

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

APPROVED

Approved as circulated 2/20/2020

Board/Commission	LIQUOR CONTROL COMMISSION	Meeting Date	January 16, 2020
Location	Mo'ikeha Building, Liquor Control Conference Room 3	Start of Meeting: 4:00 p.m.	End of Meeting: 4:22 p.m.
Present	Chair Shirley Akita; Vice-Chair Mary Ann Kusaka; Members: Paul Endo, William Gibson, Gary Pacheco Also: Liquor Control Staff: Director Gerald Rapozo, Administrative Assistant Anela Segreti; Deputy County Attorney Todd Jenson		
Excused	Jean Iida, Gerald Matsunaga		
Absent			

SUBJECT	DISCUSSION	ACTION
Call To Order		Chair Akita called the meeting to order at 4:00p.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. Endo seconded the motion. Motion carried 5:0.
Approval of Minutes	<u>APPROVAL OF MEETING MINUTES:</u> a) Open Session minutes of December 5, 2019 b) Open Session minutes of December 19, 2019	Mr. Gibson moved to approve the Open Session minutes of December 5, 2019 and December 19, 2019 as corrected. Mr. Pacheco seconded the motion. Motion carried 5:0.
1. Discussion and Decision Making	<u>DISCUSSION AND DECISION-MAKING:</u> <u>NOKA GRILL:</u> Application No. 2020-042 was filed on October 18, 2019 by Noka Grill, Inc. dba Noka Grill for a New Restaurant General (Live entertainment, no dancing) license at 3474 Rice Street, Līhu'e, Kauai, Hawaii was closed on January 2, 2020 and taken under advisement and deferred for decision-making to January 16, 2020 at 4:00 p.m. or shortly	

	<p>thereafter in Meeting Room #3 of the Līhu‘e Civic Center, Mo‘ikeha Building, 4444 Rice Street, Līhu‘e, Kauai, Hawaii.</p> <p>Director Rapozo stated, a letter was received on January 10, 2020 from Mr. Jasper requesting to withdrawal Application No. 2020-042 for a New Restaurant General due to 81% of registered voters in the area.</p>	<p>Ms. Kusaka moved to accept the withdrawal for Noka Grill Application No. 2020-042 for a New Restaurant General. Mr. Gibson seconded the motion. Motion carried 5:0.</p>
<p>2. Public Hearings</p>	<p><u>MAUKA SUSHI</u>: Application No. 2020-041 was filed on December 5, 2019 for a transfer of Retail Dealer General License No. 4G-045 from stoR Box LLC dba stoR Box LLC to Yanagi Sushi Kauai LLC dba Mauka Sushi located at 1824 Haleukana St. Bldg. 2, Unit 1, Līhu‘e, Kauai, Hawaii. The Commission accepted Application No. 2020-041 for publication and public hearing on December 19, 2019 and ordered to print notice of public hearing in The Garden Island newspaper on Wednesday, December 25, 2019, scheduling a public hearing on January 16, 2020 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>Matthew Oliver, Owner was present to represent the licensee. Mr. Oliver received a copy of the Investigators report and had no comment.</p> <p>Chair Akita asked, Mr. Oliver if he received a copy of the investigators report and if there were any comments. There was no objections to the application. Is there anyone here who would like to speak on behalf of the application? Chair Akita requested, to expand about his business.</p> <p>Mr. Oliver owns a Makai Sushi in Poipu for the past 5 years and wishes to expand his business to a second location. His focus is for a grab and go and to provide a more fresh, gourmet and healthy food choices.</p> <p>Chair Akita asked where exactly is Mauka Sushi?</p> <p>Mr. Oliver responded, located on the backroad two doors down from the Menehune Water Company.</p>	

	<p>Vice Chair Kusaka asked, is it one of the Quonset buildings?</p> <p>Mr. Oliver responded, it is part of a big building.</p> <p>Vice Chair Kusaka asked questions in regards to the preparation and selling of goods to retail?</p> <p>Mr. Oliver responded, he is figuring out his business model and has been in existence for 2 months he has an area for sitting to provide Fresh gourmet food with healthy food choices. He will not be selling to other places, but to grab sushi and leave.</p> <p>Commissioner Endo asked, in regards to Retail General license, wondering why he wanted to include a retail general license as the patrons are unable to consume their alcohol on the premises?</p> <p>Mr. Oliver responded, he is aware of the off-premise rules and that the customers is unable to consume alcohol. Customers are able to purchase sushi and liquor and be able to go where ever to eat. For him it is another way of generating income.</p> <p>Vice Chair Kusaka asked, if he sells liquor at the other location?</p> <p>Mr. Oliver responded, no he does not own the liquor license, he rents a space at the Poipu location.</p> <p>Vice Chair Kusaka asked if this a transfer of Title?</p> <p>Director Rapozo stated that it is a transfer of a Retail Dealer General License from Kevin Rocco.</p> <p>The public hearing on Application No. 2020-041 was closed.</p>	<p>Mr. Pacheco moved to approve Application No. 2020-041 transfer of Retail Dealer General License No. 4G-045 stoR Box LLC to Yanagi Sushi Kauai LLC dba Mauka Sushi. Mr. Endo seconded the motion. Motion carried 5:0.</p>
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3. DIRECTOR'S REPORTS:

a) INVESTIGATORS' REPORTS:

b) EMPLOYEES IN LICENSED PREMISES:

Managers and Assistant Managers – See Attachment “A”

c) ACTIONS OF THE DIRECTOR:

- 1) BIG SAVE 'ELE'ELE: Approval of special request to conduct sampling of 1 variety of beer, per list, in designated tasting area, per diagram submitted, on January 31, 2020 from 11:00 a.m. to 2:00 p.m.
- 2) BIG SAVE HANAIEI: Approval of special request to conduct sampling of 1 variety of beer, per list, in designated tasting area, per diagram submitted, on January 17, 2020 from 4:00 p.m. to 7:00 p.m.
- 3) BIG SAVE KOLOA: Approval of special request to conduct sampling of 1 variety of beer, per list, in designated tasting area, per diagram submitted, on January 18, 2020, and on January 31, 2020 from 4:00 p.m. to 7:00 p.m.
- 4) BIG SAVE WAIMEA: Approval of special request to conduct sampling of 1 variety of beer, per list, in designated tasting area, per diagram submitted, on January 18, 2020 from 11:00 a.m. to 2:00 p.m.
- 5) FOODLAND PRINCEVILLE: Approval of special request to conduct tasting of 1 variety of beer, per list, in designated tasting area, per diagram submitted, on December 28, 2019.
- 6) KILOHANA: Approval of special request for temporary increase of premises to include the driveway area and breezeway of the main home on January 15, 2020 from 4:30 p.m. to 11:00 p.m.
- 7) MERRIMAN'S KAUAI: Approval of special request for temporary increase of premises to include the Palm Court area, per diagram submitted, on January 1, 8, 15, 22 & 29, 2020; February 5, 12, 19 & 26, 2020; and March 4, 11, 18 & 25, 2020

- from 3:30 p.m. to 6:30 p.m.; January 11, 2020 from 5:00 p.m. to 9:30 p.m. and January 24, 2020 from 5:30 p.m. to 9:30 p.m.
- 8) TAHITI NUI: Approval of special request for temporary increase of premises to include area fronting the restaurant, per diagram submitted, from 5:00 p.m. on December 31, 2019 to 2:00 a.m. on January 1, 2020.
 - 9) TIMES SUPERMARKET: Approval of special request to conduct sampling of 1 variety of beer, per list, in designated tasting area, per diagram submitted, on January 17, 2020 from 4:00 p.m. to 7:00 p.m.
 - 10) TORTILLA REPUBLIC KITCHEN & MARGARITA BAR: Approval of special request for temporary increase of premises to include area adjacent to the lanai, per diagram submitted, on January 1, 8, 15, 22 & 29, 2020; February 5, 12, 19 & 26, 2020; March 4, 11, 18 & 25, 2020; and January 24, 2020 from 5:30 p.m. to 9:30 p.m.
 - 11) THE WINE SHOP: Approval of special request to conduct tasting of 4 varieties of wine, per list, on January 4, 2020 from 2:00 p.m. to 8:00 p.m.
 - 12) KAUAI UNITED WAY: Approval of Application No. Free 2020-49 filed on January 6, 2020 by Kauai United Way for a Free One-Day Special Dispenser Beer & Wine license on January 12, 2020 at St. Michael's & All Angels Episcopal Church Parish Hall located at 4364 Hardy Street, Līhu'e, Kauai, Hawaii.
 - 13) ST. MICHAEL'S & ALL ANGELS EPISCOPAL CHURCH: Approval of Application Nos. Free 2020-50 & Free 2020-51 filed on January 6, 2020 by St. Michael's & All Angels Episcopal Church for Free One-Day Special Dispenser Beer & Wine licenses on February 7, 2020, and February 8, 2020 at 4364 Hardy Street, Līhu'e, Kauai, Hawaii.
 - 14) KAIOLA CANOE CLUB: Approval of Application No. Free 2020-52 filed on January 7, 2020 by Kaiola Canoe Club for a Free One-Day Special Dispense Beer & Wine license on January 19, 2020 at Kilohana Luau Pavilion located at 3-2087 Kaumuali'i Highway, Līhu'e, Kauai, Hawaii.

	<p>15) <u>INTERCRUISES SHORESIDE & PORT SERVICES</u>: Approval of Application No. 2020-069 for a Transient Vessel license for Azamara Journey, which will be arriving at Nāwiliwili Harbor on January 14, 2020 at 8:00 a.m. to depart at 5:00 p.m.</p> <p>d) <u>INFORMATIONAL MATTERS</u></p>	<p>Mr. Pacheco moved to approve Directors Report for Items 3(a) through d. Mr. Endo seconded the motion. Motion carried 5:0.</p>
<p>4.</p>	<p><u>OFF-PREMISE WAREHOUSING</u>:</p> <p><u>LBD COFFEE</u>: Request approval for Off-Premise Warehousing at 6200 Kawaihau Rd., Unit B, Kapa'a, Kauai, Hawaii.</p> <p>Director Rapozo stated, licensee currently has a Wholesale Dealer License for 6200 Kawaihau Rd., a small area which is not connected currently to the licensee. Licensee would need a building permit to allow the storage.</p> <p>Chair Akita asked, does the licensee have a building permit?</p> <p>Director Rapozo responded, Building division has advised the licensee what needs to be done, to date the Licensee has not responded or submitted any permits. Commission will be able to approve permit, issuance is contingent on licensee to comply with building permits and fire codes.</p> <p>Vice Chair Kusaka asked, how far away will the new building be located?</p> <p>Investigator Hermann replied, it will be 6 ft. away. The warehouse license is a shed next to the main house, requesting to store in the main house.</p>	

Director Rapozo responded, the storage includes liquor, the building requirements are more stringent.

Chair Akita stated, we will be able to approve now with contingent of the building permits or deny it.

Vice Chair Kusaka requested, a motion to be moved for the off premise Warehouse permit, as it is taking the Commissions time that it be done after the permits have been approved. Mr. Pacheco seconded the motion.

Chair Akita asked, if there were any discussions?

Commissioner Endo asked, for clarification for a permit to be approved subject for approval of building permit.

Vice Chair Kusaka stated we are not denying the permit outright requesting they get all building permits.

Commissioner Endo responded is this a conditional approval/?

Chair Akita requested to put in the motion set conditions so that we don't have to discuss that it is put in the motion, once the permit is cleared then we will be able to pass

Director Rapozo responded that will be similar to the first motion, issuance of the permit not until all building permits have been issued

Chair Akita requested, to withdraw first motion.

Counsel Jenson advised, that you may amend your motion.

	<p>Vice Chair Kusaka withdrew her motion.</p> <p>Commissioner Pacheco withdraw second motion.</p> <p>Chair Akita stated, motion has been withdrawn.</p> <p>Counsel Jenson advised, the motion is to approve subjects to conditions upon the Building department issuing a permit.</p>	<p>Mrs. Kusaka moved to defer the Off-Premise warehousing permit, until licensee receives building permits. Mr. Pacheco seconded the motion.</p> <p>Mr. Gibson moved to approve Off-Premise Warehousing subject to Licensee obtaining building permits. Mrs. Kusaka seconded the motion. Motion carried 5:0.</p>
5.	<p><u>SOLICITOR’S PERMIT:</u></p> <p><u>JESSE SCHWARTZ:</u> Application No. 2020-070 was filed on December 19, 2019 by Jesse Schwartz for a Solicitor’s Permit in the County of Kauai to represent Chambers & Chambers, Inc., a Wholesale Dealer General licensee in the City & County of Honolulu. Deposited \$180.</p>	<p>Mr. Endo moved to accept Application No. 2020-070 for a Solicitors Permit. Mr. Pacheco seconded the motion. Motion carried 5:0.</p>
6.	<p><u>DISCUSSION AND POSSIBLE DECISION MAKING ON DIRECTOR OF LIQUOR CONTROL JOB DESCRIPTION (Deferred from January 2, 2020 meeting)</u></p> <p>Director Rapozo recommended to defer the Director of Liquor Control job description to February 6, 2020.</p>	<p>Mr. Pacheco moved to defer the Director of Liquor Control job description to 2February 6, 2020. Mr. Endo seconded the motion. Motion carried 5:0.</p>
Announcements	<p>Next Scheduled Meeting: Thursday, February 6, 2020 – 4:00 p.m., Mo’ikeha Building, Meeting Room #3.</p>	
Adjournment		<p>Chair Akita adjourned the meeting at 4:22 p.m.</p>

Liquor Control Commission
Open Session
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Submitted by: _____
Malia Marrotte Liquor Clerical Assistant

Reviewed and Approved by: _____
Shirley Akita, Chair

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