

APPROVED

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved. See minutes of 12-17-20

Board/Commission:	LIQUOR CONTROL COMMISSION	Meeting Date	November 19, 2020
Location	Tele Conference via Microsoft Teams Audio +1 469-848-0234, Conference ID: 425 449 683 #	Start of Meeting: 10:01 a.m.	End of Meeting:10:42 a.m.
Tele Present	Chair Shirley Akita, Members:, William Gibson, Gerald Matsunaga, Randall Nishimura, Gary Pacheco Also: Liquor Control Staff: Acting Director Cecilio Baliaris, Investigator Kenneth Herman , Liquor Clerical Assistant Malialani TM Kelekoma;, Deputy County Attorney Todd Jenson		
Excused			
Absent	Vice Chair Kusaka, Commissioner Dee Crowell		
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 5 members were present, Vice Chair Kusaka and Commissioner Crowell was not present constituting a quorum.		
Announcements	Next Scheduled Meeting: Thursday, December 3, 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 5:0.	
Public Testimony	None		

SUBJECT	DISCUSSION	ACTION
1.	<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>THE KAUAI HUMANE SOCIETY: Approval of Application No. Free 2021-04 filed on November 5, 2020 by Kauai Humane Society for a Free One-Day Retail License on November 12, 2020 at The Kauai Humane Society 3-825 Kaunualii Hwy, Lihue, Kauai, Hawaii.</u></p> <p>2) <u>WRANGLER'S RESTAURANT: Approval of special request for temporary increase of premises to include the area fronting the restaurant, per diagram, from November 3, 2020 through December 31, 2020 10:00 a.m. to 11:00 p.m.</u></p> <p>3) <u>BEACH HOUSE RESTAURANT: Approval of special request for temporary increase of premise to include the patio lawn space (30' x 80'), per diagram submitted, for special event on November 12, 2020 from 4:00 p.m. to 10:00 p.m.</u></p> <p>4) <u>BEACH HOUSE RESTAURANT: Approval of special request for temporary increase of premise to include the patio lawn space (30' x 80'), per diagram submitted, for special event on November 14, 2020 from 4:00 p.m. to 10:00 p.m.</u></p> <p>c) <u>INFORMATIONAL MATTER</u></p>	<p>Mr. Nishimura moved to approve Director's Reports 1a through b. Mr. Pacheco seconded the motion. Motion carried 6:0.</p>
2.	<p><u>SOLICITOR'S PERMIT:</u></p> <p><u>MASAKI MIYAZAWA: Application No. 2021-12 was filed on October 27, 2020 by Masaki Miyazawa for a Solicitor's Permit in the County of Kauai to represent Wismettac Asian Foods, Inc. a Wholesale Dealer General licensee in the City & County of Honolulu. Deposited \$180.00.</u></p> <p>Commissioner Nishimura asked two questions: What is a Solicitor's Permit? Do we</p>	<p>Mr. Matsunaga moved to</p>

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	<p>need a Public Hearing?</p> <p>Mr. Herman explained Mr. Miyazawa is acting on behalf of Wismettac Asian Foods, Inc. to represent them within the State. Wismettac Asian Foods, Inc. Public Hearing is not needed.</p>	<p>approve Solicitor's Permit Application No. 2021-012 for Masaki Miyazawa Mr. Pacheco seconded the motion. Motion carried 5:0.</p>
<p>3.</p>	<p><u>LICENSE IN ABEYANCE:</u></p> <p><u>TREES LOUNGE INC.: Request to hold Restaurant General License 5G-023 in abeyance due to COVID 19 Pandemic and health issues to close Trees Lounge temporarily.</u></p> <p>Commissioner Gibson asked how long a license can be held in abeyance.</p> <p>Mr. Herman replied not indefinite even in abeyance they still have to renew the license every year and adhere to the Rules and Regulations of the current licensing.</p>	<p>Mr. Pacheco moved to hold License in Abeyance for Trees Lounge, Inc., be approved. Mr. Matsunaga seconded the motion. Motion carried 5:0.</p>
<p>4.</p>	<p><u>NEW LIQUOR LICENSE:</u></p> <p><u>VIVA KAI LLC dba KAI BAR COFFEE ROASTERS:</u> <u>Application No. 2021-011 was filed on January 17, 2020 by VIVA KAI LLC dba KAI BAR COFFEE ROASTERS for a New Restaurant General (live entertainment with dancing) license at The Kilauea Lighthouse Village in Kilauea located at 2555 Ala Namahana Parkway #F, Kilauea, Kauai, Hawaii. Deposited \$450.</u></p>	<p>Mr. Nishimura moved that the application for Viva Kai LLC dba Kai Bear Coffee Roasters, Application No. 2021-011 be accepted for</p>

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		Publication and Public Hearing. Mr. Matsunaga seconded the motion. Motion carried 5:0
5.	<p><u>STATUS REPORT OF BUDGET FOR FY 2019-2020, 2020-2021, 2021-2022 DEPARTMENT OF LIQUOR (November 5, 2020)</u></p> <p>Acting Director Baliaris gave an overview of FY 2019-2020, FY 2020-2021. Commissioners were given a pie chart and graphs, it shows the break down and appropriation for the Liquor Department. The biggest part of the Budget is the Salaries, Training and Travel which is 10%. He submitted a breakdown for a proposal for FY 2021-2022, currently there are three vacant positions, Private Secretary, Investigator IV and a Senior Clerk position within the Department and propose that these vacancies be placed on hold. The \$164,805.048. These totals does not include: Medical Premiums Post employment and Retirement Benefits.</p> <p>For 2021-2022 and 2023 the \$164,805.048, can be used to as a carryover, to assist the Licensees. This total may be achieved should the Liquor Commission put a hold on the hiring of the New Director of Liquor until the end of 2022 Fiscal Year. The other items that was looked at was Travel and Training, Airfare per diem and fees. He kept these items but may not be used during this Pandemic. It may be added on as a carryover if monies are not used. In account description of the line items, there will be a 2% increase in Salaries for the year 2021-2022. Monthly allowance, he minuses \$6,000.00 of \$30,000.00 that would be his portion if he should stay away from the Investigator’s IV position. Other Services: Witness fees and compliance check was \$2,000.00, since being in this Department there were only two subpoenas for someone to come in and testify. With the witness fee and mileage it was about \$30.00. The Compliance checks are grants from the University of Hawaii, this year there was no checks. Controlled Assets include the Lap Tops the pads that were being used needed to be replaced.</p>	

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	<p>Chair Akita stated as a Commission their role is to hire and fire the Executive Director. Mr. Jenson please help if I say anything contrary. As far as the budget is concerned, she can suggest and she appreciates the details. It is primarily an operational thing for the Department.</p> <p>Mr. Jenson agreed with Chair Akita's assessment.</p> <p>Commissioner Pacheco asked the three vacant position that is proposed to be frozen, who is going to be our Private Secretary if we don't have one.</p> <p>Acting Director Baliaris replied we are doing everything that needs to be done by the previous Secretary at this moment we do not need any help.</p> <p>Commissioner Pacheco thanked Acting Director Baliaris.</p> <p>Chair Akita replied these three positions are now vacant.</p> <p>Acting Director Baliaris replied yes we don't have a Private Secretary, the new position for a clerk in which was given to the Department has not been filled. He does not feel the need to fill at this time. The Investigator IV is Acting Director Baliaris position. He would be able to go back to that position in which \$74K loss of which needs to be used.</p> <p>Chair Akita asked a question is the fringe benefits 30% for County employees. What is the percentage now for County Employees?</p> <p>Acting Director Baliaris replied no one told him and has not inquired about that.</p> <p>Commissioner Nishimura wanted to thank the Department for putting this together. It gives the Commission a general idea of how the budget is put together and what things can and cannot effect. Wanted to thank Acting Director Cecil Baliaris for putting this</p>	

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	<p>together. It's interesting as we can cut budget but if there is no residuals that's left over it effects budget and the number at the top is still remain big.</p> <p>He was hoping for the bottom number getting bigger so the overall percentage get smaller it's going to be 25 percent less and cut 25% of our budget that would be great. He can see the challenges that the Department has. Once again thank you for putting this together so everyone can understand it.</p> <p>Commissioner Pacheco thanked Commissioner Nishimura for his comments.</p>	<p>Mr. Nishimura moved to receive the Budget Report from Acting Director Baliaris. Mr. Matsunaga seconded the motion. Motion carried 5:0.</p>
<p>6.</p>	<p><u>UPDATE ON APPLICANTS FOR THE DIRECTOR OF LIQUOR CONTROL</u> <u>(November 5, 2020)</u></p> <p>Commissioner Nishimura stated there are seven applicants as of close of business day of Wednesday November 18, 2020 that have applied for the position of Director of Liquor Control. The closing date is November 30, 2020. The PIG (Permitted Interaction Group) has met and a draft screening tool for written questions has been generated and distributed and we will be able to talk about that in the next portion of the meeting.</p>	<p>Mr. Matsunaga moved to accept the Status Report. Mr. Pacheco seconded the motion. Motion carried 5:0</p>
<p>7.</p>	<p><u>PRESENTATION ON THE RECOMMENDATIONS FROM THE PIG</u> <u>(PERMITTED INTERACTION GROUP) ON THE CRITERIA AND ESSAY</u> <u>QUESTIONS FOR THE DIRECTOR OF LIQUOR CONTROL APPLICANTS</u> <u>(November 5, 2020)</u></p> <p>Commissioner Nishimura informed the Commission that at the end of the packet you should have a 2-sided page titled Written Questions Review Score.</p>	

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	<p>Chair Akita asked the Commission if they had any questions, we will not be making any motion for approvals or discussion. She asked that in the points there is 0-1-2, is this something that is current.</p> <p>Commissioner Matsunaga stated based on the input of Ms. Ching, we are using the points that was used in previous Commissions in seeking a new Director.</p> <p>Chair Akita stated that at the next meeting what would be considered an O-1-2, would like some discussion on that. Has the Committee had the opportunity to discuss that information?</p> <p>Commissioner Nishimura stated there was an informal discussion and this is Part 1 of the evaluation exercise. There are three parts to this process:</p> <ol style="list-style-type: none"> 1. Application received and reviewed 2. Candidate you may want to consider seriously for the interview 3. Interview by the entire Commission <p>Chair Akita thanked Commissioner Nishimura</p>	<p>Mr. Matsunaga moved to accept the recommendations of the PIG (Permitted Interaction Group). Mr. Pacheco second the motion. Motion carried 5:0</p>
<p>8.</p>	<p><u>STATUS REPORT ON THE INTERVIEW QUESTIONS AND SCORING SHEET FROM THE PIG (PERMITTED INTERACTION GROUP) FOR THE NEW DIRECTOR OF LIQUOR CONTROL (November 5, 2020)</u></p> <p>Chair Akita stated that this would not be approved and to accept the presentation.</p> <p>Commissioner Nishimura stated the PIG (Permitted Interaction Group) solicited any interview questions from the Commissioners and to date, has Ms. Ching's office received anything from anyone. Is that correct Malia.</p>	

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	<p>Mrs. Kelekoma responded that #8 should be deferred and there were no questions submitted.</p> <p>Commissioner Nishimura thanked Mrs. Kelekoma and asked if the Commissioners have specific questions that they would like the PIG (Permitted Interaction Group) to entertain to submit to Ms. Ching office prior to the next meeting. Would like to work on this as soon as the scoring sheet for written questions be approved.</p>	<p>Mr. Matsunaga moved to defer Item#8 to the next meeting. Mr. Pacheco seconded the motion. Motion carried 5:0</p>
Adjournment	<p>With no further business to conduct, Chair Akita called for a motion and a second to adjourn the meeting.</p>	<p>Mr. Pacheco moved to adjourn the Meeting. Mr. Matsunaga seconded the motion. Motion Carried 5:0</p> <p>At 10:42 a.m. the meeting was adjourned.</p>

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.