

APPROVED

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

See Open Session Minutes of 9-9-21.

Board/Commission:	LIQUOR CONTROL COMMISSION	Meeting Date	July 8, 2021
Location	Tele Conference via Microsoft Teams Audio +1 469-848-0234, Conference ID: 740 614 177#	Start of Meeting: 10:00 a.m.	End of Meeting:11:46 a.m.
Tele Present	Chair William Gibson, Vice Chair Dee Crowell Members: Leland Kahawai, 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 Aaron Larrimore		
Excused			
Absent			
SUBJECT	DISCUSSION	ACTION	
Call To Order		Chair Gibson called meeting to order 10:00 a.m.	
Roll Call	Director Leo Sandoval called roll, noting 7 members were present via Tele-Conference constituting a quorum.		
Announcements	Next Scheduled Meeting: Thursday, July 22, 2021 – 10:00 a.m. via Tele-Conference.		
Approval of Agenda		<u>Motion:</u> Mr. Pacheco moved to approve the agenda. Mr. Nishimura seconded the motion. Motion carried 7:0.	

SUBJECT	DISCUSSION	ACTION
1.	<p><u>PUBLIC HEARING:</u></p> <p><u>AINA KAUAI RESTAURANT LLC</u>: Application No. 2021-023 was filed on April 7, 2021 by AINA KAUAI RESTAURANT LLC dba AINA KAUAI RESTAURANT for a New Restaurant General (No Live entertainment and No dancing) license located at 4-985 Kuhio Highway, Kapaa, Kauai, Hawaii. The Commission accepted Application No. 2021-023 for publication and public hearing on May 6, 2021 and ordered to print notice of public hearing in The Garden Island newspaper on Wednesdays, May 12 and May 19, 2021, scheduling the public hearing on July 8, 2021 at 10:00 a.m. or shortly thereafter via Microsoft Teams conferencing only.</p> <p>Director Leo Sandoval stated at this time the Department has not received any letters of support or opposition for this application. The applicant has submitted an affidavit stating that he mailed 88 notices to 100% of the TMK property owners within 500 feet radius of the proposed premises on May 19, 2021. The applicant has made a deposit of \$450.00 on April 23, 2021.</p> <p>Chair Gibson opened the Public Hearing for Application No. 2021-023. Is there a Department's report on the application?</p> <p>Investigator Herman advised Chair Gibson that was the Department's Report. The owner of the establishment Mr. Mitchell Muroff, Owner is present via-tele-conference.</p> <p>Chair Gibson asked who is representing the applicant.</p> <p>Laurel Loo was present to represent Mr. Mitchell Muroff and he is also on the call. We are here to answer any questions, just want to let the Commissioners know we have not received any concerns or oppositions.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Chair Gibson asked Ms. Loo did you receive a copy of the Investigator’s Report.</p> <p>Ms. Loo replied yes and we have no objections.</p> <p>Chair Gibson stated is there anyone here wishing to object to this application? Hearing none. Is there any one here who would like to speak on behalf of this application? Ms. Loo or Mr. Muroff is there anything you would like to say on your behalf?</p> <p>Ms. Loo replied I will let Mr. Muroff just say a few words about how excited we are to open a new restaurant in Kapaa.</p> <p>Mr. Muroff commented thank you very much for the opportunity to speak, as Ms. Loo said we are very excited to have the chance to open this new restaurant. Our plan is to focus on food from Kauai, as much as possible to use fish, beef, fruits and vegetables from the island or from other Hawaiian Islands. I hope this will be a wonderful new edition to the island. I am happy to answer any questions you might have.</p> <p>Chair Gibson asked Commissioners do you have any questions. Hearing none. The Public Hearing for Application No. 2021-023 is closed.</p>	<p><u>Motion:</u> Ms. Nishimitsu moved to approve Application No. 2021-023 Aina Kauai Restaurant LLC dba Aina Kauai Restaurant. Mr. Kahawai seconded the motion. Motion carried 7:0.</p> <p><u>Roll Call Vote:</u> Shimabukuro – Approve Pacheco – Approve Nishimitsu – Approve Nishimura – Approve Kahawai – Approve Crowell - Approve Gibson - Approve</p>
<p>2.</p>	<p><u>DIRECTOR’S REPORTS:</u></p> <p>a) <u>INVESTIGATORS’ REPORTS:</u></p> <p>b) <u>OUTGOING COMMUNICATIONS:</u></p> <p>1) <u>To All Wholesalers, Re: Renewal and Non-Renewal of Liquor Licenses for Fiscal Year 2022.</u></p>	

SUBJECT	DISCUSSION	ACTION
	<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> <p>1) <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 July 6, 2021, through August 9, 2021 from 10:30am - 10:30pm.</u></p> <p>Commissioner Nishimura commented I see three entities that did not properly or timely renew their liquor licenses, what are the consequences?</p> <p>Director Leo Sandoval replied the three that did not renew they just decided not to renew. Some of them lapse and decided not to comeback or renew at all. Investigator Herman can answer more than I can.</p> <p>Investigator Herman stated as far as you asking about the consequences?</p> <p>Commissioner Nishimura replied yes.</p> <p>Investigator Herman if they did want to reapply, as Director Leo Sandoval mentioned the three that lapsed, two were planned lapses. Where they had no intention of renewing. The third is in litigation with their landlord, but even though the consequences of that no matter what the license was not renewed. So if they did want to come in they would be treated as a new applicant and would have to start the process all over again.</p> <p>Commissioner Nishimitsu thanked Investigator Herman.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Kahawai I have a question noticed on attachment "C" there were four listed as a Non-Renewals, but the memo that Director Leo Sandoval sent out only had three. It is missing Aloha Golf Group LLC. I was wondering if that was a typo. Attachment "C" was the Non-Renewal of Liquor License, there were four noted there.</p> <p>Investigator Herman commented Aloha Golf Group LLC is the Ho`okipa Café.</p> <p>Chair Gibson asked is that Puakea?</p> <p>Commissioner Kahawai replied yes that is correct. Ho`okipa Golf Course and Café.</p> <p>Investigator Herman replied that covers the whole Golf Course and Ho`okipa Café. They are trying to get another person to take over the license. This will be treated like a new license, not a transfer.</p> <p>Chair Gibson asked Commissioner Kahawai does that satisfy your question.</p> <p>Commissioner Kahawai replied my question is the memorandum issued with just three, do we need to correct the memo or are we good.</p> <p>Commissioner Nishimura commented you also have a memo 2022-01 (Amended), renewal of Liquor License amended on that list Ho`okipa Café is not on that list. That was just before Attachment "A".</p> <p>Investigator Herman addressed the Chair Gibson the three that I am aware of that did not renew is Ho`okipa Café, Pizzetta and Pietro's.</p> <p>Chair Gibson commented we also have True Blue Incorporated.</p>	

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	<p>Investigator Herman replied that is correct, I do not have the memo in front of me. True Blue Charters did not renew, so yes there is four. True Blue Charters, Pizzetta, Pietro's and Ho`okipa Café.</p> <p>Commissioner Nishimitsu commented what Commissioner Kahawai wanted to know the July 1st memo that references the Non-Renewals only identifies three of the licensees. Does that memo need to be amended again?</p> <p>Commissioner Nishimura thanked Commissioner Nishimitsu.</p> <p>Director Leo Sandoval stated that has been corrected and will be on the next Commission Meeting by my staff.</p> <p>Chair Gibson asked are there any more questions, he asked Director Leo Sandoval to restate the section that we are under discussion.</p> <p>Director Leo Sandoval replied for the Director's Report: Items a through d can me accepted for a motion to do so.</p> <p>Chair Gibson clarified a through d.</p> <p>Director Leo Sandoval replied yes.</p> <p>Chair Gibson asked are there any other questions about the Actions of the Director or the Directors Report.</p>	<p><u>Motion:</u> Mr. Nishimura moved to accept the Director's Report 2a, 2b, 2c, and 2d. Mr. Pacheco seconded the motion. Motion carried 7:0.</p>
	<p>Vice Chair Crowell commented what the confusion could be the Director's Report section is oddly numbered? So you might want to check on that next time.</p>	

SUBJECT	DISCUSSION	ACTION
3.	<p><u>RENEWAL OF LIQUOR LICENES: See Attachment "B"</u></p> <p>Commissioner Nishimura asked about the Renewal of Liquor Licenses, is it possible to get a comparison on the breakdown of the different Classes from last year to this year.</p> <p>Director Leo Sandoval replied that is possible, a clerk can differentiate that and can be made available to you. If you would like that can be made available for the next meeting as an attachment.</p> <p>Commissioner Nishimura commented I would prefer that, just in broad numbers like hotels, restaurants, beer and wine and that has volume and percentages. That way we can get a general idea of what happened within the last year.</p> <p>Director Leo Sandoval commented we can get that done for you.</p> <p>Investigator Herman commented Mr. Larrimore may want to speak in on this. We already voted on this matter, Ms. Ching correct me if I am wrong do we need to cancel the last motion, where we accepted a through d, and only accept a through c and then do a re-motion on d?</p> <p>Vice Chair Crowell commented the numbering is strange on this Section 2, you have (2) section 2's on the Director's Reports and New Liquor Licenses. So it's kind of confusing as to what actually happened. Under the Director's Report there should have been a 1 or a 2 under d.</p>	

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	<p>Mr. Larrimore commented I agree I do think the numbering was a little weird, to be perfectly frank with you when I first read it I came to the same conclusion that the Chair came to. Even though there was no 1 through 3, I thought it was just a mistake and all these actions. The 1, 3, 4,5a and 5b would fit under D which the Actions of the Director. It seems like there was a mistake here or reasonable that there was a mistake. So in the interest of just making sure that the Commission covers itself is doing things procedurally correct. I think probably you would want to say you would like to revisit this motion. If you want to defer Item 3 and 4 to the next one and to make a motion to do that, deferring. Do you actually you have to defer those or can they just be brought up again? I'm new to this Commission so I wasn't sure if a new document can be presented for the next Commission. Or if you need to stop actions on these two items. That might be more a question for Ms. Ching or Mrs. Kelekoma.</p> <p>Ms. Ching commented to Chair Gibson that I can clarify everything, I believe this is a format error and the Director's Report goes to a, b, c, d1, and if you push out 3 and 4 so it's aligned with 2. I believe the motion was to accept 2a, b, c, d and including d1, which does not include 3, 4, and 5.</p> <p>Mr. Larrimore commented so if that the interpretation you could move to 3 like there hasn't been a motion yet.</p> <p>Ms. Ching asked Mr. Larrimore does the maker of the motion and the seconder need to clarify that's what there motion was.</p> <p>Commissioner Nishimura stated for the record that was the intent of my motion. To approve Director's Reports 2a, 2b, 2c, and 2d only.</p>	<p><u>Motion:</u> Mr. Nishimura moved to defer action for items 3 until the next meeting. Mr. Kahawai seconded the motion. Motion carried 7:0.</p>

SUBJECT	DISCUSSION	ACTION
	<p>Mr. Larrimore replied that is good to note for the minutes and given that 3, 4 and 5 weren't actually part of the motion and there was a mistake on that piece. You can begin the process of looking at 3, 4 and 5 with new motions.</p> <p>Chair Gibson asked will that be for #3 and #4 at this moment.</p> <p>Mr. Larrimore commented I think you would need a separate motion for #3, #4 #5 it would be a separate motion.</p>	
4.	<p><u>NON-RENEWAL OF LIQUOR LICENSES: See Attachment "C"</u></p>	<p><u>Motion:</u> Mr. Nishimura moved to defer action for items 4 until the next meeting. Mr. Kahawai seconded the motion. Motion carried 7:0.</p>
5.	<p><u>CHANGE IN OFFICERS:</u></p> <p>a) <u>KAUAI KOOKIE LLC: Removal of Jason H. Hino as Chief Financial Officer for Kauai Kookie LLC dba Kauai Kookie Bakery & Kitchen License No. 4G-035.</u></p> <p>b) <u>POIPU BEACH VILLAS LLC: Removal of Bruce Kent England as President, Jeffrey Chlarson Flamm, David Snelgrove Flamm, Ryan J Richie as Directors for Poipu Beach Villas LLC dba Koloa Landing at Poipu License No. 4G-004.</u></p>	<p><u>Motion:</u> Mr. Kahawai moved to accept item #5 Change in Officers. Mr. Pacheco seconded the motion. Motion carried 7:0.</p>

SUBJECT	DISCUSSION	ACTION
<p>Comments:</p>	<p>Director Leo Sandoval commented I don't know how to do the next one it's another #2. Do we just do 2 Liquor License?</p> <p>Mr. Larrimore commented to be consistent this would be item #6 or if there is another suggestion Ms. Ching might make for that. This is clear that it is a new section.</p> <p>Ms. Ching replied for the record lets amend it to say item #6 on New Liquor License Section.</p> <p>Commissioner Nishimura commented it should be Item #3, because you already got #1 for Public Hearing #2 Director's Reports, so new Liquor License should be #3.</p> <p>Ms. Ching replied we are taking #3 as Renewal of Liquor Licenses, #4 Non-Renewal of Liquor Licenses #5 Change in Officers so New Liquor License would be 6.</p>	
<p>6.</p>	<p><u>NEW LIQUOR LICENSE:</u></p> <p>a) <u>THE SUGAR MILL LLC dba KIAWE ROOTS: Application No. 2021-056 was filed on May 20, 2021 by THE SUGAR MILL LLC dba KIAWE ROOTS for a New Restaurant General A (No Live entertainment and no dancing) license located at 2-3687 Kaumuali'i Highway, Lawai, Kauai, Hawaii. Deposited \$450.00.</u></p>	<p><u>Motion #1:</u> Mr. Kahawai moved to accept Application No. 2021-056 The Sugar Mill LLC dba Kiawe Roots for a New Restaurant General A for Publication and Public Hearing. Mr. Pacheco seconded the motion. Motion carried 7:0.</p>

SUBJECT	DISCUSSION	ACTION
	<p>b) <u>KAUAI LIVING FOODS, LLC dba LIVING FOODS RESTAURANT: Application No.2022-001 was filed on June 29, 2021 by KAUAI LIVING FOODS, LLC dba LIVING FOODS RESTAURANT for a New Restaurant General license located at 2829 Ala Kalanikaumaka Street D124, Koloa, Kauai, Hawaii. Deposited \$450.00.</u></p> <p>Mr. Ichikawa representative for the Applicant noted that the location was incorrect 2629 Ala Kalanikaumaka Street should be 2829 Alakalanikaumaka Street. It is accurate on the report just the agenda.</p> <p>Commissioner Nishimitsu asked was the address correct on the Publication.</p> <p>Investigator Herman replied it has not been published yet.</p> <p>c) <u>KAUAI LIVING FOODS, LLC dba LIVING FOODS MARKET: Application No.2022-002 was filed on June 29, 2021 by KAUAI LIVING FOODS, LLC dba LIVING FOODS MARKET for a New Retail General license located at 2829 Ala Kalanikaumaka Street D124, Koloa, Kauai, Hawaii. Deposited \$450.00.</u></p> <p>Mr. Ichikawa representative for the Applicant noted that the location is incorrect 2629 Ala Kalanikaumaka Street should be 2829 Alakalanikaumaka Street. It is accurate on the report just the agenda.</p> <p>Commissioner Nishimura asked just for confirmation, Mr. Ichikawa is the Suite # correct.</p> <p>Mr. Ichikawa replied yes it is D124.</p>	<p><u>Motion #2:</u> Ms. Nishimitsu moved to accept Application No. 2022-001 Kauai Living Foods, LLC dba Kauai Living Foods for a New Restaurant General License for Publication and Public Hearing as corrected by Counsel the representative of the applicant. Mr. Pacheco seconded the motion. Motion carried 7:0.</p>

SUBJECT	DISCUSSION	ACTION
	<p>Vice Chair Crowell requested when this comes up for Public Hearing can we get a floor plan from Kauai Living Foods, LLC dba Kauai Living Foods Restaurant and Kauai Living Foods Market. They are the same suite and what is the difference between the two operations. We usually don't get maps on these things, or a floor plans.</p> <p>Director Leo Sandoval commented we do have the map Vice Chair Crowell and we will attach it. It is a unique situation where the one location encompasses another on the perimeter, there two but separate locations. You will be able to differentiate once you have the map you will see that basically it is a circle within a circle. The retail is in the inner part and the other licensed location is around the perimeter and separated by walls.</p> <p>Vice Chair Crowell asked they did not have a liquor license?</p> <p>Investigator Herman replied this is the same exact location as the old Living Foods that license was voluntarily given up. These are new applicants for the same location with a modified floor plan. The license before, the outdoor lanai area was not licensed. This new applicant is asking for that lanai area to be licensed as part of the on premise. This was not a transfer that license before died and this is a new applicant.</p> <p>Vice Chair Crowell thanked Investigator Herman.</p> <p>Chair Gibson asked Investigator Herman where is this operation is it the old Prince Club House.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Investigator Herman replied no Chair Gibson it is located at the Kukui'ula Shopping Center. If you are familiar with the old Living Foods or Eating House Restaurant they are up the mall from that on the opposite side. Like Director Leo Sandoval said this is a little unique, but not unique to the island we do have license within a license like the old PV Eats'. The concept is not new but this is a little different from what it used to be.</p> <p>Chair Gibson asked Director Leo Sandoval per the request of Vice Chair Crowell will you provide us a floor plan of this application.</p> <p>Director Leo Sandoval replied, yes Chair Gibson we do have a map in our possession. We can provide that to you for differentiating of each license being requested.</p> <p>Chair Gibson thanked Director Leo Sandoval. Any other question on this application.</p> <p>Commissioner Nishimura requested if the Department can provide information regarding premise within a premise how they will provide the distinction between the licenses and controlling those two activities.</p> <p>Director Leo Sandoval commented yes.</p> <p>Investigator Herman replied it was mentioned in the Investigator's Report for the on premise.</p> <p>Chair Gibson commented are we talking about a floor plan.</p> <p>Investigator Herman replied to answer Commissioner Nishimura's question on how they will address controlling it. That was mentioned in the Investigator's report for the on premise.</p>	<p><u>Motion#3:</u> Mr. Kahawai moved to accept Application No. 2022-002 Kauai Living Foods, LLC dba Kauai Living Foods Market for a New Retail General License for Publication and Public Hearing. Mr. Pacheco seconded the motion. Motion carried 7:0.</p>

SUBJECT	DISCUSSION	ACTION
	<p>Chair Gibson asked Commissioner Nishimura is that satisfactory, would you like more information.</p> <p>Director Leo Sandoval commented to Commissioner Nishimura we will provide whatever you need on that. It will take a little bit of time to gather everything, we will put it little clearer and differentiate the two locations and how they will control the premises.</p> <p>Commissioner Nishimura replied thank you I appreciate that.</p> <p>Chair Gibson asked do we require a motion.</p>	
<p>7.</p>	<p><u>VIOLATION REPORT:</u></p> <p>a) <u>VIVA KAI LLC dba KAI BAR COFEE ROASTERS.: Violation of Rule 7.8 Manager on duty, qualifications.</u></p> <p>Chair Gibson stated he talked with Director Leo Sandoval and told him that the Commission will be given recommendations on the fines for such violations, before we have the actual hearing for the Licensees.</p> <p>b) <u>MPK Management Co. LLC dba BEACH HOUSE RESTAURANT: Violation of HRS Sec 281-31 (c) (1) Licenses, classes.</u></p>	<p><u>Motion:</u> Mr. Nishimura moved to schedule a Violation Hearing for Viva Kai LLC dba Kai Bar Coffee Roasters for Violation of Rule 7.8. Ms. Nishimitsu seconded the motion. Motion carried 7:0.</p>

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Nishimura commented part of the violation has to do with people consuming beverages outside of this area. We have had several temporary approvals for expansion of the licensed area. I would like the Department to provide a report as to their recommendation to continue in light of this violation.</p> <p>Director Sandoval responded to Commissioner Nishimura that can be done I can start working on that as well.</p> <p>Vice Chair Crowell commented there is no requirement that the premises or the expanded area be marked off and fenced in physically. Like Kalapaki Joes has a fence around their expanded area right now, we don't require that of all expanded area licenses.</p> <p>Director Sandoval commented as it is right now they have to maintain control of the alcohol. So it is more of having a staffing level, where they can maintain that control. As far as the physical barrier that is something that can be visited on the part of the licensee, we just put the responsibility on the licensee and have enough staff that is available to see where the alcohol is going during these temporary extensions.</p> <p>Chair Gibson commented to Director Leo Sandoval part of the problem is if we don't have a designated area such as a roped or marked area it's hard for us to enforce whether or not they are controlling the area that we have giving them. For consideration I guess, Investigator Herman when inspecting such properties does the grassy area describe accurately?</p> <p>Director Sandoval commented the diagram on our part does shows the amount of area where they are able to go. Once they are passed the beach or into the beach or onto the area closest to the ocean that is way beyond the area allotted. Which you wouldn't need a rope or anything at that matter, but if we do start requiring something like that it would be put on the temporary extension.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Chair Gibson replied I agree.</p> <p>Investigator Herman asked Chair Gibson were you asking me about the inspections.</p> <p>Chair Gibson responded the Director answered.</p> <p>Investigator Herman commented this is a HRS, state law that requires them to maintain control. It does not mention barriers, as we do go out and do investigations or our daily inspections, we do recommend they have signage and barriers.</p> <p>Commissioner Nishimura asked can that be a condition of approval for these temporary extension of premises.</p> <p>Investigator Herman commented on this violation that was not on an extension that is there licensed area. Would that be an HRS, I believe the other part you are wanting to do could be a rule, but I will leave that to the Director.</p> <p>Commissioner Nishimura thanked Investigator Herman.</p> <p>Chair Gibson commented so you are saying that this violation did not occur in the extended area.</p> <p>Investigator Herman replied correct, they left the permitted licensed area.</p> <p>Chair Gibson commented okay.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Investigator Herman replied the extension that the establishment has is on the other end more towards the Hyatt side, the problem is down there, during the sunset everyone comes from everywhere. As Investigator Barry mentioned in his report, they had no control over their area.</p> <p>Chair Gibson asked any further questions.</p> <p>Commissioner Nishimitsu asked are you saying that there are people who are outside of the licensed premises are bringing alcohol from somewhere else and just wondering around or are they purchasing it from the licensee.</p> <p>Director Leo Sandoval commented from the report it was from the actual licensee and they removing it from the premise to off premises, in a glass carafe.</p> <p>Investigator Herman commented yes there are people who are coming from across the street over in that area who also mingled in. The citations was not for that people, the citation was for the liquor leaving the licensed area that was purchased at the licensed area.</p> <p>Chair Gibson asked any more questions or discussion.</p>	<p><u>Motion:</u> Mr. Nishimura moved to schedule a Violation Hearing for MPK Management Co. LLC dba Beach House Restaurant for Violation of HRS Sec 281-31 (c) (1) Licenses, classes. Ms. Nishimitsu seconded the motion. Motion carried 7:0.</p>
<p>8.</p>	<p><u>DISCUSSION AND POSSIBLE ACTION ON THE FORMATION OF A PERMITTED INTERACTION GROUP ON DRAFTING AN JOB PERFORMANCE EVALUATION TOOL FOR THE DIRECTOR OF LIQUOR CONTROL AND ANY RELATED RECOMMENDATIONS</u></p> <p>Ms. Ching, Boards and Commission Administrator stated a formation of a PIG (Permitted Interaction Group) to look at making some recommendations to the Commission regarding how often you want to evaluate and job performance Evaluation tool. To make any recommendations related to the Evaluation to the Commission.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Chair Gibson replied so if I understand, you are talking about doing another PIG (Permitted Interaction Group)?</p> <p>Ms. Ching replied correct.</p> <p>Chair Gibson asked is this outside the area we asked the most recent PIG (Permitted Interaction Group) to cover.</p> <p>Ms. Ching replied the most recent PIG (Permitted Interaction Group) worked on goals and establish and made a report to the Commission. The Commission finalized the goals of the Director of Liquor Control. Since the goals have been adopted by the Commission now you have a basis for evaluation. My question would be if he Commission would like to do an evaluation 6 months from now or to keep it one year. So that is the kind of discussion that I would be having with the PIG (Permitted Interaction Group). There is an evaluation tool that HR (Human Resources) uses for Department Heads. Most of the Commissions have decided that do not want to use that evaluation tool and they have adopted a different one. So that is something I would review with members of the PIG (Permitted Interaction Group). They can decide what they would like to do and make those recommendations to the Commission.</p> <p>Chair Gibson stated he would like to appoint the PIG (Permitted Interaction Group) Mr. Nishimura has lead the others and that he would be the number one selection. The newer Commissioners Leland Kahawai and Lorna Nishimitsu. Would you three accept the responsibility? Hearing none.</p> <p>Mr. Aaron Larrimore advised there needs a motion.</p>	<p><u>Motion:</u> Mr. Crowell moved to approve the formation of the PIG (Permitted Interaction Group) Randall Nishimura, Leland Kahawai and Lorna Nishimitsu. Mr. Pacheco seconded the motion. Motion carried 6:1.</p> <p><u>Roll Call Vote:</u> Shimabukuro - Yes Pacheco - Yes Nishimitsu - Yes Nishimura - Abstain Kahawai - Yes Crowell - Aye Gibson - Aye</p>

SUBJECT	DISCUSSION	ACTION
	<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 consultant and other related items, to approve or amend the Executive Session Minutes of April 1, 2021 and April 15, 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><u>Motion:</u> Mr. Pacheco moved to go into Executive Session. Ms. Nishimitsu seconded the motion. Motion carried 7:0. Moved into Executive Session @ 10:58 a.m.</p>
	<p><u>APPROVAL OF MINUTES:</u></p> <ul style="list-style-type: none"> a. <u>Executive Session Minutes of April 1, 2021</u> b. <u>Executive Session Minutes of April 15, 2021</u> 	
9.	<p><u>DISCUSSION AND POSSIBLE ACTION ON THE ANNUAL EVALUATION OF THE ACTING DIRECTOR</u></p>	
10.	<p><u>DISCUSISON AND POSSIBLE ACTION REGARDING THE APPOINTMENT OF THE DIRECTOR AND THE EXPANSION OF OTHER JOB DUTIES</u></p>	

SUBJECT	DISCUSSION	ACTION
	<p><u>RETURN TO OPEN SESSION</u></p> <p>Returned to Open Session @ 11:42 a.m.</p>	
	<p><u>ROLL CALL FOR THE RETURN TO OPEN SESSION</u></p> <p>Director Leo Sandoval called roll 7 members online via tele-conference, constituting a quorum.</p>	
	<p><u>RATIFY THE ACTIONS TAKEN IN EXECUTIVE SESSION</u></p>	<p><u>Motion:</u> Mr. Kahawai moved to ratify the actions taken in Executive Session. Mr. Pacheco seconded the motion. Motion carried 7:0.</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.	<u>Motion:</u> Mr. Pacheco moved to adjourn the Open Session Meeting. Ms. Nishimitsu seconded the motion. Motion carried 7:0. Meeting was adjourned @ 11:46 a.m.

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.