

APPROVED

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved see minutes of 6/4/21.

Board/Commission:	LIQUOR CONTROL COMMISSION	Meeting Date	April 15, 2021
Location	Tele Conference via Microsoft Teams Audio +1 469-848-0234, Conference ID: 688 075 952#	Start of Meeting: 10:02 a.m.	End of Meeting: 11:18 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 @ 10:02 a.m.	
Roll Call	Acting Director Cecil Baliaris called roll, noting 4 members were present constituting a quorum.		
Announcements	Next Scheduled Meeting: Meeting Thursday, May 6, 2021 – 10:00 a.m. via Tele-Conference		
Approval of Agenda		Mr. Pacheco moved to approve agenda. Mr. Kahawai seconded the motion. Motion carried 4:0.	
	<i>Commissioner Nishimura entered meeting at 10:04 a.m.</i>		

SUBJECT	DISCUSSION	ACTION
	<p>Acting Director Cecil Baliaris Jr. replied, yes.</p> <p>Chair Gibson thanked Acting Director Cecil Baliaris Jr. He asked who is representing the applicant.</p> <p>Mr. Jonathon Chun and Georgine Deason were present to represent Sonesta International Hotel Corps dba Royal Sonesta Kauai Resort.</p> <p>Chair Gibson asked if they received a copy of the Investigators Report.</p> <p>Mr. Chun replied yes, there are no changes or objections, everything is accurate.</p> <p>Chair Gibson asked are there anyone here who wishes to object to this application or speak on behalf of this application. Commissioners do you have any questions? Hearing none, Public Hearing closed for Application 2021-019.</p> <p>Mr. Chun thanked the Members of the Commission.</p>	<p><u>Motion</u> Mr. Pacheco moved to approve Application 2021-019 for a transfer of Hotel License No. (Lic #12G-013) from Essex House Condominium Corporation dba Kauai Marriott Resort to Sonesta International Hotels Corp dba Royal Sonesta Kauai Resort. Mr. Crowell seconded the motion. Motion carried 5:0.</p>
<p>2.</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 Milbrandt Family Wines Re: Annual Direct Shipment Report.</u></p> <p>2) <u>From: Layne Silva-Department of Liquor Control, County of Maui Re: Structure and positions in Kauai Liquor Office.</u></p> <p>c) <u>OUTGOING COMMUNICATIONS:</u></p> <p>1) <u>All Wholesalers Re. Temporary License for Sonesta International Hotels Corp. dba Royal Sonesta Kauai Resort.</u></p>	

SUBJECT	DISCUSSION	ACTION
	<p>2) <u>All Wholesalers Re. Approved Transfer of License for Sonesta International Hotels Corp. dba Royal Sonesta Kauai Resort.</u></p> <p>3) <u>From: Layne Silva-Department of Liquor Control, County of Maui Re: Structure and positions in Kauai Liquor Office.</u></p> <p>Mr. Foster stated we have a motion and a second to accept a through d, we can take a vote on that and then the Member can make a motion on item e.</p> <p>Vice Chair Crowell commented you had a question on item c) 3?</p> <p>Chair Gibson asked Mr. Foster where we are we now.</p> <p>Mr. Foster replied Mr. Foster stated we have a motion and a second to accept a through d, Member has a questions about item c) 3, in which we can hear now.</p> <p>Commissioner Nishimura commented he does not recall seeing this in his packet.</p> <p>Chair Gibson commented item c) Outgoing Communications from Layne Silva, Department of Liquor Control Maui.</p> <p>Commissioner Nishimura replied, yes and if there was a response to them, did not see anything in the packet.</p> <p>Chair Gibson asked Acting Director Cecil Baliaris Jr. to do a follow up on this.</p> <p>Acting Director responded this was a request from Layne Silva, Director of Liquor from Maui. He requested information regarding our positions within the Liquor Department.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>They are currently revamping their Department and wanted to see how the structure was for Liquor Control Department is structured. He communicated with HR and was given a packet, that packet was sent to Mr. Silva.</p> <p>Chair Gibson asked are there any particulars that we should be aware of.</p> <p>Acting Director Cecil Baliaris Jr. replied no, it just describes what the ranks are for Investigator I, II, III and IV, it showed what they were doing. It has nothing to do with the Commission or anything else. They are just restructuring their people within the Department. I did clear it with HR (Human Resources) and HR (Human Resources) gave the information.</p> <p>Chair Gibson asked Commissioner Nishimura are you satisfied with the response.</p> <p>Commissioner Nishimura replied, yes just wondering what it entailed.</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>THE DOLPHIN POIPU: Approval of Temporary Increase of Premise to include their lanai area as a Beer Garden and Wine Bar, per diagram submitted for a Culinary Market. Dates of temporary increase are Wednesday’s, April 7, 14, 21, & 28, 2021, 3:30pm - 6:30pm.</u></p> <p>2) <u>THE DOLPHIN POIPU: Approval of Temporary Increase of Premise to include their lanai area as a Beer Garden and Wine Bar, per diagram submitted for a Culinary Market. Dates of temporary increase are Wednesday’s, May 5, 12, 19, & 26, 2021, 3:30pm - 6:30pm.</u></p>	<p><u>Motion # 1</u> Mr. Nishimura moved to accept Director’s Report a b, c, and d. Mr. Pacheco seconded the motion. Motion carried 5:0.</p>

SUBJECT	DISCUSSION	ACTION
	<p>3) <u>THE DOLPHIN POIPU: Approval of Temporary Increase of Premise to include their lanai area as a Beer Garden and Wine Bar, per diagram submitted for a Culinary Market. Dates of temporary increase are Wednesday's, June 2, 9, 16, 23, 2021, 3:30pm – 6:30pm.</u></p> <p>4) <u>WRANGLER'S STEAKHOUSE: Approval of Temporary Increase of Premise fronting the restaurant as shown on the diagram. Dates of increase are from April 1, 2021 through June 30, 2021, 10:00am – 11:00pm.</u></p> <p>5) <u>ISLAND SCHOOL: Approval of a Retail General Special 1-day License No. 2021-09. Event to be held online on April 10, 2021 from 4:00pm to 7:00pm. Purpose of event is to raise funds for the school's financial aid and general programs.</u></p> <p>6) <u>ISLAND SCHOOL: Approval of a Retail General Special 1-day License No. 2021-10. Event to be held online on April 16, 2021 from 7:00am to 6:00pm. Purpose of event is to pick up auction items conducted on fundraising event on April 10, 2021.</u></p> <p>7) <u>KEOKI'S PARADISE: Approval of Temporary Increase of Premise to include 200 sq. ft. of their front area of the restaurant, per diagram submitted. Dates of increase are from April 5, 2021 to July 5, 2021. 11:00am – 10:pm.</u></p> <p>8) <u>BEACH HOUSE RESTAURANT: Approval of Temporary increase of premises to include their patio lawn area, approximately thirty feet by eight feet, per diagram submitted. On Sunday, May 2, 2021 from 4:00pm – 7:00pm.</u></p> <p>9) <u>BEACH HOUSE RESTAURANT: Approval of Temporary increase of premises to include their patio lawn area, approximately thirty feet by eight feet, per diagram submitted. On May 5, 6, 7, 2021, from 5:00pm – 10:00pm.</u></p> <p>10) <u>BEACH HOUSE RESTAURANT: Approval of Temporary increase of premises to include their patio lawn area, approximately thirty feet by eight feet, per diagram submitted. On Monday, May 10, 2021, from 5:30pm – 10:00pm.</u></p>	

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	<p>11) <u>BEACH HOUSE RESTAURANT: Approval of Temporary increase of premises to include their patio lawn area, approximately thirty feet by eight feet, per diagram submitted. On May 11, 12, 2021, from 5:00pm – 10:00pm.</u></p> <p>12) <u>BEACH HOUSE RESTAURANT: Approval of Temporary increase of premises to include their patio lawn area, approximately thirty feet by eight feet, per diagram submitted. On May 13, 2021, from 5:30pm – 10:00pm.</u></p> <p>13) <u>BEACH HOUSE RESTAURANT: Approval of Temporary increase of premises to include their patio lawn area, approximately thirty feet by eight feet, per diagram submitted. On May 14 & 17, 2021, from 5:00pm – 10:00pm.</u></p> <p>14) <u>BEACH HOUSE RESTAURANT: Approval of Temporary increase of premises to include their patio lawn area, approximately thirty feet by eight feet, per diagram submitted. On Tuesday, May 18, 2021, from 5:00pm – 7:00pm.</u></p> <p>15) <u>BEACH HOUSE RESTAURANT: Approval of Temporary increase of premises to include their patio lawn area, approximately thirty feet by eight feet, per diagram submitted. On May 19, 22, 23, 25, 26, & 28, 2021, from 5:00pm – 10:00pm.</u></p> <p>Vice Chair Crowell asked why does Beach House Restaurant have so many requests, different times, what the logic is behind of having so many requests?</p> <p>Chair Gibson commented the reason they list them all together for the Action of the Director, that way so we do not need to treat each one as a separate question.</p> <p>Vice Chair respond does Beach House need to make separate applications for all of this 8-15?</p>	<p><u>Motion #2</u> Mr. Nishimura moved to approve the Actions of the Director e) 1 through 15. Mr. Kahawai seconded the motion. Motion carried 5:0.</p>

SUBJECT	DISCUSSION	ACTION
	<p>Acting Director Cecil Baliaris responded on the basis of what Chair Gibson said, they have been doing that for years with the former Director of Liquor. They could also ask for a three month extension due to the Pandemic. This way is better and we know what is happening at each time. We have had complaints in the past of loud noise and loud music, the previous Director of Liquor made it this way and it is easier to monitor each day. We know when the event will be, should they take out the three months we will not know when they would be having their event.</p> <p>Chair Gibson asked Vice Chair Crowell do you have any further questions.</p> <p>Vice Chair Crowell responded seems a little convoluted to me.</p> <p>Investigator Herman explained they did put in for a permanent extension, but there is a Snowbird type of resident at one of the Condo's right next door that was constantly complaining. The Acting Director Cecil Baliaris Jr. mentioned so that is why they put in individual requests. That was past practice from the previous Director of Liquor.</p> <p>Vice Chair Crowell asked is there music there.</p> <p>Investigator Herman replied they hold wedding receptions on that lawn.</p> <p>Vice Chair Crowell commented there is always lots of people for the sunset.</p> <p>Investigator Herman replied their license go only to the stone wall. They have residents and other people that go on that walkway.</p> <p>Vice Chair Crowell did the complaint come from the Condo on the Makai side of the road.</p> <p>Investigator Herman replied the complaint was coming from a Condo on the Oceanside towards Poipu.</p> <p>f) <u>INFORMATIONAL MATTERS:</u></p>	<p>No action taken on Item f.</p>

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Pacheco asked about item f.</p> <p>Commissioner Nishimura responded there was no information in the packet that refers to it.</p> <p>Acting Director responded in the futures, if there is no informational matters we will put none or leave it out.</p> <p>Chair Gibson asked do we need to take action on that.</p> <p>Commissioner Nishimura responded we can leave it to the Department and Mrs. Kelekoma.</p> <p>Investigator Herman advised for clarification there are no informational matters.</p> <p>Chair Gibson asked do we need a motion on this.</p> <p>Mr. Foster replied no motion is needed for this.</p>	
<p>3.</p>	<p><u>VIOLATION REPORT:</u></p> <p>a) <u>KALAMA BEACH CORPORATION dba MARKET AT KILAUEA: Violation of Rule 7.8 Manager on duty, qualifications.</u></p>	<p><u>Motion</u></p> <p>Mr. Nishimura moved to receive the Notice of Violation Hearing for Kalama Beach Corporation dba Market at Kilauea for a Violation Hearing on May 6, 2021. Mr. Pacheco seconded the motion. Motion carried 5:0.</p>

SUBJECT	DISCUSSION	ACTION
<p>4.1</p>	<p><u>CHANGE IN AUTHORIZED AGENT/OFFICERS:</u></p> <p>a) <u>SAFEWAY INC.: Designation of Gary R. Morton, the VP/T/AS/D as the primary decision maker for the purchase and sale of liquor for Safeway Inc. dba Safeway Stores, License No. 4G-011 and License No. 4G-051.</u></p> <p>b) <u>HOKUALA GOLF MANAGEMENT LLC: Addition of Ruth E. Engle as President, Jay M. McGrath as Vice President, Jeffrey L. Hansen as Secretary. Deletion of Joseph D. Livingood as President and Peter M. Hill as Secretary for Hokuala Golf Management LLC dba The Ocean Course at Hokuala.</u></p> <p><u>RESORT MANAGEMENT INTERNATIONAL, INC. A CALIFORNIA CORPORATION: Withdrawal of Jason Daniel Toste as President, Secretary, & Director. Withdrawal of Lisa Marie Gann as Treasurer & Chief Financial Officer. Withdrawal of Elizabeth Rue</u></p>	<p>No action necessary.</p>
<p>4.2</p>	<p><u>CONTINUANCE PERMANENT INCREASE OF PREMISES: (3-18-21, 4-1-21)</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 replied the question that former Commissioner Matsunaga had concerning the past owner of the lease for Shave Ice Paradise. This has been taken cared of, the paperwork has been submitted with the request. We should be up to date on what is required for this item.</p> <p>Commissioner Nishimura asked Investigator Herman is there an Application no. for this.</p> <p>Investigator Herman responded none is needed.</p>	<p><u>Motion</u> Mr. Nishimura moved to approve the request for Permanent Increase of Premises for Zephyr Farms LLC dba The Hanalei Bread Company as recommended by staff. Mr. Pacheco seconded the motion. Motion carried 5:0.</p>

SUBJECT	DISCUSSION	ACTION
<p>5.</p>	<p><u>NEW LIQUOR LICENSE:</u></p> <p><u>COLOROSHKO LLC dba PACO’S TACOS CANTINA KAPAA: Application No. 2021-021 was filed on March 20, 2021 by CLOROSHKO LLC dba PACO’S TACOS CANTINA KAPAA for a New Restaurant General (Live entertainment with dancing) license located at 4-1292 Kuhio Highway, Kapaa, Kauai, Hawaii. Deposited \$450.00.</u></p>	<p><u>Motion</u> Mr. Nishimura moved to accept Application No. 2021-021 Cloroshko LLC dba Paco’s Tacos Cantina Kapaa for a New Restaurant General (Live entertainment with dancing) schedule for Publication and Public Hearing. Mr. Pacheco seconded the motion. Motion carried 5:0.</p>
<p>6.</p>	<p><u>DISCUSSION AND DECISION-MAKING ON ESTABLISHING A PERMITTED INTERACTION GROUP. THE PURPOSE OF THE GROUP IS TO DRAFT THE GOALS AND OBJECTIVES FOR THE DIRECTOR OF LIQUOR CONTROL</u></p> <p>Investigator Herman asked if they should be in Executive Session.</p> <p>Mr. Foster replied no, we are just forming the PIG (Permitted Interaction Group) this can be in Open Session.</p> <p>Investigator Herman thanked Mr. Foster.</p> <p>Ms. Ching I requested that this be put on the agenda in view of the Commission’s decision regarding hiring of a new Director. When you are ready to do a job performance evaluation, that you have a basis on which to evaluate performance.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>So at this point I would be working with the PIG (Permitted Interaction Group) to formulate goals and objectives and report back to the Commission on what those draft goals and objectives recommendations are.</p> <p>Chair Gibson are there any recommendations on who should serve on this Committee. Ms. Ching do you propose three people.</p> <p>Ms. Ching responded it can maximum of three but no more than three.</p> <p>Chair Gibson asked can I assign.</p> <p>Ms. Ching replied yes.</p> <p>Chair Gibson recommended Vice Chair Crowell, Commissioner Nishimura since they did an awesome job and has previous experience and joined by Commissioner Kahawai to form the PIG (Permitted Interaction Group).</p>	<p><u>Motion</u> Mr. Pacheco moved to accept the appointees for the PIG (Permitted Interaction Group) Mr. Crowell, Mr. Nishimura and Mr. Kahawai. Mr. Nishimura 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 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><u>Motion</u> Mr. Pacheco moved to go into Executive Session. Mr. Kahawai seconded the motion. Motion carried 5:0.</p>

SUBJECT	DISCUSSION	ACTION
7.	<u>UPDATE, DISCUSSION AND POSSIBLE DECISION-MAKING ON MATTERS RELATED TO THE HIRING OF THE DIRECTOR OF LIQUOR CONTROL</u>	
	<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).	
	<u>RETURN TO OPEN SESSION</u> Returned to Open Session @ 11:15 a.m.	
	<u>ROLL CALL FOR THE RETURN TO OPEN SESSION</u> Ms. Ching called roll, noting 4 members were present constituting a quorum.	
	<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 4:0.
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 4:0 At 11:18 a.m. the meeting was adjourned.

Submitted by: _____
Malialani TM Kelekoma, Liquor Clerical Assistant

Reviewed and Approved by: _____
William Gibson, Chair

Approved as circulated.

Approved with amendments. See minutes of _____ meeting.