



# LIQUOR CONTROL COMMISSION

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**DEE CROWELL, CHAIR**  
**LELAND KAHAWAI, VICE CHAIR**

**WILLIAM GIBSON, MEMBER**  
**RANDALL NISHIMURA, MEMBER**  
**LORNA NISHIMITSU, MEMBER**  
**GARY PACHECO, MEMBER**  
**TESS SHIMABUKURO, MEMBER**

On November 29, 2021, Governor David Y. Ige issued an Emergency Proclamation, which continued the suspension of Hawai'i Revised Statutes (HRS) Chapter 92, relating to Public Agency Meetings and Records (also known as the Sunshine Law) as it pertained to the COVID-19 Response. HRS Chapter 92 was suspended to the extent necessary to enable boards to conduct business in-person or through remote technology without any board members or members of the public physically present in the same location. In addition, on December 29, 2021, Governor Ige issued a proclamation suspending HRS 92-3.7 to suspend the requirement to have at least one meeting location that is open to the public.

## **Meetings of the Liquor Control Commission will be conducted as follows until further notice:**

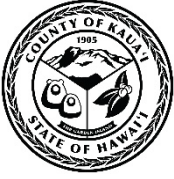
- Meetings will be publicly noticed pursuant to HRS Chapter 92.
- In-person meetings will be closed to the public to be consistent with social distancing practices.
- Liquor Control Commissioners, Department and/or Boards and Commission Staff, parties to agenda items, and resource individuals may appear via the Microsoft Teams remote technology.
- If any major and insurmountable technical difficulties are encountered during the meetings, the Liquor Control Commission will continue all matters and reconvene at the next scheduled Liquor Control Commission Meeting.
- Minutes of meetings will be completed pursuant to HRS Chapter 92 and posted to the Liquor Control Commission's website upon completion and approval.

## **Public Comments and Testimony:**

- **Written testimony:** The Liquor Control Commission will accept written testimony for any agenda item herein. Written testimony indicating your 1) name, and if applicable, your position/title and organization you are representing, 2) the agenda item that you are providing comment on, and 3) contact information (telephone number and email address), may be submitted to [liquor@kauai.gov](mailto:liquor@kauai.gov) or mailed to the Liquor Control Commission, c/o Department of Liquor Control, 4444 Rice Street, Suite 120, Lihue, Hawaii 96766. Written testimony received by the Liquor Commission at least 24 hours prior to the meeting will be distributed to all Liquor Control Commissioners prior to the meeting. Any testimony received after this time and up to the start of the meeting will be summarized by the Director of the Liquor Department during the meeting and added to the record thereafter. Any late testimony received will be distributed to the members after the meeting is concluded.
- **Oral testimony** will be taken during the public testimony portion of the meeting via Microsoft Teams remote technology platform.
  - Anyone interested in providing oral testimony must register at least 24 hours prior to the meeting by emailing [liquor@kauai.gov](mailto:liquor@kauai.gov) or calling (808) 241-4966. Any request to register shall include your 1) name, and if applicable, your position/title and organization you are representing, and 2) the agenda item that you are providing comment on, and 3) contact information (telephone number and email address).
  - It shall be the responsibility of the testifier to join the meeting through the Microsoft Teams link provided on the posted agenda to provide their testimony. In addition, it shall be the responsibility of the testifier to ensure that the Microsoft Teams software is downloaded and operational prior to the meeting.
  - The testifier's audio and video shall be disabled until it is your turn to testify.
  - Per the Liquor Control Commission's and Chairs practice, there is three-minute time limit per testifier.
  - Individuals who have not registered to provide testimony will be given an opportunity to speak on an agenda item following the registered speakers.
  - If there are temporary technical glitches during your turn to testify, we may have to move on to the next person due to time constraints; we appreciate your understanding.

### **SPECIAL ASSISTANCE**

IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS PLEASE CONTACT THE DEPARTMENT OF LIQUOR CONTROL AT (808) 241-4966 OR [LIQUOR@KAUAI.GOV](mailto:LIQUOR@KAUAI.GOV) AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST. UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATIVE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.



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### REGULAR MONTHLY TELECONFERENCE MEETING NOTICE AND AGENDA

Thursday, February 10, 2022  
4:00 p.m. or shortly thereafter

#### Microsoft Teams Conferencing Information

Click on the link below to join on your computer or mobile app by VIDEO:

<https://bit.ly/3J0OUVh>

Or

Dial phone number and enter conference ID to call in and join by AUDIO:

Phone: [+1 469-848-0234](tel:+14698480234) United States, Dallas

Phone Conference ID: 209 403 352#

This meeting will be held via Microsoft Teams conferencing only. Members of the public are invited to join this meeting by using the link above or calling the number above with the conference ID information. You may testify during the video conference or submit written testimony in advance of the meeting via e-mail or mail. To avoid excessive noise/feedback, please mute your microphone except to testify.

A. CALL TO ORDER

B. ROLL CALL

C. ANNOUNCEMENTS:

Next Scheduled Meeting: Thursday, February 24, 2022 – 4:00 p.m. or shortly thereafter

D. APPROVAL OF AGENDA

E. CONSENT AGENDA

1. APPROVAL OF MINUTES – January 13, 2022
2. DIRECTORS REPORT
  - a. January 7, 2022 - January 20, 2022
  - b. January 21, 2022 – February 3, 2022

3. INVESTIGATORS ACTIVITY REPORTS:

4. EMPLOYEES IN LICENSED PREMISES:

- a. Managers and Assistant Managers Red/Blue Card exam list - See Attachment "A"

5. ACTIONS OF THE DIRECTOR:

a. ALTERATION OF LICENSED PREMISES:

1. WALMART INC. dba WALMART SUPERCENTER #2308: Application for requesting approval of internal alteration of premises was filed on January 26, 2022, by Walmart Inc. dba Walmart Supercenter #2308, operating under License 4G-070 and located at 3-3300 Kuhio Hwy., Lihue, Kauai, Hawaii. The request is to occupy the space formerly occupied by McDonalds and repurpose the space by leasing the space to Gather Federal Credit Union. The alteration of space was approved on January 26, 2022, with all required documents on file in the department.

b. REQUEST FOR TEMPORARY EXTENSION OF PREMISES:

1. BANGKOK HAPPY BOWL, LLC. dba BANGKOK HAPPY BOWL THAI BISTRO AND SUSHI BAR: Request for Temporary Increase of Premise to include the covered lanai directly in front of the existing lanai area was approved for February 2, 2022, through February 10, 2022. Licensee is currently requesting this extension to expand lanai area for additional dining space for customers with entertainment to compliment dining. The proposed extension area is located inside the Poipu Shopping Village, 2360 Kiahuna Plantation Drive, A10-40, Koloa, Kauai, Hawaii. Application was submitted on January 17, 2022. Applicant has met all requirements and clearances obtained with Department of Health, The County of Kauai Building Division and Planning Department.
2. VALENTE HOLDINGS, LLC. dba KALAPAKI JOE'S: Request for Temporary Increase of Premise to include the Side Exterior fenced area facing the parking lot of the leased space in the Kukui Grove Shopping Center per diagram submitted on January 10, 2022 and approved for use from January 28, 2022 – February 11, 2022. The proposed extension area is being requested to create additional seating for customer with adequate space between tables. Applicant has met all requirements and clearances obtained with Department of Health, The County of Kauai Building Division and Planning Department.

6. REQUEST FOR A FREE ONE DAY SPECIAL LICENSE

- a. HISTORIC WAIMEA THEATER AND CULTURAL ARTS CENTER dba HISTORIC WAIMEA THEATER AND CULTURAL ARTS CENTER: Application No. Free 2022-16 was filed on January 24, 2022, by Historic Waimea Theater and Cultural Arts Center Free One-Day Special Dispenser General license on February 19, 2022, at Historic Waimea Theater and Cultural Arts Center located at 9691 Kaumualii Hwy, Waimea, Kauai Hawaii.
  - b. HISTORIC WAIMEA THEATER AND CULTURAL ARTS CENTER dba HISTORIC WAIMEA THEATER AND CULTURAL ARTS CENTER: Application No. Free 2022-17 was filed on January 24, 2022, by Historic Waimea Theater and Cultural Arts Center Free One-Day Special Dispenser General license on February 21, 2022, at Historic Waimea Theater and Cultural Arts Center located at 9691 Kaumualii Hwy, Waimea, Kauai Hawaii.
  - c. HISTORIC WAIMEA THEATER AND CULTURAL ARTS CENTER dba HISTORIC WAIMEA THEATER AND CULTURAL ARTS CENTER: Application No. Free 2022-18 was filed on January 24, 2022, by Historic Waimea Theater and Cultural Arts Center Free One-Day Special Dispenser General license on February 23, 2022, at Historic Waimea Theater and Cultural Arts Center located at 9691 Kaumualii Hwy, Waimea, Kauai Hawaii.
  - d. HISTORIC WAIMEA THEATER AND CULTURAL ARTS CENTER dba HISTORIC WAIMEA THEATER AND CULTURAL ARTS CENTER: Application No. Free 2022-19 was filed on January 24, 2022, by Historic Waimea Theater and Cultural Arts Center Free One-Day Special Dispenser General license on February 25, 2022, at Old Waimea Mill located at 9600 Kaumualii Hwy, Waimea, Kauai Hawaii.
  - e. HISTORIC WAIMEA THEATER AND CULTURAL ARTS CENTER dba HISTORIC WAIMEA THEATER AND CULTURAL ARTS CENTER: Application No. Free 2022-20 was filed on January 24, 2022, by Historic Waimea Theater and Cultural Arts Center Free One-Day Special Dispenser General license on February 26, 2022, at Old Waimea Mill located at 9600 Kaumualii Hwy, Waimea, Kauai Hawaii.
  - f. CG FOUNDATION dba CG FOUNDATION: Application No. 2202-21 for a Free One-Day Special License was filed on January 15, 2022, by CG Foundation dba CG FOUNDATION for a Free One-Day Special Dispenser General license on January 28, 2022, at Common Ground located at 4900 Kuawa Road, Kilauea, Kauai, Hawaii.
7. CHANGE IN OFFICERS/DIRECTORS/ MEMBERS:
- a. THE ODOM CORPORATION DBA THE ODOM CORPORATION: Deletion of Richard Alan Barkett as Board Advisor for The Odom Corporation dba The Odom Corporation License No. 3G-007 and 3G-009.
  - b. SEVEN-ELEVEN HAWAII, INC. DBA 7-ELEVEN STORES: Deletion of Ryota Yokokura as Director, Adding Shuji Karaki as a Director for Seven-Eleven Hawaii, Inc. Db a 7-Eleven Stores License No. 4G-053, 4G-054, and 4G-034.

**F. PUBLIC HEARING:**

1. HOMETOWN CANTEEN LLC. dba Mucho Aloha: HOMETOWN CANTEEN LLC. dba Mucho Aloha filed Application No. 2022-034 on April 6, 2021, for a New Brew Pub B (With Live Entertainment and Dancing) License located at 5330 Koloa Rd, Suite 13-1, Koloa, Kauai, Hawaii. Deposited \$450.00. (Continued from 1/13/2022, 1/27/2022)

**G. VIOLATION HEARING:**

1. KAUAI BLUE, INC. dba SHERATON KAUAI RESORT LINK CAFE: Violation of Rule 10.2, Manager on Duty, qualifications.
  - a. SHERATON KAUAI RESORT LINK CAFE licensed as a Retail General permitted to sell liquor for off-premises consumption.
  - b. On November 27, 2021, at 8:05 p.m., Investigator Berry entered the licensed location to conduct an inspection. After conducting his initial inspection, Investigator Berry asked Mr. Ibia, an employee if he had a Red Card Manager on duty. Mr. Ibia told Investigator Berry he did not have one but was scheduled to take the red card exam on December 8, 2021.
  - c. Rule 10.2 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 off-premises establishment at all times that liquor can be legally sold.
  - d. Last violation for this licensed location was February 13, 2018, for the same violation.

**H. PERMANENT INCREASE/EXTENSION TO PREMISES**

1. BANGKOK HAPPY BOWL, LLC. dba BANGKOK HAPPY BOWL THAI BISTRO AND SUSHI BAR: Request for Permanent Increase of Premise to include the covered lanai directly in front of the existing lanai area. Licensee is requesting this extension to expand lanai area for additional dining space for customers with entertainment to compliment dining. The proposed extension area is in the Poipu Shopping Village, 2360 Kiahuna Plantation Drive, A10-40, Koloa, Kauai, Hawaii. Application was submitted on January 17, 2022. Applicant has met all requirements and clearances obtained with Department of Health, The County of Kauai Building Division and Planning Department.
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**I. TRANSFER OF LIQUOR LICENSE:**

1. LAHAINA PETROLEUM, LLC dba RAINBOW GAS & MINI MART: Application No. 2022- 040 was filed on January 13, 2022, by Lahaina Petroleum, LLC. dba Rainbow Gas & Mini Mart for a transfer of Retail Dealer General No. 4G-050 from Lahaina Petroleum, LLC to Aloha Petroleum, LLC. located at 4-350 Kuhio Highway, Kapaa, Kauai, Hawaii. Deposited \$335.00.

**J. TEMPORARY LIQUOR LICENSE**

1. LAHAINA PETROLEUM, LLC dba RAINBOW GAS & MINI MART: Application No. 2022-041 was filed on January 25, 2022, by Lahaina Petroleum, LLC. dba Rainbow Gas & Mini Mart for a temporary Retail Dealer General license to operate License No. 4G-050 located at 4-350 Kuhio Highway, Kapaa, Kauai, Hawaii.

**K. REQUEST FOR SPECIAL LICENSE**

1. KCY RESTAURANT, LLC. dba PUAKEA GRILL: Application No. 2022- 042 was filed on February 1, 2022, by KCY Restaurant, LLC. Db a Puakea Grill for a Special Dispenser General Licenses from February 15, 2022, through April 12, 2022, to operate at Puakea Grill & Puakea Golf Course located at 4150 Nuhou Street, Lihue, Kauai, Hawaii.

**L. UPDATE, DISCUSSION AND POSSIBLE ACTION ON MEETING PROCEEDINGS**

**M. DISCUSSION AND POSSIBLE ACTION REGARDING THE SIX (6) MONTH EVALUATION OF THE DIRECTOR OF LIQUOR CONTROL (Continued from 12/9/2021 meeting)**

**N. EXECUTIVE SESSION:**

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.

1. DISCUSSION, AND POSSIBLE ACTION REGARDING THE SIX (6) MONTH EVALUATION OF THE DIRECTOR OF LIQUOR CONTROL (Continued from 12/9/2021)

**O. RETURN TO OPEN SESSION:**

**P. ROLL CALL FOR THE RETURN TO OPEN SESSION**

**Q. RATIFY THE ACTIONS TAKEN IN EXECUTIVE SESSION**

**R. DISCUSSION AND POSSIBLE ACTION REGARDING THE SALARY OF THE DIRECTOR OF LIQUOR CONTROL (Continued from 12/9/2021,1/13/2022 meeting)**

**S. EXECUTIVE SESSION:**

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)

**T. ADJOURNMENT**

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, Lihu'e, Hawai'i 96766). Please contact at (808) 241-4966 or [liquor@kauai.gov](mailto:liquor@kauai.gov) to request access.