

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

APPROVED

Approved as circulated 12/19/19

Board/Commission	LIQUOR CONTROL COMMISSION	Meeting Date	November 21, 2019
Location	Mo'ikeha Building, Liquor Control Conference Room 3	Start of Meeting: 4:00 p.m.	End of Meeting: 4:37 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, Commission Liquor Assistant Malialani Marrotte; Deputy County Attorney Todd Jenson		
Excused	Maryanne Kusaka		
Absent			

SUBJECT	DISCUSSION	ACTION
Call To Order		Chair Endo called the meeting to order at 4:00 p.m. with 6 members present, constituting a quorum.
Roll Call	Director Rapozo called roll, noting 6 members were present. Ms. Kusaka is excused.	
Approval of Agenda		Mr. Pacheco moved to approve the agenda. Mr. Gibson seconded the motion. Motion carried 6:0.
Approval of Minutes	<u>APPROVAL OF MEETING MINUTES:</u> Open Session minutes of November 7, 2019	Vice Chair Akita moved to approve the Open Session minutes November 7, 2019. Mr. Pacheco seconded the motion. Motion carried 6:0.
<u>1. Violation Hearings</u>	a) <u>NAWILIWLI TAVERN</u> : Violation of Rule 4.7(b) Percentage fee due; when Lee Miller, General Manager was present to represent the licensee. The licensee agreed to waive the reading of the charges. The licensee admitted to the charges. Mr. Miller explained he did not pay the fee on time. Don't want to waste	Mr. Matsunaga moved that a fine of \$100.00 be imposed. Ms. Akita seconded the motion. Motion carried 6:0.

	<p>your time as why I did not pay it. It was paid the next day.</p>	
	<p>b) <u>KUKUIULA STORE</u>: Violation of Rule 4.7(b) Percentage fee due; when. (2 counts)</p> <p>Terri Kuribayashi, Manager, was present to represent the licensee. The licensee agreed to waive the reading of the charges. The licensee admitted to the charges.</p> <p>Ms. Kuribayashi explained that it was a matter of human error, noting that she was two days late. She explained that she worked a lot and just forgot. For the record she is admitting to count 1 and count 2.</p>	<p>Mr. Matsunaga moved that a fine of \$100.00 be imposed for count 1 \$ 100.00 and count 2 \$100 total of \$200.00. Mr. Pacheco seconded the motion. Motion carried 6:0.</p>
	<p>c) <u>NORBERTO’S EL CAFÉ, INC.</u>: Violation of Rule 4.7(b) Percentage fee due; when. (2 counts)</p> <p>David Moranz, 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. Moranz, it was overlooked and sorry, he was notified and called and it was an oversight on his part.</p> <p>Commissioner Gibson asked were you notified one week prior and if you was called? Mr. Moranz, said it was overlooked.</p>	<p>Mr. Matsunaga moved that a fine of \$100.00 be imposed for count 1 \$ 100.00 and count 2 \$100 total of \$200.00. Mr. Pacheco seconded the motion. Motion carried 6:0.</p>
	<p>d) <u>PARADISE BAR & GRILL</u>: Violation of Rule 4.7(b) Percentage fee due; when. (7 counts)</p> <p>Tim Grooms, 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. Grooms explained that previous bookkeeper abruptly quit and his daughter took over and thought that she paid, so this is our fault. We paid that day. Mr. Grooms does not recall</p> <p>Chair Endo you are admitting to the 7 charges. Mr. Grooms replied yes. Chair Endo can you clarify if the calls were made.</p> <p>Officer Hermann need to check his call sheets. Mr. Chair requested that Officer Hermann go and get the call log. Mr. Grooms does not recall receiving any calls. Director Rapozo advised that calls are made to the Licensee only.</p> <p>Director Rapozo indicated that on the date that the phone call was made the answering machine did not receive phone calls. The courtesy call did not go through. Just for Commissioners information.</p> <p>Mr. Grooms requested that the information on record be corrected. Wanted to reconsider the assessing of the fine.</p> <p>Chair Endo replied Director Rapozo responded that a courtesy call and all Licensee are aware of the September 30, 2019 due date. Doing that it's a courtesy call.</p>	<p>Mr. Matsunaga moved that a fine of \$700.00 be imposed for counts 1-7. Mr. Pacheco seconded the motion. Motion carried 6:0</p>
	<p>e) <u>KAUAI PASTA</u>: Violation of Rule 4.7(b) Percentage fee due; when. (8 counts)</p> <p>Director Rapozo on this case the premises is closed, a Notice of Hearing was sent to the last manager on duty as well as an email. A certified Notice of Hearing to the last known address, did not receive confirmation that it was received and to date nothing has been returned. Commission could continue, don't know how long it will take if we are able to hear from them. We may adjudicate the case based on the investigators report.</p> <p>Chair Endo this is for the Kapa'a location. Mr. Matsunaga I would feel safer if we moved the matter, and all efforts have been made to serve the Licensee.</p>	<p>Mr. Matsunaga moved that the matter be continued at the next Commission's Meeting. For the purposes of ascertaining service of the</p>

		<p>Notice to the licensee. Mr. Pacheco seconded the motion. Motion carried 6:0</p>
	<p>f) <u>TAHITI NUI</u>: Violation of Rule 4.7(b) Percentage fee due; when. (14 counts)</p> <p>Nanea Marston 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. Matsunaga stated that there was a 1 week reminder and 3 calls to make payment. Ms. Marston advised that she only received the call 8 days after we were already late. Mr. Matsunaga asked if Ms. Marston sees the investigator that made the phone calls present in the room.</p> <p>Officer Hermann advised that he texted Ms. Marston on the following days July 23rd, July 29th and a voicemail on September 19th.</p> <p>Vice Chair Akita asked why we are spending a lot of time, will that be a determination to penalize her? Will this make a difference in fining the establishment?</p> <p>Mr. Matsunaga want to caution you that the maximum fine is \$2,000.00 want you to be aware that License can be suspended or revoke.</p>	<p>Mr. Matsunaga moved that a fine of \$1400 be imposed with \$100 for each count 1-14. Mr. Pacheco seconded the motion. Motion carried 6:0.</p>
	<p>g) <u>WB'S EXCLUSIVE LOUNGE</u>: Violation of Rule 7.8(a) Manager on duty, qualifications.</p> <p>Wilma Bumanglag, 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. The licensee admitted to the charges.</p>	

	<p>Ms. Bumanglag On October 28, 2019 Ms. Bumanglag stepped away @ 11:20 pm to go in the back, employee does not have her Blue Card. Employee called her as Investigator Herman was in the front.</p> <p>Ms. Iida I know in the past for this particular violation we have given establishments a reduction if no further violation takes place in in the year, She has since send out employees to get their card.</p>	<p>Mr. Matsunaga moved that a fine of \$500.00 be imposed with Mr. Pacheco seconded the motion. Motion carried 5:1.</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) Disturbance Report from Trees Lounge</p> <p>c) <u>EMPLOYEES IN LICENSED PREMISES:</u></p> <p>Managers and Assistant Managers – See Attachment “A”</p> <p>d) <u>ACTIONS OF THE DIRECTOR:</u></p> <p>1) <u>KILAUEA MARKET + CAFÉ:</u> Approval of special request to conduct tasting of 2 varieties of wine, per list, on November 15, 2019 from 4:30 p.m. to 7:30 p.m.</p> <p>2) <u>MERRIMAN’S:</u> Approval of special request for temporary increase of premises to include area adjacent to the lanai, per diagram submitted, on October 10, 2019 from 5:00 p.m. to 9:30 p.m.; November 6, 13, 20 & 27, 2019; December 4, 11, 18 & 25, 2019 from 3:30 p.m. to 6:30 p.m.; and December 13, 2019 from 5:30 p.m. to 9:30 p.m.; and November 14, 2019 from 5:00 p.m. to 7:30 p.m.</p> <p>3) <u>PIETRO’S PIZZA:</u> Approval of special request for temporary increase of premises to include the area fronting the restaurant, per diagram, on August 11, 2019 from 5:00 p.m. to 6:30 p.m.</p> <p>4) <u>TAHITI NUI:</u> Approval of off-premise catering function on November 19, 2019 at Princeville Ranch.</p>	

	<p>5) <u>TORTILLA REPUBLIC GRILL & MARGARITA BAR</u>: Approval of special request for temporary increase of premises to include area adjacent to the lanai, per diagram submitted, on November 6, 13, 20 & 27, 2019; December 4, 11, 18 & 25, 2019 from 3:30 p.m. to 6:30 p.m.; and December 13, 2019 from 5:30 p.m. to 9:30 p.m.</p> <p>6) <u>WB’S EXCLUSIVE LOUNGE</u>: Approval of special request for addition of 2 soft tip electronic dart boards, per diagram submitted.</p> <p>7) <u>THE WINE GARDEN</u>: Approval of special request to conduct tasting of 6 varieties of wine, per list, on November 16, 2019 from 3:30 p.m. to 8:00 p.m.</p> <p>e) <u>INFORMATIONAL MATTERS</u></p>	<p>Mr. Matsunaga moved that a motion be carried of Directors Report from a-e to accept the Directors Report Mr. Pacheco seconded the motion. Motion carried 6:0.</p>
<p>3.</p>	<p><u>OFF-PREMISE WAREHOUSING</u>:</p> <p>a) <u>ALOHA ISLAND MART (Puhi)</u>: Request for off-premise warehousing, per diagram submitted, located at 3-1906 Kaumuali‘i Highway, Puhi, Kauai, Hawaii.</p>	<p>Mr. Matsunaga moved that a motion be carried accept the Off-Premise Warehousing for Aloha Island Mart. Mr. Pacheco seconded the motion. Motion carried 6:0.</p>
	<p>b) <u>PACO’S TACOS</u>: Request for off-premise warehousing, per diagram submitted, located at 854 Puu Road, Kalāheo, Kauai, Hawaii.</p>	<p>Mr. Pacheco moved that a motion be carried accept the Off-Premise Warehousing for Paco’s Tacos. Mrs. Iida seconded the motion. Motion carried 6:0.</p>
<p>Announcements</p>	<p>Next Scheduled Meeting: Thursday, December 5, 2019 – 4:00 p.m., Mo’ikeha Building, Meeting Room #3.</p>	
<p>Adjournment</p>		<p>Chair Endo adjourned the meeting at 4:37 p.m.</p>

Submitted by: _____
 Malia Marrotte, Liquor Commission Assistant

Reviewed and Approved by: _____
 Paul Endo, Chair

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