



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, December 9, 2021
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/3p5Paf3>

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: 672 376 10#

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, January 13, 2022 – 4:00 p.m. or shortly thereafter

D. APPROVAL OF AGENDA

E. APPROVAL OF MINUTES:

1. Open Session Minutes of November 12, 2021

F. PUBLIC HEARING:

- a. BAMF LLC dba BATTERS UP: Application No. 2022-008 was filed on August 5, 2021, for a New Restaurant Beer and Wine License (A) Standard Bar –No Live Entertainment and No Dancing located at 1639 Haleukana Street, Units 1 and 2, Lihue, Kauai, Hawaii. The Commission accepted Application No. 2022-008 on October 14, 2021, for publication and public hearing and ordered to print Notice of Public Hearing in The Garden Island on Wednesday, October 20th and 27th, 2021, scheduling the public hearing on December 9, 2021, at 4:00p.m. or shortly thereafter via Microsoft Teams conferencing.
- b. PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS OF THE LIQUOR CONTROL COMMISSION OF THE COUNTY OF KAUAI, STATE OF HAWAII: The Notice of Public Hearing was ordered and to print in The Garden Island on Thursday, November 4, 2021, scheduling the public hearing on December 9th, 2021, at 4:00p.m. or shortly thereafter via Microsoft Teams conferencing.

G. DIRECTOR’S REPORTS:

1. DIRECTOR REPORT:
 - a. November 11, 2021 – December 8, 2021
2. INVESTIGATORS ACTIVITY REPORTS:
3. EMPLOYEES IN LICENSED PREMISES:
 - a. Managers and Assistant Managers Red/Blue Card exam list - See Attachment “A”

H. ACTIONS OF THE DIRECTOR

1. TEMPORARY INCREASE/EXTENSION TO PREMISES
 - a. GINGER AND THAI BASIL dba JO2: Approval of Temporary Increase of Premise to include the Front Exterior of the leased space in the Waipouli Complex per diagram submitted from November 3, 2021, through February 1, 2022. Applicant has met all requirements and clearances obtained with Department of Health, The County of Kauai Building Division and Planning Department.
 - b. BANGKOK HAPPY BOWL KAUAI INC. dba BANGKOK HAPPY BOWL THAI BISTRO AND SUSHI BAR: Approval of Temporary Increase of Premises to include the lanai expansion for increased customer safety during the pandemic from December 10, 2021, through March 10, 2022. Applicant has met all requirements and clearances obtained with Department of Health, The County of Kauai Building Division and Planning Department.

- c. SUSHI BUSHIDO, LLC. dba SUSHI BUSHIDO: Approval of Temporary Increase of Premises to include the outside patio expansion for increased customer safety during the pandemic from December 1, 2021, through February 28, 2022. Applicant has met all requirements and clearances obtained with Department of Health, The County of Kauai Building Division and Planning Department.
2. SPECIAL FREE ONE DAY LICENSE:
 - a. HISTORIC WAIMEA THEATER AND CULTURAL CENTER: Approval of Application No. Free 2022-12 filed on November 10, 2021, for a Pulama Kauai fundraiser by Historic Waimea Theater and Cultural Center. Date of event of the Free One-Day Special Dispenser License will be on December 10, 2021, at the Historic Waimea Theater located at 9691 Kaumualii Highway, Waimea Kauai, Hawaii.

I. VIOLATION REPORT:

1. BARREL AND BBW, LLC. dba CHICKEN IN A BARREL PLANTATION HIDEAWAYS: Violation of Rule 7.13 Fight and Disturbance Reports.

J. NEW LICENSE:

1. COLOROSHO LCC dba PACO'S TACOS CANTINA KAPAA: Application 2022-035 was filed on July 20, 2021, by Cloroshko dba Paco's Tacos Cantina Kapaa for a New Restaurant General A (No Live Entertainment and No Dancing) License located at 4-1292 Kuhio Hwy, Kapaa, Hawaii. Deposited \$450.00.
2. KCY RESTAURANT, LLC. dba PUAKEA GRILL: Application 2022-037 was filed on September 2, 2021, by KCY Restaurant, LLC. dba Puakea Grill for New Restaurant General B (Live Entertainment and Dancing) License located at 4150 Nuhu Street, Lihue, Kauai, Hawaii. Deposited \$450.00.
3. TRUE BLUE INC. dba TRUE BLUE CHARTERS: Application 2022-036 was filed on August 26, 2021, by True Blue Inc. dba True Blue Charters for New General Tour or Cruise Vessel License moored at berth 100 at the Nawiliwili Small Board Harbor located at 2494 Niunalu Road, Lihue, Hawaii. Deposited \$100.00. - **NO PUBLIC HEARING REQUIRED**. Tour Vessel Exception, Rule 2.5(j) permits license approval by Commission.

K. CHANGE IN AUTHORIZED AGENT/OFFICERS

1. TRU PROTECTION INC.: Addition of Tamar Rejman as an Authorized Agent for Tru Protection Inc., dba Japanese Grandma's Café License No. 2G-036 located at 3871 Hanapepe Road, Hanapepe, Kauai, Hawaii.
2. HOLO HOLO CHARTERS, INC.: Addition of Adrian Bertsch as Director and Treasurer, Chandra Bertsch as Director, Vice President, and Secretary, and upate Kevin Millett as Director and President for Holo Holo Charters, Inc. License No. 9G-003 located at Port Allen Harbor, 4353 Waialo Road Suite 5A, Eleele, Kauai, Hawaii.

3. ALOHA PETROLEUM, LTD.: Aloha Petroleum, Ltd. In connection with Aloha Island Mart's on Kauai. Retail General License No. 4G-029, 4G-031, 4G-032, 4G-067, and 4G-068 reports conversion of Aloha Petroleum, LTD a Hawaii Corporation to Aloha Petroleum Retail, LLC., to take effect on January 1, 2022.

L. REQUEST FOR WAREHOUSING AWAY FROM LICENSED PREMISES

1. NAPALI SEA TOURS, INC.: Napali Sea Tours, Inc. a tour vessel, License No. 9G-004, Requests Commission approval to warehouse liquor off the licensed premises at 4350 A Waialo Rd, Eleele, Kauai, Hawaii in an appropriately zoned facility. All required documentation has been received by the Department.

M. PRESENTATION, DISCUSSION, AND POSSIBLE ACTION ON THE DIRECTOR OF LIQUOR CONTROL (6) MONTH DEPARTMENT STATUS REPORT, DEPARTMENT BUDGET UPDATE AND DEPARTMENT (5) YEAR STRATEGIC PLAN.

N. UPDATE, DISCUSSION, AND POSSIBLE ACTION REGARDING THE SIX (6) MONTH EVALUATION OF THE DIRECTOR OF LIQUOR CONTROL

O. DISCUSSION AND POSSIBLE ACTION REGARDING THE SALARY OF THE DIRECTOR OF LIQUOR CONTROL

P. ELECTION OF CHAIR AND VICE CHAIR FOR 2022

Q. 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 of November 12, 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.

1. APPROVAL OF MINUTES:

- a. November 12, 2021

R. RETURN TO OPEN SESSION

S. ROLL CALL FOR THE RETURN TO OPEN SESSION

T. RATIFY THE ACTIONS TAKEN IN EXECUTIVE SESSION

U. 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)

V. 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: liquor@kauai.gov
Phone: (808) 241-4966

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 liquor@kauai.gov or by calling 808 241-4966.

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 The Department of Liquor Control at (808) 241-4966 or liquor@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 The Department of Liquor Control at (808) 241-4966 or 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 alternate formats such as large print, Braille, or electronic copy.