

# APPROVED

COUNTY OF KAUAI  
Minutes of Meeting  
OPEN SESSION

See Open Session Minutes of June 9, 2022.

Board/Commission:	<b>LIQUOR CONTROL COMMISSION</b>	Meeting Date	<b>May 26, 2022</b>
Location	Pi`ikoi Building, Suite 300 4444 Rice Street, Lihue, HI 96766	Start of Meeting: 4:01 p.m.	End of Meeting: 4:25 p.m.
Present	Chair Dee Crowell, Members: Gerald Matsunaga, Lorna Nishimitsu Tess Shimabukuro Also: Liquor Control Staff: Director Leo Sandoval-Reyes, Assistant Chief Investigator Stacy Iwasaki, Commission Support Clerk Malialani Kelekoma, Deputy County Attorney Charles Foster		
Excused	Leland Kahawai, Randall Nishimura		
Absent			

SUBJECT	DISCUSSION	ACTION
<b>A.</b>	<b><u>CALL TO ORDER</u></b>	Chair Crowell called meeting to order @ 4:00 p.m.
<b>B.</b>	<b><u>ROLL CALL</u></b>  Director Leo Sandoval called roll, noting 4 members were present. Vice Chair Kahawai and Commissioner Randall Nishimura is excused constituting a quorum.	
<b>C.</b>	<b><u>ANNOUNCEMENTS:</u></b>  Next Scheduled Meeting: Thursday, June 9th, 2022 – 4:00 p.m. or shortly thereafter. Details on the meeting will be forthcoming.	
<b>D.</b>	<b><u>APPROVAL OF AGENDA</u></b>  Chair Crowell asked are there any changes to the agenda.  Director Sandoval-Reyes requested a correction to the agenda:	

SUBJECT	DISCUSSION	ACTION
	<p>Consent Agenda Item c.1 <u>NATIONAL TROPICAL BOTANICAL GARDEN dba NATIONAL TROPICAL BOTANICAL GARDEN</u>: Approval of Application No. Free 2022-xx, should be Application No. Free 2022-35.</p>	<p><u>Motion</u>:          Ms. Nishimitsu moved to approve agenda for May 26, 2022, as modified. Mr. Matsunaga seconded the motion. Motion carried 4:0.</p>
<p><b>E.</b></p>	<p><b><u>CONSENT AGENDA</u></b></p> <ol style="list-style-type: none"> <li>1. <u>APPROVAL OF MINUTES: May 12, 2022</u></li> <li>2. <u>DIRECTORS REPORT: May 3, 2022 – May 19, 2022</u></li> <li>3. <u>EMPLOYEES IN LICENSED PREMISES:</u>             Managers and Assistant Managers Red/Blue Card exam list - See Attachment "A"</li> <li>4. <u>ACTIONS OF THE DIRECTOR:</u> <ol style="list-style-type: none"> <li>a. <u>APPROVAL OF TRANSIENT VESSEL LICENSE:</u> <ol style="list-style-type: none"> <li>1. <u>NCL (BAHAMAS), LT.:</u> Approval of One Day Transient Vessel License for the vessel Norwegian Spirit, on May 16, 2022, from 9:00AM until Midnight, May 17,2022, from 12:01AM until 2:00PM, May 21,2022, from 8:00AM until Midnight, May 22, from 12:01AM until 2:00PM, June 10, from 4:00PM until Midnight, June 11, from 12:01AM until 2:00PM. June 13, from 8:00AM until Midnight, and June 14, from 12:01AM until 2:00PM.</li> </ol> </li> </ol> </li> </ol>	

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	<p>b. <u>REQUEST FOR USE OF GAMING DEVICE</u></p> <p>1. <u>KAUAI BOWL INC.:</u> License No. 5G-026 located at 4303 Rice Street Suite A1, Lihue, Kauai, Hawaii requested approval of the use of (1) Sweet Stuff Crane and (1) Tomb Raider Game. Request was approved on May 10, 2022, valid through June 30, 2022.</p> <p>c. <u>REQUEST FOR FREE-ONE DAY SPECIAL LICENSE:</u></p> <p>1. <u>NATIONAL TROPICAL BOTANICAL GARDEN dba NATIONAL TROPICAL BOTANICAL GARDEN: Approval of Application No. Free 2022-35 filed on May 18, 2022, by National Tropical Botanical Garden for a Free One-Day Special Dispenser General license on May 24, 2022, at 3-825 Kaunali'i Highway, Lihue, Kauai, Hawaii.</u></p> <p>d. <u>CHANGE IN OFFICERS/DIRECTORS/ MEMBERS:</u></p> <p>1. <u>QSI, INC. dba Times Supermarket, Big Save Eleele, Big Save Hanalei, Big Save Waimea, Big Save Kapaa, and Big Save Koloa,: Deletion of Naoki Yoshida as President/ Director, Change of title for Kazuhiro Matsumoto from Director to President/Director and Addition of Noya Tanioka as Directors of QSI, Inc. dba Times Supermarket (4G-058), Big Save Eleele (4G-007), Big Save Hanalei (4G-008), Big Save Waimea (4G-012), Big Save Kapaa (4G-009) and Big Save Koloa (4G-010) as of March 1, 2022.</u></p> <p>e. <u>REQUEST FOR SOLICITOR'S PERMIT</u></p> <p>1. <u>GARRET TSUKASA LOW: Application No. 2022-072 was filed on May 16, 2022, by Garret Tsukasa Low, for a Solicitor's Permit in the County of Kauai to represent The Cherry Company, LTD., a Wholesale Dealer General licensee in the City &amp;</u></p>	

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	<p><u>County of Honolulu. Deposited \$180.00.</u></p> <p>2. <u>WESLEY AKIRA SAKAMOTO: Application No. 2022-071 was filed on May 16, 2022, by Wesley Akira Sakamoto, for a Solicitor’s Permit in the County of Kauai to represent The Cherry Company, LTD., a Wholesale Dealer General licensee in the City &amp; County of Honolulu. Deposited \$180.00</u></p> <p>f. <u>AUTHORIZED AGENT</u></p> <p>1. <u>NCL (BAHAMAS)LTD. dba Norwegian Cruise Lines: Authorization for Dawn A. Egusa from Watanabe Ing. LLP as Authorized Agent for NCL (Bahamas) LTD. dba Norwegian Cruise Lines for a New Transient Vessel License.</u></p> <p>Commissioner Shimabukuro requested that the Minutes of May 12, 2022, be removed from the Consent Agenda.</p> <p style="text-align: center;"><i>Mr. Matsunaga withdrew his motion to approve the Consent Agenda and Ms. Nishimitsu withdrew her second.</i></p> <p>Commissioner Shimabukuro requested a correction to the minutes of May 12, 2022, on page 6. under J. Summary: 1<sup>st</sup> bullet - Map shows temporary for permanent. Change to - Map <i>labeled</i> temporary <i>rather than</i> permanent. 2<sup>nd</sup> bullet second line designated on the minimum- to designated on the <i>maximum</i>.</p>	<p><u>Motion #1</u>          Mr. Matsunaga moved to approve the Consent Agenda. Ms. Nishimitsu seconded the motion.</p> <p><u>Motion # 2</u>          Mr. Matsunaga moved to approve the Consent Agenda with the exception of E.1 Approval of Minutes: May 12, 2022. Ms. Nishimitsu seconded the motion. Motion carried 4:0.</p> <p><u>Motion #3</u>          Ms. Shimabukuro moved to approve the minutes of May 12, 2022, with amendments. Mr. Matsunaga seconded the motion. Motion carried 4:0.</p>
<p>F.</p>	<p><b><u>PUBLIC TESTIMONY:</u></b></p> <p>Director Sandoval asked if there’s anyone in the public who wishes to testify on any item of the agenda. You can step up to the microphone and identify yourself.</p>	

SUBJECT	DISCUSSION	ACTION
	No Public Testimony.	
<p><b>G.</b></p>	<p><b><u>PUBLIC HEARINGS:</u></b></p> <ol style="list-style-type: none"> <li>1. <u>TWO PEAS, LLC dba TWO PEAS: Application No. 2022-056 was filed on April 4, 2022, by Two Peas, LLC dba Two Peas for a transfer of Restaurant General (B) Live Music and Dancing License No. 2G-009 from Ginger and Thai Basil LLC. dba JO2 Restaurant to Two Peas LLC. dba Two Peas Located at 4-971 Kuhio Hwy, Kapaa, Kauai, Hawaii. Deposited \$335.00.</u> <ol style="list-style-type: none"> <li>a. <u>All legal requirements have been met for today’s public hearing.</u></li> <li>b. <u>The applicant has sent out notices to property owners or lessees of records within 500 feet of the proposed premises and up until the time of the public hearing the department has not received any letters in support or opposition to this application.</u></li> </ol> </li> </ol> <p>Brigitte Ratcliffe, Owner/Manager was present on behalf of Two Peas, LLC dba Two Peas. She received a copy of the report and had no comments.</p> <p>Commissioner Matsunaga asked is your license for Live Music and Dancing and you indicated that you were not interested in any live music and dancing.</p> <p>Ms. Ratcliffe replied no to both questions.</p> <p>Commissioner Matsunaga asked your liquor license will be without live music and dancing.</p> <p>Ms. Ratcliffe replied correct, because it’s General (B) it includes all of that, that’s why we added that into the application.</p>	<p><u>Motion #1:</u>          Ms. Nishimitsu moved to close the Public Hearing for Two Peas, LLC dba Two Peas transfer of the Liquor License from Ginger and Thai Basil LLC. dba JO2 Restaurant. Mr. Matsunaga seconded the motion. Motion carried 4:0.</p> <p><u>Motion #2</u>          Mr. Matsunaga moved to approve Application No. 2022-056 Two Peas, LLC dba Two Peas. Ms. Nishimitsu seconded the motion. Motion carried 4:0.</p> <p><u>Roll Call Vote:</u>          Mr. Matsunaga – Aye          Ms. Shimabukuro – Aye</p>

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Nishimitsu the license include live music and dancing and you are not going to exercise your right, that’s transferred as issued. If you choose not to use that part of the license that’s your choice.</p> <p>Ms. Ratcliffe replied yes.</p> <p>Chair Crowell thanked Ms. Ratcliffe and opened the Public Hearing for Application No. 2022-056 Two Peas. Is there any one present that would like to speak in opposition of this application. Is anyone here that would like to speak in support of this application. Hearing none. Chair Crowell entertained a motion to close the Public Hearing.</p>	<p>Ms. Nishimitsu – Aye          Mr. Crowell - Aye</p>
<p><b>H.</b></p>	<p><b><u>PRELIMINARY HEARINGS (NEW LICENSE):</u></b></p> <ol style="list-style-type: none"> <li>1. New Liquor Licenses:             <ol style="list-style-type: none"> <li>a. <u>ONE 38 INC. dba WAIPOULI WINE &amp; SPRITS:</u> Application 2022-070 was filed on May 5, 2022, by One 38 Inc. dba Waipouli Wine &amp; Spirits for a Retail Dealer General license located at 4-776 Kuhio Highway, Kapaa, Kauai, Hawaii. Deposited \$450.00</li> </ol> </li> </ol>	<p><b><u>Motion:</u></b>          Mr. Matsunaga moved that Application No. 2022-070 be approved for Public Hearing and Publication. Ms. Nishimitsu seconded the motion. Motion carried 4:0.</p>
<p><b>I.</b></p>	<p><b><u>ADJUDICATION HEARINGS:</u></b></p> <ol style="list-style-type: none"> <li>1. <u>VERDE RESTAURANT LLC. dba VERDE LIHUE: Violation of rule 7.8(a)Manager on Duty, Qualifications.</u> <ol style="list-style-type: none"> <li>a. <u>Verde Restaurant LLC. Is licensed as a restaurant permitted to sell liquor for on-premises consumption.</u></li> </ol> </li> </ol>	

SUBJECT	DISCUSSION	ACTION
	<p>b. <u>On April 26, 2022, at 11:15 a.m. Investigator Herman entered the licensed location to conduct an inspection. While at the location Investigator Herman made contact with the owner, who stated she was in charge, but her blue card was expired. The owner called over the manager on duty to verify she was in possession of a blue card. The manager on duty did not possess on her person a blue card. After further investigation the blue card for the manager was also expired.</u></p> <p>c. <u>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</u></p> <p>d. <u>Prior 24-month violation history- None</u></p> <p><u>Summary:</u> Maris Scarbo- Manzano was present to represent Verde Restaurant LLC. She received a copy of the charges. Chair Crowell asked do you admit or deny the charges and to explain what happened. There was negligence of the expiration of that specific employee scheduled on that morning, without discounting the state and liquor laws we were not paying attention to the expiration date. We knew she was a card holder when scheduled, we were on survival mode. It was six-months ago that her blue card expired.</p> <p>Chair Crowell asked the Commissioners are there any questions hearing none he asked Director Sandoval-Reyes for a recommendation.</p> <p>Director Sandoval-Reyes recommends for a 1<sup>st</sup> violation at this location within a 24-month period calls for a \$500.00 fine.</p>	<p><u>Motion:</u>          Mr. Matsunaga moved that a \$500.00 fine be imposed. Ms. Nishimitsu seconded the motion. Motion carried 4:0.</p> <p><u>Roll Call Vote:</u>          Mr. Matsunaga – Aye          Ms. Shimabukuro – Aye          Ms. Nishimitsu – Aye</p>

SUBJECT	DISCUSSION	ACTION
		Mr. Crowell - Aye
J.	<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>	No Action
K.	<p><b><u>ADJOURNMENT</u></b></p>	<p><u>Motion:</u>          Ms. Nishimitsu moved to adjourn meeting. Mr. Matsunaga seconded the motion. Motion carried 4:0.</p> <p>At 4:25 pm meeting was adjourned.</p>

Submitted by: \_\_\_\_\_  
 Malialani Kelekoma, Commission Support Clerk

Reviewed and Approved by: \_\_\_\_\_  
 Dee Crowell, Chair

- ( ) Approved as circulated.
- (X) Approved with amendments. See minutes of June 9, 2022 meeting.