

Draft to be Approved

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Commission:	LIQUOR CONTROL COMMISSION	Meeting Date	June 3, 2021
Location	Tele Conference via Microsoft Teams Audio +1 469-848-0234, Conference ID: 539 443 747#	Start of Meeting: 10:02 a.m.	End of Meeting:11:30 a.m.
Tele Present	Chair William Gibson, Vice Chair Dee Crowell Members: Leland Kahawai, Randall Nishimura, Lorna Nishimitsu, Gary Pacheco Also: Liquor Control Staff: Director Leo Sandoval, Investigator IV Cecil 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	Investigator IV Cecil Baliaris Jr., called roll, noting 6 members were present constituting a quorum.		
Announcements	Next Scheduled Meeting: Thursday, June 17, 2021 – 10:00 a.m. via Tele-Conference.		
Approval of Agenda		<u>Motion</u> Mr. Pacheco moved to approve the agenda. Mr. Kahawai seconded the motion. Motion carried 6:0.	
Approval of Minutes	a. <u>Executive Session Minutes of February 11, 2021</u> b. <u>Executive Session Minutes of February 18, 2021</u> c. <u>Open Session Minutes of March 4, 2021 – Pg.14 s/b Commissioner Nishimura</u> d. <u>Open Session Minutes of April 15,2021</u>		

SUBJECT	DISCUSSION	ACTION
	<p>Mr. Foster commented the Executive Session Minutes of February 11 and 18, 2021 are noticed on the Executive Session they can be put off till the Executive Session. If there is no discussion we can do it now.</p> <p>Commissioner Nishimura commented on Open Session Minutes for March 4, 2021, it reflects on page 14 Commissioner Matsunaga entered the meeting at 10:38 a.m., it should be me. I recall being a little late for that meeting.</p> <p>Commissioner Kahawai asked on the two Executive Session Minutes the start time is the same would like to ensure that is correct.</p> <p>Ms. Ching advised the Commission because there are questions on the Executive Minutes that should be taken up in Executive Session. She suggested that the makers of the motion withdraw their motion and second. They can entertain to amend Open Session Minutes of March 4, 2021 with amendments and Open Session Minutes of April 15, 2021.</p> <p>Chair Gibson commented is there a correction required on the Open Session of March 4, 2021 by Commissioner Nishimura.</p> <p>Ms. Ching replied yes, so the motion can be totally withdrawn be the maker of the motion and the person that seconded or the person that made the motion can amend their motion. They can accept the March 4, 2021 minutes with the amendment and the Open Session Minutes of April 15, 2021.</p> <p>Commissioner Nishimitsu requested to abstain from voting since she was not a Commissioner during that period of time.</p>	<p><u>Motion #1</u> Mr. Kahawai moved to approve minutes of a through d. Mr. Pacheco seconded the motion.</p> <p><u>Motion #2 Amended</u> Mr. Kahawai moved to amend his motion and restate to approve the Open Session Minutes of March 4, 2021 with the change as noted and approve the Open Session Minutes of April 15, 2021. Mr. Pacheco accepted the change. Motion carried 5:0.</p>

SUBJECT	DISCUSSION	ACTION
<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>Disturbance Report from Nawiliwili Tavern.</u></p> <p>2) <u>Constellation Brands, Michelle Jensen Re: Promotions Pre-Approval - High West Whiskey First Annual Prairie Dash Sweepstakes 2021</u></p> <p>Commissioner Kahawai stated for the record that it should be Constellation Brands and not Consolation Brand for b) 2 and c) 1.</p> <p>c) <u>OUTGOING COMMUNICATIONS:</u></p> <p>1) <u>Constellation Brands, Michelle Jensen Re: Promotions Pre-Approval - High West Whiskey First Annual Prairie Dash Sweepstakes 2021</u></p> <p>d) <u>EMPLOYEES IN LICENSED PREMISES:</u></p> <p>Managers and Assistant Managers – See Attachment "A"</p> <p>e) <u>ACTIONS OF THE DIRECTOR:</u></p> <p>1) <u>BEACH HOUSE RESTAURANT: Approval of Temporary Increase of Premise to include the patio lawn space for a consumption area, per diagram submitted. Dates of temporary increase for May 24, 2021 from 5:00pm - 10:00pm.</u></p> <p>2) <u>DUKE'S CANOE CLUB: Approval of Temporary Increase of Premise to include the grass area fronting the restaurant for a consumption area, per diagram submitted. Dates of temporary increase effective June 1, 2021 through July 5, 2021 from 10:30am - 10:00pm.</u></p>	<p><u>Motion</u></p> <p>Mr. Pacheco moved to accept the Directors Report a through e. Ms. Nishimitsu seconded the motion. Motion carried 5:0.</p>

SUBJECT	DISCUSSION	ACTION
	<p>3) <u>ROYAL SONESTA KAUAI RESORT: Approval of special request for Temporary Decrease of Premises to exclude the grass area fronting Duke’s Canoe Club to allow Duke’s Canoe Club to use as a consumption area for food and liquor. Effective June 1, 2021 through July 5, 2021 from 10:30am - 10:00pm.</u></p> <p>4) <u>CHICKEN IN A BARREL WAIMEA: Approval of Temporary Increase of Premise to include the grass area behind the restaurant per diagram submitted on June 7, 2021 from 3:00pm - 10:00pm.</u></p> <p>5) <u>WAIMEA PLANTATION COTTAGES: Approval of special request for Temporary Decrease of Premises to exclude the grass area behind Chicken In A Barrel on June 7, 2021 from 3:00pm - 10:00pm.</u></p> <p>Commissioner Nishimura asked in regards to the Constellation Brands promotion under what rule are they required to get permission from the Department of Liquor Control. I went through the rules to find out what authority there was it does not appear to be tied to the sale of liquor. I needed staff to explain why it fell under our jurisdiction.</p> <p>Investigator Cecil Baliaris Jr. commented the reason why we give them permission to do so we check their advertisements to make sure liquor is not given or needs to be purchased in order to have their sweepstakes started. We do all this and after we check there is no violation. Then we give them permission to do so. We give them an updated permission that saying this is only for the County of Kauai, all the other Counties will have to do their own and they understand that.</p> <p>Commissioner Nishimura asked has that typically been done when there is no sales of liquor which will fall under Liquor Control jurisdiction that you would give them authority, when you don’t have authority to give. I am kind of confused about this process.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Investigator Cecil Baliaris Jr., commented we are just checking to see if there are any violations as far as, like I said for the sweepstakes seeing that there is no violation. We go ahead and tell them its okay to do so.</p> <p>Investigator Herman elaborated this has to do with the Inducement Laws also, there checking to make sure they are within our compliance for the Inducement. I don't have the exact HRS # right now, but I can get back to the Commission with it. It does not specifically talk about ads they are checking with us to make sure they are following within the Laws of Inducement and tied into the sale of liquor and the point-of-sale advertisements that are required in a retail establishment.</p> <p>Director Leo Sandoval replied with some information reviewing on Rule 3.5 Free goods prohibited, exception: No licensees shall directly, indirectly offer, furnish, deliver, or give away any free goods, gratuities, gifts, prizes, coupons, premiums, or any article or thing of value to consumer which is tied into the sale of liquor, except "pupus" (appetizers) offered on premises establishments and advertising specialties which are available to all consumers exempt from this provision. So basically anything that is tied to the sweepstakes that would make the customer have a premium as a result of purchasing alcohol. There is no violation of the actual occurrence of that sweepstakes. We just need to make sure there is no premium offered to the customer.</p> <p>Chair Gibson asked Commissioner Nishimitsu does that answer your question.</p> <p>Commissioner Nishimitsu replied, not quite when I read the promotional literature from High West Whiskey it says it is open to anybody by text or email. It doesn't seem there is a point on which liquor is offered for sale to persons who enter so that's why I am so confused. You'll find that is standard for me.</p>	

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	<p>Investigator Herman commented the advertisement for the Sweepstakes is inside the store at the point of on the sales floor with the liquor items.</p> <p>Commissioner Nishimura asked it's at various locations.</p> <p>Investigator Herman replied correct the actual Sweepstakes is done online, the advertisement for it is in a retailed licensed premises.</p> <p>Commissioner Nishimura replied that explains it.</p>	
<p>2.</p>	<p><u>NEW LICENSE</u></p> <p>a) <u>POINT HB LLC dba HANALEI MARKET: Application No. 2021-025 was filed on May 3, 2021 by POINT HB LLC dba HANALEI MARKET for a New Retail General license located at 5-5161 Kuhio Highway Building F, Hanalei, Kauai, Hawaii. Deposited \$450.00.</u></p> <p>Chair Gibson asked Investigator Cecil Baliaris Jr. did they give you any indication when they will execute this license.</p> <p>Investigator Cecil Baliaris Jr. replied I believe in January, Investigator Herman is doing this application and he can answer any questions.</p> <p>Investigator Herman commented they did give a tentative date but I am not sure if wanted to give it to the public. They did anticipate the 45-day wait out for the Public Hearing, we are going as planned.</p>	<p><u>Motion #1</u></p> <p>Ms. Nishimitsu moved to accept for Publication and Public Hearing. Mr. Pacheco seconded the motion. Motion carried 6:0.</p>

SUBJECT	DISCUSSION	ACTION
	<p>b) <u>STL OF HAWAII dba TARGET STORE T3400: Application No. 2021-026 was filed on May 24, 2021 by STL OF HAWAII dba TARGET STORE T3400 for a New Retail General license located at 4303 Nawiliwili Road, Lihue, Kauai, Hawaii. Deposited \$450.00.</u></p> <p>Vice Chair Crowell asked is the hearing going to be next month.</p> <p>Investigator Herman commented once the publication goes into the newspaper we have to wait 45 days out by law to get the public a chance to respond and the next available Commission Meeting after that meeting is when the Public Hearing is scheduled.</p> <p>Vice Chair replied I passed the other day it's the old K-Mart and doesn't look close to finishing are they going to have their Certificate of Occupancy by then.</p> <p>Investigator Herman replied that wouldn't be up to our Department I did do a site inspection and the interior is moving along fairly rapidly, they got a lot of workers over there.</p> <p>Vice Chair Crowell asked is there a policy that we don't issue permits until t the applicant has a C.O. or not.</p> <p>Investigator Herman replied correct we can approve the license, but it will not be issued until they meet all the requirements of all the departments. They have six months out from date of approval to activate the license or it is null and void. Chair Gibson asked are there any other questions.</p>	<p><u>Motion #2</u> Mr. Kahawai moved to accept for Publication and Public Hearing. Mr. Pacheco seconded the motion. Motion carried 6:0.</p>

SUBJECT	DISCUSSION	ACTION
<p>3.</p>	<p><u>DISCUSSION AND POSSIBLE DECISION-MAKING ON THE ANNUAL EVALUATION FOR THE ACTING DIRECTOR</u></p> <p>Ms. Ching shared with the Commission that everyone should have gotten their report from the PIG (Permitted Interaction Group). The PIG (Permitted Interaction Group) members are Commissioner Nishimura, Vice Chair Crowell and Commissioner Kahawai. It was a very simple report and recommendations that the Commission approved and adopt the attached Director’s Goals and Objectives. To consider in approving it with allowing the New Director’s input on the goals and objectives.</p> <p>Investigator Cecil Baliaris Jr. mentioned to Chair Gibson that Ms. Ching is going ahead of us we supposed to be on item #3.</p> <p>Ms. Ching commented on the agenda is it Discussion and Possible Decision-Making on the Annual Evaluation.</p> <p>Chair Gibson replied yes.</p> <p>Commissioner Nishimitsu replied “Acting Director”.</p> <p>Ms. Ching apologized and asked Chair Gibson to take this item into Executive Session.</p> <p>Mr. Foster replied yes. For purposes of the minutes, the minutes need to reflect each members vote on going into Executive Session.</p> <p>Chair Gibson asked should we have a roll vote.</p> <p>Mr. Foster responded not necessarily since the vote was unanimous.</p>	<p><u>Motion</u> Mr. Pacheco moved to take item #3 into Executive Session. Ms. Nishimitsu seconded the motion. Motion carried 6:0.</p>

SUBJECT	DISCUSSION	ACTION
4.	<p><u>PRESENTATION, DISCUSSION AND POSSIBLE ACTION ON THE FY 21-22 BUDGET AND OTHER RELATED MATTERS</u></p> <p>Ms. Ching requested a deferral on this items since there is a New Director in place. I need more time to finalize a few things on this issue and I would like some time to discuss with the New Director.</p> <p style="text-align: center;"><i>Commissioner Nishimura left the meeting @ 10:26 a.m.</i></p>	<p><u>Motion:</u> Mr. Kahawai moved to defer item# 4 Presentation, Discussion and possible action on the FY 21-22 Budget and other related matters to the next Commission Meeting. Mr. Pacheco seconded the motion. Motion carried 5:0.</p>
5.	<p><u>DISCUSSION AND POSSIBLE DECISION-MAKING ON THE RECCOMENDATIONS OF THE PERMITTED INTERACTION GROUP ON THE DRAFT GOALS AND OBJECTIVES FOR THE DIRECTOR OF LIQUOR CONTROL</u></p> <p>Ms. Ching thanked Investigator Cecil Baliaris Jr. for setting her straight, I did jump the gun. I shared with all of you my screen earlier about what was the report of the PIG (Permitted Interaction Group) to adopt the drafted goals and objectives for the Director of Liquor Control with the caveat of having input from our New Director. Ms. Ching went over Goals one through four. The other two members of the PIG (Permitted Interaction Group) are here with the exception of Commissioner Nishimura. The only other questions was Goal #1 8. Meet at least 1-2 licensees * from each category and the top five (5) grossing licensees* (Chair requested that the Director meet with all licensees within the first year discussion). That is a point of discussion now would be an appropriate time to discuss which way they want to go and possible action on this item.</p> <p>Chair Gibson asked Investigator Cecil Baliaris Jr. how many total licensees do we have for the Director to meet with.</p>	

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	<p>Investigator Cecil Baliaris Jr. commented we have 200 plus licensees. I wanted to bring up for the Director to meet all the licensees you have to take into consideration the licensees that are closed such as some of the hotels and some of the on premise and retailers, maybe the timeline should be extended. Mr. Sandoval has told us that he will be riding with the Investigator's and going to the various licensees. If that licensee is closed he will not be able to meet with them until they re-open.</p> <p>Chair Gibson commented the fact that they are closed it's a bonafide reason for not visiting that licensee. However with the movement of the industry in a very short time these licensees will be back in business. I would be amendable to changing the time requested or having a little note that the licensed premise should be open to be on the list to be visited.</p> <p>Investigator Herman stated as of May 20, 2021 we have currently 215 licensees.</p> <p>Commissioner Nishimitsu commented is it critical that the meeting be at the licensed premises. That is a tall order to meet with 215 potential individuals, whether the Commission would be averse to allowing the Director to meet with perhaps the licensees that are closed. The point person in a group just to get some feedback from these licenses what their concerns are with the way the department handles its business. I did not anticipate the Director had to go to each and every single licensed premises.</p> <p>Investigator Cecil Baliaris Jr. replied I think our Director he has implied that he wants to go out and see what goes on as far as the on premise licensee.</p> <p>Being in law enforcement he wants to see how he can improve the concerns that maybe the department has as far as they not following the rules. He has implied that he wanted to go out and it's up to him if he wants to do so.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Chair Gibson thanked Investigator Cecil Baliaris Jr., that is what I based my recommendation on that Director Sandoval did mention that he would like to meet all the licensees. As far as the time limit that might be the key.</p> <p>Investigator Herman commented some of these licensees are National Corporations, he would be meeting the General Managers on the local level. We have contact information for higher ups that we can contact via email or telephone.</p> <p>Chair Gibson replied I think that maybe we should amend the time limit or as Commissioner Nishimura recommended a meeting could be held for those who are interested and we could check them off the list. I think that some licensees would like to be heard and also by licensee I think that the intent is to meet the persons that are day to day controllers of the following of rules and regulations. Any other comments.</p> <p>Ms. Ching replied based on the feedback of your Commissioners my suggestion would be if you notice the desired outcome is within the first 90 days, anything that has an * by it means that you are asking the Director to meet those individuals in person. So to provide more flexibility given the discussion that I just heard, I removed all the *'s because as Investigator Herman indicated some of these are Corporations. My recommendations is to have Director Sandoval to report to you on progress. It gives more flexibility on the timeline and whether someone is open or not open yet. So if that meets the approval of the Commission #8 would be Meet at least 1-2 licensees from each category and the top five (5) grossing licensees and report to the Commission with progress report. Does that meets everyone's input.</p> <p>Commissioner Pacheco commented that's a great idea.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Chair Gibson replied I think I can depend on Director Sandoval to follow through with what he stated as his goal of meeting as many licensees as possible. So I withdraw my recommendation.</p> <p>Ms. Ching responded to Chair Gibson I can further amend #8 to meet a minimum of, meaning that's the minimum the base line. Instead of at least instead of minimum?</p> <p>Chair Gibson replied the top five (5) grossing licensees that would probably be the hotels or a large corporation. I have no problem, I am depending on Director Sandoval to make good on his promise to meet almost all the licensees, so I am fine with that.</p> <p>Commissioner Kahawai asked how many categories do we have.</p> <p>Investigator Herman replied we have 14 categories, some only 1 or 2 some up to 80.</p> <p>Commissioner Kahawai commented so in 90 days if he meets with 2 from each category and the top 5 grossing licensees that would be 33 within the first 90 days.</p> <p>Commissioner Nishimitsu asked Director Sandoval is that doable for you given all of your other tasks?</p> <p>Director Leo Sandoval replied as for the time putting in for the licensees I have some ideas that might work out. I am not opposed to setting up appointments to bring in about 5 or 6 licensees as much as it will allow me to keep up with the social distancing that will allow in our training room. If I bring in 5 or 6 at a time and schedule 1 or 2 a day then I can knock out a few more. I can go through the same thing with each one of um. Ideally I'd liked to send out an email or put on the website that we are having a town hall meeting for all he industry they can meet me and ask me questions at that time.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>With the restrictions I can still make it work for those that can't make it I can set up additional or alternatives ways to meet with them. If I have to go out to their licensed location to meet with them I am not opposed to that. I do have a lot of stuff to do, however brining more than one in would be the best way to knock out more than one bird with one stone. Yes, I think it's obtainable as far as visiting the licensed locations that is something I want to do. As far as looking at the lay of their licensed premises that can be done over time, meeting the person would be fast if I could bring them in and do it all throughout the 90 days. There are 215 licensees I pretty sure we can accomplish that as long as we have good communications, contact number and email to set up a time with them and put them on the calendar. I think it's obtainable.</p> <p>Chair Gibson stated I think that is satisfactory for rule #8, Commissioner Nishimitsu does it need any further clarification.</p> <p>Commissioner Nishimitsu replied I am satisfied, I just didn't want to set it up for failure on the part of our incoming Director. Since he is comfortable with it and has the flexibility of meeting with groups of them at his office then I agree with him it's probably doable.</p> <p>Chair Gibson commented knowing the Commissioners if any of these goals are unachievable we would accept reasons for extending that 90 day limit for any one of these requirements or recommendations.</p> <p>Director Leo Sandoval replied the ones showing up for the 90 days, there is a lengthy amount that is on there. However before looking at this list I have started working on these things. I have been meeting with the Staff and the Department Heads. The timeline has already began prior to accepting them. So it's on track to meet the goals that have been presented.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Chair Gibson thanked Director Sandoval, and asked Ms. Ching to continue with the list.</p> <p>Ms. Ching commented it will be easier to go one by one. Since that is what you can see on your screen. The 1st page was Goal one, #10 is the review of HRS 281 (State Liquor Law), 91 (Rulemaking), 92 (Uniform Information Practices Act/UPA & Sunshine Law), Kauai County Charter Section 16.01-16.04 (Liquor Control Commission), Sections 20.01-20.01 (Code of Ethics) Kauai County Ordinance (Code of Ethics) Sections 3-1.0-1.1 11 and the Commission's rules. Any comments about page #2, are you ready to adopt Goal #1.</p> <p>Goal #2 Provide leadership in all Liquor Control Department and Liquor Control Commission to stimulate improvements. Any comments or amendments.</p> <p>Commissioner Nishimitsu commented I do not know of the Department and its operations obviously because I am new, but are there any systemic problems in the Department would 6 months be sufficient for the Director to do what's listed under Goal #2?</p> <p>Director Leo Sandoval commented within 6 months the Success Measurements on Goal #1 I have started working on that as well. There are some systematic issues that need to be worked out especially the administrative part of the front office. I need to get that resolved especially with the upcoming applications that need to be reviewed by June 30, 2021. We are working out an issue at this point to make sure that transitions as easy as possible that's' been my biggest challenge at this point.</p> <p>I am talking to a few people within the County and HR (Human Resources) as well as Ms. Ching to get that issue resolved. I should have a solution within the next few weeks or so. Six months for the rest of it will be pushing it, I found out that there is an SOP and a lack of an Enforcement Manual or additional actions that need to be addressed in a certain Policy Manual.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>I am going to create a new Policy Manual and present to the Commission that would work with what we really need to accomplish our goals and have a guideline to make sure that we are actually following through properly. Six months would be pushing it I would ask for a little longer, it takes a while to create the policy.</p> <p>Chair Gibson asked what specific area or section would that be covered under.</p> <p>Ms. Ching replied given the Director's output you may want to amend the desired outcome. Director Sandoval please provide some feedback, he is looking at all of these things and saying within six months I need to accomplish all of these things. You can soften that for the desired outcome. By inserting the Department has shown improvement, so if there is any movement of improvement on any of those items that is a desired outcome. Insert to report and update the Commission on the improvements. So as long as he reports and there is forward motion then his is meeting the standard of this goal. If that is the direction that the Commission would like to move in, I can amend it right now.</p> <p>Chair Gibson replied, I agree.</p> <p>Vice Chair Crowell commented the idea was for the New Director to make an assessment of the Department. I think the issue is not what the Department is doing is how they are doing it and how we are doing it the Commission. In my humble opinion is a law suit waiting to happen the way we do things.</p> <p>We are going to be faced with a lot of people that really don't care and they are willing to sue. You see that now in the Planning Commission Meetings, I think it might spill over to us. So the idea is to get our ducks in a row when considering agenda items, especially when we are dealing with fines and decisions that may be adverse to the applicant.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>We have to make sure we state our reasons why and site the pertinent provisions. That is my humble opinion as to how we should be doing things. I don't want to get overboard into Contested Case Hearings we should at least not appear arbitrary when we do things especially in setting fines. There should be some logic behind it.</p> <p>Ms. Ching asked Director Leo Sandoval for the desired outcome it has been amended does that feel more achievable, reasonable or realistic?</p> <p>Director Leo Sandoval replied yes that is more attainable there will be forward progress. We have to have something like Vice Chair Crowell a guideline and once we have the guideline we will have something to fall back upon. That is something I will be working to move forward on so that we have a standard to follow in case legal proceedings happen and not making things up as they go.</p> <p>Ms. Ching asked Chair Gibson and the Commission are you okay with the amendment on the desired outcome? It has been amended the 2nd half of it, the Department has shown improvement in the operations of the Department and the Commission and the Director provides the Commission with status report on initiatives.</p> <p>Chair Gibson replied that is all we need.</p> <p>Ms. Ching asked the Commission if they are ready to move to the next page. Basically to have the incoming Director be on-boarded and oriented to look for improvements and identify resource trainings and priority training needs all leading up to the fourth goal which is the Strategic Plan. Director Sandoval do you have any input?</p> <p>Director Leo Sandoval responded no this one looks fine.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Chair Gibson commented there is flexibility in this that we can comfortably go ahead with this. Any other comments.</p> <p>Ms. Ching asked Director Leo Sandoval do you want more time and provide input. The motion can be they can approve pending your review and input or just approve it.</p> <p>Director Leo Sandoval replied if it's acceptable I would like to review on it a little more on it just to make everything obtainable and make sure everything will be according to what I can get arranged with the licenses and staff. With the training portion we are limited on our budgeting, need to obtain what the staff need to accomplish to be more a little more efficient. Being able to accomplish what the goals are from the Commission. If possible would like to request till the next Commission Meeting for input and review.</p> <p>Ms. Ching replied to Chair Gibson you can entertain a motion, the motion would be approve pending the input of Director Leo Sandoval or you can defer this to the next Commission Meeting. I will meet with Director Leo Sandoval to incorporate his input and it will appear before the Commission again for your review and approval.</p> <p>Chair Gibson asked Director Leo Sandoval is that enough time to give your feelings about these directives.</p> <p>Director Leo Sandoval replied yes.</p> <p>Commissioner Nishimitsu commented about her concern, if we approve it and changes come in then the motion and second to approve will have to be modified it just seems safer to defer it to the June 17, 2021 meeting so the action taken will be final.</p>	<p><u>Motion</u> Ms. Nishimitsu moved to defer to June 17, 2021 meeting. Mr. Kahawai seconded the motion. Motion carried 5:0.</p>

SUBJECT	DISCUSSION	ACTION
<p>6.</p>	<p><u>SELF- INTRODUCTION OF THE NEW DIRECTOR OF LIQUOR CONTROL</u></p> <p>Director Leo Sandoval thanked the Commission for coming to his swearing in. He has hit the ground running, upstairs and downstairs. I think you knew you were going to have me running. It's not anything that I can't handle, I'm a big believer you never give anything more than you can't handle, if you can't ask for help. I'm not afraid to ask for help from anyone. I am very pleased with the Investigators that I have been given to me here. I have had the opportunity to speak to all of them get to know them one on one in addition to the clerk it's a good team. With the proper leadership and guidance we are going to be able to change this place or continue moving forward. I'm excited and the guys are excited. I see nothing but good stuff that will be coming out of this department and to represent the Commission as well. We are going to be a reflection of the Commission my duty and my goal is to make us look as good as we can to the public. We are on the right track, this year we will be a little lean. Next year we pray everything will bounce back like it used to be it will look a lot better next year. Thank you very much great meeting we had today a little longer than usual. Welcome to the new Commissioner Nishimitsu. I look forward to more Commission meetings and showing our improvement moving forward.</p> <p>Chair Gibson thanked him and welcomed him to the Family.</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 second the motion. Motion carried 5:0.</p>

SUBJECT	DISCUSSION	ACTION
	Chair Gibson invited Director Leo Sandoval, Boards & Commission Administrator Ellen Ching, Deputy County Attorney Charles Foster, Liquor Clerical Assistant Malialani TM Kelekoma	
	<p><u>RETURN TO OPEN SESSION</u></p> <p>Returned to Open Session @ 11:29 a.m.</p>	
	<p><u>ROLL CALL FOR THE RETURN TO OPEN SESSION</u></p> <p>Investigator IV Cecil Baliaris Jr. called roll 5 members online, constituting a quorum.</p>	
	<p><u>RATIFY THE ACTIONS TAKEN IN EXECUTIVE SESSION</u></p>	<p>Mr. Kahawai moved to ratify the actions taken in Executive Session. Mr. Pacheco seconded the motion. Motion carried 5:0.</p>
	<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>	

SUBJECT	DISCUSSION	ACTION
Adjournment	With no further business to conduct, Chair Gibson called for a motion and a second to adjourn the meeting.	Mr. Pacheco moved to adjourn the Open Session Meeting. Mr. Kahawai seconded the motion. Motion carried 5:0.

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.