

APPROVED

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved with amendments. See minutes of October 1, 2020.

Board/Commission:	LIQUOR CONTROL COMMISSION	Meeting Date	September 17, 2020
Location	Tele Conference via Microsoft Teams Audio +1 469-848-0234, Conference ID: 763-002-650 #	Start of Meeting: 10:04 a.m.	End of Meeting: 11:24 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: Acting Director Kenneth Herman , Liquor Clerical Assistant Malialani TM Kelekoma; Boards and Commission Ellen Ching, Deputy County Attorney Todd Jenson		
Excused			
Absent	Randall Nishimura (Absent) Commissioner Nishimura entered the Tele-Conference @ 10:07 a.m.		
SUBJECT	DISCUSSION	ACTION	
Call To Order		Chair Akita called meeting to order @ 10:04 a.m.	
Roll Call	Acting Director Kenneth Herman called roll, noting 6 members were present, Commissioner Nishimura was not present constituting a quorum.		
Approval of Agenda	Chair Akita requested to move the approval of the Executive Minutes of September 3, 2020 to the end of the agenda.	Mr. Gibson approved moving Item 2. Executive Session Minutes of September 3, 2020 to the end of agenda. Mr. Pacheco seconded the motion. Motion Carried 6:0. Mrs. Kusaka moved to approve the agenda as amended. Mr. Pacheco seconded the motion. Motion carried 6:0.	

SUBJECT	DISCUSSION	ACTION
<p>1.</p>	<p><u>APPROVAL OF MEETING MINUTES:</u></p> <p>a) <u>Open Session minutes of August 20, 2020</u> Page 9, 1st sentence change modify to waiving.</p> <p>b) <u>Open Session minutes of September 3, 2020</u></p>	<p><u>Motion#1</u> Mr. Matsunaga moved to approve meeting minutes for Open Session August 20, 2020 with amendments. Mr. Pacheco seconded the motion. Motion carried. 6:0.</p> <p><u>Motion#2</u> Mr. Matsunaga moved to approve Open Session minutes of September 3, 2020 as circulated. Mr. Pacheco seconded the motion. Motion carried 7:0.</p>
<p>3.</p>	<p><u>VIOLATION HEARINGS:</u></p> <p>a) <u>ALOHA SPIRITS: Violation of HRS 281-78(b)(1)(A)</u></p> <p>Clyde Ajimura (Owner) was present via Tele-Conference; no counsel. The licensee requested that the charges be read.</p> <p>Commissioner Matsunaga stated the charge should state what section was violated. Aloha Spirits violated Section 281-78 sub-section (b)(1)(A) of the Hawaii Revised Statues by selling, serving or furnishing alcohol to an underage minor. Do you understand that charge?</p> <p>Mr. Ajimura understood the charges and admitted to the charges.</p> <p>Chair Akita asked Mr. Ajimura if he discussed with his employee, and if there's an explanation of what happened.</p>	

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	<p>Mr. Ajimura not yet, just made a mistake.</p> <p>Commissioner Matsunaga asked Mr. Ajimura if there was a conversation with Ms. Beatrice Shimizu of what occurred and what correction will be taken?</p> <p>Mr. Ajimura explained he spoke with Ms. Shimizu and advised to be more careful, she is old and has bad health.</p> <p>Commissioner Gibson asked if she was still employed.</p> <p>Mr. Ajimura answered, yes.</p> <p>The Violation Hearing is closed.</p>	<p>Mr. Matsunaga moved that a fine of \$2,000.00 be imposed of which \$1,000.00 is suspended for a period of one year, on the condition that no similar offense is committed within the one year period.</p> <p>Mr. Pacheco seconded the motion. Motion carried 7:0.</p>
	<p>b) <u>SAFEWAY STORES, NO. 2894: Violation of HRS 281-78(b)(1)(A)</u></p> <p>Robert Ishikawa (Counsel), Lisa Merrit (Store Director) and Leslie Quisan (Store Manager) were present to represent Safeway Stores, NO.2894 via Tele-Conference; Representatives from Safeway requested waiving the reading of the charges.</p> <p>Mr. Ishikawa requested a no contest plea. He assured the Commission that Safeway takes violations very seriously it is the first violation of this nature, discussed with employee and suspended, retrained on procedures.</p> <p>Commissioner Matsunaga asked Mr. Ishikawa does training cover reading of the driver's licenses. He then advised that Lisa Merrit will respond.</p> <p>Ms. Merrit (Store Director) advised yes, how to read the driver's license, should a customer appear to look under 30 and has no ID, they politely refuse the sale. There has been retraining of all front end staff and is done periodically throughout the year.</p>	

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	<p>Commissioner Matsunaga asked has she pressed upon her employees that selling liquor to a Minor is a very serious offense under the Liquor Law.</p> <p>Ms. Merrit responded yes.</p> <p>Commissioner Nishimura asked given the seriousness of the offense, does the store have a set policy for the duration of the suspension.</p> <p>Ms. Merrit responded there is a 3 day Suspension on the first fail, for the second fail will be termination.</p> <p>Commissioner Gibson asked Ms. Merrit that the employee stated the system was not working.</p> <p>Ms. Merrit explained the system was working, employee was overwhelmed.</p> <p>The Violation Hearing is closed.</p>	<p>Mr. Matsunaga moved that a fine of \$2,000.00 be imposed of which \$1,000.00 is suspended for a period of one year, on the condition that no similar offense is committed within the one year period.</p> <p>Mr. Pacheco seconded the motion. Motion carried 7:0.</p>
	<p>c) <u>ISLAND COUNTRY MARKETS: Violation of HRS 281-78(b)(1)(A)</u></p> <p>Kevin Chung (District Manager) Paul Kosasa (CEO) Lovella Romualdo (Property Manager) were present to represent MNS. LTD dba Island Country Markets via Tele-Conference. Representatives from MNS LTD, dba Island Country Markets, requested waiving the reading of the charges.</p> <p>Mr. Chung pleaded no contest.</p> <p>Commissioner Matsunaga asked Mr. Chung to explain as to why the employee did not ask for Identification or age verification.</p> <p>Mr. Chung responded when the Store Manager discussed the situation with the Associate.</p>	

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	<p>The Associate failed to follow company store policies that were directed.</p> <p>Commissioner Matsunaga asked were there any actions taken against the Associate.</p> <p>Mr. Chung explained the Associate was immediately taken off the schedule in which an investigation was held. The Associate is no longer an employee for blatantly not following company procedures.</p> <p>The Violation Hearing is closed.</p>	<p>Mr. Matsunaga moved that a fine of \$2,000.00 be imposed of which \$1,000.00 is suspended for a period of one year, on the condition that no similar offense is committed within the one year period.</p> <p>Mr. Pacheco seconded the motion. Motion carried 7:0.</p>
<p>4.</p>	<p><u>DIRECTOR’S REPORTS:</u></p> <p>a) <u>INVESTIGATORS’ REPORTS:</u></p> <p>b) <u>ACTIONS OF THE DIRECTOR:</u></p> <p>1) <u>TROY’S: Approval of special request for temporary decrease of premises for private event on September 5, 2020 from 5:00 p.m. to 9:00 p.m.</u></p> <p>c) <u>INFORMATIONAL MATTERS</u> None</p>	<p>Investigators Report-There was no Motion to approve.</p> <p>Mr. Nishimura moved to accept the Actions of the Director’s. Mr. Pacheco seconded the motion. Motion Carried 7:0.</p>
<p>5.</p>	<p><u>VIOLATION REPORTS:</u></p> <p><u>WHALERS GENERAL STORE #1158: Violation of Rule 7.8 Manager on duty, qualifications.</u></p>	<p>Mr. Matsunaga moved to approve Whalers General Store # 1158 to come in for a Violation Hearing. Mr. Pacheco seconded the motion. Motion carried 7:0.</p>

SUBJECT	DISCUSSION	ACTION
6.	<p><u>TRANSFER OF LIQUOR INVENTORY:</u></p> <p><u>TORTILLA REPUBLIC GRILL & MARGARITA BAR: Transfer of liquor inventory from Tortilla Republic LLC dba Tortilla Republic Grill & Margarita Bar to Pizzetta, Inc. dba Pizzetta.</u></p>	<p>Mrs. Kusaka moved to approve Transfer of liquor inventory from Tortilla Republic LLC dba Tortilla Republic Gill Margarita Bar to Pizzetta, Inc. dba Pizzetta. Mr. Pacheco seconded the motion. Motion carried 7:0.</p>
7.	<p><u>CHANGE IN CORPORATE OFFICERS:</u></p> <p><u>PIETRO’S HAWAII LLC: Removal of Thomas M. Iannucci as Owner; transfer of remaining stock to Dave Erickson.</u></p>	<p>Mr. Crowell moved to approve Change in Corporate Offices to remove Thomas M. Iannucci as Owner and to transfer remaining stock to Dave Ericson. Mr. Nishimura seconded the motion. Motion carried 7:0.</p>
8.	<p><u>STATUS REPORT AND RECOMMENDATIONS REGARDING THE HIRING OF A NEW DIRECTOR OF LIQUOR FROM THE PERMITTED INTERACTION GROUP (PIG) ON THE SCREENING PROCESS FOR THE APPLICANTS (Deferred from September 3, 2020 meeting).</u></p> <p>Defer to next meeting 10-1-2020</p>	<p>Mr. Nishimura moved to approve deferral of Items 8, to October 1, 2020. Mr. Matsunaga seconded the motion. Motion carried. 7:0</p>

SUBJECT	DISCUSSION	ACTION
<p>9.</p>	<p><u>STATUS REPORT AND RECOMMENDATIONS REGARDING THE HIRING OF A NEW DIRECTOR OF LIQUOR FROM THE PERMITTED INTERACTION GROUP (PIG) ON THE WRITTEN QUESTIONS FOR THE APPLICANTS AND THE REVIEW OF THE SCREENING TOOL (Deferred from September 3, 2020 meeting).</u></p> <p>Commissioner Nishimura requested to defer #9 to next two meetings.</p>	<p>Mr. Nishimura moved to defer item #9 to October 15, 2020. Mr. Pacheco seconded the motion. Motion carried. 7:0</p>
<p>10.</p>	<p><u>STATUS REPORT AND RECOMMENDATIONS, REGARDING THE HIRING OF A NEW DIRECTOR OF LIQUOR FROM THE PERMITTED INTERACTION GROUP (PIG) ON ORAL INTERVIEW QUESTIONS AND A SCREENING TOOL OF THE APPLICANTS (Deferred from September 3, 2020 meeting).</u></p> <p>Commissioner Nishimura requested to defer #10 to next two meetings.</p>	<p>Mr. Nishimura moved to defer item #10 to October 15, 2020. Mr. Pacheco seconded the motion. Motion carried. 7:0</p>
<p>2.</p>	<p><u>EXECUTIVE SESSION:</u></p> <p><u>Pursuant to Hawaii Revised Statutes §92-4 and §92-5(a)(4), §92-9(a)(1-4) and (b), the purpose of this Executive Session is for the Commission to approve or amend the regular Executive Session minutes of September 3, 2020 and to consult with its attorney on issues pertaining to the Commission’s powers, privileges, immunities, and or liabilities as they may relate to this item.</u></p> <p><u>Executive Session minutes of September 3, 2020</u></p>	<p>Mr. Crowell moved to enter into Executive Session. Mr. Nishimura seconded. Motion carried 7:0. Meeting resumed in Executive Session at 11:10 a.m.</p>

SUBJECT	DISCUSSION	ACTION
	<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><i>Vice Chair Kusaka and Commissioner Pacheco unable to dial into the Executive Session</i></p>	
<p>Return to Open Session to ratify the actions taken in Executive Session</p>		<p>Returned to Open Session @ 11:12 a.m.</p> <p>Mr. Gibson moved to ratify the actions taken in Executive Session. Mr. Crowell seconded the motion. Motion carried 5:0</p>
<p>Announcements</p>	<p>Next Scheduled Meeting: Thursday, October 1, 2020 – 10:00 a.m., Teleconference</p>	
<p>Adjournment</p>	<p>With no further business to conduct, Chair Akita called for a motion and a second to adjourn the meeting.</p>	<p>Mr. Matsunaga moved to adjourn the Meeting. Mr. Nishimura seconded the motion. Motion Carried 5:0</p> <p>At 11:24 a.m. the meeting was adjourned.</p>

Submitted by: _____ Reviewed and Approved by: _____
Malialani TM Kelekoma, Liquor Clerical Assistant Shirley Akita, Chair

- () Approved as circulated.
- (X) Approved with amendments. See minutes of 10-01-2020 meeting.