

# APPROVED

COUNTY OF KAUAI  
Minutes of Meeting  
OPEN SESSION

Approved with amendements. See minutes 8/6/2020

Board/Commission:	<b>LIQUOR CONTROL COMMISSION</b>	Meeting Date	<b>July 16, 2020</b>
Location	Tele Conference via Microsoft Teams Audio +1 469-848-0234, Conference ID: 319 934 966 #	Start of Meeting: 10:09 a.m.	End of Meeting: 12:40 p.m.
Tele Present	Chair Shirley Akita, Vice Chair Maryanne Kusaka, Members: Dee Crowell, William Gibson, Gerald Matsunaga, Randall Nishimura, Gary Pacheco Also: Liquor Control Staff: Acting Liquor Control Director Cecilio Baliaris, Liquor Clerical Assistant Malialani TM Kelekoma; Boards and Commission Ellen Ching Deputy County Attorney Todd Jenson		
Excused			
Absent			
SUBJECT	DISCUSSION	ACTION	
<b>Call To Order</b>		Chair Shirley Akita called the meeting to order at 10:09 a.m. with 6 members present, constituting a quorum.	
<b>Roll Call</b>	Acting Director Baliaris called roll, noting 6 members were present, constituting a quorum.  Commissioner Pacheco entered the tele-conference @ 10:17 a.m.		
<b>Approval of Agenda</b>	<i>Commissioner Matsunaga left the meeting at 10:18 a.m. Unable to reconnect for the remainder of the meeting.</i>	Mrs. Kusaka moved to approve the agenda. Mr. Gibson seconded the motion. Motion carried 7:0	

SUBJECT	DISCUSSION	ACTION
<p>1.</p>	<p><u>PUBLIC HEARING:</u></p> <p><u>NOM KAUAI:</u> Application No. 2020-078 was filed on April 16, 2020 by Nom Kauai Corp. dba Nom Kauai for a New Restaurant General (Live entertainment with dancing) license located at 4-484 Kuhio Highway, Kapa'a, Kauai, Hawaii. The Commission accepted Application No. 2020-073 for publication and public hearing on May 7, 2020 and ordered to print notice of public hearing in The Garden Island newspaper on Wednesdays, May 27 &amp; June 3, 2020, scheduling the public hearing on July 16, 2020 at 4:00 p.m. or shortly thereafter in Meeting Room #3 of the Lihu'e Civic Center, Mo'ikeha Building, 4444 Rice Street, Lihu'e, Kauai, Hawaii.</p> <p>Thomas Fuguay, Director for NOM Kauai was present via tele-conference.</p>	<p>Mr. Gibson moved to approve NOM Kauai Application No. 2020-078 for a New Restaurant General license. Mr. Pacheco seconded the motion. Motion carried 6:0</p>
<p>2.</p>	<p><u>DIRECTOR'S REPORTS:</u></p> <p>a) <u>INVESTIGATORS' REPORTS:</u></p> <p>b) <u>INCOMING COMMUNICATIONS:</u></p> <p>1) <u>Disturbance Report from Hilton Garden Inn Kauai Wailua Bay</u></p> <p>c) <u>OUTGOING COMMUNICATIONS:</u></p> <p>2) <u>Memo to Wholesalers, Re: Non-Renewal of Liquor Licenses/Pending Renewals; New Liquor License The Ocean Course at Hokuala</u></p> <p>d) <u>ACTIONS OF THE DIRECTOR:</u></p> <p>3) <u>THE CLUB AT KUKUIULA: Approval of special request for addition of one (1) Starways pinball machine.</u></p> <p>e) <u>INFORMATIONAL MATTERS</u></p> <p>a) <u>Melanie K. Luker, Sheelagh M. Beaulieu, and Kimberly M. DeSousa.</u></p>	<p>Mrs. Kusaka moved to approve the Directors Reports 2) b-e noting that there is no a) Investigators Reports. Mr. Gibson seconded the motion. Motion carried 6:0</p>

SUBJECT	DISCUSSION	ACTION
3.	<p><u>SOLICITOR'S PERMIT:</u></p> <p><u>WESLEY A. SAKAMOTO: Application No. 2021-003 was filed on June 15, 2020 by Wesley A. Sakamoto for a Solicitor's Permit in the County of Kauai to represent The Cherry Co., Ltd. a Wholesale General licensee in the City &amp; County of Honolulu. Deposited \$180.</u></p>	<p>Mr. Pacheco moved to approve Solicitor's Permit Wesley A. Sakamoto Application No. 2021-003 to represent Cherry Co. Ltd. Mrs. Kusaka seconded the motion. Motion carried 6:0.</p>
4.	<p><u>TRANSFER LIQUOR LICENSE:</u></p> <p><u>STREET BURGER: Application No. 2021-005 was filed on July 8, 2020 by Double Rainbow Inc. dba Street Burger for a transfer of Restaurant General License No. 2G-028 from Leikademus LLC dba Street Burger to Double Rainbow Inc. dba Street Burger located at 4-369 Kuhio Highway, Kapaa, Kauai, Hawaii. Deposited \$275.</u></p>	<p>Mr. Nishimura moved to accept Application No. 2021-005 for Transfer of Liquor License and refer for Publication and Hearing. Mr. Gibson seconded the motion. Motion carried 6:0.</p>
5.	<p><u>TEMPORARY LIQUOR LICENSE:</u></p> <p><u>DOUBLE RAINBOW INC.: Application No. 2021-006 was filed on July 8, 2020 by Double Rainbow Inc. dba Street Burger for a temporary license located at 4-369 Kūhi'ō Highway, Kapa'a, Kauai, Hawaii. Deposited \$60.</u></p> <p><i>Commissioner Gibson left the meeting at 12:20 p.m.</i></p>	<p>Mr. Nishimura moved to approve Temporary Liquor License for Double Rainbow Inc. Application No.2021-006. Mr. Pacheco seconded the motion. Motion carried 6:0.</p>
6.	<p><u>DISCUSSION AND POSSIBLE DECISION MAKING ON THE SALARY OF THE ACTING DIRECTOR OF THE DEPARTMENT OF LIQUOR CONTROL AND THE EFFECTIVE DATE</u></p>	<p>Mr. Pacheco moved to approve salary for Acting Director Cecilio Baliaris of \$103,041. Mr. Crowell seconded the motion. Motion passed 5:0.</p>

SUBJECT	DISCUSSION	ACTION
7.	<p><u>STATUS REPORT, DISCUSSION AND DECISION MAKING ON THE RECOMMENDATIONS OF THE WORKING GROUP ON THE JOB ADVERTISEMENT AND JOB DESCRIPTION OF THE DIRECTOR OF THE DEPARTMENT OF LIQUOR CONTROL</u></p> <p>Commissioner Nishimura gave an overview of the Working Group Report, on the various recommendations for the format of resumes and advertisements. Commissioner Nishimura asked Ms. Ching in regards to the 11-pages for the applicants.</p> <p>Ms. Ching explained maximum of 11 pages, 5 pages of resume, 1 cover page, 1 page of training and education and 5 personal/professional references it can be either or but no more than 5 for references.</p> <p>Chair Akita stated no decision is being made today the Commission will look over the report and make suggestions.</p>	
8.	<p><u>EXECUTIVE SESSION 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.</u></p> <p><u>MEMO FROM COUNTY ATTORNEY’S OFFICE RE: AUTHORITY OVER LIQUOR CONTROL DEPARTMENT</u></p>	<p>Mr. Pacheco moved to enter into Executive Session. Mrs. Kusaka seconded. Motion carried 5:0</p> <p>At 10:53 a.m. the Commission entered into Executive Session.</p>
<b>Return to Open Session</b>	<p>Mr. Jenson stated that there were two items discussed in executive session:</p> <ol style="list-style-type: none"> <li>1. Memo to the County Attorney’s office over the authority of the Liquor Commission.</li> <li>2. Evaluation and Compensation for the Acting Director of the Liquor Control Department.</li> </ol>	<p>Due to technical difficulties Commission resumed in open session at 11:38.</p>

SUBJECT	DISCUSSION	ACTION
<b>Announcements</b>	Next Scheduled Meeting: Thursday, August 6, 2020 – 10:00 a.m., Teleconference	
<b>Adjournment</b>	Chair Akita called for a motion to adjourn the meeting.	Mrs. Kusaka moved to adjourn the meeting. Mr. Pacheco seconded the motion. Motion carried 5:0 Meeting adjourned at 12:40 p.m.

Submitted by: \_\_\_\_\_  
 Malialani TM Kelekoma, Liquor Clerical Assistant

Reviewed and Approved by: \_\_\_\_\_  
 Shirley Akita, Chair

( ) Approved as circulated.

(X) Approved with amendments. See minutes of 8/6/2020 meeting.