

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Commission	LIQUOR CONTROL COMMISSION	Meeting Date	April 18, 2019
Location	Mo'ikeha Building, Liquor Control Conference Room 3	Start of Meeting: 4:01 p.m.	End of Meeting: 5:02 p.m.
Present	Chair Paul Endo; Vice-Chair Shirley Akita; Members: Jean Iida, William Gibson, Gerald Matsunaga, Gary Pacheco Also: Liquor Control Staff: Director Gerald Rapozo, Private Secretary Cherisse Zaima; Deputy County Attorney Cameron Takamura		
Excused	Maryanne Kusaka		
Absent			

SUBJECT	DISCUSSION	ACTION
Call To Order		Chair Endo called the meeting to order at 4:01 p.m. with 5 members present, constituting a quorum.
Roll Call	Director Rapozo called roll, noting 6 members were present.	
Approval of Agenda	Director Rapozo noted corrections to be made on Items 3(a) & 3(b), which should read 2-year extension, and Item 3(c), which should read that the application was approved on November 1, 2018 Deputy County Attorney Takamura noted a correction to be made to Item 7(a) which should read Ocean instead of Link Cafe	Ms. Iida moved to approve the agenda with corrections. Mr. Pacheco seconded the motion. Motion carried 6:0.
Approval of Minutes	<u>APPROVAL OF MEETING MINUTES:</u> Closed Session minutes of March 21, 2019 Open Session minutes of April 4, 2019 Executive Session minutes of April 4, 2019 Commissioner Matsunaga noted a correction to be made on Page 11, Item 6(b) and 6(c), in which the motions should reflect the correct licensee names of "The Tasting Room", and "Stor".	Ms. Iida moved to approve the closed session minutes of the March 21, 2019 meeting, the open session minutes of April 4, 2019, as corrected, and executive session minutes of April 4, 2019. Ms. Akita seconded the motion. Motion carried 6:0.
		Commissioner Kusaka entered the meeting at 4:15 p.m.

<p>1. Violation Hearings</p>	<p>a) <u>HILTON GARDEN INN KAUAI WAILUA BAY</u>: Violation of HRS 281-31(s) Licenses, classes.</p> <p>Robert Minicola, General Manager, and Trichelle Pangan, Food & Beverage Manager, was present on behalf of the licensee; no counsel. The licensee agreed to waive the reading of the charges. The licensee admitted to the charges.</p> <p>Mr. Minicola stated that the hotel is managed by a California entity, and they had sent the certificate of liquor liability insurance form to the Liquor Department, but they did not provide a copy to the licensee. He noted that liquor commission rules differ from county to county, and moving forward they will be in compliance.</p> <p>The licensee 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. Mr. Gibson seconded the motion. Motion carried 6:0.</p>
	<p>b) <u>KILOHANA</u>: Violation of HRS 281-31(s) Licenses, classes.</p> <p>Fred Atkins, General Partner, was present on behalf of the licensee; no counsel. The licensee agreed to waive the reading of the charges. The licensee admitted to the charges.</p> <p>Mr. Atkins explained that the certificate of insurance was in the upstairs office, which was closed at the time the investigator came. It has since been placed downstairs.</p> <p>The licensee 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>Chair Endo abstained from any official action due to a possible conflict of interest. Vice Chair Shirley Akita stepped in as Chair Pro Tem.</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</p>

		6:0.
	<p>a) <u>ISLANDER ON THE BEACH</u>: Violation of HRS 281-31(s) Licenses, classes.</p> <p>Laurie Morita, General Manager, was present on behalf of the licensee; no counsel. The licensee agreed to waive the reading of the charges. The licensee admitted to the charges.</p> <p>Ms. Morita explained that they were in-between managers at the time, and the updated file was not placed where it should have been. They have updated all of their files since then.</p> <p>Ms. Morita 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 6:0.</p>
	<p>c) <u>POSTCARDS CAFÉ</u>: Violation of HRS 281-31(s) Licenses, classes.</p> <p>Kiana Tremblay, General Manager, was present on behalf of the licensee; no counsel. The licensee agreed to waive the reading of the charges. The licensee admitted to the charges.</p> <p>Ms. Tremblay explained that after the flood, not all the proper paperwork had been received by her supervisor. Everything has now been rectified.</p> <p>The licensee 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</p>

		6:0.
	<p>d) <u>ANAINA HOU COMMUNITY PARK</u>: Violation of HRS 281-31(s) Licenses, classes.</p> <p>Director Rapozo noted for the record that the licensee has submitted a letter requesting that the hearing be continued to the May 16, 2019 meeting.</p>	<p>Ms. Iida moved for a continuance of the violation hearing for Anaina Hou Community Park to the May 16, 2019 meeting. Motion carried 6:0.</p>
	<p>e) <u>AOAO OF HANAIEI BAY RESORT</u>: Violation of HRS 281-31(s) Licenses, classes.</p> <p>George Costa, General Manager, was present on behalf of the licensee; no counsel. The licensee agreed to waive the reading of the charges. The licensee admitted to the charges.</p> <p>Mr. Costa explained that the certificate of insurance was in his office, and a copy is usually kept in both licensed locations; however, they were not there at the time. It has been rectified since.</p> <p>The licensee 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. Mr. Gibson seconded the motion. Motion carried 6:0.</p>
	<p>f) <u>THE POOL BAR</u>: Violation of HRS 281-31(s) Licenses, classes.</p> <p>George Costa, General Manager, was present on behalf of the licensee; no counsel. The licensee agreed to waive the reading of the charges. The licensee admitted to the charges.</p>	<p>Chair Endo abstained from any official action due to a possible conflict of interest. Vice Chair Shirley Akita stepped in as Chair Pro Tem.</p>

	<p>Mr. Costa explained that the certificate of insurance was in his office, and a copy is usually kept in both licensed locations; however, they were not there at the time. It has been rectified since.</p> <p>The licensee 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 6:0.</p>
	<p>g) <u>HOKUALA GOLF CLUB</u>: Violation of HRS 281-31(s) Licenses, classes.</p> <p>Kelly Hines, Head Golf Professional, and Eric Cucci, Senior Project Manager were present on behalf of the licensee; no counsel. The licensee agreed to waive the reading of the charges. The licensee admitted to the charges.</p> <p>Mr. Cucci explained that he failed to provide copies of the certificate to the operations team.</p> <p>The licensee 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 6:0.</p>
	<p>h) <u>PRINCEVILLE MAKAI GOLF CLUB</u>: Violation of HRS 281-31(s) Licenses, classes.</p> <p>Eric Belmonte, Food and Beverage Manager, and Doug Sutter, General Manager were present on behalf of the licensee; no counsel. The licensee agreed to waive the reading of the charges. The licensee admitted to the charges.</p>	

	<p>Mr. Sutter explained that they recently had an ownership change, and during the transition, the placing of the new certificate in the rule book was overlooked. All documentation is in place now.</p> <p>The licensee 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 6:0.</p>
	<p>i) <u>THE FISH EXPRESS</u>: Violation of HRS 281-31(s) Licenses, classes.</p> <p>Director Rapozo noted for the record that the licensee has submitted a letter requesting that the violation hearing be continued to the May 2, 2019 meeting.</p>	<p>Mr. Pacheco moved to continue the violation hearing for The Fish Express to the May 2, 2019 meeting. Mr. Matsunaga seconded the motion. Motion carried 6:0.</p>
	<p>a) <u>JC'S FLOWERS & MINI MART</u>: Violation of HRS 281-31(s) Licenses, classes.</p> <p>Calvin Wada, owner, was present on behalf of the licensee; no counsel. The licensee agreed to waive the reading of the charges. The licensee admitted to the charges.</p> <p>Mr. Wada explained that he failed to put the certificate of liability insurance in the rules and regulations book.</p> <p>The licensee 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 6:0.</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> (1) From Avid Marketing Group (2) From Craft Brew Alliance (3) From Strike & Techel (4) From Sweepstakes Consulting</p> <p>c) <u>OUTGOING COMMUNICATIONS:</u> (1) To Avid Marketing Group (2) To All Wholesale Licensees, Re: Temporary Liquor License for Sueoka Market, New Liquor License Pietro's Pizza & Pasta</p> <p>d) <u>EMPLOYEES IN LICENSED PREMISES:</u> Managers and Assistant Managers – See Attachment “A”</p> <p>e) <u>ACTIONS OF THE DIRECTOR:</u> (1) DUKE'S CANOE CLUB (2) KAUAI ISLAND BREWING (3) POIPU BEACH ATHLETIC CLUB (4) ROB'S GOOD TIMES GRILL (5) JUNIOR ACHIEVEMENT OF HAWAII (6) KAUAI BEACH RESORT</p> <p>f) <u>INFORMATIONAL MATTERS:</u></p>	<p>Mr. Pacheco moved to approve Items 2(a) through f. Mr. Matsunaga seconded the motion. Motion carried 6:0.</p>
<p>3.</p>	<p><u>EXTENSION IN TIME TO EXERCISE LIQUOR LICENSE:</u></p> <p>a) <u>KAUAI CAFÉ:</u> Request for extension in time for a period of 1-year to exercise Application No. 2014-80 which was approved on April 3, 2014.</p> <p>Jimmy Jasper was present on behalf of the applicant.</p> <p>Commissioner Gibson asked where he is at in construction to which Mr. Jasper replied they are putting in the parking lots, which got set back because</p>	

	<p>of the flooding. He stated they will break ground within the next 30 to 60 days.</p> <p>Chair Endo asked whether it was actually going to take 2 years to complete to which Mr. Jasper stated the last time he came before the commission he requested 2 years, but was only granted 1.</p> <p>Chair Endo asked for clarification that it is only the parking lot that needs to be done to which Mr. Jasper replied yes.</p> <p>Commissioner Akita asked whether the permitting process is complete to which Mr. Jasper replied yes.</p> <p>Commissioner Akita stated she believes the storm halted a number of things for many people, and her biggest concern was with the permitting process. She asked what was needed to complete the parking lot. Mr. Jasper explained that they will start working on it in the next 4 – 6 weeks.</p> <p>In response to Commissioner Iida, Mr. Jasper stated that the parking lot construction is all he needs to complete in order to receive a certificate of occupancy. Commissioner Iida asked if that will take 2 years to which Mr. Jasper replied that the process is very slow. He also stated that there is no law that prohibits him from coming in every year to request these extensions.</p> <p>Commissioner Akita stated she speaks against the motion because she recognizes the investment the family has put into the business, and does not believe they should have such a restriction. Commissioner Iida agreed.</p>	<p>Mr. Pacheco moved to approve the extension in time to exercise license for Application 2014-80 for a period of 1 year with the condition that there be no further extension. Mr. Matsunaga seconded the motion. Motion failed 2:4 (Nay – Akita, Endo, Iida, Gibson)</p> <p>Ms. Iida moved to approve the extension in time to exercise license for Application No. 2014-80 for a period of 1 year, with the option to make an additional request the following</p>
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		<p>year.</p> <p>Ms. Akita amended the motion to approve the extension in time to exercise license for Application No. 2014-80 for a period of 2 years. Motion carried 4:2 (Nay Pacheco; Matsunaga)</p>
	<p>b) <u>KAUAI BAR</u>: Request for extension in time for a period of 1-year to exercise Application No. 2015-31 which was approved on December 4, 2014.</p> <p>Jimmy Jasper was present on behalf of the licensee.</p>	<p>Ms. Akita moved to approve the extension in time to exercise license for Application No. 2015-31 for a period of 2 years. Motion carried 4:2 (Nay Pacheco; Matsunaga)</p>
	<p>c) <u>KAUAI BEER COMPANY</u>: Request for extension in time until August 31, 2019 to exercise Application No. 2019-020 which was approved on November 1, 2019</p> <p>Jim Guerber was present on behalf of the licensee. Mr. Guerber explained that his current Class 14 license will expire on June 30, 2019, and he would like to activate his new Class 18 licenses on July 1, 2019, but he is not yet ready to make cider because he is waiting for his federal licenses.</p> <p>Commissioner Matsunaga asked if the time requested is reasonable, or would he like to increase the time frame. Mr. Guerber stated he is unsure of how soon he will get his federal license. Director Rapozo stated that the department can work out the timeline with the licensee.</p>	<p>Ms. Akita moved to approve the extension in time to exercise license for Application No. 2019-020 until August 31, 2019. Mr. Gibson seconded the motion. Motion carried 6:0</p>
4.	<u>VIOLATION REPORTS:</u>	<p>Ms. Akita moved to call licensee for violation</p>

	<u>KAUAI PASTA LIHUE CORP.</u> : Violation of Rule 3.12 Commission Orders.	hearing. Mr. Pacheco seconded the motion. Motion carried 6:0.
5.	<u>NEW LIQUOR LICENSE:</u> <u>LAWAI MARKET:</u> Application No. 2019-078 was filed on April 3, 2019 by Lāwa‘i Valley Market dba Lāwa‘i Market for a New Retail Dealer General license at 3575 Lauoho Road, Lāwa‘i, Kauai, Hawaii	Ms. Akita moved for publication and public hearing of Application No. 2019-078. Mr. Pacheco seconded the motion. Motion carried 6:0.
6.	<u>TRANSFER LIQUOR LICENSE:</u> <u>TAPS & HOPS EATERY:</u> Application No. 2019-079 was filed on April 11, 2019 for a transfer of Restaurant General License No. 2G-066 from Choy Village Inc. dba Island Palm Island Style Grill & Bar to Mee & Son Corp. dba Taps & Hops Eatery located at 4-885 Kūhi‘ō Highway, Kapaa, Kauai, Hawaii.	Ms. Iida moved for publication and public hearing of Application No. 2019-079. Mr. Gibson seconded the motion. Motion carried 6:0.
7. Executive Session	<u>EXECUTIVE SESSION:</u> Pursuant to Hawai‘i Revised Statutes §§92-4 and 92-5 (a) (4) the purpose of this executive session is to consult with the Commission’s legal counsel on questions and issues pertaining to the Commission’s powers, duties, privileges, immunities, and liabilities as they may relate to this item, deliberate and take such action as appropriate. a) <u>SHERATON KAUAI RESORT LINK CAFÉ:</u> Violation of HRS 281-31(s) Licenses, classes. b) <u>SHERATON KAUAI RESORT (GARDEN):</u> Violation of HRS 281-31(s) Licenses, classes.	Ms. Akita moved to enter into Executive Session. Ms. Iida seconded the motion. Motion carried 6:0.
Return to Open Session	Ratify Commission’s actions taken in Executive Session	The meeting resumed in open session at 5:00 p.m.

		Mr. Gibson moved to ratify actions taken in open session. Mr. Pacheco seconded the motion. Motion carried 6:0.
Announcements	Next Scheduled Meeting: Thursday, May 2, 2019 – 4:00 p.m., Mo’ikeha Building, Meeting Room #3.	
Adjournment		Chair Endo adjourned the meeting at 5:02 p.m.

Submitted by: _____

Cherisse Zaima, Private Secretary

Reviewed and Approved by: _____

Paul Endo, Chair

Approved as circulated.

Approved with amendments. See minutes of _____ meeting.