

**Draft to be Approved**

COUNTY OF KAUAI  
Minutes of Meeting  
OPEN SESSION

Board/Commission:	<b>LIQUOR CONTROL COMMISSION</b>	Meeting Date	<b>June 17, 2021</b>
Location	Tele Conference via Microsoft Teams Audio +1 469-848-0234, Conference ID: 280 371 764#	Start of Meeting: 10:02 a.m.	End of Meeting:11:42 a.m.
Tele Present	Chair William Gibson, Vice Chair Dee Crowell Members:, Randall Nishimura, Lorna Nishimitsu, Gary Pacheco, Tess Shimabukuro Also: Liquor Control Staff: Director Leo Sandoval, Liquor Clerical Assistant Malialani TM Kelekoma; Ellen Ching Administrator Boards & Commission, Deputy County Attorney Charles Foster		
Excused	Leland Kahawai		
Absent			
SUBJECT	DISCUSSION	ACTION	
<b>Call To Order</b>		Chair Gibson called meeting to order 10:00 a.m.	
<b>Roll Call</b>	Director Leo Sandoval called roll, noting 6 members were present via tele=conference constituting a quorum.		
<b>Announcements</b>	Next Scheduled Meeting: Thursday, July 8, 2021 – 10:00 a.m. via Tele-Conference.		
<b>Approval of Agenda</b>		<u>Motion</u> Mr. Pacheco moved to approve the agenda. Mr. Crowell seconded the motion. Motion carried 6:0.	

SUBJECT	DISCUSSION	ACTION
1.	<p><b><u>PUBLIC HEARING:</u></b></p> <p><b><u>CLOROSHKO LLC dba PACO'S TACOS CANTINA KAPAA:</u></b> Application No. 2021-021 was filed on March 20, 2021 by CLOROSHKO LLC dba PACO'S TACOS CANTINA KAPAA for a New Class and Kind (Restaurant General with Live Entertainment and Dancing) at the former Ono Family Restaurant. The address is 4-1292 Kuhio Highway, Kapaa, Kauai, Hawaii. The Commission accepted Application No. 2021-021 for publication and public hearing on April 15, 2021 and ordered to print notice of public hearing in The Garden Island newspaper on Wednesdays, April 21 and April 28, 2021, scheduling the public hearing on June 17, 2021 at 10:00 a.m. or shortly thereafter via Microsoft Teams conferencing only.</p> <p>Chair Gibson asked for the Departments Report.</p> <p>Director Leo Sandoval responded yes, the Department has received four letters of concern and no letters of support.</p> <p>Chair Gibson asked who is representing the applicant.</p> <p>Elizabeth Dias, Owner was present to represent Cloroshko LLC dba Paco's Taco's Cantina Kapaa.</p> <p>Chair Gibson asked if she received a copy of the Investigators report and if she have any comments or questions.</p> <p>Ms. Dias replied yes, and she has no questions.</p> <p>Chair Gibson asked is there any one here who wishes to object to this application. Please state your name, address and the nature of your objection.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>The appellant Tom Summers stated his name and address, he is also the Property Manager for Paco's Taco's, and I am the one that generated the lease for them to sign.</p> <p>Chair Gibson asked Mr. Summers the nature of his objection.</p> <p>Mr. Summers stated I was under the impression that the applicant was going to pull off the live entertainment from their license request. I guess that is not happening we signed a lease where they fill out an application requesting that they wanted to serve liquor so we signed a lease in which they were approved and we were okay with them serving liquor. Nowhere in any application anywhere they ever discussed or brought up the fact that they wanted to have live music and entertainment on the lease or even on their application to lease the building. So when this came up we were surprised that they were asking for this. I talked to a few people and I was under the impression that Elizabeth Dias was going to withdraw that portion of dancing and entertainment. I guess that did not happen she obviously didn't do it. Myself representing the owners of the restaurant they now lease, they signed a twenty year lease are totally against having live music and entertainment. We got other tenants on the property that live 50 ft. from the restaurant. The only thing that we were interested in approving is for them to have a liquor license, but not live dancing or entertainment.</p> <p>Chair Gibson asked have you had a discussion with Ms. Elizabeth Diaz.</p> <p>Mr. Summers replied I have, she called me up yesterday and told me at the actual meeting that we are in that she was going to request to remove the dancing and live entertainment, before the approval was given for a liquor license. We are fine with them having a liquor license, she told me she was going to remove the dancing and entertainment part from her application. I guess she decided not to do it after all.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Diaz replied I am waiting for my turn to talk.</p> <p>Mr. Summers replied if she is going to do that where entertainment and dancing will be removed from her application. I am fine with that and the owners of Pono Commercial LLC are fine with her having a liquor license.</p> <p>Chair Gibson thanked Mr. Summers, Ms. Diaz would you want to add to the conversation?</p> <p>Ms. Diaz yes I was waiting for the opportunity to explain myself that I wanted to remove the dancing and live entertainment of the liquor license, I just want to have a liquor license.</p> <p>Chair Gibson asked Mr. Foster is it possible that we change the application for the type of license, is that correct?</p> <p>Investigator Herman responded it would change the class from (B) which is live entertainment and dancing to (A) which is just a standard bar.</p> <p>Chair Gibson replied do we need to bring this up at a future meeting in which the license could be re-applied for? Or the wording changed?</p> <p>Mr. Foster replied it could be done that way or it could done as a condition. It would be an odd situation having a (B) license with conditions in which essentially could turn into an (A) license, but it could be done that way.</p> <p>Chair Gibson asked Mr. Foster can we do that today.</p> <p>Mr. Foster replied we can do that today.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Chair Gibson asked are there any other objections to this application. Is there anyone willing to speak on this application?</p> <p>Investigator Herman replied he has a question for Mr. Foster. I just want to make sure if we are going to approve the license with stipulations it would change it to an (A). I'm just confused on that, we are basically putting a stipulation on a (B) license to make it into an (A) is there a way to make it into an (A). Can we legally have as long as the application is notarized and signed by Ms. Diaz, would we be able to make a line change with her initials on that document just to change it to an (A)?</p> <p>Mr. Foster replied the only concern that's running through my head about that would be as the Chair raised himself is whether a new notice would be required. My view would be is that an (A) would be more constricted than a (B). Is not like there was a notice for a very minor kind of permit that the Public has no notice of. In this case the applicant is agreeing or requesting to reduce the permit terms, there is no harm to the public. My view is by doing it by conditions then we are not holding up the business, we get it done and it accomplishes what we need to get done. Mr. Foster advised Investigator Herman that he will look into it, as far as after the fact the cleanliness of actually changing that, the type you know after the fact. Maybe something I would research and get back to the Director on.</p> <p>Investigator Herman thanked Mr. Foster and stated I did not want to hold up the business on re-posting.</p> <p>Ms. Foster agreed that might be the best.</p> <p>Investigator Herman thanked Mr. Foster and apologized to Chair Gibson.</p>	

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	<p>Commissioner Nishimura asked Mr. Foster for Class 2 licenses under C subsection 2, which says if a licensee under Class 2 desires to change the category that provision seems to be a directed to somebody who already has a license. So if somebody comes with a particular application asking for certain entitlements and then modifies it verbally during the course of the Public Hearing, there doesn't seem to be a provision that properly addresses that. That is something I wanted to toss out.</p> <p>Mr. Foster replied to Commissioner Nishimura I understand what you are saying and that's why in its general powers the Commission can put stipulations on licensees. That is what I am suggesting and exercise that discretion here just to get the license. As Investigator Herman said not to hold up the business, but I believe the Commission has the general discretion to do that.</p> <p>Chair Gibson asked do we go with the type (A) with the stipulation there will be no music and entertainment.</p> <p>Mr. Foster replied the application is for type (B) with those stipulations.</p> <p>Chair Gibson asked are there any other questions.</p> <p>Investigator Herman commented if we are putting stipulations on a Class (B) license we are essentially making it into a type (A) license or Class (A) license.</p> <p>Commissioner Nishimura asked to whether it will affect any of the fees.</p> <p>Investigator Herman replied no, it will only affect the fees if it changed to a Beer and Wine.</p> <p>Commissioner Nishimura replied okay.</p>	<p><u>Motion #1</u>          Mr. Nishimura moved to approve Application # 2021-021 Closhorko LLC dba Paco's Tacos Cantina Kapaa for a New Class and kind License at the former Ono Family Restaurant as stipulated by the Owner &amp; Operator that live entertainment and dancing will not be allowed on the premises. Mr. Pacheco seconded the motion.</p> <p>Mr. Nishimura withdrew his motion.          Mr. Pacheco withdrew his second.</p>

SUBJECT	DISCUSSION	ACTION
	<p>Chair Gibson asked is there any more discussion. Is there anyone who wishes to speak on behalf of this application? Commissioners do you have any questions.</p> <p>Commissioner Nishimura asked Mr. Foster is it possible to deny the (B) license and approve an (A) license.</p> <p>Mr. Foster replied my concern is there is no application for an (A) license so that would be another issue, probably needing notice. If we are concerned about holding up the business and doing by stipulations. Then I can look into cleaning up the paperwork after the fact with the Director.</p> <p>Chair Gibson asked the Commissioners are there any other questions.</p> <p>Investigator Herman recommends if the Director agrees is we put the stipulations on the license for the whole year. If we ask the applicant to change Class, anytime a licensee changes Class, they will have to start the licensee process over again. So if we simply are not going to line out then we need to have the stipulations on the license, the whole license year. Then it would be up to the licensee if they want to reapply. Mr. Foster do you agree with that.</p> <p>Mr. Foster replied yes I do.</p> <p>Chair Gibson asked the Commissioners are there any further questions. May we have a motion to approve this (B) license with the stipulation that there will be no entertainment and music.</p> <p>Investigator Herman commented to Chair Gibson that you need to close the Public Hearing.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Chair Gibson closed the Public Hearing for Application 2021-021 for Closhorko LLC dba Paco's Tacos Cantina Kapaa.</p> <p>Vice Chair Crowell commented would like to add the applicant shall apply for the Class (A) permit within the year. This type (B) permit will not be renewed, they will need to apply for type (A).</p> <p>Investigator Herman replied just a reminder all licenses expire June 30<sup>th</sup>, 2021. So if you approve this license today it will be good only till June 30<sup>th</sup>, the renewal packet is July 1<sup>st</sup>, 2021.</p> <p>Mr. Foster asked how onerous is the new application is that doable within the timeframe.</p> <p>Investigator Herman commented that is something we would need to discuss it would have to be renewed as a Class (B) it was originally put in as a Class (B).</p> <p>Mr. Foster asked if applying for a new Class (A) license how onerous how long will that take.</p> <p>Investigator Herman commented I would need to take a look at the actual packet and maybe able to take some of the documents from the original application for the new application. I may need new tax clearances.</p> <p>Mr. Foster asked my question is, if the applicant acts timely to have a completed new application by that time. I guess she would have to have a hearing to, wouldn't she, prior to that.</p>	

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	<p>Investigator Herman commented that is correct. The renewal will go in and we can discuss she would renew as the (B) with stipulations and have to go through the process of changing the class after.</p> <p>Mr. Foster commented that makes sense, she can't possibly get a new application in time to meet Vice Chair Crowell's additional language.</p> <p>Vice Chair Crowell commented she is allowed one renewable.</p> <p>Commissioner Nishimura replied that will work.</p> <p>Investigator Herman asked to repeat what was said.</p> <p>Commissioner Nishimura replied allow to renew her one time.</p> <p>Vice Chair Crowell commented this year in 2021.</p> <p>Commissioner Nishimitsu when she renews the Class (B) by June 30<sup>th</sup> of this year, will it be able to contain the same limitations that prohibit live entertainment and dancing.</p> <p>Investigator Herman replied yes it will be on the renewal and will have to be renewed as is.</p> <p>Commissioner Nishimitsu thanked Investigator Herman.</p> <p>Chair Gibson asked can this be worked in a timely manner not to interrupt business.</p> <p>Investigator Herman commented that is why we are proceeding as we are proceeding today to delay the business.</p>	

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	<p>Mr. Foster commented Vice Chair Crowell said it is not renewable, it is renewable one time in this year and not renewable thereafter. So the applicant can apply for the Class (A) license. She can renew once she can't possibly get a new license application granted before the renewal date.</p> <p>Investigator Herman thanked Mr. Foster.</p> <p>Ms. Ching commented on your motion so that you are clear, one renewal versus stating one year unless you clarify is it a fiscal year, is it a calendar year. So I would leave it at one renewal.</p> <p><i>Mr. Nishimura withdrew his motion.</i></p> <p><i>Mr. Pacheco withdrew his second.</i></p> <p>Investigator Herman stated the Clerk just brought this to my attention, if we approve the license today and she does not activate the license and the activation of the license happens after July 1<sup>st</sup> then there is no renewal. So my recommendations to the licensee is to not activate the license to after July 1<sup>st</sup>. Then there will be no renewal as we are speaking today. She would have to reapply as a Class (A) within the period. So there will be no renewal. Sorry to confuse everyone, but the clerk got it in last minute.</p> <p>Chair Gibson asked Mr. Foster to give a little assistance with this motion, the wording of the motion.</p> <p>Commissioner Nishimitsu asked Mr. Foster to resume the Class (B) restrictions would that action become effective as of July 1<sup>st</sup> so she does not run into any time crunch.</p> <p>Mr. Foster commented that is my understanding, Investigator Herman is that correct?</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Investigator Herman asked Commissioner Nishimura to repeat.</p> <p>Commissioner Nishimitsu commented assuming that the Commission approves the Class (B) application with the restrictions should we make the approval effective July 1 2021.</p> <p>Investigator Herman asked if Ms. Diaz is still on the line.</p> <p>Ms. Diaz replied yes I am here.</p> <p>Investigator Herman asked Ms. Diaz when are you going to be ready to open.</p> <p>Ms. Diaz replied I have no preference to activate the license July 1, 2021.</p> <p>Investigator Herman asked Ms. Diaz you will not be ready to after July 1, 2021 correct?</p> <p>Ms. Diaz replied yes.</p> <p>Investigator Herman stated to Commissioner Nishimitsu that Ms. Diaz will not be activating the license till after July 1, 2021. So we will not issue the license to after July 1, 2021.</p> <p>Commissioner Nishimitsu thanked Investigator Herman.</p> <p>Chair Gibson asked Mr. Foster for assistance on the motion.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Mr. Foster commented the original motion was to approve the Class (B) license with the stipulations with no entertainment and no live music and the license to be not active prior to July 1, 2021 and the licensed will not be renewed and that the licensee will have to apply for a Class (A) license thereafter.</p> <p>Chair Gibson commented I feel sorry the minute taker.</p> <p>Investigator Herman replied approval of the license effective July 1, 2021 with those stipulations that were mentioned.</p> <p>Commissioner Nishimura asked Ms. Diaz are you agreeable to all those stipulations.</p> <p>Ms. Diaz replied I am, I am happy with everything that you guys are doing right now.</p>	<p><u>Motion #2:</u>          Mr. Nishimura moved to approve Application #2021-021 for Closhorko LLC dba Paco's Tacos Cantina Kapaa for a New Class and Kind Permit for a Class B (Restaurant General) subject to the following restrictions as stipulated by the applicant.          a). There will be no live entertainment or dancing.          b). The application approval date is effective July 1, 2021.          c). There will be no renewal of this permit and the Class A shall be applied for prior to the end of the year.          Mr. Pacheco seconded the motion. Motion carried 7:0.</p>
<p>2.</p>	<p><b><u>VIOLATION HEARING:</u></b></p> <p><u>VIVA KAI LLC dba KAI BAR COFFEE ROASTERS.: Violation of Rule 7.8 Manager on duty, qualifications.</u></p> <p>Director Leo Sandoval announced the Violation Hearing of Kai Bear Coffee Roasters, Violation of Rule 7.8 Manager on duty, qualifications.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Chair Gibson asked who is representing the licensee.</p> <p>Sean Garcia Owner was present to represent Viva Kai LLC dba Kai Bar Coffee Roasters.</p> <p>Chair Gibson asked Mr. Garcia are you represented by Counsel.</p> <p>Mr. Garcia replied, no.</p> <p>Chair Gibson proceeded with the swearing in of Mr. Garcia. Do you swear to tell the truth, the whole truth and nothing but the truth?</p> <p>Mr. Garcia replied, I do.</p> <p>Chair Gibson asked Director Leo Sandoval to read the charges.</p> <p>Director Leo Sandoval read the Details of the Violation: On May 28, 2021 at 6:20 p.m. The investigator entered the licensed location Kai Bar Coffee Roasters to conduct a routine inspection of the premises. In the investigation no blue card holder was on premises. It is a violation of Rule 7.8: A person who is not less than twenty-one years of shall be in active charge of any premises establishment at all times when there is anyone who is not an employee in the premise.</p> <p>Chair Gibson asked Ms. Garcia did you receive a copy of the charge.</p> <p>Mr. Garcia replied I did.</p> <p>Chair Gibson asked do you understand the charge.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Mr. Garcia replied I do.</p> <p>Chair Gibson asked do you admit or deny.</p> <p>Mr. Garcia replied I admit we did not have somebody working that shift with a Blue Card.</p> <p>Chair Gibson thanked Mr. Garcia. Is the Commission ready to make a decision?</p> <p>Investigator Herman commented note on this one mitigating circumstances on this case the applicant has since the violation sent more people in to get their blue card. As a side note they were cited one more time after this. The date of the Notice of Hearing for this hearing was issued to them there was no Blue Card Manager on duty. There were cited a 2<sup>nd</sup> time that will be coming to the Commission soon.</p> <p>Chair Gibson replied is there another violation.</p> <p>Investigator Herman replied yes the notice of Violation Hearing has not gone out yet.</p> <p>Chair Gibson thanked Investigator Herman.</p> <p>Investigator Herman replied I have been in contact with the owner to correct the situation. He has more employees who have Blue Cards who have taken our test.</p> <p>Mr. Garcia replied I don't know if you would like for me to give any sort of explanation.</p> <p>Chair Gibson replied go ahead Mr. Garcia.</p>	

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	<p>Mr. Garcia stated with the initial violation, we really don't have an excuse other than an oversight. One of our long time employees, we went and got everybody tested when we first got our liquor license. The last person that was supposed to get tested, just a whole thing happen. She broke her arm and when she came back we had scheduled her to get the test. Turned out she picked up a shift and did not take the test. We did not know that and we had scheduled her thinking that she had the card. We did not know she did not have the card until we were cited. So there is no good excuse just a total oversight.</p> <p>Chair Gibson asked is the Commission ready to make a decision.</p> <p>Commissioner Nishimura asked does the department have any recommendations on the fines or punitive damages.</p> <p>Chair Gibson asked Investigator Herman.</p> <p>Investigator Herman replied I will let the Director Leo Sandoval speak on that.</p> <p>Director Leo Sandoval commented we basically will leave it into your hands whatever you would like to do and we are going to discuss with you later on possible future proceedings. It is completely in your hands.</p> <p>Vice Chair Crowell commented where is the judge when you need um?</p> <p>Chair Gibson asked Investigator Herman normally we get recommendations from the Department.</p> <p>Investigator Herman replied the Director and I spoke he has some feelings and would like to speak with you on that after the meeting.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>As far as going forward on recommendations from the Department. I can say that precedence we are set on this type of violations. In the past, would be I don't know if I'll go on record saying this: my personal recommendations would be a \$250.00 fine and any suspension would come from the Commission. The Department does not really have a recommendation this time, but we plan on having a set recommendations going forward that needs to be discussed outside the public forum.</p> <p>Commissioner Nishimura replied on 3.11 it addresses a fine of \$150.00 for a 1<sup>st</sup> Violation for an incident like this.</p> <p>Investigator Herman commented to Commissioner Nishimura that 3.11 is for waivable offenses and is a minimum fine.</p> <p>Commissioner Nishimura replied right.</p> <p>Investigator Herman commented this is not a waivable.</p> <p>Mr. Foster replied Manager on Duty is not one of those offenses.</p> <p>Investigator Herman commented whatever the Department was making recommendations before this we were staying above the minimum on non-waivable offenses.</p> <p>Director Leo Sandoval replied to Chair Gibson if we had done it in the past of \$250.00 I would stick with that and make it precedent. We will just continue on what has been done in the past. We will discuss any kind of future changes to those fines and fees which are able to be set by the Commission. We will discuss that in a closed session.</p>	

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	<p>Chair Gibson thanked Director Leo Sandoval.</p>	<p><u>Motion:</u>            Mr. Pacheco moved that we fine Viva Kai LLC dba Kai Bar Coffee Roasters for Violation of Rule 7.8 of \$250.00 of which \$150.00 is suspended that they don't have a reoccurrence of this violation for a year. Mr. Crowell seconded the motion. Motion carried 6:0.</p>
<p>3.</p>	<p><b><u>DIRECTOR'S REPORT:</u></b></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, Inc., Michelle Jensen, Legal Coordinator, Request for Approval - ATW-RMS22-150571 / ATW-WBR22-150578 – See Attachment</u></p> <p>Chair Gibson commented before we approve the Director's Reports segment b., he asked what was #2) Constellation Brands, Inc., what was that communication.</p> <p>Director Leo Sandoval replied it is a coupon that a Marketing Company is setting up for non-alcoholic products. They are attaching a coupon to a non-alcoholic beverage coupon to utilize on deli meats, produce and snacks.</p> <p>Chair Gibson asked so #2 is not the same as #3.</p> <p>Director Leo Sandoval replied no, #3 is an on-line app that is not a licensed location that is seeking approval of the Commission. However, it is not under our jurisdiction.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>The third party app advertisement to direct customers to a particular licensed location that are being included in this app. One thing that I was going to put on record or future licensees that if they do try and utilize this application in the future there is a possibility of a violation could occur. As a result of it the application once you check in on this application it unlocks two free coupons for a customer to utilize and to buy. That licensed location which could be construed as an indignant. So the violation has not occurred but potential other violations occurring should the licensee partner up with that application could happen. This could be taken under the advice of the Commission, if they decide to do so.</p> <p>3) <u>AIRTAB, Dennis Cunningham, Founder-CEO, RE: Social Media Restaurant App.</u></p> <p>Chair Gibson commented the Honolulu Liquor Commission has decided to take AIRTAB under advisement.</p> <p>Director Leo Sandoval replied that is correct, they just wanted to put it on record and have told the licensees of offenses that occur. They could not take action because the application is not licensed.</p> <p>Chair Gibson asked Mr. Foster did you read the memo from the Liquor Commission of Honolulu.</p> <p>Mr. Foster replied I did not read that, but from the facts that have been represented here, that sounds completely reasonable to take under advisement as the Director suggested.</p> <p>Chair Gibson asked what does that mean to take under advisement.</p> <p>Mr. Foster replied the Commission will put on the agenda in Executive or Regular Session to discuss and possibly resulting in clarification in rules, policies, statements or letters of clarification or something like that. He asked Director Leo Sandoval could or should be put under advisement or not.</p> <p>Director Leo Sandoval replied after reading the details of the application or the terms and conditions I think is something that we need to discuss in Executive</p>	

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	<p>Session. It is something I want to make sure everybody does understand. It is communicating with all the licensees in a future communications that I have planned. I want everyone to know the details on the Commission before I do that as well.</p> <p>Chair Gibson asked what position are we in, should we make a motion to take this under advisement.</p> <p>Mr. Foster replied we can make a motion to take this into Executive Session. Discuss your legal requirements concerning that.</p> <p>Chair Gibson asked for the Commissions feeling.</p> <p>Investigator Herman commented being this is under Incoming Communications, that's just stated incoming communications that we got. The Director is still investigating the matter and then present it to the Commission in Executive Session will that work?</p> <p>Mr. Foster replied yes if you would like to present this as a future agenda item that would certainly work to. Or we could make a motion to take it under advisement take a vote on that. The motion can be the Director will present something to the Commission on the subject matter.</p> <p>Director Leo Sandoval replied we can do that.</p> <p>Chair Gibson asked the Commissioners can we have a motion. Mr. Foster does that enable us to do this.</p> <p>Commissioner Nishimitsu asked is item #3) b) 2 and 3 aren't they tied together? Constellation Brands INC. and AIRTAB communications.</p> <p>Director Leo Sandoval replied they are three different separate communications for three different companies and three different items.</p> <p>Commissioner Nishimura commented to Commissioner Nishimitsu the way I read it it's like UBER.</p> <p>Director Leo Sandoval replied it's a third party application.</p>	

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	<p>Commissioner Nishimura replied if we accept it the Director can do some research on it. The main thing the Commission is aware of it.</p> <p>Mr. Foster replied to Chair Gibson and to build on Commissioner Nishimura’s statement that works perfectly fine. I think the Director fully intends to bring this before you, there is probably no reason to make a directive to him at this point. I think we will see this and be discussing it, what Commissioner Nishimura said would make a perfectly fine motion.</p> <p>c) <u>EMPLOYEES IN LICENSED PREMISES:</u>        Managers and Assistant Managers – See Attachment “A”</p> <p>d) <u>ACTIONS OF THE DIRECTOR:</u></p> <ol style="list-style-type: none"> <li>1) <u>JO2: Approval of Temporary Increase of Premise to include the front exterior space of the leased spaced in the Waipouli Complex per diagram submitted. Dates of temporary increase for June 8, 2021 through September 8, 2021.</u></li> <li>2) <u>BANGKOK HAPPY BOWL KAUAI: Approval of Temporary Increase of Premise to include the covered area across from the restaurant as a waiting and dining area per diagram submitted. June 8, 2021 through September 8, 2021.</u></li> <li>3) <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 July 3, 5, 6, 8, 10, 11, 13, 14, 15, 16, 17, 18, 23, 24, 25, 29, 30, 31, 2021, from 5:00pm – 10:00pm.</u></li> <li>4) <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 July 2 &amp; 28, 2021, from 6:30pm – 10:00pm.</u></li> <li>5) <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 July 21, 2021, from 6:00pm – 10:00pm.</u></li> </ol>	

SUBJECT	DISCUSSION	ACTION
	<p>6) <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 July 26, 2021, from 11:00am – 1:00pm.</u></p> <p>7) <u>THE DOLPHIN POIPU: Approval of Temporary Increase of Premise to include the space adjacent to their lanai area as a Beer Garden and Wine Bar, per diagram submitted for their Flavors of Friday event. Friday, June 18, 2021, 5:00pm - 8:30pm.</u></p> <p>8) <u>SUSHI BUSHIDO: Approval of Temporary Increase of Premise to include area outside of restaurant, per diagram submitted for their Flavors of Friday event. May 31, 2021 through August 31, 2021, 11:00am - 1:00am</u></p>	<p><u>Motion:</u>          Mr. Nishimura moved to approve the Directors Report 3) a, 3) b 1 and 2, c) and d) and that we receive Incoming Communications item # 3) b 3). Ms. Nishimitsu seconded the motion. Motion carried 6:0.</p>
<p>4.</p>	<p><b><u>CHANGE IN AUTHORIZED AGENT/OFFICERS:</u></b></p> <p>a) <u>SAFEWAY INC. dba Safeway.: Removal of Robert Allen Gordon Jr. as Executive Vice President/General Counsel/Secretary for SAFEWAY INC. dba Safeway, No. 4G-044, 4G-051, addition of Juliette Prior as Executive Vice President/General Counsel/Secretary</u></p> <p>b) <u>BLT, INC. dba Salt Pond Country Store.: Removal of Craig Hayashi and Lynn Hayashi as Stockholders for BLT, Inc dba Salt Pond Country Store, No. 4G-052. BLT, INC. dba Salt Pond Country Store.: Appointed Bryan Hayashi as President/CEO for BLT, Inc dba Salt Pond Country Store, No. 4G-052.</u></p> <p>c) <u>RED ROOSTER RESTAURANT, LLC dba THE LOCAL KAUAI.: Removal of Jose Cortez as a member and 40% of Ownership for Red Rooster Restaurant, LLC dba Local Kauai, No. 2G-026.</u></p> <p>Commissioner Nishimura asked a question of 4. c) Removal of Jose Cortez as a member and 40% ownership are they required to notify us to inform you of the change as to who took over the 40%?</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Director Leo Sandoval replied I believe they are, Investigator Herman.</p> <p>Investigator Herman replied to Commissioner Nishimura the 40% ownership was moved to the ex-wife and Sole Owner now. The 40% that was owned by the ex-husband has been moved to the ex-wife. It was on the add/delete form.</p> <p>Commissioner Nishimura replied I did not see that on the form.</p> <p>Investigator Herman responded sorry she did not add herself as she was already an officer of the company. As far as the tax clearance notice she is the Sole Owner.</p> <p>Chair Gibson asked are there any other discussion. May I have a motion to accept?</p>	<p><u>Motion:</u>            Mr. Nishimura moved to accept Item #4 a through c. Mr. Pacheco seconded the motion. Motion carried 6:0.</p>
<p>5.</p>	<p><b><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></b></p> <p>Ms. Ching commented that is part of your packet, the Director was given the opportunity to review all the goals and objectives and did not feel that any changes were necessary. Except for the changes that were made, suggested by the Commission that were made at the last meeting of the Goals and Objectives are as presented in your packet.</p> <p>Chair Gibson asked Ms. Ching do we need a motion to accept this.</p> <p>Ms. Ching replied yes you do.</p> <p>Chair Gibson asked for a motion.</p>	<p><u>Motion:</u>            Mr. Nishimura moved to approve the Goals and Objectives for the Director of Liquor Control as presented by your PIG (Permitted Interaction Group) and as modified at the last meeting. Mr. Pacheco seconded the motion. Motion carried 6:0.</p>

SUBJECT	DISCUSSION	ACTION
	<p>Vice Chair Crowell asked the Goals and Objectives that was sent to us, is that the revised version?</p> <p>Ms. Ching replied yes it states the Commissioners suggested at the last meeting.</p> <p>Vice Chair Crowell thanked Ms. Ching.</p> <p>Investigator Herman commented before you go into Executive Session I would like to welcome Commissioner Tess Shimabukuro being this is her first meeting and we are not in-person like we normally would. I'm giving you a virtual lei.</p> <p>Chair Gibson welcomed Commissioner Shimabukuro.</p> <p>Commissioner Shimabukuro replied thank you, thank you Ken.</p>	
	<p><b><u>EX EXECUTIVE SESSION:</u></b> 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 consultant and other related items, to approve or amend the Executive Session Minutes of March 4, 2021 and March 18, 2021, 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><b><u>Motion #1:</u></b>          Ms. Nishimitsu moved to go into Executive Session. Mr. Pacheco seconded the motion. Motion carried 6:0.</p> <p><b><u>Motion #2:</u></b>          Mr. Crowell moved to invite Director Leo Sandoval, Ms. Ching and Mrs. Kelekoma to the Executive Session. Mr. Pacheco seconded the motion. Motion carried 6:0.</p>

SUBJECT	DISCUSSION	ACTION
		Entered Executive Session @ 11:07 a.m.
	<p><b><u>APPROVAL OF MINUTES:</u></b></p> <p>a. <u>Executive Session Minutes of March 4, 2021</u></p> <p>b. <u>Executive Session Minutes of March 18, 2021</u></p>	
	<p><b><u>RETURN TO OPEN SESSION</u></b></p> <p>Returned to Open Session @ 11:40 a.m.</p>	
	<p><b><u>ROLL CALL FOR THE RETURN TO OPEN SESSION</u></b></p> <p>Director Leo Sandoval. called roll 6 members online, constituting a quorum.</p>	
	<p><b><u>RATIFY THE ACTIONS TAKEN IN EXECUTIVE SESSION</u></b></p>	<p><b><u>Motion:</u></b>          Ms. Nishimitsu moved to ratify the actions taken in Executive Session. Mr. Pacheco seconded the motion. Motion carried 6:0.</p>
	<p><b><u>EXECUTIVE SESSION:</u></b> 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
<b>Adjournment</b>	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 Open Session Meeting. Mr. Pacheco seconded the motion. Motion carried 6:0.  At 11:42 a.m. 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.