

# APPROVED

COUNTY OF KAUAI  
Minutes of Meeting  
OPEN SESSION

See Open Session Minutes of 03/08/2023.

Board/Commission:	<b>LIQUOR CONTROL COMMISSION</b>	Meeting Date	<b>February 22, 2023</b>
Location	Pi`ikoi Building, Suite 300 4444 Rice Street, Lihue, HI 96766	Start of Meeting: 1:00 p.m.	End of Meeting: 2:30 p.m.
Present	Chair Leland Kahawai, Vice Chair Lorna Nishimitsu Members: Dee Crowell, Paul Endo, Gerald Matsunaga, Randall Nishimura, Tess Shimabukuro. Also: Liquor Control Staff: Director Leo Sandoval-Reyes, Assistant Chief Investigator: Stacy Iwasaki, Liquor Private Secretary: Malialani Kelekoma, Boards & Commission Ellen Ching, Deputy County Attorney: Charles Foster		
Excused			
Absent			
SUBJECT	DISCUSSION	ACTION	
A.	<b><u>CALL TO ORDER</u></b>	Chair Kahawai called the meeting to order @ 1:00 p.m.	
B.	<b><u>ROLL CALL</u></b>  Director Leo Sandoval-Reyes called for a roll call to ascertain quorum to conduct business, noting seven members were present to conduct business.		
C.	<b><u>ANNOUNCEMENTS:</u></b>  Next Scheduled Meeting: March 8, 2023 – 1:00 p.m. or shortly thereafter.		
D.	<b><u>APPROVAL OF AGENDA</u></b>  Director Sandoval-Reyes asked if there's anyone in the public who wishes to testify on this agenda item.	No Public Testimony.	

SUBJECT	DISCUSSION	ACTION
		<p><u>Motion:</u></p> <p>Mr. Matsunaga moved to approve the agenda as circulated. Mr. Crowell seconded the motion. Motion carried 7:0.</p>
<p>E.</p>	<p><b><u>CONSENT AGENDA:</u></b></p> <p>Director Sandoval-Reyes asked if there’s anyone in the public who wishes to testify on this agenda item.</p> <ol style="list-style-type: none"> <li>1. APPROVAL OF MINUTES: January 11, 2023</li> <li>2. APPROVAL OF EXECUTIVE MINUTES: December 28, 2022</li> <li>3. DIRECTOR’S REPORT: February 1, 2023 – January 15, 2023</li> <li>4. EMPLOYEES IN LICENSED PREMISES:       <ol style="list-style-type: none"> <li>a. Managers and Assistant Managers Red/Blue Card exam list - See Attachment “A”</li> </ol> </li> <li>5. ACTIONS OF THE DIRECTOR:       <ol style="list-style-type: none"> <li>a. <u>Request for Temporary Increase of Premise:</u> <ol style="list-style-type: none"> <li>1. <u>XV Corporation dba Wranglers Steakhouse (2G-030):</u> Approval of Temporary Increase of Premises to include the back parking lot, backyard space, and the enclosed front area within the wooden fence, per diagram submitted, to accommodate large catered parties on February 24, 2023,</li> </ol> </li> </ol> </li> </ol>	<p>No Public Testimony.</p>

SUBJECT	DISCUSSION	ACTION
	<p>and February 25, 2023, from 11:00 A.M. until 11:00 P.M.</p> <ol style="list-style-type: none"> <li>2. <u>Duke’s Canoe Club, LLC. dba Dukes Canoe Club (2G-007)</u>: located at 3500 Rice Street, Lihue, Kauai, Hawaii, requested a temporary increase of premises to include the grass area fronting the restaurant for a consumption area during a special event to be held on April 15, 2023, from 9:00 a.m. to 11:30 p.m.</li> </ol> <p>b. <u>Request for Temporary Reduction of Premises:</u></p> <ol style="list-style-type: none"> <li>1. <u>SOF-XI Kauai PV Golf, L.P. dba Princeville Makai Golf Club (2G-042)</u>: SOF - XI Kauai PV Golf, L.P. located at 4080 Lei O Papa Road, Princeville, Kauai, Hawaii, submitted a request for a Temporary Reduction of Premises to include the Princeville Makai Golf Course and Club House for a fundraising event hosted by The Boys &amp; Girls Club of Hawaii for a Golf Event. The event is scheduled to take place on March 5, 2023, from 7:00 a.m. until 2:30 p.m.</li> </ol> <p>c. <u>Request for Free- One Day (Non-Profit) License:</u></p> <ol style="list-style-type: none"> <li>1. <u>Island School dba Island School</u>: Approval of Application No. Free 2023-23 filed on January 31, 2023, by Island School for a Free One-Day Special Dispenser General License on February 11, 2023, at 3-1875 Kaumuali’i Hwy, Lihue, Kauai, Hawaii.</li> <li>2. <u>Kauai Chamber of Commerce</u>: Approval of Application No. Free 2023-02 filed on February 1, 2023, by Kauai Chamber of Commerce for a Free One-Day Special Dispenser General license on March 9, 2023, at Layton Construction located at 4463 Pahee St., Lihue, Kauai, Hawaii</li> </ol>	

SUBJECT	DISCUSSION	ACTION
	<p>3. <u>Kauai Concert Association</u>: Approval of Application No. Free 2023-25 filed on February 2, 2023, by Kauai Concert Association for a Free One-Day Special Dispenser General license on February 17, 2023, at Saint Michael and All Angels Episcopal Church, 4364 Hardy Street, Lihue, Kauai, Hawaii.</p> <p>d. <u>Special License Issued for Ratification</u>:</p> <p>1. <u>License No. SG 2023-09</u>: filed on December 30, 2022, and issued to Kauai Island Brewing Company dba Kauai Island Brewing, for a Special Dispenser General License on February 06, 2023. Event to take place inside the Kauai War Memorial Convention Hall as a beer garden located at 4191 Hardy Street, Lihue, Kauai, Hawaii.</p> <p>2. <u>License No. SG 2023-10</u>: filed on January 6, 2023, and issued to Kauai Island Brewing Company dba Kauai Island Brewing, for a Special Dispenser General License on February 11, 2023. Event to take place at the old Kress Store/ Salvation Army Building at 4291 Rice Street, Lihue, Kauai, Hawaii.</p> <p><u>Summary</u>: Corrections to Open Session Minutes page 9, 4<sup>th</sup> paragraph correct spelling weekends. Page 41 from Mr. to Ms. Nishimitsu.</p>	<p><u>Motion #1</u>:</p> <p>Ms. Shimabukuro moved to remove E.1. Approval of minutes for January 11, 2023, from Consent Agenda. Mr. Matsunaga seconded the motion. Motion passed 7:0.</p> <p><u>Motion #2</u></p> <p>Mr. Matsunaga moved to approve the minutes of January 11, 2023, as circulated, with correction to page 9, 4<sup>th</sup> paragraph misspelled weekends to weekends and page 41. Mr. Nishimitsu to Ms. Nishimitsu. Mr. Nishimura seconded the motion. Motion carried 7:0.</p> <p><u>Motion #3</u></p> <p>Ms. Shimabukuro moved to remove E.2. Executive Session minutes for December 28, 2022, from the Consent Agenda. Mr. Crowell seconded the motion. Motion carried 7:0.</p>

SUBJECT	DISCUSSION	ACTION
<p><b>F.</b></p>	<p><b><u>PUBLIC TESTIMONY ON ALL AGENDA ITEMS</u></b></p> <p>Director Sandoval-Reyes asked if there’s anyone in the public who wishes to testify on this agenda item.</p>	<p>No Public Testimony.</p>
<p><b>G.</b></p>	<p><b><u>VIOLATION REPORT:</u></b></p> <p>Director Sandoval-Reyes asked if there’s anyone in the public who wishes to testify on this agenda item.</p> <p>1. <u>Case No.2023-016: Shivalik Indian Cuisine, LLC. dba Shivalik Indian Cuisine (2G-051)</u> located at 4-771 Kuhio Highway, Kapaa, Kauai, Hawaii. Violation of Rule 7.8(a), Manager on Duty, qualifications.</p> <p><u>Summary:</u> Ruchit Ravel Manager was present to represent Shivalik Indian Cuisine, LLC dba Shivalik Indian Cuisine. He pleaded guilty to the charge of Rule 7.8(a), Manager on Duty.</p>	<p>No Public Testimony.</p> <p><u>Motion:</u></p> <p>Mr. Matsunaga moved to impose a fine of \$750.00 and the \$250.00 that was suspended be reinstated total fine of \$1,000.00. Mr. Nishimura seconded the motion. Motion carried 7:0.</p>
<p><b>H.</b></p>	<p><b><u>VIOLATION REPORT:</u></b></p> <p>Director Sandoval-Reyes asked if there’s anyone in the public who wishes to testify on this agenda item.</p> <p>1. <u>Case No. 2023-017: Kauai Island Brewing Company, LLC. dba Kauai Island Brewing Company (14G-001)</u> located at 4350 Waialo Rd., Eleele, Kauai, Hawaii. Violation of Rule 7.8(a), Manager on Duty, qualifications.</p>	<p>No Public Testimony.</p>

SUBJECT	DISCUSSION	ACTION
	<p>2. <u>Case No. 2023-018: Wainiha Country Market, Inc. dba Wainiha Country Market (4BW-014)</u> located at 5-6607 Kuhio Hwy, Wainiha, Kauai, Hawaii. Violation of Rule 10.2 Manager on Duty, qualifications.</p>	<p><u>Motion:</u>            Ms. Nishimitsu moved to receive and schedule a Violation Hearing for Case No. 2023-017 Kauai Island Brewing and Case No. 2023-018 Wainiha Country Market. Mr. Matsunaga seconded the motion. Motion carried 7:0.</p>
<p>I.</p>	<p><b><u>DISCUSSION AND POSSIBLE ACTION ON COMMISSION MEETING FORMAT</u></b></p> <p>Director Sandoval-Reyes asked if there’s anyone in the public who wishes to testify on this agenda item.</p> <p><u>Summary:</u> The Liquor Control Commission has decided to meet in person with the option of a Hybrid Meeting with the call of the Chair.</p>	<p>No Public Testimony.</p> <p><u>Motion:</u>            Mr. Crowell moved to follow the rest of the Commissions with in-person meetings with the possibility of Hybrid if needed for quorum purposes, with the call of the Chair. Ms. Shimabukuro seconded the motion. Motion carried 7:0.</p>

SUBJECT	DISCUSSION	ACTION
<p>J.</p>	<p><b><u>DISCUSSION AND POSSIBLE ACTION ON THE PERMITTED INTERACTION GROUP'S PRESENTATION AND RECOMMENDATIONS ON THE DIRECTOR'S MONTHLY REPORT FORMAT</u></b></p> <p>Director Sandoval-Reyes asked if there's anyone in the public who wishes to testify on this agenda item.</p> <p><u>Summary:</u> The Commission requested several modifications and amendments to the format of the Director's Monthly Report. Highlights, Director, Director of Liquor Control Meetings, Liquor Control Commission Statistics-Monthly Basis  <u>Amendment:</u> Liquor Control Director Meeting- 2<sup>nd</sup> Column who attended to add Subject Matter.1<sup>st</sup> Table-Liquor Control Director Meetings add Highlights and Meetings in the same box and take highlights out of the box.          Page 2 – Quarterly Report – Trace Investigations change to Source Compliance Checks –Minors Compliance Checks - Delete two lines          Investigations – Subheading – Investigations – Violations Issued – Waivers Granted – Disturbance Reports. Last page is annual. Ms. Ching to work with Director Sandoval-Reyes.</p>	<p>No Public Testimony.</p> <p><u>Motion:</u></p> <p>Mr. Nishimura moved to defer this item on the Director's Monthly Report Format to March 8, 2022. To allow the Boards and Commission Administrator to work with Director Sandoval-Reyes and provide guidance. Mr. Matsunaga seconded the motion. Motion carried 7:0.</p>
<p>K.</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><u>Motion:</u></p> <p>Ms. Shimabukuro moved to go into Executive Session. Ms. Nishimitsu seconded the motion. Motion carried 7:0.</p> <p>Moved to Executive Session @ 2:23 p.m.</p>

SUBJECT	DISCUSSION	ACTION
		<u>Roll Call Vote:</u>  Mr. Crowell - Aye Mr. Endo - Aye Mr. Matsunaga - Aye Mr. Nishimura - Aye Ms. Shimabukuro - Aye Ms. Nishimitsu - Aye Mr. Kahawai – Aye
L.	<b><u>RATIFY ACTIONS TAKEN IN THE EXECUTIVE SESSION</u></b>	<u>Motion:</u>  Mr. Crowell moved to ratify the actions taken in Executive Session. Mr. Endo seconded the motion. Motion carried 7:0.
M.	<b><u>ADJOURNMENT</u></b>	<u>Motion:</u>  Mr. Nishimura moved to adjourn the meeting. Mr. Matsunaga seconded the motion. Motion carried 7:0.

Submitted by: \_\_\_\_\_  
 Malialani Kelekoma, Private Secretary

Reviewed and Approved by: \_\_\_\_\_  
 Leo Sandoval-Reyes, Director of Liquor Control

(X) Approved as circulated.  
 ( ) Approved with amendments. See \_\_\_\_\_ meeting.