

APPROVED

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

See Open Session Minutes of 3/22/2023.

Board/Commission:	LIQUOR CONTROL COMMISSION	Meeting Date	March 8, 2023
Location	Pi`ikoi Building, Suite 300 4444 Rice Street, Lihue, HI 96766	Start of Meeting: 1:00 p.m.	End of Meeting: 1:58 p.m.
Present	Chair Leland Kahawai, Vice Chair Lorna Nishimitsu, Members: Dee Crowell, Paul Endo, Tess Shimabukuro. Also Liquor Control Staff: Director Leo Sandoval-Reyes, Assistant Chief Investigator Stacy Iwasaki, Liquor Private Secretary: Malialani Kelekoma, Liquor Licensing Clerk: Shellsie Marshall, Boards & Commission Administrator: Ellen Ching, Deputy County Attorney: Charles Foster		
Excused	Gerald Matsunaga		
Absent	Randall Nishimura		
SUBJECT	DISCUSSION	ACTION	
A.	<u>CALL TO ORDER</u>	Chair Kahawai called the meeting to order @ 1:00 p.m.	
B.	<u>ROLL CALL</u> Director Sandoval-Reyes called for a roll call to ascertain quorum to conduct business, noting Commissioner Gerald Matsunaga was excused and Commissioner Nishimura was absent, five members were present to conduct business.		
C.	<u>ANNOUNCEMENTS:</u> Next Scheduled Meeting: March 22, 2023 – 1:00 p.m. or shortly thereafter.		
D.	<u>APPROVAL OF AGENDA</u> Director Sandoval-Reyes asked if there's anyone in the public who wishes to testify on this item at this time.	No Public Testimony.	

SUBJECT	DISCUSSION	ACTION
	<p>Director Sandoval-Reyes requested an amendment for:</p> <ol style="list-style-type: none"> 1. Notice of Violation Hearing for Wainiha Country Market, Inc. dba Wainiha Country Market (4BW-014) should be 2023. Updated Decision and order for Shivalik for corrected dates for your review. 2. Wainiha Country Market to move Violation Hearing after Item F. 	<p><u>Motion:</u></p> <p>Mr. Endo moved to approve agenda as amended. Ms. Nishimitsu seconded the motion. Motion carried 5:0.</p>
<p>E.</p>	<p><u>CONSENT AGENDA:</u></p> <ol style="list-style-type: none"> 1. APPROVAL OF MINUTES: <ol style="list-style-type: none"> a. January 25, 2023 b. February 8, 2023 c. February 22, 2023 2. APPROVAL OF EXECUTIVE MINUTES: <ol style="list-style-type: none"> a. December 28, 2022 (Deferred from February 22, 2023, meeting) b. February 22, 2023 3. DIRECTOR’S REPORT: February 15, 2023 – February 28, 2023 4. EMPLOYEES IN LICENSED PREMISES: <ol style="list-style-type: none"> a. Managers and Assistant Managers Red/Blue Card exam list - See Attachment “A” 5. ACTIONS OF THE DIRECTOR: <ol style="list-style-type: none"> a. <u>CHANGE IN OFFICERS/DIRECTORS/MEMBERS:</u> 	<p>No Public Testimony.</p>

SUBJECT	DISCUSSION	ACTION
	<ol style="list-style-type: none"> 1. <u>The Club at Kukui'ula dba Huaka'i Outfitters (4G-027)</u>: Deletion of Kurt Matsumoto as Director, Brent Herrington as President, Kevin Arnold as Vice President/Treasurer and Thad Bond as 2nd Vice President/Secretary. Addition of Chad Brue as President, Jason Mitchell as Treasurer, and Brian Hallberg as Vice President effective January 6, 2023. 2. <u>The Club at Kukui'ula dba The Club at Kukui'ula (6G-001)</u>: Deletion of Kurt Matsumoto as Director, Brent Herrington as President, Kevin Arnold as Vice President/Treasurer and Thad Bond as 2nd Vice President/Secretary. Addition of Chad Brue as President, Jason Mitchell as Treasurer, and Brian Hallberg as Vice President effective January 6, 2023. 3. <u>MNS, LTD. dba ABC Stores #57 (4G-001), ABC Stores #58 (4G-002), ABC Stores #59 (4G-003), Island Country Markets (4G-014), Sueoka Market (4G-060)</u>: Deletion of Mitsunori Blaisdell as Vice President/Director and add Mark Flores as Director effective January 17, 2023. 4. <u>Palate Kilauea LLC. dba Palate Kilauea (2BW-001) and (4G-017)</u>: Addition of Rich Present as member. <p>b. <u>REQUEST FOR ALCOHOL PURCHASE PERMIT:</u></p> <ol style="list-style-type: none"> 1. <u>Kauai Hemp Company</u>: Approval of Alcohol Purchase Permit No. AP 2023-01, on February 22, 2023, at 4445-C Omao Rd., Koloa, Kauai, Hawaii. 	

SUBJECT	DISCUSSION	ACTION
	<p>c. <u>REQUEST FOR GAMING PERMIT:</u></p> <p>1. <u>Kauai Bowl Inc. dba Kauai Bowl:</u> License No. 5G-026 located at 4303 Rice Street, Suite A1, Lihue, Kauai, Hawaii requesting approval of the use of (1) Willy Wonka 2 Player, (1) Air FX Air Hockey, (2) Ice Ball FX, (1) Monopoly Roll N Go, (2) NBA Hoops W/LED, (1) Tons of Tickets, (1) Tons of Tickets 1 PLYR Marquee, (1) Wack N Win, (1) Pearl Fishery 2 Player, (1) Nerf, (2) Super Bike 3, (1) Stepmanix Arcade, (1) Power Roll, (1) Taj Mahal Mini Rings, (1) King Kong of Skull Island VR, and (1) Tower of Tickets w/Reload.</p> <p>d. <u>REQUEST FOR OFF-PREMISE WAREHOUSING:</u></p> <p>1. <u>License No. 2G-109 / AG Avalon LLC. dba Avalon Gastropub:</u> Request for temporary off-premises warehousing, per diagram submitted, located at 1481 Haleukana Street, Lihue, Kauai, Hawaii within the Guardian Self Storage Puhi.</p> <p>2. <u>License No. 4G-081 / AG Avalon LLC. dba Avalon Whiskey Shop:</u> Request for temporary off-premises warehousing, per diagram submitted, located at 1481 Haleukana Street, Lihue, Kauai, Hawaii within the Guardian Self Storage Puhi.</p> <p>e. <u>REQUEST FOR FREE- ONE DAY (NON-PROFIT) LICENSE:</u></p> <p>1. <u>National Tropical Botanical Garden:</u> Approval of Application No. Free 2023-29 filed on February 14, 2023, by National Tropical Botanical Garden for a Free One-Day Special Dispenser General License on March 3, 2023, at 3530 Papalina Road, Kalaheo, Kauai, Hawaii.</p>	<p><u>Motion #1:</u></p> <p>Ms. Shimabukuro requested to amend the Consent Agenda to remove Executive Session Minutes for December 28, 2022. Ms. Nishimitsu seconded the motion. Requested to remove January 25, 2023 and February 8, 2023, for</p>

SUBJECT	DISCUSSION	ACTION
	<p>2. <u>Rice Street Business Association</u>: Approval of Application No. Free 2023-28 filed on February 1, 2023, by National Tropical Botanical Garden for a Free One-Day Dispenser General License on April 15, 2023, at the Kauai Philippine Cultural Center, 4475f Nuhou St, Lihue, Kauai, Hawaii.</p> <p><u>Summary</u>: Corrections to be made for Open Session Minutes for January 25, 2023, page 6 third to the last paragraph, change front to fraud. February 8, 2023, page 5 Violation for Haole Girl Sweets owner change from Gina to Judith.</p>	<p>corrections. Motion carried 5:0. <u>Motion #2</u></p> <p>Ms. Nishimitsu moved to amend the Open Session Minutes for January 25, 2023, page 6, 3rd paragraph, front to fraud and February 8, 2023, page 5 owner name Gina to Judith. Mr. Endo seconded the motion. Motion carried 5:0.</p>
<p>F.</p>	<p><u>PUBLIC TESTIMONY ON ALL AGENDA ITEMS:</u></p> <p>Director Sandoval-Reyes asked if there’s anyone in the public who wishes to testify on this item at this time.</p>	<p>No Public Testimony.</p>
<p>I.</p>	<p><u>VIOLATION HEARING:</u></p> <p>Director Sandoval-Reyes asked if there’s anyone in the public who wishes to testify on this item at this time.</p> <p>2. <u>Case No. 2023-018</u>: Wainiha Country Market, Inc. dba Wainiha Country Market (4BW-014) located at 5-6607 Kuhio Hwy., Wainiha, Kauai, Hawaii. Violation of Rule 10.2 Manager on Duty, qualifications.</p>	<p>No Public Testimony.</p>

SUBJECT	DISCUSSION	ACTION
	<p><u>Summary:</u> James and Joell Edwards, Owners were present to represent Wainiha Country Market. Received a copy of the charges and pleaded no-contest. Ms. Edwards explained to the Commission what happened.</p>	<p><u>Motion:</u></p> <p>Ms. Nishimitsu moved to impose a fine of \$500.00 suspending \$200.00, provided that within the succeeding year that they are no violations of any kind. If any violation occurs, the suspended portion would be imposed together with having to face the charges for a new violation. Mr. Endo seconded the motion. Motion carried 5:0.</p>
<p>G.</p>	<p><u>PUBLIC HEARINGS:</u></p> <p>Director Sandoval-Reyes asked if there's anyone in the public who wishes to testify on this item at this time.</p> <ol style="list-style-type: none"> 1. <u>ET & WT, LLC. dba Kenji Burger (Kilauea):</u> Application No. 2023-072 was filed on June 3, 2022, by ET & WT, LLC. dba Kenji Burger (Kilauea) for a new Restaurant General (B) Live Entertainment and No Dancing, located at 2555 Ala Namahana Parkway, Building H, Kilauea, Hawaii. 	<p>No Public Testimony.</p>

SUBJECT	DISCUSSION	ACTION
	<p><u>Summary:</u> Erik & Whitney Tanigawa, Owners and Bruce Murano Director of Operations were present to represent ET & WT, LLC. dba Kenji Burger (Kilauea). He received a copy of the investigators report and had no changes. Questions were asked about the kinds of music that they will have. Acoustic and background music, no amplified music. Music will be played from 5pm-7pm. Applicant explained the map and where the homes are, also about the proposed patio. Chair Kahawai closed the Public Hearing for Application No. 2023-072.</p> <p>Commissioner Crowell requested an amendment for no amplified music.</p> <p style="text-align: center;"><i>Commissioner Endo withdrew his motion.</i></p> <p style="text-align: center;"><i>Vice Chair Nishimitsu withdrew her second.</i></p>	<p><u>Motion #1:</u></p> <p>Mr. Endo moved to approve Application No. 2023-072 for ET & WT, LLC. dba Kenji Burger (Kilauea). Ms Nishimitsu seconded the motion.</p> <p><u>Motion #2</u></p> <p>Mr. Endo moved to approve Application No. 2023-072 for ET & WT, LLC. dba Kenji Burger (Kilauea) as amended and that they will be no amplified music. Ms. Nishimitsu seconded the motion. Motion carried 5:0.</p>
<p>H.</p>	<p><u>ADOPTION OF DECISION AND ORDER:</u></p> <p>Director Sandoval-Reyes asked if there’s anyone in the public who wishes to testify on this item at this time.</p> <ol style="list-style-type: none"> 1. <u>Haole Girl Island Sweets, LLC. dba Street Burger/Ravish (2G-028):</u> Adjudication hearing held, February 8, 2023. 2. <u>Shivalik Indian Cuisine, LLC dba Shivalik Indian Cuisine (2G-051):</u> Adjudication hearing held, February 22, 2023. 	<p>No Public Testimony.</p>

SUBJECT	DISCUSSION	ACTION
	<p><u>Summary:</u> The revision for Shivalik Indian Cuisine, LLC dba Shivalik Indian Cuisine the dates were incorrect.</p>	<p><u>Motion:</u></p> <p>Mr. Endo moved to approve the Decision and Order for Haole Girl Island Sweets, LLC. dba Street Burger/Ravish and Shivalik Indian Cuisine, LLC dba Shivalik Indian Cuisine as amended. Ms. Nishimitsu seconded the motion. Motion carried 5:0.</p>
<p>I.</p>	<p><u>VIOLATION HEARING:</u></p> <p>Director Sandoval-Reyes asked if there’s anyone in the public who wishes to testify on this item at this time.</p> <ol style="list-style-type: none"> 1. <u>Case No. 2023-017:</u> Kauai Island Brewing Company, LLC. dba Kauai Island Brewing Company (14G-001) located at 4350 Waialo Rd., Eleele, Kauai, Hawaii. Violation of Rule 7.8(a), Manager on Duty, qualifications. <p><u>Summary:</u> Dave Curry, Co-Founder, Co-Owner, and Vice President was present to represent Kauai Island Brewing Company, LLC. He was sworn in by Chair Kahawai, he received a copy of the charges and understood the charge. He pleaded guilty to the charge. He explained what happened to the Commission and since then has made changes to the schedule where he will have someone with a Blue Card on duty.</p>	<p>No Public Testimony.</p> <p><u>Motion:</u></p> <p>Ms. Nishimitsu moved to impose a fine of \$500.00 for Kauai Island Brewing Company, LLC dba Kauai Island Brewing Company. Mr. Endo seconded the motion. Motion carried 5:0.</p>
<p>J.</p>	<p><u>PRELIMINARY HEARING (NEW LICENSE APPLICATION)</u></p> <p>Director Sandoval-Reyes asked if there’s anyone in the public who wishes to testify on</p>	<p>No Public Testimony.</p>

SUBJECT	DISCUSSION	ACTION
	<p>this item at this time.</p> <ol style="list-style-type: none"> <li data-bbox="394 358 1461 505">1. <u>No.1 Chinese & BBQ V. dba Sensei Sushi Bar & Grill:</u> Application No. 2023-074 was filed on December 7, 2022, by No. 1 Chinese & BBQ V. dba Sensei Sushi & Bar for a new Dispenser General (A) Standard Bar, located at 4-939 Kuhio Highway, Kapaa, Hawaii. <li data-bbox="394 1019 1478 1166">2. <u>Thrive Markets, Inc. dba Hoku Foods Natural Market:</u> Application No. 2023-089 was filed on February 2, 2023, by Thrive Markets, Inc. dba Hoku Foods Natural Market for a new Retail General license, located at 5460 Koloa Road #H101, Koloa, Kauai, Hawaii. 	<p><u>Motion #1:</u></p> <p>Mr. Crowell moved to accept Application No. 2023-074 No.1. Chinese & BBQ V. dba Sensei Sushi Bar & Grill and schedule for Publication and Public Hearing. Mr. Endo seconded the motion. Motion carried 5:0.</p> <p><u>Motion #2</u></p> <p>Mr. Endo moved to approve Application No. 2023-089 Thrive Markets, Inc. dba Hoku Foods Natural Market for Publication and Public Hearing. Ms. Shimabukuro seconded the motion. Motion carried 5:0.</p>

SUBJECT	DISCUSSION	ACTION
<p>K.</p>	<p><u>LICENSE IN ABEYANCE:</u></p> <p>Director Sandoval-Reyes asked if there’s anyone in the public who wishes to testify on this item at this time.</p> <ol style="list-style-type: none"> 1. <u>AG Avalon LLC. dba Avalon Gastropub (2G-109):</u> Request from AG Avalon LLC. dba Avalon Gastropub to hold license (2G-109) in safekeeping. 2. <u>AG Avalon LLC. dba Avalon Whiskey Shop (4G-081):</u> Request from AG Avalon LLC. dba Avalon Whiskey Shop to hold license (4G-081) in safekeeping. 	<p>No Public Testimony.</p> <p><u>Motion:</u></p> <p>Ms. Nishimitsu moved to receive and approve the requests for AG Avalon LLC. dba Avalon Gastropub and AG Avalon LLC. dba Avalon Whiskey Shop to hold both licenses in Safekeeping until the end of June 2023. Ms. Shimabukuro seconded the motion. Motion carried 5:0.</p>
<p>L.</p>	<p>DISCUSSION AND POSSIBLE ACTION ON THE PERMITTED INTERACTION GROUP’S PRESENTATION AND RECOMMENDATIONS ON THE DIRECTOR’S MONTHLY REPORT FORMAT (Deferred from February 22, 2023)</p> <p>Director Sandoval-Reyes asked if there’s anyone in the public who wishes to testify on this item at this time.</p> <p><u>Summary:</u> Ellen Ching went over the annual report – All Yellow Highlighted were changes that were made.</p> <ol style="list-style-type: none"> 1. August 16 or by the second Commission meeting in August. For the quarterly report: <ol style="list-style-type: none"> a. Jan. – March – April 19 or by the second Commission meeting in April b. April – June – August 16 or by the second Commission meeting in August 	<p>No Public Testimony.</p>

SUBJECT	DISCUSSION	ACTION
	<p>c. July – Sept. – Nov. 15 or by the second Commission meeting in November d. Oct. – Dec. – Feb. 15 or by the second Commission meeting in February</p> <p>For the monthly report: by the second Commission meeting in the following month i.e., March monthly report due by the second Commission meeting in April.</p>	<p><u>Motion:</u></p> <p>Mr. Crowell moved to received and approve the Director’s Report Format. Ms. Shimabukuro seconded the motion. Motion carried 5:0.</p>
<p>L.</p>	<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>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 (Moikeha Building 4444 Rice Street, Suite 120, Līhu‘e, Hawai‘i 96766). Please contact at (808) 241-4966 or mkelekoma@kauai.gov to request access.</p>	<p><u>Motion:</u></p> <p>Ms. Nishimitsu moved to go into Executive Session. Mr. Endo seconded the motion. Motion carried 5:0.</p> <p>At 1:52 p.m. entered into Executive Session.</p>

SUBJECT	DISCUSSION	ACTION
<p>M.</p>	<p><u>RATIFY THE ACTIONS IN EXECUTIVE SESSION</u></p>	<p><u>Motion:</u></p> <p>Mr. Crowell moved to ratify the actions taken in the Executive Session. Mr. Endo seconded the motion. Motion carried 5:0.</p> <p>At 1:57 p.m. returned to Open Session.</p>
<p>N.</p>	<p><u>ADJOURNMENT</u></p> <p>With no further business to conduct, Chair Kahawai sought a motion to adjourn the meeting.</p>	<p><u>Motion:</u></p> <p>Ms. Nishimitsu moved to adjourn the meeting. Ms. Shimabukuro seconded the motion. Motion carried 5:0, the meeting adjourned at 1:58 p.m.</p>

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.