I have been back a few times and the stanchions are up, they put it up immediately after they noticed the problem.</p> <p>Vice Chair Crowell asked is there a sign that says "No Alcohol Beyond this Point" or something to that order.</p> <p>Ms. Hill replied not yet.</p> <p>Investigator Herman replied to Chair Gibson, point of order we need to swear in Investigator Berry if he is going to testify.</p>	

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	<p>Chair Gibson stated to Investigator Berry do you swear to tell the truth, the whole truth and nothing but the truth?</p> <p>Investigator Berry replied, I do.</p> <p>Chair Gibson advised Investigator Berry to repeat what he just reported.</p> <p>Investigator Berry replied when I returned to the area to do another inspection after noticing the violation the stanchions were up. I spoke to the manager there again and was advised that they put them up immediately after noticing it there not up when I was previously there.</p> <p>Chair Gibson commented Vice Chair Crowell asked a question about whether there was signage.</p> <p>Investigator Berry replied at the time I did not see signage and she stated to me that they were in the process of getting signage for the area. She was monitoring the area closely and I even notice her doing that while I was there. I stood off to the side and watched her she stopped from guest from going out past that area.</p> <p>Chair Gibson asked are there any further questions.</p> <p>Vice Chair Crowell commented to the Beach House Manager, one of the pictures shows patrons sitting across that sidewalk? The sidewalk is a public access your patrons were at that point obstructing public access. So besides your liquor violation, if this happens again you may be in bigger trouble with your permit from the Planning Department.</p> <p>Ms. Hill replied we coach our Management Team on that again we are taking this issue very seriously. We ensure that we will get this fully in control. It's obviously our issue and not our guest issue. Our responsibility to educate them to make sure that they are not wondering off outside the liquor premises and making sure we are keeping control of that.</p> <p>We very much apologize for what happened and will be focused to making sure it does not happen again, going forward.</p> <p>Vice Chair Crowell replied this looks like a semi-permanent activity area.</p>	<p><u>Motion #1:</u>          Mr. Kahawai moved to accept the recommendations by the Department for MPK Management Co. LLC dba Beach House Restaurant to asses a fine of \$250.00. Mr. Pacheco seconded the motion.</p> <p><i>Mr. Kahawai withdrew his motion and Mr. Pacheco withdrew his second.</i></p>

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	<p>Ms. Hill commented the whole grassy area is our property of the Beach House as you noticed that sidewalk is a public access and right away. We try to make our lawn area available for beach goers and another crossway. That's why the stanchions are so important to us to make sure there is delineation and we are keeping control in that area.</p> <p>Chair Gibson asked are there any further questions or comments by the Commission.</p> <p>Commissioner Nishimitsu asked is it clear to the management that the entire grassy area is not licensed by the Liquor Control Commission.</p> <p>Ms. Hill responded yes.</p> <p>Chair Gibson asked Director Leo Sandoval for the Department's recommendation.</p> <p>Director Leo Sandoval responded the Department recommends a fine of \$250.00 be assessed for permitting the removal of alcohol beverage from the licensed premises. Such recommendation can be accepted with a motion to do so, authorized under HRS 281-91. The Violation Hearing can now be closed.</p> <p>Chair Gibson the Violation Hearing is Closed. Is the Commission ready to make a decision?</p> <p>Commissioner Shimabukuro asked for a point of order to amend the motion. I'd like to request that the motion be amended.</p> <p>Chair Gibson asked Mr. Foster where we are on this.</p> <p>Ms. Ching advised that the person who made the motion and the person who seconded the motion withdraws it you can entertain a new motion or amend the motion.</p> <p>Mr. Foster replied that is correct, since no vote was taken.</p> <p style="text-align: center;"><i>Commissioner Kahawai withdrew his motion.</i></p> <p style="text-align: center;"><i>Commissioner Pacheco withdrew his second.</i></p> <p>Chair Gibson asked Commissioner Shimabukuro would you like to re-do the motion.</p>	

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	<p>Commissioner Shimabukuro commented yes what I would like to propose to add to the motion along with the \$250.00 fine, more visits by the Investigator’s to the establishment more frequently. My concern is the close proximity to the Public Access Area. There was a complaint filed via email at the last Commission Meeting a concern from a citizen saying glass was found on the beach area. It goes beyond removing a beverage from the designated area in my opinion it now speaks to the safety of the citizens that frequent the Public Beaches there. The motion would be to do the \$250.00 fine and require the Inspector’s to visit the establishment more frequently. I’m not sure how we define that.</p> <p>Mr. Foster responded Section 281-91 provides that the Liquor Commission may revoke a license or suspend the right of the Licensee or assess, collect a penalty or reprimand a licensee. I would say it doesn’t fall within 281-91 this amendment could be made separately as a direction to the Director to have more frequent inspections.</p> <p>Commissioner Shimabukuro apologized for that.</p> <p>Chair Gibson replied very good question, we could re-do the motion is that correct.</p> <p>Mr. Foster responded yes the motion should be made again.</p> <p>Director Leo Sandoval advised those that were on the Violation Hearing that the Investigator will get a hold of them with the payment procedures.</p>	<p><u>Motion #2:</u>          Mr. Kahawai moved to accept the recommendations by the Department for MPK Management Co. LLC dba Beach House Restaurant for a fine of \$250.00. Mr. Pacheco seconded the motion.</p> <p>The vote was unanimous.          Motion Carried.</p> <p><u>Roll Call Vote:</u>          Shimabukuro – Aye          Pacheco – Aye          Nishimitsu – Aye          Nishimura – Aye          Kahawai – Aye          Crowell – Aye          Gibson – Aye</p>
<p><b>G.</b></p>	<p><b><u>DIRECTOR’S REPORTS:</u></b></p> <p>1. <b><u>INVESTIGATORS ACTIVITY REPORTS:</u></b></p> <p><i>Mr. Nishimura withdrew his motion. Mr. Pacheco withdrew his second.</i></p>	

SUBJECT	DISCUSSION	ACTION
	<p>2. <u>INCOMING COMMUNICATIONS:</u></p> <p>a. <u>Disturbance Report from Kauai Brewers LLC dba Kauai Beer Company</u></p> <p>3. <u>OUTGOING COMMUNICATIONS (7/8/2021):</u></p> <p>a. <u>To All Wholesalers, Re: Renewal and Non-Renewal of Liquor Licenses for Fiscal Year 2022.</u></p> <p>4. <u>EMPLOYEES IN LICENSED PREMISES:</u></p> <p>a. Managers and Assistant Managers – See Attachment “A”</p> <p>5. <u>RENEWALS/NON-RENEWALS continued from (7/8/2021):</u></p> <p>a. Comparison of Renewals/Non-Renewals for FY 2020, FY 2021, and FY 2022 – See Attachment “B”</p> <p>Commissioner Nishimura wishes to thank the Department for their extra work of the breakdown of the renewals.</p>	<p><u>Motion:</u>          Mr. Nishimura moved to accept the Investigator’s Activity Report that was distributed by email. Mr. Pacheco seconded the motion.</p> <p>Mr. Nishimura withdrew his motion. Mr. Pacheco withdrew his second.</p> <p><u>Motion:</u>          Mr. Nishimura moved to approve the Director’s Report G 1, 2a, 3a. 4a. 5a. Mr. Pacheco seconded the motion. Motion carried 7:0.</p>
<p><b>H.</b></p>	<p><u><b>ACTIONS OF THE DIRECTOR:</b></u></p> <p>1. <u>Temporary Increase/Extension To Premises</u></p> <p>a. <u>KEOKI’S PARADISE: Approval of Temporary Increase of Premise to include a 210 sq. ft. grass turf area left of bar, per diagram submitted. Dates of temporary increase effective July 1, 2021, through October 30, 2021, from 11:00am - 10:00pm.</u></p>	

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	<p>b. <u>KEOKI'S PARADISE: Approval of Temporary Increase of Premise to include the front area of the restaurant for a consumption area, per diagram submitted. Dates of temporary increase effective July 6, 2021, through October 1, 2021, from 11:00am - 10:00pm.</u></p> <p>c. <u>THE DOLPHIN POIPU: Approval of Temporary Increase of Premise to include their lanai area as a Beer Garden and Wine Bar per diagram submitted for a Culinary Market on Wednesday's July 7, 14, 21, and 28, 2021 from 3:30p.m. to 6:30p.m.</u></p> <p>d. <u>THE DOLPHIN POIPU: Approval of Temporary Increase of Premise to include their lanai area as a Beer Garden and Wine Bar per diagram submitted for a Culinary Market on Wednesday's August 4, 11, 18, and 25, 2021 from 3:30p.m. to 6:30p.m.</u></p> <p>e. <u>THE DOLPHIN POIPU: Approval of Temporary Increase of Premise to include their lanai area as a Beer Garden and Wine Bar per diagram submitted for a Culinary Market on Wednesday's September 1, 8, 22, and 29, 2021 from 3:30p.m. to 6:30p.m.</u></p> <p>f. <u>BEACH HOUSE RESTAURANT: Approval of Temporary Extension of Premises to include the patio lawn space, as seen in the attached. The space is approximately thirty feet by eighty feet. August 1, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 19, 20, 21, 27, 29, 2021 from 5:00 p.m. to 10:00 p.m.</u></p> <p>g. <u>WRANGLERS STEAKHOUSE: Approval of Temporary Increase of Premises to include area fronting the restaurant, per diagram, from July 1, 2021, through September 30, 2021, from 11:00 a.m. to 11:00 p.m.</u></p>	

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	<p>Chair Gibson asked have you advised all of these applicants of the conversation that we had earlier about designating the area with stanchions, rope and signage.</p> <p>Director Leo Sandoval replied yes each of them are under the understanding that they do need to maintain control of those areas with a barrier of some sort. The Investigators will follow up with their inspection. I inquired with Investigator Herman as to who follow up during the time period with these Temporary Extension of Premises. They do go out and spot check at those locations. They are being monitored and educated as these events are taken place. The ones that are temporary that continuous renew or ask for extensions. I have explained to them that it will be scrutinized a little bit more on the approvals process. Due to the mere fact it may be circumventing a permanent increase of premises.</p> <p>Chair Gibson thanked Director Leo Sandoval.</p> <p>Investigator Herman commented just a note on what Director Leo Sandoval just mentioned, there is nothing in HRS or in the rules that require them to have boundaries, but it is highly recommended from the Department and passed on to them. If they don't then situations could happen.</p> <p>Chair Gibson asked do we need to do a rules change in order to get this in for future Temporary Increases of Premises.</p> <p>Director Leo Sandoval replied that is an option we can work on, we can draw that up for approval or decision made upon by the Commission. I have to run it through a few channels to before make an amendment. We can make it to the Commission for Approval.</p> <p>Commissioner Nishimitsu asked about Wranglers whether using a portion of the parking lot will impact the parking availability for customers. This is coming from a planning perspective.</p> <p>Director Leo Sandoval replied the area that they are requesting for a Temporary Extension is the side that is facing the main highway. It does not go into their back parking lot. It's just a waiting area, they would like to convert that to an actual sitting area. It's not in their actual parking lot.</p> <p>Commissioner Nishimitsu thanked Director Leo Sandoval.</p>	

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	<p>Chair Gibson asked are there any questions.</p> <p>Commissioner Nishimura asked as a follow up on these Temporary Extensions does the Department do checks for each extension request or is it done on a spot check basis. I'll use Beach House since they have so many of them. If they have that many extension requests does the Department inspect for each date of those temporary extensions or is it done more infrequently.</p> <p>Director Leo Sandoval responded currently what the Investigators are doing more checks per week I am going to refer this back to Investigator Herman. Now that we have the increases in place it gives of more of a reason to be there to do the follow-ups. Director Leo Sandoval asked Investigator Herman to elaborate on that part.</p> <p>Investigator Herman replied to Commissioner Nishimura the Investigators are given copies of all the permits that are out there. If they are assigned to that area they are instructed to check on any special events, temporary extensions anything within their area of investigation for that night.</p> <p>Commissioner Nishimura thanked Investigator Herman.</p> <p>Chair Gibson asked in further investigation of that question are the Investigators going to put that in their reports as activities completed between meetings.</p> <p>Investigator Herman replied if it turns out to be an incident a report will be made. If they are doing a normal daily inspection it's recorded on our daily inspection report. As far as the bi-monthly report that is sent to you, if there is no incident it will be part of their normal duties.</p> <p>Chair Gibson would it be listed as one of the accomplishments that they add to their reports that we get before each meeting.</p> <p>Investigator Herman replied they can add it to their bi-monthly, if there was a permit for that day that they conducted on that day for an event or extension.</p> <p>Chair Gibson thanked Investigator Herman, are there any other questions in regards to Actions of the Director. Hearing none called for a motion to accept.</p>	<p><u>Motion:</u>          Mr. Nishimura moved to approve the Actions of the Director H 1. a through g.          Mr. Kahawai seconded the motion. Motion carried 7:0.</p>

SUBJECT	DISCUSSION	ACTION
<p>I.</p>	<p><b><u>VIOLATION REPORT:</u></b></p> <p>1. <u>WB’S EXCLUSIVE LOUNGE dba WB’s Exclusive Lounge: Violation of HRS Sec 281-31 (c) (1) Licenses, classes.</u></p> <p>a. <u>Under HRS 281-31(c)(1), A license under this class shall authorize the licensee to sell liquor specified in this subsection for consumption on the premises; provided that a restaurant licensee, with commission approval, may provide off-premises catering of food and liquor; provided further that the catering activity shall be directly related to the licensee's operation as a restaurant.</u></p> <p>b. <u>On July 9<sup>th</sup>, 2021, at approximately 11:20pm, WB’s Exclusive Lounge was cited for allowing liquor to leave its licensed premise.</u></p>	<p><u>Motion:</u>          Ms. Nishimitsu moved to bring in WB’s Exclusive Lounge dba WB’s Exclusive Lounge for a Violation Hearing. Mr. Nishimura seconded the motion.</p> <p>The vote was unanimous.          Motion Carried.</p> <p><u>Roll Call Vote:</u>          Shimabukuro – Aye          Pacheco – Aye          Nishimitsu – Aye          Nishimura – Aye          Kahawai – Aye          Crowell – Aye          Gibson – Aye</p>
<p>J.</p>	<p><b><u>PRESENTATION OF THE PERMITTED INTERACTION GROUP ON DRAFTING A JOB PERFORMANCE EVALUATION TOOL FOR THE DIRECTOR OF LIQUOR CONTROL AND ANY RELATED RECOMMENDATIONS</u></b></p> <p>Ms. Ching advised Chair Gibson that the PIG (Permitted Interaction Group) met yesterday and elected Commissioner Nishimitsu.</p>	<p>No action needed on this item.</p>

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	<p>Commissioner Nishimitsu stated the group decided on an initial 6 month evaluation followed by a one year evaluation and further evaluations to be determined. The second item that we discussed is the format and the adding of the evaluation forms and we have yet to adopt the evaluation forms that will be implemented.</p> <p>Ms. Ching advised Chair Gibson you will be getting a formal report as soon as the Committee has finish deliberating on all of the issues.</p> <p>Chair Gibson thanked Ms. Ching and commented this will be put on the agenda in the future.</p> <p>Ms. Ching replied correct.</p> <p>Vice Chair Crowell commented Good Job PIG (Permitted Interaction Group).</p>	
<p><b>K.</b></p>	<p><b><u>EXECUTIVE SESSION</u></b></p> <p>Pursuant to HRS §92-7(a), the Commission may, when deemed necessary, hold an executive session on any agenda item without written public notice if the executive session was not anticipated in advance. Any such executive session shall be held pursuant to H.R.S. §92-4 and shall be limited to those items described in HRS §92-5(a).</p> <p>1. <b><u>APPROVAL OF MINUTES: Executive Session Minutes of May 6, 2021</u></b></p> <p><u>Pursuant to HRS §92-4, §92-5(a)(4), §92-9(a)(1-4) and (b), the purpose of this Executive Session is for Commission to approve or amend the Executive Session Minutes of May 6, and to consult with its attorney on questions and issues pertaining to the Commission’s powers, duties, privileges, immunities, and liabilities as they may relate to this item.</u></p>	<p><b><u>Motion #1:</u></b>          Mr. Nishimura motioned to move into Executive Session. Mr. Pacheco seconded the motion. Motion approved 7:0</p> <p><b><u>Motion #2:</u></b>          Mr. Nishimura motioned to invite Director Leo Sandoval into Executive Session Meeting. Mr. Kahawai seconded the motion. Motion approved 7:0</p>

SUBJECT	DISCUSSION	ACTION
	<p>2. <b><u>DISCUSSION AND POSSIBLE ACTION REGARDING THE APPOINTMENT OF THE DIRECTOR AND THE EXPANSION OF OTHER JOB DUTIES</u></b></p> <p><u>Pursuant to HRS §92-4, §92-5(a)(2) and (4), the purpose of this Executive Session is for Commission to discuss and take action on the scope of the Director’s duties as provided for in HRS §281-17(a)(5), and to consult with its attorney on questions and issues pertaining to the Commission’s powers, duties, privileges, immunities, and liabilities as they may relate to this item.</u></p>	
L.	<b><u>RETURN TO OPEN SESSION</u></b>	<p><u>Motion:</u>          Mr. Kahawai motioned to return to Open Session. Mr. Pacheco seconded the motion. Motion carried 7:0.</p>
M.	<p><b><u>ROLL CALL FOR THE RETURN TO OPEN SESSION</u></b></p> <p>Director Leo Sandoval called roll, noting 7 members were present via tele-conference constituting a quorum.</p>	
N.	<b><u>RATIFY THE ACTIONS TAKEN IN EXECUTIVE SESSION</u></b>	<p><u>Motion:</u>          Ms. Nishimitsu moved to ratify the actions taken in Executive Session. Mr. Pacheco seconded the motion. Motion carried 7:0</p>

SUBJECT	DISCUSSION	ACTION
O.	<p><b><u>EXECUTIVE SESSION:</u></b></p> <p><u>Pursuant to Haw. Rev. Stat. ("H.R.S.") §92-7(a), the Commission may, when deemed necessary, hold an executive session on any agenda item without written public notice if the executive session was not anticipated in advance. Any such executive session shall be held pursuant to H.R.S. §92-4 and shall be limited to those items described in H.R.S. §92-5(a).</u></p>	
P.	<p><b><u>ADJOURNMENT:</u></b></p> <p>With no further business to conduct, Chair Gibson called for a motion and a second to adjourn the meeting.</p>	<p><b><u>Motion:</u></b>          Mr. Nishimura moved to adjourn the meeting. Mr. Pacheco seconded the motion. Motion carried 7:0.</p>

Submitted by: \_\_\_\_\_  
 Malialani TM Kelekoma, Liquor Clerical Assistant

Reviewed and Approved by: \_\_\_\_\_  
 William Gibson, Chair

- ( ) Approved as circulated.
- ( ) Approved with amendments. See minutes of \_\_\_\_\_ meeting.