

APPROVED

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved with amendments. See minutes of 4-28-22.

Board/Commission:	LIQUOR CONTROL COMMISSION	Meeting Date	April 14, 2022
Location	Pi`ikoi Building, Suite 300 4444 Rice Street, Lihue, HI 96766	Start of Meeting: 4:01 p.m.	End of Meeting: 4:34 p.m.
Tele Present	Chair Dee Crowell, Vice Chair Kahawai Members: Gerald Matsunaga, Lorna Nishimitsu, Randall Nishimura Also: Liquor Control Staff: Director Leo Sandoval, Assistant Chief Liquor Investigator Stacy Iwasaki, Clerical Assistant Malialani Kelekoma, Ellen Ching, Administrator Boards & Commission, Deputy County Attorney Charles Foster		
Excused	Commissioner Tess Shimabukuro		
Absent			
SUBJECT	DISCUSSION	ACTION	
A.	<u>CALL TO ORDER</u>	Chair Crowell called meeting to order 4:01 p.m.	
B.	<u>ROLL CALL</u> Director Leo Sandoval called roll, noting 5 members were present and Commissioner Shimabukuro was excused, constituting a quorum.		
C.	<u>ANNOUNCEMENTS:</u> Next Scheduled Meeting: Thursday, April 28, 2022 – 4:00 p.m. or shortly thereafter. Details on the meeting will be forthcoming.		
D.	<u>APPROVAL OF AGENDA</u>	Approved as circulated	

SUBJECT	DISCUSSION	ACTION
E.	<p><u>CONSENT AGENDA</u></p> <ol style="list-style-type: none">1. <u>APPROVAL OF MINUTES:</u><ol style="list-style-type: none">a. February 24, 2022b. March 10, 2022c. March 24, 2022 2. <u>DIRECTORS REPORT:</u> March 18, 2022 – April 7, 2022 3. <u>INVESTIGATORS ACTIVITY REPORTS:</u> 4. <u>EMPLOYEES IN LICENSED PREMISES:</u> Managers and Assistant Managers Red/Blue Card exam list - See Attachment "A" 5. <u>ACTIONS OF THE DIRECTOR:</u><ol style="list-style-type: none">a. <u>TRANSIENT VESSEL:</u><ol style="list-style-type: none">1. <u>OCEANIA CRUISES S. DE R.L.:</u> Approval of One Day Transient Vessel for the vessel Regatta, on April 17, 2022. The vessel will be departing on the same day at 4:00 p.m. 2. <u>MAGICAL CRUISE COMPANY, LIMITED:</u> Approval of One Day Transient Vessel for the vessel Disney Wonder, on May 3, 4, 9, and 10, 2022. The vessel will be arriving on May 3, 2022, and departing on May 4, 2022, at 4:45 p.m., then once again arriving on May 9, 2022, and departing May 10, 2022, at 4:45 p.m.	

SUBJECT	DISCUSSION	ACTION
	<p>b. <u>REQUEST FOR FREE-ONE DAY SPECIAL LICENSE:</u></p> <ol style="list-style-type: none"> 1. <u>THE KAUAI HUMANE SOCIETY dba THE KAUAI HUMANE SOCIETY:</u> Approval of Application No. Free 2022-30 filed on March 14, 2022, by The Kauai Humane Society for a Free One-Day Special Retail General license on April 19, 2022, at 3-825 Kaunualii Highway, Lihue, Kauai, Hawaii. 2. <u>KAMAWAELUALANI CORP. dba KAMAWAELUALANI CORP.:</u> Approval of Application No. Free 2022-29 filed on March 9, 2022, by Kamawaelualani Corp. for a Free One-Day Special Dispenser General License on April 9, 2022, at Poipu Beach Athletic Club, 2290 Poipu Road, Koloa, Kauai, Hawaii. 3. <u>ISLAND SCHOOL dba ISLAND SCHOOL:</u> Approval of Application No. Free 2022-28 filed on March 15, 2022, by Island School for a Free One-Day Special Retail General License on April 2, 2022, at Royal Sonesta Kauai Resort, 3160 Rice Street, Nawiliwili, Kauai, Hawaii. 4. <u>SGF CORP. dba ROB'S GOOD TIMES GRILL:</u> Approval of Application No. SG2022-02 filed on March 16, 2022, by SGF Corp. for a Special General Dispenser License on April 3, 2022, at Kauai War Memorial Hall – Outdoor, 4191 Hardy Street, Lihue, Kauai, Hawaii. 5. <u>SGF CORP. dba ROB'S GOOD TIMES GRILL:</u> Approval of Application No. SG2022-03 filed on March 16, 2022, by SGF Corp. for a Special General Dispenser License on April 10, 2022, at Kauai War Memorial Hall – Outdoor, 4191 Hardy Street, Lihue, Kauai, Hawaii. 	

SUBJECT	DISCUSSION	ACTION
	<p>6. <u>REQUEST FOR USE OF GAMING DEVICE</u></p> <p>a. <u>THE POINT AT POIPU</u>: License No. 5G-024 located at 1613 Pe'e Road, Koloa, Kauai, Hawaii requested approval of the use of (1) Ping Pong Table, (1) Bingo, (1) Giant Connect Four, (2) Corn Hole, and (1) Water Balloon Toss. Request was approved from April 1, 2022, through June 30, 2022.</p> <p>7. <u>TEMPORARY DECREASE OF PREMISES:</u></p> <p>a. <u>ROYAL SONESTA KAUAI RESORT dba ROYAL SONESTA KAUAI RESORT</u>: Approval of Temporary reduction of licensed premises to include the Kauai Ballroom. Diagram is attached to the application in the packet. The premises will be reduced on April 2, 2022, to accommodate for a non-profit charity fundraiser.</p> <p>b. <u>PBAC LLC. dba POIPU BEACH ATHLETIC CLUB</u>: Approval of Temporary reduction of licensed premises to include the lower field as diagramed in the attached application in the packet. The premises will reduce on April 9, 2022, to accommodate for a special fundraiser for Kamawaelualani Corp.</p>	<p><u>Motion:</u></p> <p>Mr. Nishimura moved to approve the Consent Agenda as distributed. Motion Seconded by Mr. Kahawai. Motion Carried 5:0</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>	

SUBJECT	DISCUSSION	ACTION
	<p>1. <u>HAOLE GIRL ISLAND SWEETS, LLC. dba STREET BURGER</u>: Applicant No. 2022-046 was filed on February 25, 2022, by Haole Girl Island Sweets, LLC. dba Street Burger for a transfer of Restaurant General (A) No live music & No dancing from Double Rainbow Inc., license 2G-028 to Haole Girl Island Sweets, LLC. located at 4-369 Kuhio Highway, Kapaa, Kauai, Hawaii. Deposited \$335.00</p> <p style="padding-left: 40px;">a. All legal requirements have been met for today's public hearing.</p> <p>Director Sandoval read the Department Report.</p> <p>Chair Crowell asked if the applicant is present.</p> <p>Judith Palmer Capertina present, owner of Haole Girl Island Sweets, LLC dba Street Burger.</p> <p>Chair Crowell asked Ms. Capertina if she received a copy of the Investigator's report and if she has any comments or questions.</p> <p>Ms. Capertina had no comments or questions.</p> <p>Chair Crowell asked are there any questions or comments from the Commissioners.</p> <p>Commissioner Nishimitsu asked did the prior owner have live entertainment and dancing.</p> <p>Ms. Capertina replied, no.</p> <p>Commissioner Matsunaga asked are you requesting any.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Capertina replied, no.</p> <p>Chair Crowell asked are there any other questions.</p> <p>Commissioner Matsunaga asked are you going to restrict your hours from 11:00 a.m. to 10 p.m.</p> <p>Ms. Capertina replied, yes, we are not opening earlier than that.</p> <p>Chair Crowell hearing no other questions, Public Hearing on this application is now open and if there's anyone wanting to testify or speak in opposition or support this application.</p> <p>Ms. Capertina was in support of this application.</p> <p>No further discussion, Chair Closed Public Hearing.</p>	<p><u>1st Motion:</u></p> <p>Mr. Nishimura moved to close the Public Hearing for Haole Girl Island Sweets, LLC dba Street Burger Application no 2022-046. Motion seconded by Ms. Nishimitsu. Motion carried 5:0</p> <p><u>2nd Motion:</u></p> <p>Mr. Matsunaga moved that Application No. 2022-046 be approved. Mr. Nishimura seconded the motion.</p> <p><u>Roll Call:</u></p> <p>Mr. Matsunaga – Yes Ms. Nishimitsu – Aye Mr. Nishimura – Aye Vice Chair Kahawai- Aye Chair Crowell - Aye</p>
<p>H.</p>	<p><u>VIOLATION HEARING</u></p> <p>1. <u>ET & WT LLC. dba Kenji Burger:</u> Violation of Rule 7.8 Manager on Duty, qualifications. At the Kapaa location under License No. 2BW-004.</p> <p>a. ET & WT LLC. is licensed as a restaurant permitted to sell liquor for on-premises</p>	

SUBJECT	DISCUSSION	ACTION
	<p>consumption.</p> <p>b. On March 2, 2022, at 3:52 p.m., Investigator Berry entered the licensed location to conduct an inspection. While at the location Investigator Berry asked the employee on duty identified [REDACTED] if she had a blue card. [REDACTED] stated she did not and that she had taken the test earlier but did not pass. When asked if there were any other employees working with a blue card. None of the employees working possessed a valid blue card.</p> <p>c. Rule 7.8 Manager on duty, qualifications (a) states: a person who is not less than twenty-one years of age must be in active charge of any on premises establishment during the time the establishment is open for business and licensed to sell or serve liquor.</p> <p>d. Prior 24-month violation history 11/30/2020 Violation of Rule 3.1 - Posting of Rules.</p> <p>Chair Crowell asked for the Department's report to be read.</p> <p>Director Leo Sandoval read the Department's report.</p> <p>Chair Crowell asked is the Licensee present.</p> <p>Bruce Marano Director of Operations for Kenji Burger was present to represent the licensee.</p> <p>Chair Crowell asked did you receive a copy of the Violation Report.</p> <p>Mr. Marano replied yes I did.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Chair Crowell asked do you have any comments.</p> <p>Mr. Marano replied what he stated occurred on that day is true that it happened, [REDACTED] did take the test that morning and did not pass. My understanding is that I am here on behalf of Erik Tanigawa the owner who could not be here today. He is off island currently. Nonetheless, one of the Managers [REDACTED] went to the Lihue restaurant, and she does have a blue card, it's an unfortunate circumstance. Since then, we have taken a lot of steps to ensure that will never happen again. Quite frankly it is an easy fix we are having everyone take the test.</p> <p>Chair Crowell asked the Commissioners do you have any questions for the licensee? Mr. Marano commented, the action that we have taken in all three of our restaurants is that we got with all our supervisors anyone over the age of 21 whether they are in the kitchen or in the front, Erik and I are getting them signed up to take the online blue card test. We are paying for their test and the time to take the test and take their photo. We are doing everything that we can to make it a simple process as possible. I know since that time we have had four people that were scheduled online (Wednesday) and have taken their tests, they have gotten their certificates. We will make sure that we are in compliance and those are the steps we have taken and wanted to let you know that we take this very seriously.</p> <p>Commissioner Nishimura asked Director Leo Sandoval was their other establishments in violation in the last year. Was it the same violation?</p> <p>Director Sandoval replied, we only have this violation for this location. I will find out for you.</p> <p>Commissioner Nishimitsu commented, I recall at a prior meeting we took action to schedule the Violation Hearing.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Nishimura replied, this is prior, maybe late last year sometime.</p> <p>Vice Chair Kahawai commented, there was one for 2020 late last year for posting of rules.</p> <p>Director Sandoval replied, there are no prior violations at the other locations.</p> <p>Commissioner Nishimura thanked Director Sandoval.</p> <p>Commissioner Nishimitsu asked does the department have a recommendation.</p> <p>Director Sandoval replied yes, we would like to put into place the mitigating circumstances, collaborated with what this gentleman has said Mr. Marano. The employees are taking the test and I can verify that, they are taking steps to correct their actions. The department would like to recommend since this is their first violation a fine of \$500.00 with the pleasure of the Commission and if you would like to do any suspension of any type of fines.</p> <p>Chair Crowell asked Mr. Marano do you understand the fine.</p> <p>Mr. Marano yes when will correspondence be sent.</p> <p>Director Sandoval replied there will be a finding of facts notice that will be sent to you after review by the Commissioners and signed by the Chair. If we have your email, you may e-sign.</p> <p>Mr. Marano left email information with Mrs. Kelekoma.</p>	<p><u>Motion:</u></p> <p>Mr. Matsunaga a \$500.00 fine be imposed of which \$200.00 is suspended for a period of one year provided that no similar offense occurs within that timeframe. Mr. Nishimura seconded the Motion. Motion Carried 5:0</p> <p><u>Roll Call:</u></p> <p>Mr. Nishimura – Aye Ms. Nishimitsu – Aye Vice Chair Kahawai- Aye Mr. Matsunaga – Aye Chair Crowell - Aye</p>

SUBJECT	DISCUSSION	ACTION
<p>I.</p>	<p><u>NEW LIQUOR LICENSE APPLICATION</u></p> <p>1. <u>GORDON LLC. dba TABLE AT POIPU</u>: Application No. 2022-051 was filed on February 4, 2022, by Gordon LLC. dba Table at Poipu for a New Restaurant (B) Live Entertainment, No Dancing License located at 2829 Ala Kalanikaumaka Street, Koloa, Kauai, Hawaii. Deposited \$450.00</p> <p>2. <u>CG HOSPITALITY LLC dba FARMSHOP COMMON GROUND</u>: Application No. 2022-058 was filed on April 1, 2022, for a New Restaurant General (B) Live Entertainment and Dancing located at 4900 Kuawa Rd. Kilauea, Kauai, Hawaii. Deposited \$450.00</p>	<p><u>Motion:</u></p> <p>Mr. Nishimura moved to accept Application No.2022-051 for Gordon LLC. dba Table at Poipu schedule for a Public Hearing and Publication. Mr. Matsunaga seconded the motion. Motion carried 5:0.</p> <p><u>Motion:</u></p> <p>Mr. Nishimura moved to accept Application No. 2022-058 CG Hospitality LLC dba Farmshop Common Ground for Publication and Public Hearing. Mr. Matsunaga seconded the motion. Motion carried 5:0.</p>
<p>J.</p>	<p><u>UPDATE, DISCUSSION, AND POSSIBLE ACTION ON MEETING PROCEEDINGS</u> (Continued from 3-24-2022 meeting.)</p> <p>Director Sandoval commented that the Commission Meeting will be moved to the 2nd and 4th Wednesday at 10:00 a.m. and moving the start date till August instead of July.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Ching, Boards & Commission Administrator replied I have a meeting conflicting with the 4th Wednesday in July that we can't change. We are requesting that the change start in August.</p> <p>Chair Crowell asked the Commissioners are there any conflicts.</p> <p>Commissioner Matsunaga requested for 1:00 p.m.</p> <p style="text-align: center;"><i>Chair Crowell called for a recess at 4:25 p.m. Meeting resumed at 4:26 p.m.</i></p> <p>Ms. Ching commented that 1:00 p.m. will work.</p> <p>Commissioner Nishimura commented tentatively to set it at 1:00 p.m.</p>	
<p>K.</p>	<p><u>RETURN TO OPEN SESSION: DISCUSSION AND POSSIBLE DECISION-MAKING ON THE FORMATION OF A PERMITTED ACTION GROUP TO DRAFT RECOMMENDATIONS ON THE GOALS AND OBJECTIVES FOR THE DIRECTOR OF LIQUOR CONTROL</u></p> <p>Ms. Ching requested for this to be on the agenda. The Commission has the option to form a (PIG) Permitted Interaction Group and to ask the Director for proposed Goals and Objectives for July 1, 2022 to June 30, 2023. Ms. Ching requested a PIG (Permitted Interaction Group) be created even if the Director is asked to formulate the Goals and Objectives. If the Commissions accepts the Goals and Objectives drafted by the Director or if there were any changes, the Commission would have a body to initially approve it and review it.</p> <p>Chair Crowell asked are there any questions, hearing none. Chair Crowell appointed Vice Chair Kahawai, Commissioner Nishimitsu and Commissioner Shimabukuro.</p>	<p><u>Motion:</u></p> <p>Mr. Nishimura moved to form the (PIG) Permitted Interaction Group, Vice Chair Kahawai, Commissioner Nishimitsu and Commissioner Shimabukuro for the Goals and Objectives for the Director of Liquor for July 2022 – June 2023. Mr. Matsunaga seconded the motion. Motion carried 5:0.</p>

SUBJECT	DISCUSSION	ACTION
<p>L.</p>	<p><u>EXECUTIVE SESSION:</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, 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 style="text-align: center;">1. Approval of Executive Minutes - 2/10/2022</p>	<p><u>Motion:</u> Mr. Nishimura moved to approve the Executive Minutes of 2/10/2022. Ms. Nishimitsu seconded the motion. Motion Carried 5:0</p>
<p>M.</p>	<p><u>RETURN TO OPEN SESSION</u></p>	<p>No Action</p>
<p>N.</p>	<p><u>ROLL CALL FOR THE RETURN TO OPEN SESSION</u></p>	<p>No Action</p>
<p>O.</p>	<p><u>RATIFY THE ACTIONS TAKEN IN EXECUTIVE SESSION</u></p>	<p>No Action</p>
<p>P.</p>	<p><u>EXECUTIVE SESSION:</u> 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>Q.</p>	<p><u>ADJOURNMENT</u></p>	<p><u>Motion:</u> Mr. Nishimura moved to adjourn the meeting. Ms. Nishimitsu seconded the motion. Motion carried 5:0.</p>

SUBJECT	DISCUSSION	ACTION
		At 4:34 pm meeting was adjourned.

Submitted by: _____
Malialani Kelekoma, Liquor Clerical Assistant

Reviewed and Approved by: _____
Dee Crowell, Chair

() Approved as circulated.

(X) Approved with amendments. See minutes of 4/28/2022 meeting.