

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Commission	LIQUOR CONTROL COMMISSION	Meeting Date	November 7, 2019
Location	Mo'ikeha Building, Liquor Control Conference Room 3	Start of Meeting: 4:00 p.m.	End of Meeting: 4:40 p.m.
Present	Vice-Chair Shirley Akita; Members: William Gibson, Maryanne Kusaka, Gerald Matsunaga, Gary Pacheco Also: Liquor Control Staff: Director Gerald Rapozo, Private Secretary Cherisse Zaima; Deputy County Attorney Todd Jenson		
Excused	Chair Paul Endo; Jean Iida		
Absent			

SUBJECT	DISCUSSION	ACTION
Call To Order		Vice Chair Akita called the meeting to order at 4:00 p.m. with 5 members present, constituting a quorum.
Roll Call	Director Rapozo called roll, noting 5 members were present.	
Approval of Agenda		Mr. Pacheco moved to approve the agenda. Mr. Gibson seconded the motion. Motion carried 5:0.
Approval of Minutes	<u>APPROVAL OF MEETING MINUTES:</u> Open Session minutes of September 19, 2019	Mr. Pacheco moved to approve the Open Session minutes of September 19, 2019. Ms. Kusaka seconded the motion. Motion carried 5:0.
1. Violation Hearing	<u>TORTILLA REPUBLIC KITCHEN & MARGARITA BAR:</u> Violation of Rule 4.7(a)(1) Gross liquor sales report, percentage fee, and records. Ms. Sydney Pimental, General Manager, was present on behalf of the licensee; no counsel. The licensee admitted to the charges. Ms. Pimental explained that all of their invoicing is sent to California, and the new accountant that recently took over there made an error. As soon as they realized the error, they contacted the Liquor Department to correct the error.	

		<p>Mr. Matsunaga moved that a fine of \$250 be imposed. Ms. Kusaka seconded the motion. Motion carried 5:0.</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) Disturbance Reports from Big Wave Dave’s and Hilton Garden Inn Wailua Bay</p> <p>c) <u>OUTGOING COMMUNICATIONS:</u> (1) To all Wholesale licensees; Re: Change of firm name for Sheraton Kauai Coconut Beach Resort and New liquor license for The Tasting Room</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) BEACH HOUSE RESTAURANT (2) HANALEI LIQUOR STORE (3) KILOHANA (4) MARKET AT KILAUEA (5) ROB’S GOOD TIMES GRILL (6) TAHITI NUI (7) THE WINE SHOP (8) AMERICAN CANCER SOCIETY (9) KAUAI CHAMBER OF COMMERCE (10) ISLAND SCHOOL (11) KAUAI VETERANS MUSEUM (12) NEIGHBORHOOD HOUSING COMMUNITY DEVELOPMENT</p>	

	<p>CORP. (13) OCEANIA CRUISES S. de R.L</p> <p>f) <u>INFORMATIONAL MATTERS:</u></p>	<p>Mr. Pacheco moved to approve Items 2(a) through f. Ms. Kusaka seconded the motion. Motion carried 5:0.</p>
3.	<p><u>TRANSFER LIQUOR LICENSE:</u></p> <p><u>THE FISH EXPRESS:</u> Application No. 2020-041 was filed on October 17, 2019 by Fat Pug LLC dba The Fish Express for a transfer of Retail Dealer Beer & Wine license No. 4BW-003 from The Fish Express, Ltd. dba The Fish Express to Fat Pug LLC dba The Fish Express located at 3-3343 Kuhio Highway, Lihue, Kauai, Hawaii</p>	<p>Mr. Pacheco moved to accept Application No. 2020-041 for publication and public hearing. Mr. Matsunaga seconded the motion. Motion carried 5:0.</p>
4.	<p><u>NEW LIQUOR LICENSES:</u></p> <p><u>NOKA GRILL:</u> Application No. 2020-042 was filed on October 18, 2019 by No Ka Grill, Inc. dba Noka Grill for a New Restaurant General license at 3474 Rice Street, Lihue, Kauai, Hawaii. Deposited \$450.</p>	<p>Mr. Gibson moved to accept Application No. 2020-042 for publication and public hearing. Mr. Pacheco seconded the motion. Motion carried 5:0.</p>
5.	<p>a) <u>VIOLATION REPORT:</u></p> <p>a) <u>NAWILIWILI TAVERN:</u> Violation of Rule 4.7(b) Percentage fee due; when.</p> <p>b) <u>KUKUIULA STORE:</u> Violation of Rule 4.7(b) Percentage fee due; when. (2 counts)</p> <p>c) <u>NORBERTO'S EL CAFÉ, INC.:</u> Violation of Rule 4.7(b) Percentage fee due; when. (2 counts)</p> <p>d) <u>PARADISE BAR & GRILL:</u> Violation of Rule 4.7(b) Percentage fee due; when. (7 counts)</p> <p>e) <u>KAUAI PASTA:</u> Violation of Rule 4.7(b) Percentage fee due; when. (8 counts)</p>	

	<p>f) <u>TAHITI NUI</u>: Violation of Rule 4.7(b) Percentage fee due; when. (14 counts)</p> <p>g) <u>WB'S EXCLUSIVE LOUNGE</u>: Violation of Rule 7.8(a) Manager on duty, qualifications.</p>	<p>Mr. Gibson moved to accept violation reports for violation hearing. Mr. Matsunaga seconded the motion. Motion carried 5:0.</p>
<p>6.</p>	<p><u>LICENSE IN ABEYANCE:</u></p> <p><u>KAUAI PASTA CORPORATION</u>: Request from Kauai Pasta Corporation dba Kauai Pasta to hold Restaurant General license No. 2G-060 in abeyance (safekeeping) as they consider transferring the license.</p> <p>Commissioner Kusaka noted that this licensee just received a violation, and will be in for violation hearing next meeting. She expressed concern that if the licensee is considering transferring the license, they may not pay the violation fine at all. She requested information on whether or not the commission could deny the request until such time as the violation fine is paid in full.</p>	<p>Mr. Gibson moved to approve the request to hold license in abeyance. Mr. Pacheco seconded the motion.</p> <p>Mr. Pacheco withdrew his second to the previous motion. Mr. Gibson withdrew his motion.</p> <p>Ms. Kusaka moved to defer item 6 to the November 21, 2019 meeting. Mr. Pacheco seconded the motion. Motion carried 5:0.</p>
<p>7. Executive Session</p>	<p><u>EXECUTIVE SESSION:</u></p> <p>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.</p> <p>Disposition on proposed Findings of Fact, Conclusions of Law and Decision and Order in the matter of Application No. 2019-070 filed by LBD Coffee, LLC on March 7, 2019. Public Hearing date, May 16, 2019.</p>	<p>Mr. Pacheco moved to enter into Executive Session. Mr. Gibson seconded the motion. Motion carried 5:0.</p>

Return to Open Session		The meeting resumed in open session at 4:32 p.m.
8.	<u>ANNUAL EVALUATION OF DIRECTOR</u> Boards and Commissions Administrator Ellen Ching provided a handout of compiled data, and summarized the information gathered from the evaluations received.	Mr. Matsunaga moved to have Vice Chair Shirley Akita meet with the Director to go over the evaluation results. Mr. Pacheco seconded the motion. Motion carried 5:0.
Announcements	Next Scheduled Meeting: Thursday, November 21, 2019 – 4:00 p.m., Mo’ikeha Building, Meeting Room #3.	
Adjournment		Vice Chair Akita adjourned the meeting at 4:40 p.m.

Submitted by: _____
 Cherisse Zaima, Private Secretary

Reviewed and Approved by: _____
 Shirley Akita, Vice Chair

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