



LIQUOR CONTROL COMMISSION

WILLIAM GIBSON, CHAIR
DEE CROWELL, VICE CHAIR

LELAND KAHAWAI, MEMBER
RANDALL NISHIMURA, MEMBER
LORNA NISHIMITSU, MEMBER
GARY PACHECO, MEMBER
TESS SHIMABUKURO, MEMBER

REGULAR MONTHLY TELECONFERENCE MEETING NOTICE AND AGENDA

Thursday, August 12, 2021
10:00 a.m. or shortly thereafter

Microsoft Teams Audio: + 1 469-848-0234, Conference ID: 847 146 901#

This meeting will be held via Microsoft Teams conferencing only. Members of the public are invited to join this meeting by 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, fax, 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, August 26, 2021 – 4:00 p.m. or shortly thereafter

D. APPROVAL OF AGENDA

E. APPROVAL OF MINUTES:

1. Open Session Minutes of May 20, 2021

F. PUBLIC HEARINGS:

1. POINT HB LLC dba HANAIEI MARKET: Application No. 2021-025 was filed on May 3, 2021 by POINT HB LLC dba HANAIEI MARKET for a New Retail General license located at 5-5161 Kuhio Highway Building F, Hanalei, Kauai, Hawaii. Deposited \$450.00.
 - a. All legal requirements have been met for today's public hearing.
 - b. The applicant has sent out notices to property owners or lessees of record 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 in opposition to this application.

2. STL OF HAWAII dba TARGET STORE T3400: Application No. 2021-026 was filed on May 24, 2021 by STL OF HAWAII dba TARGET STORE T3400 for a New Retail General license located at 4303 Nawiliwili Road, Lihue, Kauai, Hawaii. Deposited \$450.00.
 - a. All legal requirements have been met for today's public hearing.
 - b. The applicant has sent out notices to property owners or lessees of record 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 in opposition to this application.

G. VIOLATION HEARINGS:

1. WB'S EXCLUSIVE LOUNGE dba WB's Exclusive Lounge: Violation of HRS Sec 281-31 (c) (1) Licenses, classes.

Details:

- a. WB's Exclusive Lounge is licensed as a restaurant permitted to sell liquor for consumption for on-premises only.
- b. On July 9, 2021, at approximately 11:20 pm WB's Exclusive Lounge, LLC dba WB's Exclusive Lounge did permit the removal of an alcoholic beverage from their licensed premises which was directly related to the licensee's operation as a restaurant which is a violation of HRS Sec. 281-31 (c) (1) Licenses, classes.
- c. HRS sec. 281-31 (c) (1) states: A license under this class shall authorize the licensee to sell liquor specified in this subsection for consumption on the premises; provided that a restaurant licensee, with commission approval, may provide off-premises catering of food and liquor; provided further that the catering activity shall be directly related to the licensee's operation as a restaurant.
- d. Prior Violation History w/in 12-month period includes: None.

H. DIRECTOR'S REPORTS:

1. INVESTIGATORS ACTIVITY REPORTS:

2. EMPLOYEES IN LICENSED PREMISES:

a. Managers and Assistant Managers - See Attachment "A"

I. ACTIONS OF THE DIRECTOR:

1. HISTORIC WAIMEA THEATER AND CULTURAL ARTS CENTER: Approval of Application Nos. Free 2022-01 and Free 2022-02 filed on July 13, 2021, by Historic Waimea Theater and Cultural Arts Center for a Free One-Day Special Dispenser General licenses on August 6, 2021 and August 7, 2021, at 9691 Kaumuali'i Highway, Waimea, Kauai, Hawaii.

2. NATIONAL TROPICAL BOTANICAL GARDEN: Approval of Application Nos. Free 2022-03 through Free 2022-09 filed on July 13, 2021, by National Tropical Botanical Garden for a Free One-Day Special Dispenser General licenses on August 18, 19, 20, 21, 25, 26, 27, 2021 at 3530 Papalina Road, Kalaheo, Kauai, Hawaii.

3. ROB'S GOOD TIMES GRILL: Approval of Temporary Increase of Premise to include 100 sq. ft. x 10 sq. ft. immediately fronting the restaurant per diagram submitted from August 1, 2021 to November 1, 2021.

J. NEW LICENSE

1. KIIBO LLC dba KIIBO: Application No. 2022-005 was filed on July 15, 2021 by KIIBO LLC_dba KIIBO for a New Restaurant General license located at 2991 Umi Street, Lihue, Kauai, Hawaii. Deposited \$450.00.

K. NEW SOLICITOR'S PERMIT

1. WESLEY A. SAKAMOTO: Application No. 2022-004 was filed on July 28, 2021, by Wesley A. 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 & County of Honolulu. Deposited \$180.

L. CHANGE IN AUTHORIZED AGENT/OFFICERS:

1. QSI, INC.: Deletion of Christopher K. Borden as President/Director and Addition of Naoki Yoshida as President/Director for QSI, Inc., dba Big Save Eleele (4G-007), Big Save Hanalei (4G-008), Big Save Kapaa (4G-009), Big Save Koloa (4G-010), Big Save Waimea (4G-012), and Times Supermarket (4G-058).
2. LAHAINA PETROLEUM, LLC: Deletion of Edward R. Marszal as a member for Lahaina Petroleum, LLC dba Hokulei Village Texaco (4BW-019), Kapaa Texaco (4BW-006), Koloa Town Texaco (4BW-012), Lihue Texaco (4BW-005), Rice Street Texaco (4BW-011). Susan L. Marszal will remain as the sole member.

M. PERMANENT INCREASE OF PREMISES:

1. MPK MANAGEMENT CO. LLC dba THE BEACH HOUSE RESTAURANT: Request for permanent increase of premises to accommodate the regular weddings/events on the south lawn area and west lawn area of the Beach House Restaurant. The appropriate staff as well as the manager on duty will monitor all areas.

N. DISCUSSION AND POSSIBLE ACTION REGARDING THE APPOINTMENT OF THE DIRECTOR AND THE EXPANSION OF OTHER JOB DUTIES

O. PRESENTATION FROM THE PERMITTED INTERACTION GROUP ON DRAFTING A JOB PERFORMANCE EVALUATION TOOL FOR THE DIRECTOR OF LIQUOR CONTROL AND ANY RELATED RECOMMENDATIONS

P. 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).

1. APPROVAL OF MINUTES:

- a. Executive Session Minutes of February 20, 2021
- b. Executive Session Minutes of May 20, 2021

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 of February 20, 2021, May 20, 2021 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.

Q. RETURN TO OPEN SESSION

R. ROLL CALL FOR THE RETURN TO OPEN SESSION

S. RATIFY THE ACTIONS TAKEN IN EXECUTIVE SESSION

T. EXECUTIVE SESSION:

Pursuant to Haw. Rev. Stat. ("H.R.S.") §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 H.R.S. §92-5(a).

U. ADJOURNMENT

WRITTEN TESTIMONY

Persons wishing to offer comments are encouraged to submit written testimony at least 24-hours prior to the meeting and must indicate:

1. Your name and if applicable, your position/title and organization you are representing.
2. The agenda item that you are providing comments on; and

Send written testimony to:

Liquor Control Commission
C/o Office of Boards and Commissions
Pi'ikoi Building 4444 Rice Street, Suite 300
Līhu'e, Hawai'i 96766
E-Mail: mkelekoma@kauai.gov
Phone: (808) 241-4918

SPEAKER REGISTRATION

Prior to the Day of the Meeting: Persons wishing to testify are requested to register their name, phone number, and agenda item via email at mkelekoma@kauai.gov or by calling 808 241-4918.

On the Day of the Meeting: Persons who have not registered to testify by the time the Commission meeting begins will be given an opportunity to speak on an item following oral testimonies of registered speakers. The length of time allocated to person(s) wishing to present verbal testimony may be limited at the discretion of the chairperson or presiding member.

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, Līhu'e, Hawai'i 96766). Please contact Malialani Kelekoma at (808) 241-4918 or mkelekoma@kauai.gov to request access.

SPECIAL ASSISTANCE

If you need an auxiliary aid/service or other accommodation due to a disability, or an interpreter for non-English speaking persons, contact Malialani Kelekoma at (808) 241-4918 or mkelekoma@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 alternate formats such as large print, Braille, or electronic copy.