

APPROVED

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved as circulated. See 8/20/2020 minutes.

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| Board/Commission: | LIQUOR CONTROL COMMISSION | Meeting Date | August 6, 2020 |
| Location | Tele Conference via Microsoft Teams Audio +1 469-848-0234, Conference ID: 169 305 416 # | Start of Meeting: 10:00 a.m. | End of Meeting: 11:15 a.m. |
| Tele Present | Chair Shirley Akita, Members: Dee Crowell, William Gibson, Gerald Matsunaga, Randall Nishimura, Gary Pacheco Also: Liquor Control Staff: Acting Liquor Control Director Cecilio Baliaris, Liquor Clerical Assistant Malialani TM Kelekoma; Boards and Commission Ellen Ching, Deputy County Attorney Todd Jenson | | |
| Excused | Vice Chair Maryanne Kusaka | | |
| Absent | | | |

| SUBJECT | DISCUSSION | ACTION |
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| Call To Order | | Chair Shirley Akita called the meeting to order at 10:00 a.m. |
| Roll Call | Acting Director Baliaris called roll, noting 6 members were present, constituting a quorum. | |
| Approval of Agenda | | Mr. Pacheco moved to approve the agenda. Mr. Gibson seconded the motion. Motion carried 6:0 |
| | APPROVAL OF MINUTES: a) <u>Open Session Minutes of July 2, 2020</u> b) <u>Executive Session Minutes of July 2, 2020</u> 1 st page remove (Acting Director of Liquor Control Cecilio Baliaris) add (Director of Liquor Control Gerald Rapozo) c) <u>Open Session Minutes of July 16, 2020</u> Page 3 Subject 4. (Motion was to accept the application for transfer of liquor license). d) <u>Executive Session Minutes of July 16, 2020</u> | |

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| | <p>Mr. Pacheco moved to approve the Open and Executive Session minutes from a through d. and it was seconded by Mr. Gibson; however, Mr. Nishimura pointed out the correspondence were received by the Commission needed to be clarified in the motion that the Commission wants to include in the Motion. Chair Akita called for a motion to amend Mr. Pacheco's motion.</p> | <p><u>Motion #1:</u> Mr. Nishimura moved to approve minute's a through d with amendments to include email correspondence. Mr. Matsunaga seconded the motion. Motion carried 6:0.</p> |
| <p>1.</p> | <p><u>DIRECTOR'S REPORTS:</u></p> <p>a) <u>INVESTIGATORS' REPORTS:</u></p> <p>b) <u>INCOMING COMMUNICATIONS:</u></p> <p>1) <u>Disturbance Report from Hilton Garden Inn Kauai Wailua Bay</u></p> <p>c) <u>OUTGOING COMMUNICATIONS:</u></p> <p>1) <u>Memo to Wholesalers, Re: Cancellation of Liquor License Kalāheo Steak & Ribs Saloon</u></p> <p>d) <u>ACTIONS OF THE DIRECTOR:</u></p> <p>1) <u>THE DOLPHIN POIPU: Approval of special request for temporary increase of premises to include the Market Beer Garden area, per diagram submitted, on August 5, 12, 19 & 20, 2020 from 3:30 p.m. to 5:30 p.m.</u></p> <p>2) <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 August 1, 2020 to October 31, 2020.</u></p> <p>3) <u>TAHITI NUI: Approval of special request for temporary increase of premises to include area fronting the restaurant, per diagram submitted, from July 17, 2020 to November 17, 2020.</u></p> <p>4) <u>PRINCEVILLE RANCH ADVENTURES: Approval of Application No. 2021-004 filed on July 7, 2020 by Princeville Ranch Adventures for a One-Day Special</u></p> | |

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| | <p><u>Dispenser General license on July 10, 2020 at 4520 Kapaka Street, Princeville, Kauai, Hawaii.</u></p> <p>5) <u>THE KAUAI HUMANE SOCIETY: Approval of Application No. Free 2021-01 filed on July 14, 2020 by The Kauai Humane Society for a One-Day Free Special Retail Dealer General license on July 31, 2020 at 3-825 Kaumuali'i Highway, Lihu'e, Kauai, Hawaii.</u></p> <p>6) <u>KALAHEO STEAK & RIBS: Approval of Application No. Free 2021-02 filed on July 22, 2020 by Kalāheo Steak & Ribs for a One-Day Free Special Retail Dealer license on July 27, 2020 at 4444 Papalina Road, Kalāheo, Kauai, Hawaii.</u></p> <p>e) <u>INFORMATIONAL MATTERS</u></p> | <p>Mr. Pacheco moved to approve Directors Report a through e. Mr. Matsunaga seconded the motion. Motion carried 6:0</p> |
| 2. | <p><u>CANCELLATION OF LIQUOR LICENSE:</u></p> <p>a) <u>KALAHEO STEAK & RIBS SALOON: Cancellation of Restaurant General License No. 2G-071 issued to J.C.E. LLC dba Kalāheo Steak & Ribs Saloon.</u></p> <p>b) <u>ART CAFÉ HEMINGWAY: Cancellation of Restaurant General License No. 2G-082 issued to Photo Art Hawaii LLC dba Art Café Hemingway.</u></p> | <p>Mr. Pacheco moved to approve Cancellation of Restaurant General License No. 2G-071 for Kalaheo Steak & Ribs Saloon. Mr. Gibson seconded the motion. Motion carried 6:0</p> <p>Mr. Gibson moved to approve Cancellation of Restaurant General License No. 2G-082 issued to Photo Art Hawaii LLC dba Art Café Hemingway. Mr. Pacheco seconded the motion. Motion carried 6:0</p> |
| 3. | <p><u>ALCOHOL PURCHASE PERMIT:</u></p> <p><u>OMAO LABS LLC: Request to purchase sugar cane ethanol for use in extraction work at</u></p> | <p>Mr. Pacheco moved to approve Alcohol Purchase</p> |

| SUBJECT | DISCUSSION | ACTION |
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| | <p><u>hemp processing facility.</u></p> | <p>Permit OMAO LABS LLC: Request to purchase sugar cane ethanol for use in extraction work at hemp processing facility. Mr. Gibson seconded the motion. Motion carried 6:0</p> |
| <p>4.</p> | <p><u>COMMUNICATION FROM KOLOA RUM TO MAYOR KAWAKAMI:</u> Chair Akita requested that the letter addressed to her be on the agenda for the next meeting.</p> | <p>Mr. Nishimura moved to receive communication from Koloa Rum. Mr. Pacheco seconded the motion. Motion carried 6:0</p> |
| <p>5.</p> | <p><u>EXECUTIVE SESSION:</u> Pursuant to Hawai'i Revised Statutes §§92-4 and 92-5 (a) (4) the purpose of this executive session is to consult with the Commission's legal counsel on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities as they may relate to this item, deliberate and take such action as appropriate.</p> <p><u>DISCUSSION WITH DEPUTY COUNTY ATTORNEY REGARDING COMMISSION'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES, AND LIABILITIES AS THEY MAY RELATE TO REGULATION OF DIRECT TO CONSUMER SALES OF ALCOHOLIC BEVERAGES.</u></p> | <p>Mr. Nishimura moved to enter into Executive Session. Mr. Pacheco seconded. The motion carried 6:0.</p> <p>At 10:32 am the Commissioners entered into Executive Session.</p> |
| <p>Return to Open Session to ratify the actions taken</p> | <p>At 10:56 a.m. the Commissioners reconvened in Open Session. Chair Akita called for a motion to ratify the actions in Executive Session.</p> | <p>Mr. Pacheco moved to ratify the actions taken in Executive Session. Mr.</p> |

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| in Executive Session | | Matsunaga seconded the motion. |
| Announcements | Next Scheduled Meeting: Thursday, August 20, 2020 – 10:00 a.m., Teleconference | |
| Adjournment | With no further business to conduct, Chair Akita called for a motion and a second to adjourn the meeting. | Mr. Matsunaga moved to adjourn the meeting. Mr. Nishimura seconded the motion. Motion carried 6:0 Meeting adjourned at 11:15 a.m. |

Submitted by: _____
 Malialani TM Kelekoma, Liquor Clerical Assistant

Reviewed and Approved by: _____
 Shirley Akita, Chair

(X) Approved as circulated.

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