

APPROVED

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved. See minutes of 12-3-2020

Board/Commission:	LIQUOR CONTROL COMMISSION	Meeting Date	October 01, 2020
Location	Tele Conference via Microsoft Teams Audio +1 469-848-0234, Conference ID: 763-002-650 #	Start of Meeting: 10:01 a.m.	End of Meeting: 11:55 a.m.
Tele Present	Chair Shirley Akita, Vice Chair Maryanne Kusaka Members: Dee Crowell, William Gibson, Gerald Matsunaga, , Gary Pacheco Also: Liquor Control Staff: Acting Director Cecilio Baliaris, Investigator 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 Tele-Conference @ 11:30 a.m.		

SUBJECT	DISCUSSION	ACTION
Call To Order		Chair Akita called meeting to order @ 10:01 a.m.
Roll Call	Acting Director Cecil Baliaris called roll, noting 6 members were present, Commissioner Nishimura was not present constituting a quorum.	
Announcements	Next Scheduled Meeting: Thursday, October 15, 2020 – 10:00 a.m. via Tele-Conference.	
Approval of Agenda		Mr. Pacheco moved to approve the agenda. Mr. Matsunaga seconded the motion. Motion carried 6:0.
Public Testimony	None	
	<u>APPROVAL OF MEETING MINUTES:</u> a) <u>Open Session Minutes of September 17, 2020</u> <u>Page 1</u> Add (Absent) Commissioner Nishimura entered Tele-Conference @ 10:07 a.m. <u>Page 2</u> Remove Commissioner Nishimura entered Tele-Conference @ 11:30 a.m.	

SUBJECT	DISCUSSION	ACTION
	<p><u>Page 3,4,5</u> Change to: 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. Matsunaga moved that the Open Session Minutes of September 17, 2020 as amended and corrected be approved. Mr. Pacheco 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>ACTIONS OF THE DIRECTOR:</u></p> <p>1) <u>KALAPAKI JOES: Approval of special request for temporary increase of premises to include area outside of the restaurant, per diagram submitted, from September 14, 2020 through December 31, 2020. from 11:00 a.m. to 12:00 a.m.</u></p> <p>c) <u>INFORMATIONAL MATTERS</u></p>	<p>Mr. Gibson moved to accept Director's Reports a through c. Mr. Pacheco seconded the motion. Motion carried 6:0.</p>
<p>2.</p>	<p><u>CHANGE IN CORPORATE OFFICERS:</u></p> <p>a) <u>PIETRO'S POIPU LLC: Removal of Thomas M. Iannucci as Owner; transfer of remaining stock to Dave Erickson.</u></p>	<p>Mrs. Kusaka moved to accept change in Corporate officers Pietro's Poipu LLC, removal of Thomas M. Iannucci as Owner, transfer of remaining stock to Dave Erickson. Mr. Pacheco seconded the motion. Motion carried 6:0.</p>

SUBJECT	DISCUSSION	ACTION
3.	<p><u>DISCUSSION AND POSSIBLE ACTION ON PROVIDING LICENSEES AN EXTENSION ON THE DATE OF REMITTANCE OF THE PERCENTAGE FEES AND A PAYMENT PLAN.</u></p> <p>Acting Director Cecil Baliaris proposed to the Commissioners that under Rule 4.7 (c) any Licensees that owes a percentage fee of \$5,000.00 or more may do a payment plan of two payments. This year the fees have gone up even with the small businesses. He is proposing that they have the opportunity to pay in two installments.</p> <p>-1st payment would be October 23, 2020 30 days after the letter was mailed out to the Licensees.</p> <p>- 2nd payment would be due on January 23, 2021</p> <p>This would allow for the Licensees to make some money during the holidays to pay for the 2nd payment. This is due to COVID-19.</p> <p><u>Discussion:</u> Chair Akita for clarification what was the problem with the initial percentage fees that was sent to the Licensees and then retrieved, what was the problem, and a second letter was sent?</p> <p>Acting Director Baliaris stated there was an error, to go into detail he would have to ask Mr. Jenson if this should be discussed in Executive Session. This issue needs to be dealt with internally and chooses not to disseminate any information. Mr. Jenson is aware of the situation in which he is trying to rectify.</p> <p>Mr. Jenson stated should this be a personnel issue, it would go into Executive Session.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Chair Akita would like to know why, the amount we are charging all the businesses are much higher rate than the previous year, due to the Pandemic would like to know why this is happening.</p> <p>Acting Director Baliaris stated the issues has nothing to do with the higher fees, the higher fees is because Finance gave back on the carryover \$200,088.00. In the past year it was \$832,774.00 and the final gross sales for all Licensees were \$140,395,855.00 for last year. This year's gross sales was \$118,468,037.00 because of these numbers the percentages is higher, and has nothing to do with the question that you asked.</p> <p>Chair Akita asked if the Commissioners understood.</p> <p>Commissioner Gibson asked Chair Akita was there any information that the rest of the Commission doesn't have, as far as the numbers.</p> <p>Chair Akita responded that a second letter was sent out and the Department had to call the Licensees, her question is, "what caused that error".</p> <p>Acting Director Baliaris stated the number that were given, gave a read out, some of the information was not added, and after the amended numbers the percentages were lowered. When calls were made to the Licensees they accepted the fees. He gave an example of Costco sold \$11,000,000.00 in Liquor Sales and the fees owed was \$136,000.00 after the correction was made they owed \$125,000.00 so there were decreases in the fees. However it is still higher than it was last year.</p> <p>Chair Akita stated to Acting Director Baliaris, that this has nothing to do with the issue in which you initially brought out, it may need to go into Executive Session.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Acting Director stated it's for the first print out that went to the Licensees. Even though it is slighter lower, it's still higher than it was last year.</p> <p>Chair Akita asked was it lower than the first print but still higher then we collected last year.</p> <p>Investigator Herman explained the numbers were high on the first initial letters that were sent to the Licensees on September 21, 2020, that was the internal error. Corrections were made and letters were resent to the Licensees on September 23, 2020 with a lower number. He stated that Acting Director Baliaris, is saying with the correction of the second letter that was sent out with the correction of the internal error it was lower than the letter that were sent on September 21, 2020 however the numbers are still higher and the Licensees are complaining. The second letter that was sent had nothing to do with the internal issue on the first letter. Those numbers came from the Finance Department.</p> <p>Vice Chair Kusaka asked did the basic fees go up?</p> <p>Investigator Herman answered, yes the percentage fees.</p> <p>Chair Akita asked the Commissioners were they satisfied with the response they were getting and do you understand what happened. Are there additional questions?</p> <p>Commissioner Gibson asked who raised the fees.</p> <p>Acting Director Baliaris replied to Commissioner Gibson, the department did not raise any fees. You are referring to fees for licensing, the percentage fee was raised and in do part to Finance. As an example he explained that last year's carry over was used for equation, for the formula \$832,774.00. For this year \$200,088.00 and a there was a considerable drop in the carry over. That is what makes the percentage fees higher.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Investigator Herman explained the carryover was refunded back to the Licensees last year.</p> <p>Commissioner Gibson stated the formula in the rules and regulations are the same. The difference is in the amount of revenues that were generated.</p> <p>Acting Director Baliaris responded, that is correct.</p> <p>Chair Akita asked Acting Director Baliaris has the current budget have anything to do with how the changes took place.</p> <p>Acting Director Baliaris responded the budget has no effect, it's what finance gives us the number to use as part of the equation. There was a big difference from \$200,088.00 to \$832,774.00 in which was given back to the Licensees in the previous year. Now they are cutting it down considerably that's \$600,000.00 difference.</p> <p>Vice Chair Kusaka asked is that what the payment plan is for, to give these licensees an opportunity to pay back that was not collected.</p> <p>Acting Director Baliaris stated that this is for the amended percentage fees. These fees were still high for these licenses. The smaller licensees are not complaining is the bigger companies that are questioning.</p> <p>Investigator Herman replied to Vice Chair Kusaka's question is to ease the payment of the Licensees so they do not have to pay it at one time.</p> <p>Vice Chair Kusaka responded are these fees that weren't collected, and why is there a payment plan, is this for present fees, not for anything historical.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Investigator Herman responded no one is late, these fees are due on October 23, 2020. The difference is so high, should not have done it all at one time due to COVID. The amount that is given back to the licensees are much higher. Their income is low due to no fault of their own.</p> <p>Commissioner Crowell asked if Finance able to unilaterally determine the fees.</p> <p>Investigator Herman responded he does not understand that part.</p> <p>Acting Director Baliaris stated that he has been trying to contact Finance and has gotten no response. Clarence also left messages and emails.</p> <p>Investigator Herman stated that the budget has not changed, this is going off the last budget is which affecting the Department. Moving forward we have lowered the budget by cutting travel.</p> <p>Commissioner Pacheco stated with the explanation of Acting Director Baliaris about the charges the customer realized this is something good. It's a misunderstanding between the "BIG" customers and our Commission.</p> <p>Chair Akita responded that she would like to understand how this is done. She would like to be able to explain should anyone ask her after today's meeting why the changes. She does not recall the Commission taking any action to increase the percentage that is required from all Licensees. During these pandemic times she wondered what determined the higher amount of funds to be collected, while the percentage remains the same.</p> <p>Chair Akita requested feedback from the Commissioners.</p> <p>Vice Chair Kusaka recommended to defer the matter till someone can come to explain to the Commission, preferably someone from Finance. She is not clear on this matter.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Chair Akita replied having the extension, two payments, would like the Commission to understand the necessity, should we take action on this it does not necessarily mean that it has to be the same way next year, is that correct Acting Director Baliaris.</p> <p>Acting Director Baliaris responded she is right. He was not finish with his proposal. His proposal was only for this year, trying to address the problems we have now and assist the Licensees. He stated next year could be worst.</p> <p>Chair Akita asked the Commission what are their desires.</p> <p>Ellen Ching Administrator from Boards and Commissions replied if the Commission would like a representative from the Finance Department to appear before the Commission to provide more information on the calculations and the formula it may be added to the Agenda for next meeting.</p> <p>Chair Akita asked the Commission what they would like to do.</p> <p>Vice Chair Kusaka moved to defer this item for discussion and possible action in providing Licensee an extension to the next meeting at which we may ask to have a Finance Representative explain to the Commission.</p> <p>Commissioner Gibson asked is this extension of payment or budget plan for the Licensees already enacted, is it under the Commissions power to correct or adjust it.</p> <p>Acting Director Baliaris replied under rule 4.7 (c) the Commission is able to change the date and payment plan. He wanted to inform the Commission that should this be extended to the next meeting, there will be Licensees calling the Department to ask if they are able to pay the whole thing, half or two payments of the percentage fees.</p>	

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	<p>Investigator Herman suggested to the Commission to vote on the proposal, also on the 15th to bring in the Finance Department for explanation for payments due on October 23, 2020 and to give as much time as possible to the Licensees.</p> <p>Commissioner Crowell stated that there is nothing in writing only one sentence that is written in item #3. Describing what the bifurcated payment plan is. As far as Commissioners understanding what is being proposed, usually there would be a report of some sort.</p> <p>Chair Akita thanked Commissioner Crowell and noted that there was no second to the motion. Is the Commission ready to make a motion?</p> <p>Commissioner Pacheco seconded the motion to defer to the next scheduled meeting and to have a Representative from Finance.</p> <p>Chair Akita stated that it's been moved and seconded motion is to defer item #3 to the next meeting which will not give the Licensees sufficient time to plan for a payment plan.</p> <p>Vice Chair Kusaka stated that was not the motion.</p> <p>Chair Akita responded that was not part of the motion. The staff is saying this will not give Licensees sufficient time to plan for a payment plan, your motion would be deferred and seconded by Commissioner Pacheco to have someone from Finance to explain all these numbers for the next scheduled meeting. Bearing in mind at this point, we would not be giving the Licensees enough time. She is bringing this to everyone's attention the why and so forth. She agrees with Commissioner Crowell we do not have information on. Whether it is part of "our" Kuleana or something that we do not need to be involve in. She would like an understanding, any more discussion before we call for the vote.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Vice Chair Kusaka stated the Commission can extend the date again, due to staff concerns.</p> <p>Chair Akita responded the October 23, 2020 date.</p> <p>Vice Chair Kusaka replied, yes.</p> <p>Mr. Jenson responded to Chair Akita in regards to the “Kuleana” of the Commission. The acting director knows the rules, under rule 4.7 it is allowable to accept the percentage fee in a two payment plan which can be done. In the rule it says two equal payments so for the first question can the payment be smaller amount and after the holidays to satisfy the full amount and be an up change of the rule. We are operating under the Pandemic Emergency the rules do allow for the Commission to change the rules with the permission of the Mayor to adopt Emergency Rules, with the understanding that revenues from all the Licensees are down significantly because of the Pandemic. He suggested to the Commission that would be an appropriate Emergency Rule to consider and approve.</p> <p>Vice Chair Kusaka commented the question is, let the Commission understand what this is, except to say give the Licensees a payment plan on their fees, she has no objection to that. Something needs to be more definitive so everyone can understand what’s happening and does not understand.</p> <p>Mr. Jenson agreed with Vice Chair Kusaka, and commented there are two issues here. None of the Commissioners are opposed for allowing Licensees to make two payments under a modified payment plan. The other remaining questions: How the calculations are made? What the effect on increase revenues? Existing budget of the Commission and the amount that is refunded to the Licensees each year. Why that changed, moved to the next Commission Meeting so there can be an explanation from the Department of Finance on how that calculations were made.</p>	

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	<p>Chair Akita asked if there were any questions.</p> <p>Commissioner Crowell stated he does not mind going into the two method payment plan and expressed that it was written somewhere as to what the Commission was considering. Rather than just #3. We are derelict in our duties not knowing the details of what was being proposed.</p> <p>Commissioner Matsunaga commented there are two separate issues: Cecil and the Department of Liquor Control may make modifications to Rule 4.7 so that they may collect two payments in separate installments. Second issue is the Commissioners would like to know how the fees are being calculated. It's a good suggestion. Vice Chair Kusaka suggested to bring someone in from Finance, to explain to the Commission how the fees are being calculated. Providing the Licensees two separate payments he does not see the Commission objecting to that. The issue to be clarified is how the fees are being calculated.</p> <p>Chair Akita stated there is a motion on the floor, we can vote on it or approve or disapprove. Should it be approved we can offer another motion to separate the two. In the new motion to include two payments, it does not state that in #3, just a payment plan. Acting Director Cecil Baliaris is that the plan, a two payment plan.</p> <p>Acting Director Cecil Baliaris stated yes when you refer to the Rule 4.7 it states the first payment is due on September 30 and the second payment due on January 31. Due to the notices being mailed out late. He was hoping the first payment will be due on October 23, 2020 and the second payment due on January 23, 2021 giving the Licensees 90 days to make the payment.</p> <p>Chair Akita asked, Acting Director Cecil Baliaris changed the dates.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Acting Director Cecil Baliaris replied he did not change the dates. The Licensees have thirty days to pay, the notices were mailed out on September 23, 2020.</p> <p>Commissioner Crowell asked is there a two part payment system?</p> <p>Acting Director Cecil Baliaris replied, yes it only applies to Licensees who owe over \$5,000.00 or more on the percentage fees. This is for Licensees who are below \$5,000.00, an example last year a Licensee paid \$1,000.00 this year is \$3,000.00. He is asking the Commission to help the Mom and Pop stores.</p> <p>Commissioner Crowell stated if it was in writing we would understand that a little better.</p> <p>Vice Chair Kusaka stated it was not clear enough for the Commission. She suggested what we should do with the motion, and make a new motion that would separate the fees, in which the Department would be able to collect. In the interim we could have at the next meeting someone from the Department of Finance to give us clarity as we are not familiar with the laws. Rule 4.7 should be included to let the Commissioners know due to the Pandemic so that everyone is clear.</p> <p>Vice Chair Kusaka withdrew her motion and Commissioner Pacheco withdrew his second.</p> <p>Ms. Ching explained to the Commission to bring some clarity and proposed a motion. Pursuant to Liquor Control Commission Rules 4.7 fee the Liquor Control Commission is approving a payment plan for all Licensees for this year only, the percentage fees will be paid on October 23, 2020 and a 2nd payment due by January 23, 2021 in equal installments.</p> <p>Commissioner Pacheco requested to accept the motion as his motion. Commissioner Crowell seconded the motion.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Chair Akita stated there was no motion.</p> <p>Ms. Ching explained to the Commission to bring some clarity and proposed a motion. Pursuant to Liquor Control Commission Rules 4.7 fee the Liquor Control Commission is approving a payment plan for this fiscal year only, the percentage fees shall be paid on October 23, 2020 and a 2nd payment due by January 23, 2021 in two equal installments.</p> <p>Commissioner Pacheco moved to accept.</p> <p>Mr. Jenson asked questions for clarification, under Rule 4.7 (c) the two deadline dates are September 30 and January 31. This proposed motion will modify the rule, given the emergency and the Pandemic. In keeping with the Rule the first due date will be October 23, and the second due date will be January 31. He proposed to keep the same due date as the rule, instead of January 23.</p> <p>Commissioner Crowell stated the motion should allow for all Licensees.</p> <p>Mr. Jenson also asked Acting Director Baliaris the rule states for two equal payments. The first payment is for a smaller amount to allow the Licensees to collect more revenue over the Holidays, it would allow the Licensees to make a larger payment in January.</p> <p>Acting Director Baliaris responded he had no problem.</p> <p>Commissioner Matsunaga asked for clarification if he had any problems with two equal payments.</p> <p>Acting Director Baliaris stated he has no problem with the suggestion of Mr. Jenson. Payment can be a lesser one and the full payment on January 31.</p> <p>Commissioner Pacheco concurred as to what was presented.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Chair Akita requested to have the motion stated again.</p> <p>Ms. Ching replied she suggested the motion was to keep as much as possible within Rule 4.7 (c). The Deputy County Attorney stated, the Rules for payment and the final payment be due no later than January 31, she took the recommendation from Mr. Acting Director Cecil Baliaris as January 3, but the Rule states no later than January 31. The proposed motion in which she suggested to the Commission, is pursuant to Liquor Control Commission Rule 4.7 (c) the Liquor Control Commission adopts a payment plan to be applied to all Licensees effective for this fiscal year only. Two payments of percentage fees in two equal payments be on October 23 and January 23, if you would like to amend the 2nd payment to January 31. The Commission will be able to amend the 2nd payment date also you may change from two equal payments it is up to the Commission. She based her recommendation on Acting Directors Baliaris suggestion and to stay within the rules of 4.7 (c).</p> <p>Chair Akita recommended for a Commissioner to make a motion.</p> <p>Commissioner Gibson stated that the Commission will need to amend and a motion to cover the second date.</p> <p>Chair Akita stated that there was no real motion.</p> <p>Vice Chair Kusaka suggested that a Commissioner make a motion.</p> <p>Chair Akita stated that Vice Chair Kusaka is correct.</p> <p>Commissioner Gibson asked is this all-inclusive for all Licensees?</p> <p>Chair Akita replied, yes.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Crowell asked Acting Director Cecil Baliaris, how much \$5k fee equates to how much in gross liquor sales?</p> <p>Acting Director Cecil Baliaris stated that he does not have the individual licensee’s information to work into the equation to work into the \$5k, it’s confusing.</p> <p>Ms. Ching asked for clarification of the motion in addition to the one that was just past. Does it applies to all Licensees and specific to the percentage fees, and in equal payments?</p> <p>Commissioner Matsunaga stated the reason he made it in two payments is to prevent the Liquor Control Department to make changes, a smaller amount on October 23 and a larger amount on January 31.</p> <p>Vice Chair stated it’s the Department’s responsibility and decision.</p> <p>Ms. Ching stated to leave the discretion to the Department that is fine, just wanted to make sure the motion is clear.</p> <p>Chair Akita stated that is the intent of the Commission’s decision as long as the full payment is completed by January 31.</p> <p>Ms. Ching stated the remaining issue should be clarified is that it applies to all Licensees. There was not a reference to apply to all Licensees.</p> <p>Chair Akita asked Ms. Ching does that satisfies your concern.</p> <p>Ms. Ching stated it would be cleaner if the Commission stated in a motion.</p>	<p><u>Motion #1</u></p> <p>Vice Chair Kusaka moved to defer this item for discussion and possible action in providing Licensee an extension to the next meeting at which we may ask to have a Finance Representative explain to the Commission. Mr. Pacheco seconded the motion.</p> <p>Vice Chair Kusaka withdrew her motion and Commissioner Pacheco withdrew his second.</p>

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Matsunaga stated for clarification purposes an addendum to apply to all Licensees within the County of Kauai.</p> <p>Chair Akita asked Ms. Ching does that satisfy your concern.</p> <p>Ms. Ching answered, yes.</p> <p>Chair Akita asked Ms. Ching should there be a motion for a Finance Representative for next meeting.</p> <p>Ms. Ching stated that will be added to the agenda.</p> <p>Chair Akita requested a study sheet to accompany their packet.</p> <p>Mr. Jenson will be drafting a letter to the Mayor for the licensees to make two payments.</p>	<p><u>Motion #2:</u> Mr. Matsunaga, pursuant to Rule 4.7 (c), of the Liquor Control Commission Rules and Regulations move that the Liquor Control Department be permitted to collect the Liquor Fees in two payments: 1. October 23, 2020 2 January 31, 2021 This is to be a one-time only waiver of the rule. Mrs. Kusaka seconded the motion. Motion carried 6:0</p> <p><u>Addendum to Motion #2</u> Mr. Matsunaga added to Motion # 1, to apply to all Licensees within the County of Kauai. Mrs. Kusaka seconded to motion. Motion carried 6:0</p>

SUBJECT	DISCUSSION	ACTION
4.	<p><u>STATUS REPORT DISCUSSION AND DECISION MAKING ON THE JOB ADVERTISEMENT AND JOB DESCRIPTION OF THE DIRECTOR OF THE DEPARTMENT OF LIQUOR CONTROL (Deferred from July 2, 2020, July 16, 2020 August 20, 2020, September 3, 2020, September 17, 2020 meeting)</u></p> <p>Ms. Ching stated that the Commission approved the Job description and Advertisement for the Director of Liquor Control. The PIG (Permitted Interaction Group) met and has been working on the screening process. In working on the screening process, there were things that they wanted to consider. This needed to be put back on the agenda, to add to the Ad and Job Description. The PIG (Permitted Interaction Group) asked for a Bachelor’s Degree in Public Administration or Business Administration that is the preferred qualification. In addition, in lieu a degree eight additional years of experience in the liquor industry, police or law will be considered. In discussion with the Human Resources Department, there recommendations is to place it in the Ad and Job Description.</p> <p>Vice Chair Kusaka asked who made the suggestion.</p> <p>Ms. Ching responded the PIG (Permitted Interaction Group) to add the eight years.</p> <p>Vice Chair Kusaka who initially made the suggestion.</p> <p>Commissioner Matsunaga stated from the Personnel Department.</p> <p>Ms. Ching stated the recommendation from the Human Resource Department was if it’s an item to be considered they recommended to add that item to the Advertisement and Job Description.</p> <p>Vice Chair Kusaka asked in lieu of a degree the Human Resources Department made that suggestion.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Ching stated no.</p> <p>Commissioner Matsunaga suggestion was made if an individual did not have a college degree but had experience in the liquor industry that would qualify that person.</p> <p>Vice Chair Kusaka asked, was there nobody specific in mind.</p> <p>Commissioner Matsunaga answered, no.</p> <p>Commissioner Crowell asked at 9:56 a.m. the Advertisement was sent by Malialani, in my humble opinion the bullet point gets a little muddy, do you have to have a Bachelor's Degree is preferred and add eight additional years of experience.</p> <p>Vice Chair Kusaka commented, five years of business experience and eight years they will have 13 years' of experience. Unless we are going to keep what we have in the office now and elevate one of them. We need to look for Bachelor's degree, this a real technical job being the Director.</p> <p>Commissioner Matsunaga stated a college degree and five years' experience.</p> <p>Vice Chair Kusaka answered, yes. They need the degree and five years of experience to be in Administration.</p> <p>Commissioner Crowell stated if that is the case the entire Ad is off. Thee bullet point of a college degree says preferred but not required and add eight additional years plus five years, it is not clear that you're going to need thirteen.</p> <p>Vice Chair stated but it does it says five years of experience and eight additional years of experience in Liquor, Law or Police industry?</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Matsunaga commented to Vice Chair Kusaka, college degree and five years' experience. He has no problem.</p> <p>Ms. Ching stated the reason why the Candidates a minimum of five years is Charter language that cannot be changed. The Commission may prefer to have a degree, unable to mandate a degree, a Charter Amendment would have to be done.</p> <p>Vice Chair Kusaka stated that she is fine with that. She just wondered where this came from and sounds like they already have a Candidate in mind.</p> <p>Commissioner Gibson asked Ms. Ching is the five years' experience mandated by the Charter? What about the Bachelor's Degree?</p> <p>Ms. Ching replied yes that is the similar mandate for every Department Head in the Charter. Minimum of five years' of business experience, minimum of three years in an administrative capacity that language is from the Charter. The Bachelor's Degree is from the work group and adopted by the Commission. This was proposed by the working group. The PIG (Permitted Interaction Group) moved on to develop a screening tool for all the applications they receive. They felt if someone did not have a Bachelor's Degree they wanted to able consider those applicants, two years of experience for every one year of College that is how they came up with eight years.</p> <p>Commissioner Crowell commented we are in a transition period where everyone is getting a Bachelor's Degree. In his days, a lot went to College and not too many graduated. He mentioned of a Restaurant Manager may have 20 years of experience and no Bachelor's degree but has a world of experience. He would hate not to consider that applicant.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Matsunaga responded to Vice Chair Kusaka the group of three has no one in mind, they are going to look at all the applications and will recommend to the Commission.</p> <p>Vice Chair Kusaka asked Commissioner Matsunaga if they received any applications to date.</p> <p>Commissioner Matsunaga responded that he welcomes all applications.</p> <p>Chair Akita commented we do not have to say in lieu of, a Bachelor's is preferred. The difference is the example given by Commissioner Crowell of 20 years' experience will that suffice.</p> <p>Ms. Ching stated this can be deferred, this may be more clear when the scoring tool is available. The scoring tool is developed so that it fairly and equally applies to every applicant. For example, if an applicant has a Bachelor's degree preferred they will get a points assigned to that. For those that do not have a Bachelor's degree will not get a point. In the final evaluation when the Committee reviews the application, from other Committee's, the PIG (Permitted Interaction Group) has done it they will not be able to move forward, that is how the screening tool works.</p> <p>Commissioner Gibson asked will the scoring sheet be available before the Commission meets.</p> <p>Ms. Ching replied yes, the scoring sheet is in its final draft. At the next meeting you will have drafts of the Advertisement, Job Description and Scoring Sheet.</p> <p style="text-align: center;"><i>Commissioner Nishimura entered meeting at 11:30 a.m.</i></p>	<p>Mr. Matsunaga moved to defer to the October 15, 2020 meeting. Mrs. Kusaka seconded the motion. Motion carried 6:0.</p>

SUBJECT	DISCUSSION	ACTION
5.	<p><u>DISCUSSION AND POSSIBLE DECISION MAKING ON RECOMMENDATIONS REGARDING THE HIRING OF A NEW DIRECTOR OF LIQUOR FROM THE PERMITTED INTERACTION GROUP (PIG) ON THE SCREENING PROCESS FOR THE APPLICANTS</u> (Deferred from July 2, 2020, July 16, 2020 August 20, 2020, September 3, 2020, September 17, 2020 meeting)</p>	<p>Mr. Matsunaga move to defer Item# 5 to October 15, 2020. Mr. Pacheco seconded the motion. Motion carried 7:0.</p>
6.	<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 17, 2020</u></p>	
7.	<p><u>RETURN TO OPEN SESSION</u></p> <p>Ratify the actions taken by Liquor Control Commission in Executive Session regarding the approval of Executive Session minutes of September 17, 2020.</p>	

SUBJECT	DISCUSSION	ACTION
8	<p><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).</p>	<p>Mrs. Kusaka moved to enter into Executive Session. Mr. Pacheco seconded. Motion carried 7:0. Meeting resumed in Executive Session at 11:10 a.m.</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>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. Nishimura moved to ratify the actions taken in Executive Session for the minutes of September 17, 2020. Mrs. Kusaka seconded the motion. Motion carried 6:0</p>

SUBJECT	DISCUSSION	ACTION
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. Mrs. Kusaka seconded the motion. Motion Carried 6:0 At 11:24 a.m. the meeting was adjourned.

Submitted by: _____
Malialani TM Kelekoma, Liquor Clerical Assistant

Reviewed and Approved by: _____
Shirley Akita, Chair

Approved as circulated.

Approved with amendments. See minutes of _____ meeting.