

Approved

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved as circulated 9/19/19

Board/Commission	LIQUOR CONTROL COMMISSION	Meeting Date	August 15, 2019
Location	Mo'ikeha Building, Liquor Control Conference Room 3	Start of Meeting: 4:00 p.m.	End of Meeting: 4:51 p.m.
Present	Chair Paul Endo; Vice-Chair Shirley Akita; Members: Jean Iida, Maryanne Kusaka, William Gibson, Gerald Matsunaga, Gary Pacheco Also: Liquor Control Staff: Liquor Control Director Gerald Rapozo, Boards and Commissions Staff: Administrator Ellen Ching, Administrative Specialist Anela Segreti; 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		Mr. Pacheco moved to approve the agenda. Ms. Iida seconded the motion. Motion carried 7:0.
Approval of Minutes	<u>APPROVAL OF MEETING MINUTES:</u> a) Open Session minutes of June 27, 2019 b) Closed Session minutes of June 27, 2019 c) Open Session minutes of July 18, 2019	Ms. Kusaka moved to approve the Open Session minutes of June 27, 2019, Closed Session minutes of June 27, 2019, and Open Session minutes of July 18, 2019. Mr. Pacheco seconded the motion. Motion carried 7:0.
1.. Public Hearings	a) <u>STOR BOX LLC</u> : Application No. 2019-231 was filed on June 24, 2019 for a transfer of Retail Dealer General License No. 4G-045 from Caven K. Raco dba stoR to stoR BOX LLC dba stoR BOX LLC located at 1824 Haleukana Street, Building 2, Unit 1, Līhu'e, Kauai, Hawaii. The Commission accepted Application No. 2019-231 for	

	<p>publication and public hearing on July 18, 2019 and ordered to print notices of public hearing in The Garden Island on Wednesday, July 24, 2019, scheduling the public hearing on August 15, 2019 at 4:00 p.m. or shortly thereafter in Meeting Room #3 of the Līhu‘e Civic Center, Mo‘ikeha Building, 4444 Rice Street, Līhu‘e, Kauai, Hawaii.</p> <p>Aileen Hew Andres, member of the LLC was present to represent the applicant.</p> <p>Up until the time of the hearing, the department did not receive any letters in support or opposition to the application.</p> <p>No comments by applicant.</p> <p>Commissioner Matsunaga asked about the discrepancy in footage on the description and the application.</p> <p>(Inaudible) answered that they share the cost of the bathroom which is the difference in the square footage.</p> <p>The public hearing for Application No. 2019-231 was closed.</p> <p>b) <u>ALOHA GOLF GROUP, LLC</u>: Application No. 2020-002 was filed on July 5, 2019 for a transfer of Restaurant General License No. 2G-069 from Kauai Golf Management, Inc. dba Hookipa Café at Puakea to Aloha Golf Group, LLC dba Hookipa Café at Puakea located at 4150 Nuhou Street, Lihue, Kauai, Hawaii. The Commission accepted Application No. 2020-002 for publication and public hearing on July 18, 2019 and ordered to print notices of public hearing in The Garden Island on Wednesday, July 24, 2019, scheduling the public hearing on August 15, 2019 at 4:00 p.m. or</p>	<p>Mr. Pacheco moved to approve Application No. 2019-231 086 filed on August 15, 2019 by Stor Box, LLC at 1824 Haleukana St. Building 2. Unit 1. Lihue. Ms. Iida seconded the motion. Motion carried 7:0</p>
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	<p>shortly thereafter in Meeting Room #3 of the Līhu‘e Civic Center, Mo‘ikeha Building, 4444 Rice Street, Līhu‘e, Kauai, Hawaii.</p> <p>Up until the time of the hearing, the department did not receive any letters in support or opposition to the application.</p> <p>Fred Roach, Presedent was present to represent the applicant.</p> <p>Commissioner Gibson asked if restaurant is separate of golf course separately.</p> <p>Mr. Roach explained that he manages the whole property. The previous company’s agreement was terminated and the applicant was brought in. The name of the restaurant will stay the same and operations will be similar.</p> <p>The public hearing for Application No. 2020-002 was closed.</p>	<p>Mr. Matsunaga moved to approve Application No. 2020-002 filed on July 5, 2019 by Aloha Golf Group, LLC dba Hookipa Café at Puakea located at 4150 Nuhou Street, Lihue. Ms. Iida seconded the motion. Motion carried 7:0</p>
<p>2. Violation Hearings</p>	<p><u>MARKETPLACE EXPRESS</u>: Violation of HRS 281-78(b)(1)(A)</p> <p>Robert Ueoka, Counsel and Brycen Campos, Manager was present on behalf of the licensee. The licensee agreed to waive the reading of the charges and plead no contest.</p> <p>Mr. Ueoka explained that the employee did ask for id. It was vertical format she got confused and completed the sale. She is no longer working for the company and they have completed remedial measures, age verification signage, retrained employees, and are in the process of installing a POS (Point of Sale) system that will require date of birth to be entered. Installation date is Sept. 4th.</p> <p>Commissioner Matsunaga if a policy is in place that automatically</p>	

	<p>discharges and employee for these kind of incidences.</p> <p>Mr. Ueoka explained that they do not have a specific policy, but in this case they decided to not keep this person employed.</p>	<p>Mr. Matsunaga moved that a fine of \$2000 be imposed with \$1000 suspended provided there is no similar offense occurs within 1 year. Ms. Pacheco seconded. Motion carried 6:1</p>
<p>3.</p>	<p><u>DIRECTOR’S REPORTS:</u></p> <p>a) <u>INVESTIGATORS’ REPORTS:</u></p> <p>b) <u>INCOMING COMMUNICATIONS:</u></p> <p>1) Disturbance Report from Kauai Beach Resort</p> <p>c) <u>OUTGOING COMMUNICATIONS:</u></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) <u>DUKE’S CANOE CLUB:</u> Approval of special request for temporary increase of premises to include the grass area fronting the restaurant (4,000 sq. ft.) per diagram submitted, on September 3, 2019 from 12:00 p.m. to 8:00 p.m.</p> <p>2) <u>KILOHANA:</u> Approval of special request for permanent alteration of premises to include a lanai area outside of the Mahiko Lounge, per diagram submitted.</p> <p>3) <u>KAUAI UNITED WAY:</u> Approval of Application No. Free 2020-03 filed on June 17, 2019 by Kauai United Way for a Free One-Day Special Dispenser Beer & Wine license on July 21, 2019 at the Kauai Veterans Center located at 3215 Kapule Highway, Līhu‘e, Kauai, Hawaii.</p>	

	<p>4) <u>NATIONAL TROPICAL BOTANICAL GARDEN</u>: Approval of Application Nos. Free 2020-01 through Free 2020-03 filed on June 17, 2019 by National Tropical Botanical Garden for a Free One-Day Retail Beer & Wine license, and Dispenser General license on August 17, 2019 at 3530 Papalina Road, Kalāheo, Kauai, Hawaii.</p> <p>f) <u>INFORMATIONAL MATTERS</u></p>	<p>Mr. Pacheco moved to accept Items 3(a) through f. Mr. Matsunaga seconded the motion. Motion carried 7:0.</p>
<p>4.</p>	<p><u>CHANGE IN COPORATE OFFICERS:</u></p> <p><u>SEVEN-ELEVEN HAWAII, INC.:</u> Appointment of Fumiko Nagamatsu as Director.</p>	<p>Ms. Akita moved to approve change of corporate officers for Seven-Eleven Hawaii, Inc. Mr. Pacheco seconded the motion. Motion carried 7:0</p>
<p>5.</p>	<p><u>CHANGE IN CORPORATE STRUCTURE:</u></p> <p><u>YOUNG’S MARKET COMPANY, LLC:</u> Change in internal structure from Member-Managed to Manager-Managed LLC; Addition of RNDC West Coast, LLC as Member. Removal of Brian O’Neill as Manager and EVP; Addition of Robert Gene Hendrickson as Manager, VP and COO; Addition of Nichols Michael Mehall as CFO.</p> <p>Newton Chu, was present on behalf of the licensee.</p> <p>Mr. Chu explained that this took place in ten states. The company was founded in 1988, and operates in ten states and is one of the largest distributors of beers, wines and other distilled beverages. The transaction involved Republic National which is mostly in the East and the combined group will operate in 32 states and the District of Columbia.</p>	<p>Mr. Matsunaga moved to approve change of</p>

	<p>Commissioner Matsunaga asked if head office was in the West Coast. Mr. Chu stated that it is in Tustin, California.</p>	<p>corporate structure for Young’s Market Company, LLC. Ms. Iida seconded the motion. Motion carried 7:0</p>
<p>6.</p>	<p><u>NEW LIQUOR LICENSE:</u> <u>JIMMY’S GRILL:</u> Application No. 2020-006 was filed on August 6, 2019 by Kauai Bar LLC dba Jimmy’s Grill for a New Dispenser General license at 4-1638 Kūhi’ō Highway, Kapaa, Kauai, Hawaii. Deposited \$450.</p>	<p>Ms. Akita moved for publication and public hearing of Application No. 2020-006. Mr. Gibson seconded the motion. Motion carried 7:0</p>
<p>7.</p>	<p><u>DECISION-MAKING ON APPLICATION NO. 2019-070 FILED BY LBD COFFEE, LLC. PUBLIC HEARING HELD ON MAY 16, 2019:</u> No public comment will be taken on this application at this meeting, since public comment was previously closed. Director Rapozo conducted a roll call vote.</p>	<p>Mr. Matsunaga moved that Application no. 2019-070 be approved. Mr. Gibson seconded. Roll Call Vote: Vice Chair Akita - no Commissioner Gibson – yes Commissioner Iida - no Commissioner Kusaka – no Commissioner Matsunaga –yes Commissioner Pacheco-no Chair Endo-yes Motion dies: vote 4 against and 3 ayes. Application denied.</p>
<p>8.</p>	<p><u>DISCUSSION ON POSSIBLE AMENDMENTS TO COUNTY CHARTER:</u></p>	

	<p>Eliminate requirement that one has to sit out a year after serving 2 consecutive terms on a Commission.</p> <p>Commissioner Matsunaga explained that currently under the Charter a person serves 2 terms and then has to sit out one year before they can serve on another commission. He thinks that the Charter should be amended to allow those that want to continue service to do so, especially since there are not many people applying.</p> <p>Clarified that after two cycles you could go to another commission not the same commission.</p> <p>Ellen Ching, Administrator Boards & Commissions explained that what's Commissioner Matsunaga is proposing is a Charter Amendment, if there's an amendment an individual would not have to sit out a year. They could go to another commission or stay the same for another two term limit unless specified in the amendment.</p> <p>Mark Ishmael, Deputy County Attorney, explained that any proposed language will be made as a request to be submitted to the Charter Review Commission who will make the presentation to the County Council that then has to be voted by people. It will be the Liquor Commission's responsibility to draft amendment and lobby for it with the Charter Review Commission.</p> <p>Commissioners discussed term limits and amendment to change them, the process to present before the Charter Review Commission and who would appear on behalf of the Commission.</p> <p>Ms. Ching asked the Commissioners to elect someone to appear before the Charter Commission to request the proposal.</p> <p>Discussion of whether motion is appropriate.</p>	<p>Mr. Pacheco nominated Mr. Matsunaga to be the spokesperson for the Commission to the Charter Review Commission. Ms. Akita seconded.</p>
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	Vice Chair Akita requested that this item be placed on the September 5 th meeting and the Boards and Commissions Administrator research the last attempt at an amendment to term limits for discussion.	Mr. Pacheco withdrew his motion and Ms. Akita withdrew her second.
Announcements	Next Scheduled Meeting: Thursday, September 5, 2019 – 4:00 p.m., Mo’ikeha Building, Meeting Room #3.	
Adjournment		Mr. Matsunaga moved to adjourn the meeting. Mr. Pacheco seconded. Motion carried 7:0. Chair Endo adjourned the meeting at 4:36 p.m.

Submitted by: _____
 Anela Segreti, Administrative Specialist

Reviewed and Approved by: _____
 Paul Endo, Chair

(X) Approved as circulated.

() Approved with amendments. See minutes of _____ meeting.