

APPROVED

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

See minutes of 5-20-21.

Board/Commission:	LIQUOR CONTROL COMMISSION	Meeting Date	March 18, 2021
Location	Tele Conference via Microsoft Teams Audio +1 469-848-0234, Conference ID: 194 535 297#	Start of Meeting: 10:00 a.m.	End of Meeting:12:05 p.m.
Tele Present	Chair William Gibson, Vice Chair Dee Crowell Members: Shirley Akita, Leland Kahawai, Gerald Matsunaga, Gary Pacheco Also: Liquor Control Staff: Investigator Herman Liquor, Clerical Assistant Malialani TM Kelekoma; Ellen Ching Administrator Boards & Commission, Deputy County Attorney Charles Foster		
Excused	Randall Nishimura		
Absent			
SUBJECT	DISCUSSION	ACTION	
Call To Order		Chair Gibson called meeting to order @ 10:00 a.m.	
Roll Call	Investigator Herman called roll, noting 7 members were present constituting a quorum.		
Announcements	Next Scheduled Meeting: Special Meeting Friday March 26-27, 2021 – 9:00 a.m. Open Meeting: Thursday April 1, 2021 – 10:00 a.m. via tele-conference		
Approval of Agenda		Mr. Pacheco moved to approve the Agenda. Mrs. Akita seconded the motion. Motion carried 6:0.	

SUBJECT	DISCUSSION	ACTION
<p>Approval of Meeting Minutes</p>	<p><u>APPROVAL OF MEETING MINUTES:</u></p> <p>a. <u>Open Session Minutes of January 21, 2021</u></p> <p>b. <u>Special Meeting Minutes of January 28, 2021</u></p>	<p><u>Motion#1</u> Mrs. Akita moved to approve Open Session Minutes of January 21, 2021. Mr. Pacheco seconded the motion. Motion carried 6:0.</p> <p><u>Motion #2</u> Mrs. Akita moved to approve Special Meeting Minutes of January 28, 2021. 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>INCOMING COMMUNICATIONS:</u></p> <p>1) <u>From Jackson Family Wines, Inc., Re: 2022 Kentucky Derby Sweepstakes.</u></p> <p>2) <u>From National Conference of State Liquor Administrators (NCSLA) Re: Update on Annual Conference date moved to September 15-18, 2021.</u></p> <p>c) <u>OUTGOING COMMUNICATIONS:</u></p> <p>1) <u>To Jackson Family Wines, Inc., Re: 2022 Kentucky Derby Sweepstakes.</u></p>	

SUBJECT	DISCUSSION	ACTION
	<p>2) <u>To All Wholesale Licensees, Re: Transfer Liquor License Kauai Beach Resort.</u></p> <p>d) <u>EMPLOYEES IN LICENSED PREMISES:</u> Managers and Assistant Managers – See Attachment “A”</p> <p>e) <u>ACTIONS OF THE DIRECTOR:</u></p> <p>1) <u>SUSHI BUSHIDO: Approval of special request for temporary increase of premises to include a portion outside the restaurant per diagram submitted, to comply with social distancing from March 1, 2021 through May 31, 2021.</u></p> <p>2) <u>KALAPAKI JOE’S-KUKUI GROVE: Approval of special request for temporary increase of premises to include a portion outside the restaurant per diagram submitted, to comply with social distancing from April 1, 2021 through June 30, 2021</u></p> <p>3) <u>THE ALIXIR COMPANY: Approved Direct Shipment Permit DS21-442 effective March 9, 2021 through December 31, 2021.</u></p> <p>f) <u>INFORMATIONAL MATTERS</u></p>	<p>Mr. Pacheco moved to accept the Directors Report a through f. Mr. Kahawai seconded the motion. Motion carried 6:0.</p>
<p>2.</p>	<p><u>TRANSFER LIQUOR LICENSE:</u></p> <p><u>SONESTA INTERNATIONAL HOTELS CORP dba ROYAL SONESTA KAUAI RESORT:</u></p> <p><u>Application 2021-019 filed on February 9, 2021 for a transfer of Liquor License No. (Lic #12G-013) from KAUAI MARRIOT RESORT AND BEACH CLUB to SONESTA INTERNATIONAL HOTELS CORP dba ROYAL SONESTA KAUAI RESORT located at 3610</u></p>	

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	<p><u>Rice Street, Lihue, Kauai, Hawaii. Deposited \$335.</u></p> <p>Commissioner Akita commented for the record that she will not be recusing herself, the General Manager for Kauai Marriott is her son-in-law.</p>	<p>Mr. Pacheco moved to accept Applications 2021-19 for a transfer of Liquor License No. 12G-013 from Kauai Marriott Resort and Beach Club to Sonesta International Hotels Corp dba Royal Sonesta Kauai Resort for Publication and Public Hearing. Mr. Kahawai seconded the motion. Motion carried 6:0.</p>
<p>3.</p>	<p><u>TEMPORARY LIQUOR LICENSE:</u></p> <p><u>SONESTA INTERNATIONAL HOTELS CORP dba ROYAL SONESTA KAUAI RESORT:</u></p> <p><u>Application 2021-020 filed on February 9, 2021 for a temporary Liquor License to operate No. (Lic #12G-013) to SONESTA INTERNATIONAL HOTELS CORP dba ROYAL SONESTA KAUAI RESORT located at 3610 Rice Street, Lihue, Kauai, Hawaii.</u></p>	<p>Mr. Matsunaga moved to accept Application 2021-020 for a Temporary Liquor License be approved. Mr. Pacheco seconded the motion. Motion carried 6:0.</p>

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<p>4.</p>	<p><u>REQUEST TO TRANSFER REMAINING LIQUOR INVENTORY</u></p> <p><u>TEAM FILAMENT, LLC. dba KAUAI BEACH RESORT (Lic #12G-003) is requesting to transfer their remaining liquor stock to the new licensee, KBR MANAGER, LLC dba Kauai Beach Resort.</u></p>	<p>Mrs. Akita moved to approve the request to transfer remaining liquor inventory from Team Filament, LLC dba Kauai Beach Resort to KBR Manager, LLC dba Kauai Beach Resort. Mr. Pacheco seconded the motion. Motion carried 6:0.</p>
<p>5.</p>	<p><u>PERMANENT INCREASE OF PREMISES:</u></p> <p><u>ZEPHYR FARMS LLC dba THE HANAIEI BREAD COMPANY:</u> Request for permanent increase of premises to include the space formally ran by "Shave Ice Paradise". The licensee has provided all required documentation and all requirements have been met for this request.</p> <p>Chair Gibson asked are there any questions.</p> <p>Commissioner Matsunaga asked the lease cancellation, has that been executed by the current tenant of Shave Ice Paradise, Allison Hale. My document does not have her signature. Apparently it requires her signature.</p> <p>Chair Gibson asked did the Shave Ice Paradise have a liquor license.</p> <p>Investigator Herman replied no. I am looking at the paperwork now, and I see the space that you are talking about.</p>	<p><u>Motion #1</u> Mr. Pacheco moved to accept the Permanent Increase of Premises for Zephyr Farms LLC dba the Hanalei Bread Company requesting the additional space. Formally ran by Shave Ice Paradise. Mr. Kahawai seconded the motion.</p> <p><i>Mr. Pacheco withdrew his motion. Mr. Kahawai withdrew his second.</i></p>

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	<p>Commissioner Matsunaga commented before they can acquire the space Allison Hale will have to give it up.</p> <p>Investigator Herman commented he is reading the lease modification right now, which was signed by everyone else. The new lease is in place, I understand what you are saying in regards to the old lease. I don't have an answer for you on that I will have to get back to you.</p> <p>Commissioner Matsunaga stated in the lease cancellation the last paragraph, if the tenant fails to sign this Cancellation document and vacate as stated, this document is voided, the Lease will remain in effect and all moneys owed are due. That's the reason I am asking if the tenant has signed off.</p> <p>Investigator Herman commented he understands, if you want we can hold off on this till the April 1, 2021 meeting until that is corrected.</p> <p>Mr. Foster asked if any of the parties are present.</p> <p>Investigator Herman commented no one is on.</p>	<p><u>Motion #2</u> Mr. Matsunaga motion to consider decision of Permanent Increase of Premise until April 1, 2021. Mr. Pacheco seconded the motion. Motion carried 6:0.</p>
	<p>EXECUTIVE SESSION: Pursuant to Haw. Rev. Stat. ("H.R.S.") §92-4 and §92-5 (a) and (2) and (4), the purpose of this Executive Session is for the deliberation and decision-making by the Commission relating to the recommendations as presented by the Permitted Interaction Group on the hiring of a new Director of Liquor Control and other related items, and to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities as they may relate to this agenda item.</p>	<p>Mrs. Akita moved to go into Executive Session. Mr. Kahawai seconded the motion. Motion carried 6:0.</p> <p>10:20 a.m.</p>

SUBJECT	DISCUSSION	ACTION
6.	<p><u>APPROVAL OF MEETING MINUTES:</u> a) <u>Executive Session Minutes of January 21, 2021</u> b) <u>Executive Session Minutes of January 28, 2021</u></p>	
7.	<p><u>DISCUSSION AND POSSIBLE DECISION-MAKING ON THE RECOMMENDATIONS FROM THE (PERMITTED INTERACTION GROUP) ON THE SCORING IN THE INTERVIEW PROCESS AND OTHER RELATED MATTERS</u></p>	
8.	<p><u>UPDATE, DISCUSSION AND POSSIBLE DECISION-MAKING ON MATTERS RELATED TO THE HIRING OF THE DIRECTOR OR LIQUOR CONTROL</u></p>	
	<p><u>RETURN TO OPEN SESSION</u> Returned to Open Session @ 11: 14 a.m.</p>	
	<p><u>ROLL CALL FOR THE RETURN TO OPEN SESSION</u> Investigator Herman called roll, noting 6 members were present constituting a quorum. <i>Investigator Herman advised the Commission that he emailed Hanalei Bread Company and cc'd the Chair. The previous tenant has left the Island with no contact information. Hanalei Bread Company will get a hold of the landlord and will give Investigator Herman a notarized letter stating that the last lease was terminated.</i></p>	
	<p><u>RATIFY THE ACTIONS TAKEN IN EXECUTIVE SESSION</u></p>	<p>Mrs. Akita moved to ratify the actions taken in Executive Session. Mr. Kahawai seconded the motion. Motion carried 6:0.</p>

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	<p>EXECUTIVE SESSION: 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>Adjournment</p>	<p>With no further business to conduct, Chair Gibson called for a motion and a second to adjourn the meeting.</p>	<p>Mr. Pacheco moved to adjourn the Meeting. Mr. Crowell seconded the motion. Motion Carried 6:0</p> <p>At 11:17 a.m. the meeting was adjourned.</p>

Submitted by: _____
 Malialani TM Kelekoma, Liquor Clerical Assistant

Reviewed and Approved by: _____
 William Gibson, Chair

(X) Approved as circulated.

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