

APPROVED

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

See Open Session Minutes of 04-12-2022.

Board/Commission:	LIQUOR CONTROL COMMISSION	Meeting Date	March 24, 2022
Location	Tele Conference via Microsoft Teams Audio +1 469-848-0234, Conference ID: 428 496 354# https://bit.ly/3AtMziK	Start of Meeting: 4:03 p.m.	End of Meeting: 4:32 p.m.
Tele Present	Chair Dee Crowell, Members: Gary Pacheco, Tess Shimabukuro, Lorna Nishimitsu Also: Liquor Control Staff: Director Leo Sandoval, Liquor Clerical Assistant Mary Ann Ornellas, Ellen Ching, Administrator Boards & Commission, Deputy County Attorney Charles Foster		
Excused	Vice Chair Leland Kahawai, Commissioner Randall Nishimura		
Absent			

SUBJECT	DISCUSSION	ACTION
A. <u>CALL TO ORDER</u>		Chair Crowell called meeting to order 4:03 p.m.
B. <u>ROLL CALL</u>	Director Leo Sandoval called roll, noting 4 members were present and alone via Tele-Conference constituting a quorum.	
C. <u>ANNOUNCEMENTS:</u>	Next Scheduled Meeting: Thursday, April 14, 2022 – 4:00 p.m. or shortly thereafter. Details on the meeting will be forthcoming. Administrator Ching announced that this is Commissioner Pacheco last meeting and wanted to extend gratitude for his years of service and his contribution to the Commission through the transitions that has transpired in the Commission. Commissioner Pacheco thanked everyone.	

SUBJECT	DISCUSSION	ACTION
D.	<u>APPROVAL OF AGENDA</u>	Approved as circulated
E.	<p><u>A. CONSENT AGENDA</u></p> <ol style="list-style-type: none"> 1. <u>APPROVAL OF MINUTES: Open Session Minutes of February 10, 2022.</u> 2. <u>DIRECTORS REPORT: March 4, 2022, 2022 – March 17, 2022</u> 3. <u>INVESTIGATORS ACTIVITY REPORTS:</u> 4. <u>EMPLOYEES IN LICENSED PREMISES:</u> <p style="margin-left: 40px;">Managers and Assistant Managers Red/Blue Card exam list - See Attachment "A"</p> 5. <u>ACTIONS OF THE DIRECTOR:</u> 6. <u>REQUEST FOR A FREE ONE DAY SPECIAL LICENSE:</u> <ol style="list-style-type: none"> a. <u>GROWING OUR TEACHERS ON KAUAI dba GROWING OUR TEACHERS ON KAUAI:</u> Application No. Free 2022-027 was filed on March 10, 2022, by Growing our Teachers on Kauai Free One-Day Special Dispenser General license on April 10, 2022, at 5174 Lopaka Paipa Street, Koloa, Kauai, Hawaii. 	

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Nishimitsu made a motion to correct the minutes of February 10, 2022, on page 5, last paragraph, it should be CG Foundation and not CJ Foundation. Chair Crowell entertained a motion to approve the consent Agenda as Amended. Moved and seconded to approve the Consent Agenda. No discussion.</p>	<p><u>Motion:</u></p> <p>Ms. Nishimitsu moved to approve the Consent Agenda as Amended. The minutes on page 5, last paragraph it should be CG Foundation and not CJ Foundation. Motion Seconded by Mr. Pacheco</p> <p>Motion Carried 4.0</p>
<p>F.</p>	<p><u>PUBLIC TESTIMONY:</u></p> <p>Director Sandoval asked if there's anyone in the meeting who wishes to testify on any item of the agenda.</p> <p>No Public Testimony.</p>	
<p>G.</p>	<p><u>PUBLIC HEARING:</u></p> <ol style="list-style-type: none"> 1. <u>TROPICAL TACO LTD. dba TROPICAL TACO:</u> Application 2022-039 was filed on December 14, 2021, by Tropical Taco LTD dba Tropical Taco for a New Restaurant Beer and Wine (A) No Live Music and No Dancing) License located at 5-5088 Kuhio Highway, Hanalei, Kauai, Hawaii. Deposited \$450.00. <ol style="list-style-type: none"> a. All legal requirements have been met for today's public hearing. 	

SUBJECT	DISCUSSION	ACTION
	<p>b. The applicant has sent out notices to property owners or lessees of record within 500 feet of the proposed premises and up until this time of the public hearing the department has not received any letters in support, or in opposition to this application.</p> <p>Director Sandoval read the Department Report.</p> <p>Chair Crowell asked if the applicant is present.</p> <p>Roger Kennedy Present, owner of Tropical Taco for 44 years.</p> <p>Chair Crowell asked Mr. Kennedy if he has read the report and if he has any comments of questions.</p> <p>Mr. Kennedy had no comments or questions.</p> <p>Chair stated Public Hearing on this application is now open and if there's anyone wanting to testify or speak in opposition or support this application. No Public Testimony.</p> <p>No further discussion, Chair Closed Public Hearing.</p>	<p><u>Motion:</u></p> <p>Mr. Pacheco moved to close the Public Hearing for Tropical Taco, Ltd. dba Tropical Taco Application no 2022-039. Motion seconded by Ms. Nishimitsu.</p> <p>Motion carried 4.0</p> <p>Mr. Pacheco moved to approve the Application for Tropical Taco Ltd. dba Tropical Taco application 2022-039 filed on December 14, 2021. Ms. Nishimitsu seconded the Motion.</p> <p><u>Roll Call</u></p> <p>Mr. Pacheco – Aye Chair Crowell – Aye Ms. Shimabukuro – Aye Ms. Nishimitsu – Aye</p>

SUBJECT	DISCUSSION	ACTION
<p>H.</p>	<p><u>VIOLATION REPORT:</u></p> <p>1. ET & WT LLC. dba Kenji Burger: Violation of Rule 7.8 Manager on Duty, qualifications.</p> <p>Director Sandoval stated this item is for scheduling and publication for the violation.</p> <p>Chair Crowell stated, it's been moved and seconded to publish for violation hearing.</p>	<p><u>Motion:</u></p> <p>Ms. Nishimitsu moved to schedule this matter for hearing on the issue of the violation alleged to have occurred on or about March 2, 2022. Mr. Pacheco seconded the Motion.</p> <p>Motion Carried 4.0</p>
<p>I.</p>	<p><u>UPDATE, DISCUSSION, AND POSSIBLE AMENDMENT TO ACTION ON MEETING PROCEEDINGS TAKEN ON 3/10/2022</u></p> <p>Discussion regarding conflict with Board and Commission on the July date that was previously discussed. Commissioners to revisit the motion to move to August and the reason is in July, the same date and time, another commission meeting was already scheduled. Further discussion regarding possibly reconsider, amend motion or wait until the next meeting. It was noted that Commissioner Nishimura moved to approve the meeting dates and time. Further discussion regarding online and in person meeting.</p> <p>Chair Crowell stated, this agenda item will be continued to the next meeting, April 14, 2022.</p>	
<p>J.</p>	<p><u>EXECUTIVE SESSION:</u></p>	<p>No Action</p>

SUBJECT	DISCUSSION	ACTION
	<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, 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> <p>Commissioner Shimabukuro was not at the March 10, 2022, meeting, and she had to abstain from voting. This item will be continued to the next meeting. No quorum.</p>	
K.	<u>RETURN TO OPEN SESSION:</u>	No Action
L.	<u>ROLL CALL FOR THE RETURN TO OPEN SESSION:</u>	No Action
M.	<u>RATIFY THE ACTIONS TAKEN IN EXECUTIVE SESSION:</u>	No Action.
N.	<p><u>EXECUTIVE SESSION:</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>1. <u>Approval of Executive Minutes – February 10, 2022</u></p>	No Action
O.	<p><u>ADJOURNMENT</u></p> <p>Pursuant to HRS § 92-7.5, at the time the board packet is distributed to the Liquor Control Commission, the board packet will be available for inspection at the Liquor Control Commission’s office (Pi’ikoi Building 4444 Rice Street, Suite 300, Līhu‘e, Hawai’i</p>	<p><u>Motion:</u></p> <p>Mr. Pacheco moved to adjourn the meeting. Ms. Nishimitsu seconded.</p> <p>Motion Carried 4.0</p>

SUBJECT	DISCUSSION	ACTION
	96766). Please contact at (808) 241-4966 or liquor@kauai.gov to request access.	

Submitted by: _____
Mary Ann Ornellas, Liquor Clerical Assistant

Reviewed and Approved by: _____
Dee Crowell, Chair

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