

APPROVED

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved with amendments. See 8/20/2020 minutes.

Board/Commission:	LIQUOR CONTROL COMMISSION	Meeting Date	May 21, 2020
Location	Tele Conference via Microsoft Teams Audio +1 469-848-0234, Conference ID: 512 481 136#	Start of Meeting: 10:00 a.m.	End of Meeting: 11:47 a.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: Liquor Control Director Gerald Rapozo, Liquor Clerical Assistant Malialani TM Kelekoma; Deputy County Attorney Todd Jenson		
Excused			
Absent			
SUBJECT	DISCUSSION	ACTION	
Call To Order		Chair Shirley Akita called the meeting to order at 10:00 a.m. with 7 members present, constituting a quorum.	
Roll Call	Director Rapozo called roll, noting 7 members were present. Chair Akita welcomed, Commissioner Dee Crowell to the Liquor Control Commission.		
Approval of Agenda	Commissioner Matsunaga requested to amend the agenda to move item: <u>2. b) 8)</u> From Gerald Rapozo, Re: Retirement as Director as of June 30, 2020 to be moved to end of the meeting. Vice Chair Kusaka asked if this item will be in the Executive Session. Commissioner Matsunaga responded when it comes up he will request to have it in Executive Session.	Mr. Matsunaga moved to amend the agenda with moving Director's Report item 2. b) 8) to the end of the meeting. Mr. Nishimura seconded the motion. Motion carried 7:0.	

SUBJECT	DISCUSSION	ACTION
<p>Approval of Meeting Minutes</p>	<p><u>APPROVAL OF MEETING MINUTES</u></p> <p>a) <u>Open session minutes of February 20, 2020</u> b) <u>Open session minutes of March 5, 2020</u> c) <u>Executive Session minutes of March 5, 2020</u></p>	<p>Mr. Pacheco moved to approve the Open Session minutes of February 20, 2020, March 5, 2020 and Executive Session March 5, 2020 Mrs. Kusaka seconded the motion. Motion carried 7:0.</p>
<p>1.</p>	<p><u>PUBLIC HEARING:</u></p> <p><u>THE OCEAN COURSE AT HOKUALA:</u> Application No. 2020-073 was filed on February 19, 2020 by Hokuala Golf Management for a New Dispenser General (Live entertainment, and dancing) license at 3351 Hoolaulea Way, Lihue, Kauai, Hawaii. The Commission accepted Application No. 2020-073 for publication and public hearing on March 5, 2020 and ordered to print notice of public hearing in The Garden Island newspaper on Wednesdays, March 11 & 18, 2020, scheduling the public hearing on May 7, 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>Kimberly Stahl, Compliance Analyst, Melissa Duquis, Sales and Marketing Manager, Noreen Javanar, Accounting Manager were present to represent the licensee.</p> <p>Chair Akita asked if they received copy of the report and if they had any questions.</p> <p>Ms. Stahl responded, they do not have any questions.</p> <p>Director Rapozo stated, that there was no support or opposition to this Application.</p> <p>Vice Chair Kusaka asked, where the alcohol will be distributed.</p> <p>Ms. Stahl responded that alcohol will be sold at Hale Kiele and none out of Timbers.</p>	

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	<p>Commissioner Gibson questioned if this would also include the perimeter of the golf course.</p> <p>Miss Duquis responded that this will include the perimeter of the Golf Course as well as the Snack and Beverage cart.</p> <p>Commissioner Matsunaga asked if the licensee was aware of the stacking laws and if employees will be trained.</p> <p>Miss Stahl and Miss Duquis both replied yes.</p> <p>Vice Chair Kusaka asked about controlling minors.</p> <p>Miss Duquis responded the beverage cart attendant will be asking for ID's.</p> <p>Vice Chair Kusaka emphasized the importance of this as a lot of children go out with their parents and she is concerned about that.</p> <p>The public hearing on Application No. 2020-073 was closed.</p>	<p>Mr. Matsunaga moved to approve Application No. 2020-073 for a New Dispenser General license for Hokuala Golf Management, LLC dba The Ocean Course at Hokuala. Mr. Pacheco seconded the motion. Motion carried 6:1 abstention Mrs. Kusaka.</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> <ol style="list-style-type: none"> 1) <u>From Strike Kerr & Johns, Re: Casillero Del Diablo Soccer Experience at Old Trafford sweepstakes</u> 2) <u>From Young's Market to Governor Ige, Re: extending credit to licensees during COVID-19 crisis.</u> 3) <u>From Essex House Condominium Corporation, Re: Temporary Closure of Kauai Marriott Resort</u> 4) <u>From Resort Management International, Inc., Re: Temporary Closure of The</u> 	

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	<p><u>Point at Poipu</u></p> <p>5) <u>From Essex House Condominium Corporation, Re: Temporary Closure of Kauai Marriott Resort</u></p> <p>6) <u>From Resort Management International, Inc., Re: Temporary Closure of The Point at Poipu</u></p> <p>7) <u>Disturbance Reports from Hilton Garden Inn Kauai Wailua Bay, Kauai Beach Resort, Kauai Island Brewing Co., Kōloa Landing at Poipu Beach, & Rob’s Good Times Grill (3)</u></p> <p>8) <u>From Gerald Rapozo, Re: Retirement as Director as of June 30, 2020</u></p> <p>9) <u>From LBD Coffee, Re: Appointment of Dee Crowell to Liquor Control Commission</u></p> <p>c) <u>EMPLOYEES IN LICENSED PREMISES:</u> Managers and Assistant Managers – See Attachment “A”</p> <p>d) <u>ACTIONS OF THE DIRECTOR:</u></p> <p>1) <u>BEACH HOUSE RESTAURANT: Approval of special request for temporary increase of license to include the patio lawn space, per diagram submitted, for special event on March 1, 7, 11, 18, 19, 20, 23, 27, 28 7 29, 2020 from 4:30 p.m. to 10:00 p.m.</u></p> <p>2) <u>BIG SAVE HANALEI: Approval of special request to conduct sampling of 4 varieties of beer, per list, in designated tasting area, per diagram submitted, on March 13, 2020 from 2:30 p.m. to 4:00 p.m.</u></p> <p>3) <u>THE DOLPHIN POIPU: Approval of special request for temporary increase of premises to include the Market Beer Garden area, per diagram submitted, on April 22 & 29, 2020, May 6, 13, 20 & 27, 2020, and June 3, 10, 17 & 24, 2020 from 3:30 p.m. to 6:30 p.m.</u></p> <p>4) <u>KAUAI BEER COMPANY: Approval of special request for addition of the following games: 5 second rule, Apples to Apples, Backgammon, Battleship, Beer Nerd, Brewopoly, Cards Against Humanity, Checkers, Chess, Clue, Connect Four, Corn Hole, Cribbage, Crocodile Dentist, Dutch Blitz, Farkle, Game of Phones, Janga, Mancala, Memory, Monopoly, Monopoly Deal, Mumbly Peg, Parcheesi,</u></p>	

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	<p><u>Phase 10, Pickup Sticks, Racko, Random Board, Card, Dice Games Rock’um Sock’um Robots, Scrabble, Sequence, Sobriety Test, Spot It, Taboo, Trivia Night, Trivial Pursuit, Ulus 2 Ulus, Uno, Wikipedia: The Game About Everything, and Yahtzee.</u></p> <p>5) <u>MERRIMAN’S KAUAI: Approval of special request for temporary increase of premises to include the Palm Court area, per diagram submitted, on March 13, 2020 from 5:30 p.m. to 9:30 p.m.</u></p> <p>6) <u>ROB’S GOOD TIMES GRILL: Approval of special request for temporary increase of premises to include area fronting the restaurant, per diagram submitted, from 11:00 a.m. on March 17, 2020 to 2:00 a.m. on March 18, 2020.</u></p> <p>7) <u>TIMES SUPERMARKET: Approval of special request to conduct sampling of 3 varieties of distilled spirits, per list, in designated tasting area, per diagram submitted, on March 13, 2020 from 3:00 p.m. to 5:00 p.m.</u></p> <p>8) <u>THE WINE SHOP: Approval of special request to conduct tasting of 4 varieties of wine, per list, on March 7, 2020 from 2:00 p.m. to 8:00 p.m.</u></p> <p>9) <u>NATIONAL TROPICAL BOTANICAL GARDEN: Approval of Application No. Free 2020-64 filed on March 6, 2020 by National Tropical Botanical Garden for a Special Free One-Day Dispenser General license on March 21, 2020 at 3530 Papalina Road, Kalāheo, Kauai, Hawaii.</u></p> <p>e) <u>INFORMATIONAL MATTERS</u></p>	<p>Mr. Pacheco moved to approve Directors Report 2 A-E with the exception of 2 b) 8. Mr. Gibson seconded the motion. Motion carried 7:0.</p>
<p>3.</p>	<p><u>CANCELLATION OF LIQUOR LICENSE:</u></p> <p><u>HOKUALA GOLF CLUB: Cancellation of Dispenser General License No. 5G-001 issued to Timbers Kauai Golf LLC dba Hokuala Golf Club.</u></p>	<p>Mr. Gibson moved for the Cancellation of Dispenser General License No. 5G-001 for Timbers Kauai Golf LLC dba Hokuala Golf Club. Mr. Pacheco seconded the motion. Motion carried 7:0</p>
<p>4.</p>	<p><u>PERMANENT DECREASE/INCREASE OF PREMISES:</u></p>	<p>Mrs. Kusaka moved to</p>

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	<p>PV EATS: Request for permanent decrease of retail premises by approximately 1,005 square feet, which will reduce the retail space from 3,348 square feet to 2,343 square feet; and permanent increase of dispenser premises by approximately 1,005 square feet, which will enlarge the dispenser space from 2,132 square feet to 3,137 square feet.</p>	<p>approve Permanent decrease and increase of retail premises for PV Eats. Mr. Gibson seconded the motion. Motion carried 7:0.</p>
<p>5.</p>	<p><u>PERMANENT INCREASE OF PREMISES:</u></p> <p>THE ODOM CORPORATION: Request for permanent increase of premises to include all shared outdoor space enclosed by the fence which surrounds the property line, per diagram submitted</p>	<p>Mr. Nishimura moved to approve Permanent Increase of Premises to include all shared outdoor space enclosed by the fence which surrounds the property line. Mr. Gibson seconded the motion. Motion carried 7:0.</p>
<p>6.</p>	<p><u>NEW LIQUOR LICENSE:</u></p> <p>NOM KAUAI: 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. Deposited \$450.</p>	<p>Mr. Pacheco moved to approve Application No. 2020-078 by Nom Kauai Corp. dba Nom Kauai for a New Restaurant General, Public Hearing, and Publication. Mr. Gibson seconded the motion. Motion carried 7:0.</p>
<p>7.</p>	<p><u>TRANSFER LIQUOR LICENSE:</u></p> <p>STREET BURGER: Application No. 2020-075 was filed on March 11, 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, Kapa’a, Kauai, Hawaii. Deposited \$275.</p>	<p>Mrs. Kusaka moved to approve Application No. 2020-075 for publication and public hearing for transfer of Liquor License for Street Burger. Mr.</p>

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		Gibson seconded the motion. Motion carried 7:0
8.	<p><u>TEMPORARY LIQUOR LICENSE:</u></p> <p>DOUBLE RAINBOW INC.: Application No. 2020-076 was filed on March 11, 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.</p>	Mr. Pacheco moved to approve Application No. 2020-076 for a Temporary Liquor License for Double Rainbow Inc. dba Street Burger. Mr. Gibson moved to second the motion. Motion carried 7:0.
9.	<p><u>CHANGE IN CORPORATE OFFICERS:</u></p> <p>a) <u>FOODLAND SUPERMARKETS, LIMITED:</u> Withdrawal of Dan Tregeagle Bessey as Executive Vice President, Chief Financial Officer and Director.</p> <p>b) <u>FOOD PANTRY, LTD.:</u> Withdrawal of Dan Tregeagle Bessey as Executive Vice President and Chief Financial Officer; Appointment of Patrick Joseph Sullivan as Director</p> <p>c) <u>THE KALAMA BEACH CORPORATION:</u> Withdrawal of Dan Tregeagle Bessey as Executive Vice President and Chief Financial Officer.</p> <p>d) <u>ALOHA PETROLEUM, LTD.:</u> Removal of Thomas Alan Grimes as Primary Decision Maker; Addition of Robert Wai Fung as Primary Decision Maker.</p> <p>e) <u>MVW OF HAWAII, INC.:</u> Withdrawal of Marcus Peter James O’Leary as President, Treasurer and Director; Appointment of Clifford Michael Delorey as President and Director, and Joseph James Bramuchi as Treasurer.</p> <p>f) <u>QSI, INC.:</u> Withdrawal of Hideki Okada as Director, and Naoki Yoshida as Secretary, Treasurer and Director; Appointment of Christopher K. Borden as President and Director, Reid K. Matsumoto as Vice President, Treasurer, Secretary and Director, and Yasuyuki Sakamoto as Director.</p>	Mr. Gibson moved to accept changes in Corporate

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		Officers for items 9 a-f. Mr. Pacheco moved to second the motion. Motion carried. 7:0.
10.	<p><u>CHANGE IN FIRM NAME:</u></p> <p><u>MAXI, INC.:</u> Change of firm name on Cabaret license No. 11G-001 from “Portofino Restaurant” to “Café Portofino”.</p>	Mr. Pacheco moved to accept change of firm name on Cabaret license No. 11G-001 “Portofino Restaurant” to “Café Portofino”. Mrs. Kusaka seconded the motion. Motion carried 7:0.
11.	DISCUSSION AND POSSIBLE DECISION-MAKING ON NAMING AN ACTING DIRECTOR OF LIQUOR CONTROL EFFECTIVE JULY 1, 2020.	
Executive Session	<u>EXECUTIVE SESSION:</u> Pursuant to Haw. Rev. Stat. ("H.R.S.") §92-7(a), the Commission may, when deemed necessary, hold an executive session on any agenda item without written public notice if the executive session was not anticipated in advance. Any such executive session shall be held pursuant to H.R.S. §92-4 and shall be limited to those items described in H.R.S. §92-5(a).	Mr. Matsunaga moved to enter into Executive Session. Mr. Pacheco seconded the motion. Motion carried 7:0.
Return to Open Session		The meeting resumed in open session at 11:46 a.m.
Announcements	Next Scheduled Meeting: Thursday, June 4, 2020 - 10:00 am, Microsoft Teams	
Adjournment		Chair Akita adjourned meeting at 11:47 a.m.

SUBJECT	DISCUSSION	ACTION

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 8/20/20 meeting.