

APPROVED

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

See Open Session Minutes of 5-20-21.

Board/Commission:	LIQUOR CONTROL COMMISSION	Meeting Date	April 1, 2021
Location	Tele Conference via Microsoft Teams Audio +1 469-848-0234, Conference ID: 327 582 701#	Start of Meeting: 10:06 a.m.	End of Meeting: 10:57 a.m.
Tele Present	Chair William Gibson, Vice Chair Dee Crowell Members: Leland Kahawai, Randall Nishimura, Gary Pacheco Also: Liquor Control Staff: Acting Director Cecilio Baliaris Jr., Liquor Clerical Assistant Malialani TM Kelekoma; Ellen Ching Administrator Boards & Commission, Deputy County Attorney Charles Foster		
Excused			
Absent			
SUBJECT	DISCUSSION	ACTION	
Call To Order		Chair Gibson called meeting to order @ 10:06 a.m.	
Roll Call	Investigator Herman called roll, noting 5 members were present constituting a quorum.		
Announcements	Next Scheduled Meeting: Thursday, April 15, 2021 – 10:00 a.m. via Tele-Conference.		
Approval of Agenda		Mr. Pacheco moved to approve the Agenda. Mr. Kahawai seconded the motion. Motion carried 7:0.	

SUBJECT	DISCUSSION	ACTION
<p>1.</p>	<p><u>PUBLIC HEARING</u></p> <p><u>JOHNNY’S WINGZ N TINGZ, LLC dba JOHNNY’S WINGZ N TINGZ:</u> Application No. 2021-017 was filed on December 8, 2020 by JOHNNY’S WINGZ N TINGZ, LLC dba JOHNNY’S WINGZ N TINGZ for a transfer of Dispenser General Lic No. 5G-023 from Trees Lounge Inc. to JOHNNY’S WINGZ N TINGZ, LLC dba JOHNNY’S WINGZ N TINGZ located at 440 Aleka Place Unit 1, Kapaa, Kauai, Hawaii.</p> <p>Investigator Herman stated all legal requirements for today’s Public Hearing have been met. Since the date of the publication and up until the time of the Public Hearing, the Department has not received any letters in support or in opposition of this application.</p> <p>Chair Gibson opened the Public Hearing for Application No. 2021-017 and asked who is representing the applicant.</p> <p>John and Donna Copeland, Owners were present to represent the Licensees.</p> <p>Chair Gibson asked have you received a copy of the Investigator’s Report.</p> <p>Mr. Copeland replied, yes.</p> <p>Chair Gibson asked do you have any comments on the report.</p> <p>Mr. Copeland replied, no.</p> <p>Chair Gibson asked is there any one here who wishes to object to the application. Is there anyone here who wishes to speak on behalf of the application? Commissioners do you have any questions. Hearing none, he closed the Public Hearing for Application No. 2021-017.</p>	<p>Mr. Nishimura moved to approve Application No. 2021-017 for Johnny’s Wingz N Tingz, LLC dba Johnny’s Wingz N Tingz for a transfer of Dispenser General Lic. No. 5G-023 from Trees Lounge Inc. to Johnny’s Wingz N Tingz. Mr. Kahawai seconded the motion. Motion carried 5:0.</p>

SUBJECT	DISCUSSION	ACTION
<p>2.</p>	<p><u>DIRECTOR'S REPORTS:</u></p> <p>a) <u>INVESTIGATORS' REPORTS:</u></p> <p>b) <u>INCOMING COMMUNICATIONS:</u></p> <ol style="list-style-type: none"> 1) <u>From Milbrandt Family Wines Re: Annual Direct Shipment Report.</u> 2) <u>From Beam Suntory Re: Regulations to sell 700ml Distilled Spirits in Hawaii.</u> 3) <u>From Trina Lacson, Office of the Prosecuting Attorney Re: Evidence Release.</u> 4) <u>From Hidden Ridge Vineyard, LLC Re: Premise Change</u> <p>c) <u>OUTGOING COMMUNICATIONS:</u></p> <ol style="list-style-type: none"> 1) <u>To Hidden Ridge Vineyard, LLC Re: Premise Change</u> <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> <ol style="list-style-type: none"> 1) <u>KAUAI CHAMBER OF COMMERCE: Approval of Special Free 1-Day License No. 2021-08 to be held at Kauai Government Employees Federal Credit Union, Kilauea Branch, 2555 Ala Namahana Parkway, Kilauea, Kauai, Hawaii on March 25, 2021 FROM 5:30pm through 7:00pm.</u> 2) <u>KEOKI'S PARADISE: Approval of temporary extension of premise to include 210 sq ft of the grass turf per the diagram submitted. Temporary extension dates are from April 1, 2021 to June 30, 2021.</u> 3) <u>THE BEACH HOUSE: Approval of temporary increase of extension to the patio lawn as diagramed. Dates of the extension is approved for April 21, 2021 11:00am to 1:00pm and April 24, 2021 from 5:00pm to 10:00pm.</u> 4) <u>WINE HOOLIGANS LLC: Approved Direct Shipment Permit NO. DS21-443 to Wine Hooligans LLC dba Wine Hooligans located at 980 Airway Ct., Ste A, Santa</u> 	

SUBJECT	DISCUSSION	ACTION
	<p><u>Rosa, California.</u></p> <p>5) <u>SWEET CHEEKS VINEYARDS INC.: Approved Direct Shipment Permit NO. DS21-444 to Sweet Cheeks Vineyards, Inc. dba Sweet Cheeks Winery located at 27007 Briggs Hill Road, Eugene Oregon.</u></p> <p>6) <u>REVANA FAMILY PARTNERS, LP: Approved Direct Shipment Permit NO. DS21-445 to Revana Family Partners, Inc. dba Revana Winery located at 2930 Saint Helena Hwy N, Saint Helena, California.</u></p> <p>f) <u>INFORMATIONAL MATTERS</u></p> <p><u>CHANGE IN AUTHORIZED AGENT:</u></p> <p>a) <u>DUKE’S CANOE CLUB, LLC: Addition of Lisa A. Davis, Accounting Assistant from T S Restaurants Management, Inc. as an Authorized Agent for Duke’s Canoe Club, LLC. dba Duke’s Canoe Club license NO. 2G-007.</u></p> <p>b) <u>POIPU BEACH RESTAURANT, LLC: Addition of Lisa A. Davis, Accounting Assistant from T S Restaurants Management, Inc. as an Authorized Agent for Poipu Beach Restaurant, LLC. dba Keoki’s Paradise license NO. 2G-017.</u></p> <p><u>CANCELLATION OF LIQUOR LICENSE:</u></p> <p><u>FOOD PANTRY, LTD: Cancellation of Retail General License 4G-072 issued to Food Pantry, LTD. dba PV Eats.</u></p> <p><u>FOOD PANTRY, LTD: Cancellation of Restaurant General License 2G-089 issued to Food Pantry, LTD. dba PV Eats.</u></p>	<p>Mr. Pacheco moved to approve Director’s Reports a through f. Mr. Nishimura seconded the motion. Motion carried 5:0.</p>

SUBJECT	DISCUSSION	ACTION
3.	<p><u>REQUEST TO TRANSFER REMAINING LIQUOR INVENTORY</u></p> <p><u>FOOD PANTRY, LTD dba PV EATS RETAIL (Lic #4G-072) is requesting to transfer their remaining liquor to their affiliated companies FOODLAND SUPER MARKET, LTD. dba FOODLAND SUPER MARKET PRINCEVILLE (Retail General Lic# 4G-020), and THE KALAMA BEACH CORPORATION, dba KILAUEA MARKET + CAFÉ (Retail General Lic# 4G-059).</u></p> <p>a) <u>Amount requested to transfer to Foodland Princeville = 746 bottles of wine with an estimated value of \$17,462.62.</u></p> <p>b) <u>Amount requested to transfer to Kilauea Market & Café = 209 bottles of wine with an estimated value of \$5,200.88.</u></p> <p><u>Total amount of liquor transfer to both locations = 955 bottles of wine at an estimated value of \$22,663.50</u></p> <p>Mr. Robert Ueoka, Attorney was present to represent Foodland Supermarket LTD. This is a request to transfer remaining liquor inventory as PV Eats has closed permanently as of March 13, 2021. We are trying to get approval to transfer to our Affiliate Companies, Kalama Beach Corporation dba Kilauea Market + Café.</p> <p>Chair Gibson thanked Mr. Ueoka.</p> <p>Commissioner Nishimura asked about the other liquor, has it been taken cared of or disposed of.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Mr. Ueoka replied yes, they have been sold or destroyed. We have no intent to transfer on the beer side.</p> <p>Commissioner Nishimura thanked Mr. Ueoka.</p> <p>Chair Gibson asked are there any other questions.</p>	<p>Mr. Nishimura moved to approve the request for transfer the remaining Liquor Inventory for Food Pantry, LTD dba PV Eats Retail (Lic# 4G-072) to their affiliated companies Foodland Super Market, LTD. dba Foodland Super Market Princeville and The Kalama Beach Corporation dba Kilauea Market + Café on items 3 a) and 3 b) on the agenda. Mr. Pacheco seconded the motion. Motion carried 5:0.</p>
<p>4.</p>	<p><u>CONTINUANCE PERMANENT INCREASE OF PREMISES: (3-18-21)</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”.</p> <p>Investigator Herman advised the Commission Zephyr Farms LLC dba The Hanalei Bread Company still has not produced the paperwork required for this item. The Department of Liquor is requesting a deferral until a time where Zephyr Farms LLC dba The Hanalei Bread Company can produce the remaining required paperwork for this request.</p> <p>Chair Gibson asked what paperwork is remaining.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Investigator Herman replied, as former Commissioner Matsunaga brought up before, there is a problem with the lease agreement from Shave Ice Paradise and the person who owns Shave Ice Paradise, and they have left the island. He is in contact with landlord and Zephyr Farms LLC dba The Hanalei Bread Company. Due to the mud slides there has been problems with getting the paperwork in time before the agenda was posted. Has not received the required paperwork as of today, and we can't approve it.</p> <p>Chair Gibson asked Investigator Herman do you have any assurance that the paperwork is forthcoming.</p> <p>Investigator Herman replied they have assured me, he checked with the Attorney and we are requesting a deferral until the next meeting. This time we are not putting a date on it. We will revisit this once they have produced all required paperwork and then we can put it back on the agenda as an original request.</p> <p>Vice Chair Crowell asked Mr. Foster can we defer any matter to an unspecified date?</p> <p>Mr. Foster replied it's called to postpone indefinitely the agenda item, the motion should be to postpone indefinitely an agenda item. The motion is to decline to take a position on the main question, adopting the motion, kills the main motion and avoids a direct vote. It will be dead until it is put back on the calendar as a new item. Postponing indefinitely is the motion.</p> <p>Vice Chair Crowell asked was this a Public Hearing.</p> <p>Investigator Herman responded no, this is a request for a Permanent Increase of Premises.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Nishimura asked Mr. Foster by postponing indefinitely will it infer any kind of benefits to the applicant that may not be otherwise deem proper.</p> <p>Mr. Fisher responded no, not at all it's a little bit strange Roberts Rules, and it's coming off the calendar and never be heard of again until it gets put back on the calendar. This is Rule 11 of Roberts Rules.</p> <p>Commissioner Nishimura thanked Mr. Foster.</p>	<p>Mr. Nishimura, Pursuant to Rule #11 of Robert's Rules of Order move to postpone indefinitely any action on Increase of Premises for Zephyr Farms LLC dba The Hanalei Bread Company. Mr. Pacheco seconded the motion. Motion carried 5:0.</p>
	<p><u>EXECUTIVE SESSION:</u> 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 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 the following agenda items:</p>	<p>Mr. Pacheco moved to go into Executive Session. Mr. Kahawai seconded the motion. Motion carried 5:0.</p> <p>Moved into Executive Session @ 10:23 a.m.</p>
5.	<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></p> <p>Returned to Open Session @ 10:54 a.m.</p>	
	<p><u>ROLL CALL FOR THE RETURN TO OPEN SESSION</u></p> <p>Ms. Ching Administrator for Boards and Commission called roll, noting 5 members were present constituting a quorum.</p>	

SUBJECT	DISCUSSION	ACTION
	<u>RATIFY THE ACTIONS TAKEN IN EXECUTIVE SESSION</u>	Mr. Kahawai moved to ratify the actions taken in Executive Session. Mr. Pacheco seconded the motion. Motion carried 5:0.
	<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).	
Adjournment	With no further business to conduct, Chair Gibson called for a motion and a second to adjourn the meeting.	Mr. Nishimura moved to adjourn the Meeting. Mr. Pacheco seconded the motion. Motion Carried 5:0 At 10:57 a.m. the meeting was adjourned.

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.