

APPROVED

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved with amendments. See 03/05/2020 minutes.

Board/Commission:	LIQUOR CONTROL COMMISSION	Meeting Date	October 17, 2019
Location	Mo'ikeha Building, Liquor Control Conference Room 3	Start of Meeting: 4:00 p.m.	End of Meeting: 5:47 p.m.
Present	Chair Paul Endo; Members: Jean Iida, William Gibson, Gerald Matsunaga Maryanne Kusaka, 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 Todd Jenson		
Excused			
Absent	Vice-Chair Akita		
SUBJECT	DISCUSSION	ACTION	
Call To Order		Commissioner Matsunaga 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, 1 excused. Chair Endo running late.		
Approval of Agenda		Mrs. Kusaka moved to approve the agenda. Mr. Pacheco seconded the motion. Motion carried 5:0	
1.	<u>PUBLIC HEARING</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 located at 4-1638 Kuhio Highway, Kapaa, Kauai, Hawaii. The Commission accepted Application No. 2020-006 for publication and public hearing on August 15, 2019 and ordered to print notices of public hearing in The Garden Island on Wednesdays, August 21 & 28, 2019, scheduling the public hearing on October 17, 2019 at 4:00 p.m. or shortly thereafter in Meeting Room #3 of the		

SUBJECT	DISCUSSION	ACTION
	<p>Līhu‘e Civic Center, Mo‘ikeha Building, 4444 Rice Street, Līhu‘e, Kauai, Hawaii. Director Rapozo noted that the applicant failed to meet public notice mailing deadline. Public hearing cannot be held. Applicant resubmitted his payment for republication of the hearing notice. Public hearing to will be held at a later date.</p>	<p>No action.</p>
<p>2.</p>	<p><u>VIOLATION HEARINGS:</u></p> <p>a) <u>TAHITI NUI:</u> Violation of Rule 7.13 Fights and disturbance reports.</p> <p>Director Rapozo per Rule 3.11 licensee waive their right to a violation hearing. Licensee paid fine of \$150.00.</p> <p>b) <u>PIZZETTA:</u> Violation of Rule 4.7(a)(1) Gross liquor sales report, percentage fee, and records.</p> <p>John Halter Owner, was present to represent licensee. Mr. halter acknowledged that he received copies of the charges and waived reading of the complaint. Mr. Halter admitted to the violations and advised Commissioners that the problem had been fixed.</p>	<p>No Action.</p> <p>Mr. Gibson moved that a fine of \$250.00 be imposed in Violation of Rule 4.7(a)(1) Gross liquor sales report, percentage fee, and records. Mr. Pacheco seconded the motion. Motion carried 5:0.</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 Street Burger.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>c) <u>OUTGOING COMMUNICATIONS:</u></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></p> <p>1) <u>THE WINE SHOP:</u> Approval of request for tasting of 4 varieties of wine, per list, on October 5, 2019 from 2:00 p.m. to 8:00 p.m.</p> <p>2) <u>WRANGLER’ RESTAURANT:</u> Approval of special request for temporary increase of premises to include the area fronting the restaurant, per diagram submitted, on October 10, 2019 from 11:00 a.m. to 11:00 p.m.</p> <p>3) <u>PIETRO’S PIZZA & PASTA:</u> Approval of special request for temporary increase of premises to include the courtyard, per diagram submitted on October 13, 2019 from 4:30 p.m. to 6:30 p.m.</p> <p>f) <u>INFORMATIONAL MATTERS</u></p>	<p>Ms. Kusaka moved to approve Items 3a through f. Mr. Pacheco seconded the motion. Motion carried 5:0.</p>
<p>4.</p>	<p><u>SOLICITOR’S PERMIT:</u></p> <p><u>MASAKI MIYAZAWA:</u> Application No. 2020-039 was filed on September 30, 2019 by Masaki Miyazawa for a Solicitor’s Permit in the County of Kauai to represent Wismettac Asian Food, Inc., a Wholesale Dealer licensee in the City & County of Honolulu. Deposited \$180.amendment as the number of years of experience as a Peace Officer. They are wanting someone that comes up in a Police Department.</p>	<p>Ms. Kusaka moved to approve Application 2020-039. Mr. Pacheco seconded the motion. Motion carried 5:0.</p>
<p>5.</p>	<p><u>VIOLATION REPORT:</u></p> <p><u>TORTILLA REPUBLIC KITCHEN & MARGARITA BAR:</u> Violation of Rule 4.7(a)(1) Gross liquor sales report, percentage fee, and records.</p>	<p>Mr. Gibson moved to call licensee Tortilla Republic Kitchen & Margarita Bar for violation hearing. Mr.</p>

SUBJECT	DISCUSSION	ACTION
		Pacheco seconded the motion. Motion carried 5:0.
6.	<p><u>DISPOSITION ON 7-11 HAWAII, INC. VIOLATIONS:</u> Order dismissing case with prejudice and Findings of Fact, Conclusions of Law, and Decision and Order.</p>	Mrs. Kusaka moved to approve to dismiss Disposition on 7-11 Hawaii, Inc. with prejudice. Mr. Pacheco seconded the motion. Motion carried 5:0.
7.	<p><u>ANNUAL EVALUATION OF DIRECTOR:</u> The Commissioners interviewed the staff regarding the Director's performance.</p> <p>a) Clarence Sales, Senior Account Clerk, answered questions from the Commissioners regarding the Director's performance. Mr. Sales shared that Mr. Rapozo's contributions to my ability allows me to do my job well. The work environment is very pleasant, even though we are short staff, you don't see it in his face. We work as a team to get it done, going beyond my job description. Points staff out in the right direction when needed. Talks to all sides and takes into consideration what improvement is necessary straight forward, by the books. Gerald does not like confrontation which is not bad at all. I am here to help support the office so it keeps running. It may not be the exact same on how it was. How he deals with the situation is, he does not flare up. Shows a lot of appreciation tries to hear all sides and likes to meet in between. Improve on being more straightforward. Most of the time it is by the books, Should express what he needs. Gerald makes this place enjoyable to come to. He is compassionate and is understanding. Looking for alternatives and keeping it level. Is he able to make the tough decisions? I believe he can.</p> <p>b) Kenneth Herman, Liquor Control Investigator III. Mr. Herman was next to answer questions from the Commissioners regarding the Director's performance: He stated that Mr. Rapozo is extremely knowledgeable and that he has learned a lot in the last 7 years.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>He knows the rule book at the top of his head. He is in the top 2 of the favorite people that I worked for. Biggest thing he liked about Mr. Rapozo is that he has your back. When you make a mistake he is not going to hold a grudge. He continued to share that Mr. Rapozo helped him to advance to his current position as a Sergeant. Seeing him meet with the business world, he bends over backwards for these guys. He is very good at what he does. Business owners like the Director.</p> <p>c) John Berry, Liquor Control Investigator I, in response to questions from the Commissioners stated that he has been with the department for about 2 years and was in the military for 22 years. He stated that Mr. Rapozo is right up there with the best. As a good leader and director, Mr. Rapozo, will use situations where something is done wrong as a way to educate and train. Mr. Berry shared that he trusts that Mr. Rapozo will have his back. He is very knowledgeable about the law. He knows his job well from front to back. He makes you feel welcome. Confrontation, he does not raise his voice. Well respected in the community. Some of the improvements would give more money. Delegate more things to other staff members. We all like to keep ourselves valuable. As well as delegating paperwork. We have a great team and it starts from the Top. Gerald has an open door policy with bringing up concerns. He is clear about his expectations of his team and gives moral support.</p> <p>d) Lawrence Stem, Liquor Control Investigator II, in response to the Commissioners' questions shared that he enjoys his job and has been with the department for 4 years. He said that Mr. Rapozo is clear on giving directions and is specific on what he wants done. He went on to say that when they have questions they ask. Some of my concerns would be pay and auto allowance. He enjoys working with Mr. Rapozo.</p> <p>e) Reid Yoshida, Liquor Control Investigator Trainee, was the last to be questioned by the Commissioners. Mr. Yoshida shared that Mr. Rapozo makes sure that the department is running smoothly. He has been here for 10 months and Mr. Rapozo is pushing him to do more things, wanting him to learn the ropes. He also shared that everyone gets along here and enjoys coming to work, he loves the consistency.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>After the interviews with the staff Ellen Ching, Administrator of Boards and Commissions discussed with the Commissioners meeting with Mr. Rapozo regarding his Goals and Objectives for the Department. She distributed a blank evaluation sheet and one completed by the Director, Mr. Rapozo. Ms. Ching asked if there were any questions before they filled them out to return to her by next week.</p> <p>Mr. Rapozo then met with the Commissioners and went over his goals and objectives for 2020. He shared that an update to the Commission's Rules and Regulations are needed due to changes in State laws. He is not looking at any increases in fees. Other points of discussion included staffing and questions regarding a pay increase.</p>	
Announcements	Next Scheduled Meeting: Thursday, November 7, 2019 - 4:00 pm, Mo'ikeha Building, Meeting Room #3.	
Adjournment		Mr. Pacheco moved to adjourn the meeting. Mrs. Kusaka seconded. Motion carried 5:0. Chair Endo adjourned the meeting at 5:47 p.m.

Submitted by: _____
 Malialani Marrotte, Liquor Commission Assistant

Reviewed and Approved by: _____
 Shirley Akita, Chair

- () Approved as circulated.
- (X) Approved with amendments. See minutes of 3/5/2020 meeting.