

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Commission	LIQUOR CONTROL COMMISSION	Meeting Date	March 7, 2019
Location	Mo'ikeha Building, Liquor Control Conference Room 3	Start of Meeting: 4:00 p.m.	End of Meeting: 4:48 p.m.
Present	Chair Paul Endo; Vice-Chair Shirley Akita; Members: Jean Iida, William Gibson, Maryanne Kusaka, Gerald Matsunaga, Gary Pacheco Also: Liquor Control Staff: Director Gerald Rapozo, Private Secretary Cherisse Zaima; Deputy County Attorney Cameron Takamura		
Excused			
Absent			



SUBJECT	DISCUSSION	ACTION
Call To Order		Chair Endo called the meeting to order at 4:00 p.m. with 7 members present, constituting a quorum.
Roll Call	Director Rapozo called roll, noting 7 members were present.	
Approval of Agenda	Commissioner Matsunaga asked that the agenda be amended to include the approval of the Executive Session minutes of February 21, 2019	Mr. Matsunaga moved to approve the agenda as amended. Mr. Pacheco seconded the motion. Motion carried 7:0.
Approval of Minutes	<u>APPROVAL OF MEETING MINUTES:</u> Open Session minutes of February 21, 2019 Executive Session minutes of February 21, 2019	Mr. Matsunaga moved to approve the Open Session minutes of February 21, 2019, and the Executive Session minutes of February 21, 2019. Ms. Iida seconded the motion. Motion carried 7:0.
1. Violation Hearings	a) <u>BANGKOK HAPPY BOWL THAI BISTRO</u> : Violation of HRS 281-31(s) Licenses, classes. Gene Mizumoto, accountant, was present to represent the licensee; no counsel. The licensee agreed to waive the reading of the charges. The licensee admitted to the charges. Mr. Mizumoto explained that he received a call from the manager that they	

	<p>did not have current proof of insurance on premises. The following Monday, Mr. Mizumoto obtained the proof of insurance from his insurance company and mad three copies for the restaurant.</p> <p>Mr. Mizumoto provided the certificate of liability insurance document. Director Rapozo noted for the record that the licensee had current liquor liability insurance at the time of the violation.</p>	<p>Mr. Matsunaga moved that a fine of \$250 be imposed with \$100 suspended provided there is no conviction of a similar offense within 1 year. Ms. Iida seconded the motion. Motion carried 7:0.</p>
	<p>b) <u>BRENNECKE’S BEACH BROILER</u>: Violation of HRS 281-31(s) Licenses, classes.</p> <p>Ryan Gordines, General Manager, was present to represent the licensee; no counsel. The licensee agreed to waive the reading of the charges. The licensee admitted to the charges.</p> <p>Mr. Gordines explained that they did have a copy of the certificate of insurance, but it was expired. Though he knew where it was, he was unable to retrieve it as it was in another building, and he could not leave the premises. The following day, he retrieved a copy of the current insurance certificate and stored it with the Rules and Regulations book on the premises. When the investigator showed up a few days later, Mr. Gordines was able to provide the current insurance certificate.</p> <p>Mr. Gordines provided the certificate of liability insurance document. Director Rapozo noted for the record that the licensee had current liquor liability insurance at the time of the violation.</p>	<p>Mr. Matsunaga moved that a fine of \$250 be imposed with \$100 suspended provided there is no conviction of a similar offense within 1 year. Ms. Iida seconded the motion. Motion carried 7:0.</p>
	<p>c) <u>ROB’S GOOD TIMES GRILL</u>: Violation of HRS 281-31(s) Licenses, classes.</p> <p>Rob Silverman was present to represent the licensee; no counsel. The licensee agreed to waive the reading of the charges. The licensee agreed to waive the reading of the charges. The licensee admitted to the charges.</p>	

	<p>Mr. Silverman explained that the insurance agent failed to send the current copy of the insurance certificate, and he overlooked it.</p> <p>Mr. Silverman provided the certificate of liability insurance document. Director Rapozo noted for the record that the licensee had current liquor liability insurance at the time of the violation.</p>	<p>Mr. Matsunaga moved that a fine of \$250 be imposed with \$100 suspended provided there is no conviction of a similar offense within 1 year. Ms. Iida seconded the motion. Motion carried 7:0.</p>
	<p>d) <u>TREES LOUNGE</u>: Violation of HRS 281-31(s) Licenses, classes.</p> <p>Ulla Freeman, owner, was present to represent the licensee; no counsel. The licensee agreed to waive the reading of the charges. The licensee agreed to waive the reading of the charges. The licensee admitted to the charges.</p> <p>Ms. Freeman explained that they did have the certificate; however the evening manager could not find it as it was filed in a different folder. Since then it has been placed in the Rules and Regulations book so that it will be available at all times.</p> <p>Ms. Freeman provided the certificate of liability insurance document. Director Rapozo noted for the record that the licensee had current liquor liability insurance at the time of the violation.</p>	<p>Mr. Matsunaga moved that a fine of \$250 be imposed with \$100 suspended provided there is no conviction of a similar offense within 1 year. Ms. Iida seconded the motion. Motion carried 7:0.</p>
	<p>e) <u>WALMART SUPERCENTER #2308</u>: Violation of HRS 281-31(s) Licenses, classes.</p> <p>Diane Keeler, Store Manager, was present to represent the licensee; no counsel. The licensee agreed to waive the reading of the charges. The licensee admitted to the charges.</p> <p>Ms. Keeler explained that the assistant manager on duty was able to provide the certificate of insurance, but it was expired. Since then, Ms. Keeler has placed a reminder in her calendar to ensure this does not happen again.</p> <p>Ms. Keeler provided the certificate of liability insurance document. Director</p>	<p>Mr. Matsunaga moved that a fine of \$250 be imposed with \$100 suspended provided there is</p>

	<p>Rapozo noted for the record that the licensee had current liquor liability insurance at the time of the violation.</p>	<p>no conviction of a similar offense within 1 year. Ms. Kusaka seconded the motion. Motion carried 7:0.</p>
	<p>f) <u>EATING HOUSE 1849 BY ROY YAMAGUCHI</u>: Violation of HRS 281-31(s) Licenses, classes.</p> <p>Natural-Lee Garcia was present to represent the licensee; no counsel. The licensee agreed to waive the reading of the charges. The licensee admitted to the charges.</p> <p>Ms. Garcia explained that their certificate of insurance was expired; she was able to obtain a current copy 2 days later. She has since set an alarm on her phone to notify her 2 weeks prior to the certificate expiring to remind their accountants to send her the updated certificate.</p> <p>Ms. Garcia provided the certificate of liability insurance document. Director Rapozo noted for the record that the licensee had current liquor liability insurance at the time of the violation.</p>	<p>Mr. Matsunaga moved that a fine of \$250 be imposed with \$100 suspended provided there is no conviction of a similar offense within 1 year. Ms. Kusaka seconded the motion. Motion carried 7:0.</p>
	<p>g) <u>MERRIMAN'S KAUAI</u>: Violation of HRS 281-31(s) Licenses, classes.</p> <p>Rick Lang, General Manager was present to represent the licensee; no counsel. The licensee agreed to waive the reading of the charges. The licensee admitted to the charges.</p> <p>Mr. Lang explained the certificate of insurance was in the office, and the manager on duty was unable to find it. Since then, the certificate has been placed in the Rules and Regulations book.</p> <p>Mr. Lang provided the certificate of liability insurance document. Director Rapozo noted for the record that the licensee had current liquor liability insurance at the time of the violation.</p>	<p>Mr. Matsunaga moved that a fine of \$250 be imposed with \$100 suspended provided there is no conviction of a similar offense within 1 year. Ms. Iida seconded the motion. Motion carried 7:0.</p>

	<p>h) <u>9TH ISLAND BARS, INC.</u>: Violation of HRS 281-31(s) Licenses, classes.</p> <p>Jeff Nash, owner, was present to represent the licensee; no counsel. The licensee agreed to waive the reading of the charges. The licensee admitted to the charges.</p> <p>Mr. Nash explained that he got confused between his new copy and his old copy and placed the wrong one on file.</p> <p>Mr. Nash provided the certificate of liability insurance document. Director Rapozo noted for the record that the licensee had current liquor liability insurance at the time of the violation.</p>	<p>Mr. Matsunaga moved that a fine of \$250 be imposed with \$100 suspended provided there is no conviction of a similar offense within 1 year. Ms. Iida seconded the motion. Motion carried 7:0.</p>
	<p>i) <u>OLYMPIC CAFÉ</u>: Violation of HRS 281-31(s) Licenses, classes.</p> <p>Paul Perry, Manager, was present to represent the licensee; no counsel. The licensee agreed to waive the reading of the charges. The licensee admitted to the charges.</p> <p>Mr. Perry explained that they had an expired copy on file, and since they are in the process of closing down one of the restaurants, things got lost in the shuffle. Since then, he has set reminders on his calendar.</p> <p>Mr. Perry provided the certificate of liability insurance document. Director Rapozo noted for the record that the licensee had current liquor liability insurance at the time of the violation.</p>	<p>Mr. Matsunaga moved that a fine of \$250 be imposed with \$100 suspended provided there is no conviction of a similar offense within 1 year. Ms. Iida seconded the motion. Motion carried 7:0.</p>
	<p>j) <u>RUTH'S CHRIS STEAK HOUSE</u>: Violation of HRS 281-31(s) Licenses, classes.</p>	

	<p>There was no one present to represent the licensee. Item 1(j) was moved to the end of the agenda to provide the licensee time to appear. After all other items on the agenda had been addressed, a representative for the licensee was still not present. Investigator Herman contacted the licensee’s representative, and was informed that the restaurant had a new General Manager who did not know about the hearing, and a representative would not be able to attend.</p> <p>Deputy County Attorney Takamura advised the commission of their options. The commission could make a decision without the licensee present, noting that their absence could be considered a mitigating circumstance in rendering a decision. Another option would be to continue their hearing to a future meeting.</p>	<p>Mr. Matsunaga moved that the Violation Hearing for Ruth’s Chris Steak House be continued to the March 21, 2019 meeting. Mr. Gibson seconded the motion. Motion carried 6:1 (Nay – Kusaka)</p>
	<p>k) <u>TIMES SUPER MARKET</u>: Violation of HRS 281-31(s) Licenses, classes.</p> <p>Carlina Morden, Store Director, was present to represent the licensee; no counsel. The licensee agreed to waive the reading of the charges. The licensee admitted to the charges.</p> <p>Ms. Morden explained that the manager on duty was unable to find the certificate of insurance because it was put in the wrong place, behind the posted liquor license. It should have been in the Rules and Regulations folder. The next day, Ms. Morden was able to locate the certificate, which she then made 3 copies of, placing one behind the posted liquor license, one in the Rules and Regulations folder, and one in her office.</p> <p>Ms. Morden provided the certificate of liability insurance document. Director Rapozo noted for the record that the licensee had current liquor liability insurance at the time of the violation.</p>	<p>Mr. Matsunaga moved that a fine of \$250 be imposed with \$100 suspended provided there is no conviction of a similar offense within 1 year. Ms. Iida seconded the motion. Motion carried 7:0.</p>
	<p>l) <u>TORTILLA REPUBLIC KITCHEN & MARGARITA BAR</u>: Violation of HRS 281-31(s) Licenses, classes.</p>	

	<p>Robert Henningsen, Executive Chef, was present to represent the licensee; no counsel. The licensee agreed to waive the reading of the charges. The licensee admitted to the charges.</p> <p>Mr. Henningsen explained that there was a misunderstanding with a new manager who was unsure where to find the certificate of insurance, or what he was looking for. Since then, the leadership staff has been retrained so they are aware of what and where everything is.</p> <p>Mr. Henningsen provided the certificate of liability insurance document. Director Rapozo noted for the record that the licensee had current liquor liability insurance at the time of the violation.</p>	<p>Mr. Matsunaga moved that a fine of \$250 be imposed with \$100 suspended provided there is no conviction of a similar offense within 1 year. Ms. Iida seconded the motion. Motion carried 7:0.</p>
<p>2.</p>	<p><u>DIRECTOR’S REPORTS:</u></p> <p>a) <u>INVESTIGATOR’S REPORTS:</u></p> <p>b) <u>INCOMING COMMUNICATIONS:</u></p> <p>(1) From Avid Marketing Group</p> <p>(2) From Strike & Techel</p> <p>(3) Disturbance Reports from Big Wave Dave’s, Grand Hyatt Kauai Resort & Spa, and Hilton Garden Inn Kauai Wailua bay, Rob’s Good Times Grill, and Tiki Iniki</p> <p>c) <u>OUTGOING COMMUNICATIONS:</u></p> <p>(1) To Avid Marketing Group</p> <p>d) <u>EMPLOYEES IN LICENSED PREMISES:</u></p> <p>Managers and Assistant Managers – See Attachment “A”</p> <p>e) <u>ACTIONS OF THE DIRECTOR:</u></p> <p>(1) MERRIMAN’S KAUAI</p>	

	<p>(2) WRANGLER’S RESTAURANT (3) THE WINE SHOP (4) WOMEN IN THEATER (5) KAUAI CHAMBER OF COMMERCE (6) HAWAII LODGING AND TOURISM ASSOCIATION</p> <p>f) <u>INFORMATIONAL MATTERS:</u></p>	<p>Ms. Iida moved to approve Items 2(a) through f. Ms. Kusaka seconded the motion. Motion carried 7:0.</p>
<p>3.</p>	<p><u>VIOLATION REPORTS:</u></p> <p>a) <u>TROY’S</u>: Violation of HRS 281-31(s) Licenses, classes. b) <u>BOBBY V’S ITALIAN RESTAURANT</u>: Violation of HRS 281-31(s) Licenses, classes. c) <u>THE POINT AT POIPU</u>: Violation of HRS 281-31(s) Licenses, classes. d) <u>POIPU BAY CLUBHOUSE</u>: Violation of HRS 281-31(s) Licenses, classes. e) <u>SAFEWAY STORES #2894</u>: Violation of HRS 281-31(s) Licenses, classes. f) <u>KAUAI MARRIOTT RESORT</u>: Violation of HRS 281-31(s) Licenses, classes. g) <u>RAINBOW GAS & MINIMART</u>: Violation of HRS 281-31(s) Licenses, classes. h) <u>SHIVALIK INDIAN CUISINE</u>: Violation of HRS 281-31(s) Licenses, classes. i) <u>ALOHA SPIRITS</u>: Violation of HRS 281-31(s) Licenses, classes. j) <u>ALOHA SPIRITS</u>: Violation of Rule 10.2(a) Manager on duty, qualifications. k) <u>BIG WAVE DAVE’S</u>: Violation of Rule 7.13 Fight and disturbance reports.</p>	<p>Mr. Pacheco moved to call licensees for Items 3(a) through (l) for violation hearing. Ms. Kusaka seconded the motion. Motion carried 7:0.</p>

<p>4.</p>	<p><u>NEW LIQUOR LICENSE:</u> <u>HEALTHGO MARKET INC.:</u> Application No. 2019-066 was filed on February 19, 2019 by Healthgo Market Inc. dba Healthgo Market Inc. for a New Retail Dealer General license at 3486 Rice Street, Līhu‘e, Kauai, Hawaii.</p>	<p>Ms. Akita moved for publication and public hearing for Application No. 2019-066. Mr. Pacheco seconded the motion. Motion carried 7:0.</p>
<p>5.</p>	<p><u>TRANSFER LIQUOR LICENSE:</u> <u>SUEOKA MARKET:</u> Application No. 2019-067 was filed on February 22, 2019 for a transfer of Retail Dealer General License No. 4G-060 from Jan, Inc. dba M. Sueoka Store to MNS, Ltd. dba Sueoka Market located at 5392 Kōloa Road, Kōloa, Kauai, Hawaii.</p>	<p>Ms. Akita moved for publication and public hearing for Application No. 2019-067. Mr. Pacheco seconded the motion. Motion carried 7:0.</p>
<p>6.</p>	<p><u>TEMPORARY LIQUOR LICENSE:</u> <u>SUEOKA MARKET:</u> Application No. 2019-068 was filed on February 22, 2019 by MNS. Ltd. dba Sueoka Market for a temporary liquor license to operate Retail Dealer General License No. 4G-060 located at 5392 Kōloa Road, Kōloa, Kauai, Hawaii.</p>	<p>Mr. Gibson moved to approve Application No. 2019-068 for temporary liquor license. Mr. Pacheco seconded the motion. Motion carried 7:0.</p>
<p>7.</p>	<p><u>OFF-PREMISE WAREHOUSING:</u> a) <u>LAHAINA PETROLEUM:</u> Request for off-premise warehousing, per diagram and letter submitted, located at 4411 Rice Street, Līhu‘e, Kauai, Hawaii.</p>	<p>Ms. Iida moved to approve the off-premise warehousing request. Mr. Gibson seconded the motion. Motion carried 7:0.</p>
	<p>b) <u>LAHAINA PETROLEUM:</u> Request for off-premise warehousing, per diagram and letter submitted, located at 4-994 Kūhi‘ō Highway, Waipouli, Kauai, Hawaii.</p>	<p>Ms. Iida moved to approve the off-premise warehousing request. Mr. Pacheco seconded the motion. Motion carried 7:0.</p>

<p>8.</p>	<p><u>CANCELLATION OF LIQUOR LICENSE:</u> a) <u>BAMBOO</u>: Effective October 31, 2018, cancellation of Restaurant General License No. 2G-012 issued to R. Ogata LLC dba Bamboo.</p>	<p>Ms. Iida moved to approve the cancellation of liquor license. Ms. Kusaka seconded the motion. Motion carried 7:0.</p>
	<p>b) <u>SUSHI BUSHIDO</u>: Effective January 31, 2019, cancellation of Restaurant General License No. 2G-029 issued to Sushi Bushido, LLC dba Sushi Bushido.</p>	<p>Ms. Iida moved to approve the cancellation of liquor license. Mr. Pacheco seconded the motion. Motion carried 7:0.</p>
<p>Announcements</p>	<p>Next Scheduled Meeting: Thursday, March 21, 2019 – 4:00 p.m., Mo’ikeha Building, Meeting Room #3.</p>	
<p>Adjournment</p>		<p>Chair Endo adjourned the meeting at 4:48 p.m.</p>

Submitted by: _____
 Cherisse Zaima, Private Secretary

Reviewed and Approved by: _____
 Paul Endo, Chair

- () Approved as circulated.
- () Approved with amendments. See minutes of _____ meeting.