

# APPROVED

COUNTY OF KAUAI  
Minutes of Meeting  
OPEN SESSION

See Open Session minutes of 11-12-21.

Board/Commission:	<b>LIQUOR CONTROL COMMISSION</b>	Meeting Date	<b>October 28, 2021</b>
Location	Tele Conference via Microsoft Teams Audio +1 469-848-0234, Conference ID: 762 563 025# <a href="https://bit.ly/3jrVM44">https://bit.ly/3jrVM44</a>	Start of Meeting: 4:00 p.m.	End of Meeting: 5:16 p.m.
Tele Present	Chair William Gibson, Vice Chair Dee Crowell Members: Leland Kahawai, Lorna Nishimitsu, Randy Nishimura, Gary Pacheco, Tess Shimabukuro Also: Liquor Control Staff: Director Leo Sandoval, Liquor Clerical Assistant Malialani TM Kelekoma; Ellen Ching Administrator Boards & Commission, Deputy County Attorney Charles Foster		
Excused			
Absent			

SUBJECT	DISCUSSION	ACTION
<b>A. <u>CALL TO ORDER</u></b>		Chair Gibson called meeting to order 4:00 p.m.
<b>B. <u>ROLL CALL</u></b>	Director Leo Sandoval called roll, noting 6 members were present via Tele-Conference constituting a quorum. Commissioner Nishimitsu was not present at the time of Roll Call.	
	<i>Commissioner Nishimitsu entered meeting at 4:02 p.m.</i>	
<b>C. <u>ANNOUNCEMENTS:</u></b>		

SUBJECT	DISCUSSION	ACTION
	Next Scheduled Meeting: Friday, November 12, 2021 – 4:00 p.m. or shortly thereafter.	
D.	<b><u>APPROVAL OF AGENDA</u></b>	<b><u>Motion:</u></b> Mr. Pacheco moved to approve the agenda. Mr. Kahawai seconded the motion. Motion carried 7:0.
E.	<b><u>APPROVAL OF MINUTES:</u></b>  1. Open Session Minutes of September 9, 2021  <u>Corrections:</u> Correction on page 22 Line 8 - 89 "day" instead of "they"  Correction on page 23 Line 8 "the" instead of "they're".  Correction on page 25 Line 14 as the Element XS system and Access Correction on Line 24 Access Commission  2. Open Session Minutes of September 23, 2021	<b><u>Motion #1:</u></b> Mr. Nishimura moved to approve Open Session Minutes of September 9, 2021, with corrections as noted by the Director. Mr. Pacheco seconded the motion. Motion carried 7:0.  <b><u>Motion #2</u></b> Mr. Nishimura moved to approve Open Session Minutes of September 23, 2021. Mr. Pacheco seconded the motion. Motion carried 7:0.

SUBJECT	DISCUSSION	ACTION
<p><b>F.</b></p>	<p><b><u>PUBLIC HEARING:</u></b></p> <p>1. <u>ET &amp; WT LLC dba KENJI BURGER KOLOA</u>: Application No. 2022-006 was filed on July 16, 2021, by ET &amp; WT LLC dba Kenji Burger Koloa for a New Restaurant General B License (With Live Entertainment and Dancing) located at 5404 Koloa Road, Koloa, Kauai, Hawaii. The Commission accepted Application No. 2022-006 for publication and public hearing on August 26, 2021 and ordered to print notice of public hearing in The Garden Island newspaper on Wednesday, September 1st and September 8th, 2021, scheduling the public hearing on October 28, 2021, at 4:00 p.m. or shortly thereafter via Microsoft Teams conferencing only.</p> <p>Chair Gibson opened the Public Hearing for ET &amp; WT LLC dba KENJI BURGER KOLOA Application No. 2022-006. There was no one in the public that testified on behalf of the applicant.</p> <p>Mr. Tanigawa Owner of Kenji Burger Koloa was present. He received the Investigator’s Report and had no questions or comments.</p> <p>Chair Gibson closed the Public Hearing for Application No. 2022-006.</p>	<p><b><u>Motion:</u></b>          Mr. Nishimura moved to approve ET &amp; WT LLC dba Kenji Burger Koloa Application No.2022-006 for a New Restaurant General B License (With Live Entertainment and Dancing). Mr. Kahawai seconded the motion. Motion carried 7:0.</p> <p><b><u>Roll Call Vote:</u></b>          Shimabukuro – Aye          Pacheco – Aye          Nishimura – Aye          Nishimitsu – Aye          Kahawai – Aye          Crowell – Aye          Gibson - Aye</p>

SUBJECT	DISCUSSION	ACTION
	<p>2. <u>KOLOA PIZZA KITCHEN + BAR LLC dba KOLOA PIZZA KITCHEN + BAR</u>: Application No. 2022-007 was filed on August 13, 2021, by Koloa Pizza Kitchen + Bar LLC dba Koloa Pizza Kitchen + Bar for a New Restaurant General B License (With Live Entertainment and No Dancing) located at 5408 Koloa Road, Unit 04-01, Koloa, Kauai, Hawaii. The Commission accepted Application No. 2022-007 for publication and public hearing on August 26, 2021, and ordered to print notice of public hearing in The Garden Island newspaper on Wednesday, September 1<sup>st</sup> and September 8th, 2021, scheduling the public hearing on October 28, 2021, at 4:00 p.m. or shortly thereafter via Microsoft Teams conferencing only.</p> <p>Chair Gibson opened the Public Hearing for KOLOA PIZZA KITCHEN + BAR LLC dba KOLOA PIZZA KITCHEN + BAR Application No. 2022-006. There was no one in the public that testified on behalf of the applicant.</p> <p>Mr. Dan Metsch Owner of Koloa Pizza Kitchen + Bar was present. He received the Investigator’s Report and had no questions or comments.</p> <p>Chair Gibson closed the Public Hearing for Application No. 2022-007.</p>	<p><u>Motion:</u>          Mr. Nishimura moved to approve Koloa Pizza Kitchen + Bar dba Koloa Pizza Kitchen + Bar, Application No.2022-007 for a New Restaurant General B License (With Live Entertainment and Dancing). Mr. Kahawai seconded the motion. Motion carried 7:0.</p> <p><u>Roll Call Vote:</u>          Shimabukuro – Aye          Pacheco – Aye          Nishimura – Aye          Nishimitsu – Aye          Kahawai – Aye          Crowell – Aye          Gibson - Aye</p>

SUBJECT	DISCUSSION	ACTION
<p><b>G.</b></p>	<p><b><u>DIRECTOR’S REPORTS:</u></b></p> <ol style="list-style-type: none"> <li>1. <b><u>DIRECTOR REPORT:</u></b> <ol style="list-style-type: none"> <li>a. October 8, 2021 – October 21, 2021</li> </ol> </li> <li>2. <b><u>INVESTIGATORS ACTIVITY REPORTS:</u></b></li> <li>3. <b><u>EMPLOYEES IN LICENSED PREMISES:</u></b> <ol style="list-style-type: none"> <li>a. Managers and Assistant Managers Red/Blue Card exam list - See Attachment “A”</li> </ol> </li> </ol> <p><u>Summary:</u>            Commissioners had questions regarding the OIP/UIPA Law Offices of Goodsill, Anderson, Quinn and Stifel. This item was referred to the Deputy County Attorney Mr. Foster.</p>	<p><b><u>Motion:</u></b>            Ms. Nishimitsu move to accept the Director’s Report G. 1. a through 3. a. Ms. Nishimitsu seconded the motion. Motion carried 7:0.</p>
<p><b>H.</b></p>	<p><b><u>NEW LICENSE:</u></b></p> <ol style="list-style-type: none"> <li>a. <b><u>UNCLE D’S ENTERPRISES LLC dba UNCLE D’S KAUAI:</u></b> UNCLE D’S ENTERPRISES dba UNCLE D’S KAUAI filed Application No. 2022-010 on May 10, 2021, for a New Retail General License located at 3501 Rice Street, Lihue, Kauai, Hawaii. Deposited \$450.00.</li> </ol>	<p><b><u>Motion:</u></b>            Mr. Nishimura moved to accept New License for Uncle D’s Enterprises LLC dba Uncle D’s Kauai Application No. 2022-010 for a New Retail General License for Publication and Public Hearing. Mr. Pacheco seconded the motion.</p>

SUBJECT	DISCUSSION	ACTION
		Motion carried 7:0.
<p>I. <b><u>VIOLATION REPORT:</u></b></p>	<p>1. <b><u>TRUJILLO dba OLYMPIC CAFE:</u></b> Violation of Rule 7.8 Manager on duty, qualifications.</p>	<p><b><u>Motion:</u></b>          Mr. Nishimura moved to accept Violation Report and to schedule a Violation Hearing for Trujillo dba Olympic Café, Violation of Rule 7.8 Manager on duty, qualifications Mr. Pacheco seconded the motion.</p>
<p>J. <b><u>CHANGE IN OFFICERS/DIRECTORS:</u></b></p>	<p>1. <b><u>QSI, INC.:</u></b> Deletion of Yasuyuki Sakamoto as Director for QSI, Inc., dba Big Save Eleele (4G-007), Big Save Hanalei (4G-008), Big Save Kapaa (4G-009), Big Save Waimea (4G-012), and Times Supermarket (4G-058).</p>	<p><b><u>Motion:</u></b>          Mr. Nishimura moved to approve Change in Officers/Directors for QSI, INC. deletion of Yasuyuki Sakamoto as Director for QSI, Inc., dba Big Save Eleele (4G-007), Big Save Hanalei (4G-008), Big Save Kapaa (4G-009), Big Save Waimea (4G-012), and Times Supermarket (4G-058). Mr. Pacheco seconded the motion.          Motion carried 7:0.</p>

SUBJECT	DISCUSSION	ACTION
<p><b>K.</b></p>	<p><b><u>REQUEST FOR PUBLIC HEARING ON PROPOSED AMENDMENTS TO RULES AND REGULATIONS</u></b></p> <p><u>Summary:</u>            Suggestions and additions to the rules as requested by the Commission has been added to the agenda for the Small Business regulatory. The Regulatory Review Board passed, and we may proceed to a Public Hearing.</p>	<p><u>Motion:</u>            Mr. Nishimura moved to approve Public Hearing for Proposed Amendments to Rules and Regulations. Mr. Pacheco seconded the motion. Motion carried 7:0.</p>
<p><b>L.</b></p>	<p><b><u>EXECUTIVE SESSION:</u></b></p> <p>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 March 26, 2021, October 14, 2021 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.</p> <ol style="list-style-type: none"> <li>1. <b><u>APPROVAL OF MINUTES:</u></b> <ol style="list-style-type: none"> <li>a. <b><u>Executive Session Minutes of March 26, 2021</u></b></li> <li>b. <b><u>Executive Session Minutes of October 14, 2021</u></b></li> </ol> </li> </ol>	
<p><b>M.</b></p>	<p><b><u>RETURN TO OPEN SESSION</u></b></p>	<p>Commissioners returned to Open Session at 5:14 p.m.</p>
<p><b>N.</b></p>	<p><b><u>ROLL CALL FOR THE RETURN TO OPEN SESSION</u></b></p> <p>Director Leo Sandoval called roll, noting 5 members were present via Tele-Conference constituting a quorum. Commissioner Nishimura and Commissioner Kahawai was not present.</p>	

SUBJECT	DISCUSSION	ACTION
<p><b>O.</b> <u><b>RATIFY THE ACTIONS TAKEN IN EXECUTIVE SESSION</b></u></p>		<p><u>Motion:</u>            Mr. Crowell moved to ratify the actions taken in Executive Session. Mr. Pacheco seconded the motion. Motion passed 5:0.</p>
<p><b>P.</b> <u><b>EXECUTIVE SESSION:</b></u></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><b>Q.</b> <u><b>ADJOURNMENT</b></u></p>		<p><u>Motion:</u>            Mr. Crowell moved to adjourn the meeting. Mr. Pacheco seconded the motion. Motion carried 5:0.             Meeting ended @ 5:16 p.m.</p>

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

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



( ) Approved as circulated.

(X) Approved with amendments. See minutes of 11/12/21 meeting.