

APPROVED

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

See minutes of 10-14-21

Board/Commission:	LIQUOR CONTROL COMMISSION	Meeting Date	August 12, 2021
Location	Tele Conference via Microsoft Teams Audio +1 469-848-0234, Conference ID: 847 146 901#	Start of Meeting: 10:02 a.m.	End of Meeting:12:15 p.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 Charles Foster		
Excused			
Absent			
SUBJECT	DISCUSSION	ACTION	
A. <u>CALL TO ORDER</u>		Chair Gibson called meeting to order 10:02 a.m.	
B. <u>ROLL CALL</u>	Director Leo Sandoval called roll, noting 6 members were present via Tele-Conference constituting a quorum. Commissioner Nishimura was not present.		
C. <u>ANNOUNCEMENTS:</u>	Next Scheduled Meeting: Thursday, August 26, 2021 – 4:00 p.m. or shortly thereafter. Chair Gibson asked Director Leo Sandoval to make a comment about the next scheduled meeting as to whether or not we will be virtual or in-person. Director Leo Sandoval replied I would like to defer to Ms. Ching Administrator for Boards & Commission. We are in the process of making the arrangements for being virtual, is that correct.		

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Ching replied there will be a meeting this afternoon and consult with the Deputy County Attorney. There are multiple issues given the recent Governor’s Proclamation that affects all Boards and Commissions including the Liquor Commission. There are other tangential items that will come into play on this. We will have to make an announcement prior to the next meeting on what platform the next meeting will be.</p> <p>Chair Gibson asked Ms. Ching will you communicate to us via email.</p> <p>Ms. Ching responded either Director Leo Sandoval or I will communicate with you.</p>	
<p>D.</p>	<p><u>APPROVAL OF AGENDA</u></p>	<p><u>Motion:</u> Mr. Pacheco moved to approve the agenda. Mr. Kahawai seconded the motion. Motion carried 6:0.</p>
<p>E.</p>	<p><u>APPROVAL OF MINUTES</u></p> <p><u>Open Session Minutes of May 20, 2021</u></p>	<p><u>Motion:</u> Ms. Nishimitsu moved to approve the Open Session Minutes of May 6, 2021. Mr. Pacheco seconded the motion. Motion carried 6:0.</p>
<p>F.</p>	<p><u>PUBLIC HEARINGS:</u></p> <ol style="list-style-type: none"> <u>POINT HB LLC dba HANAIEI MARKET: Application No. 2021-025 was filed on May 3, 2021 by POINT HB LLC dba HANAIEI MARKET for a New Retail General license located at 5-5161 Kuhio Highway Building F, Hanalei, Kauai, Hawaii. Deposited \$450.00.</u> 	

SUBJECT	DISCUSSION	ACTION
	<p>a. <u>All legal requirements have been met for today's public hearing.</u></p> <p>b. <u>The applicant has sent out notices to property owners or lessees of record within 500 feet of the proposed premises and up until the time of the public hearing the department has not received any letters in support or in opposition to this application.</u></p> <p>Chair Gibson opened the Public Hearing for Application No. 2021-025 for POINT HB LLC dba Hanalei Market. Is there a Department's Report on the application?</p> <p>Director Leo Sandoval read the report for the Commission: 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.</p> <p>a. All legal requirements have been met for today's public hearing.</p> <p>b. The applicant has sent out notices to property owners or lessees of record within 500 feet of the proposed premises and up until the time of the public hearing the department has not received any letters in support or in opposition to this application.</p> <p>Is there anyone here who would like to speak on behalf of the applicant? If so please unmute your microphone and state your name for the record.</p> <p>Investigator Herman Mr. Banks are you present.</p> <p>Director Leo Sandoval asked Mr. Banks to state his name and title for the record.</p> <p>Mr. Banks replied I am H.B. Banks and I am a Member/Owner of POINT HB LLC.</p>	

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	<p>Chair Gibson asked Mr. Banks did you receive a copy of the Investigator’s Report.</p> <p>Mr. Banks replied yes everything that I received through Investigator Ken Herman, I have.</p> <p>Chair Gibson asked do you have any comments on the report.</p> <p>Mr. Banks replied no sir.</p> <p>Chair Gibson asked he Commissioners do you have any questions for Mr. Banks. Hearing none Public Hearing for Application No. 2021-025 closed.</p> <p>Director Leo Sandoval requested a roll call vote.</p> <p style="text-align: center;"><i>Commissioner Nishimura entered meeting @ 10:12 a.m.</i></p> <p>2. <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 style="padding-left: 40px;">a. <u>All legal requirements have been met for today’s public hearing.</u></p> <p style="padding-left: 40px;">b. <u>The applicant has sent out notices to property owners or lessees of record within 500 feet of the proposed premises and up until the time of the public hearing the department has not received any letters in support or in opposition to this application.</u></p> <p>Chair Gibson opened the Public Hearing for Application No. 2021-026.</p>	<p><u>Motion:</u> Ms. Nishimitsu moved to approve POINT HB LLC dba Hanalei Market Application No. 2021-025 for a New Retail General License. Mr. Pacheco seconded the motion. Motion carried 7:0.</p> <p><u>Roll Call Vote:</u> Shimabukuro - Aye Pacheco - Aye Nishimura - Aye Nishimitsu - Aye Kahawai - Aye Crowell - Aye Gibson - Aye</p>

SUBJECT	DISCUSSION	ACTION
	<p>Director Leo Sandoval asked is there anyone here who would like to speak on behalf of the applicant. If so please unmute your microphone and state your name and title.</p> <p>Mr. Newton Chu Attorney-At-Law was present to represent STL OF HAWAII dba Target Stores. We have reviewed the Investigator's Report of Investigator Herman we have no changes and we look forward to coming to Kauai and opening in October.</p> <p>Chair Gibson asked Commissioners are there any questions. What is the Target date?</p> <p>Mr. Chu replied we have a scheduled Grand Opening October 24, 2021 and a soft opening on October 19, 2021. Construction should be completed by late August and will be stocking the store in September.</p> <p>Director Leo Sandoval read the Investigator's Report for the record.</p> <p>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.</p> <ul style="list-style-type: none">a. All legal requirements have been met for today's public hearing.b. The applicant has sent out notices to property owners or lessees of record within 500 feet of the proposed premises and up until the time of the public hearing the department has not received any letters in support or in opposition to this application. <p>Director Leo Sandoval stated there are no testimony from the public you may go ahead and close the Public Hearing.</p>	

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	<p>Chair Gibson and the Commissioner are there any further questions. Commissioner Kahawai asked Mr. Chu I see the lease is between the landlord Kukui Market Place and the tenant is Target Corporation how does Target Corporation tie into the applicant STL OF HAWAII?</p> <p>Mr. Chu replied STL OF HAWAII is a wholly owned subsidiary of STL Licensing which is a wholly owned subsidy of Target. It's the State entity in which Target uses for their licensed stores in Hawaii.</p> <p>Commissioner Kahawai thanked Mr. Chu.</p> <p>Commissioner Nishimura asked Director Leo Sandoval when the filing date was.</p> <p>Director Leo Sandoval replied it is shown as May 24th 2021.</p> <p>Commissioner Nishimura responded I show a filing date of April 14, 2021. I don't know if there is any impact on the action that we are taking.</p> <p>Director Leo Sandoval replied the April 14th was a supplemental an indication we were waiting on the personal history statements of the applicant and the May 24th 2021 was the date it was completed.</p> <p>Commissioner Nishimura thanked Director Leo Sandoval.</p> <p>Chair Gibson are there any further questions, hearing none he closed the Public Hearing for Application No. 2021-026.</p>	<p><u>Motion:</u> Mr. Nishimura moved to approve Application No. 2021-026 for STL OF HAWAII dba TARGET STORE T3400 for a New Retail General License. Mr. Pacheco seconded the motion. Motion carried 7:0.</p> <p><u>Roll Call Vote:</u> Shimabukuro - Aye Pacheco - Aye Nishimitsu - Aye Nishimura - Aye Kahawai - Aye Crowell - Aye Gibson - Aye</p>

SUBJECT	DISCUSSION	ACTION
<p>G.</p>	<p><u>VIOLATION HEARINGS:</u></p> <p>1. <u>WB'S EXCLUSIVE LOUNGE dba WB's Exclusive Lounge: Violation of HRS Sec 281-31 (c) (1) Licenses, classes.</u></p> <p>Details:</p> <ul style="list-style-type: none"> a. WB's Exclusive Lounge is licensed as a restaurant permitted to sell liquor for consumption for on-premises only. b. On July 9, 2021 , at approximately 11:20 pm WB's Exclusive Lounge, LLC dba WB's Exclusive Lounge did permit the removal of an alcoholic beverage from their licensed premises which was directly related to the licensee's operation as a restaurant which is a violation of HRS Sec. 281-31 (c) (1) Licenses, classes. c. HRS sec. 281-31 (c) (1) states: A license under this class shall authorize the licensee to sell liquor specified in this subsection for consumption on the premises; provided that a restaurant licensee, with commission approval, may provide off-premises catering of food and liquor; provided further that the catering activity shall be directly related to the licensee's operation as a restaurant. d. Prior Violation History w/in 12-month period includes: None. <p>Director Leo Sandoval read the Violation Report and asked if there was anyone that would like to represent this licensee, you may speak at this time. Investigator Herman is the licensee available.</p>	

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	<p>Investigator Herman replied the licensee did call me this morning she has trouble getting in, I tried calling her back and got voicemails. Mrs. Kelekoma do you show the number being in the meeting.</p> <p>Ms. Wilma Bumanlag was present and stated she is a Member/Owner of WB's Exclusive Lounge.</p> <p>Chair Gibson asked Ms. Bumanlag to raise her right hand do you solemnly swear to tell the truth, the whole truth and nothing but the truth.</p> <p>Ms. Wilma Bumanlag replied I do.</p> <p>Chair Gibson thanked Ms. Wilma Bumanlag and asked Director Leo Sandoval to read the charges.</p> <p>Director Leo Sandoval read the charges:</p> <p style="text-align: center;"><u>WB'S EXCLUSIVE LOUNGE dba WB's Exclusive Lounge: Violation of HRS Sec 281-31 (c) (1) Licenses, classes.</u></p> <p>Details:</p> <ul style="list-style-type: none"> a. WB's Exclusive Lounge is licensed as a restaurant permitted to sell liquor for consumption for on-premises only. b. On July 9, 2021 , at approximately 11:20 pm WB's Exclusive Lounge, LLC dba WB's Exclusive Lounge did permit the removal of an alcoholic beverage from their licensed premises which was directly related to the licensee's operation as a restaurant which is a violation of HRS Sec. 281-31 (c) (1) Licenses, classes. 	

SUBJECT	DISCUSSION	ACTION
	<p>c. HRS sec. 281-31 (c) (1) states: A license under this class shall authorize the licensee to sell liquor specified in this subsection for consumption on the premises; provided that a restaurant licensee, with commission approval, may provide off-premises catering of food and liquor; provided further that the catering activity shall be directly related to the licensee's operation as a restaurant.</p> <p>d. Prior Violation History w/in 12-month period includes: None.</p> <p>Chair Gibson asked Ms. Wilma Bumanglag do you understand the charge.</p> <p>Ms. Wilma Bumanglag replied yes sir.</p> <p>Chair Gibson asked do you admit or deny the charge.</p> <p>Ms. Wilma Bumanlag replied I admit sir.</p> <p>Chair Gibson asked do you wish to explain what happened.</p> <p>Ms. Wilma Bumanglag stated on July 9th, 2021, Friday at 11:15 p.m. my two security did not show up for work. I was not able to call anyone. There was two workers and myself as the main bartender. I did not notice that one of the customers brought their glass of liquor outside. Investigator Lawrence Stem found out that the customer brought out the glass of liquor, I did not notice as I was very busy and I am sorry for that.</p> <p>Chair Gibson asked has anything been done from reoccurring.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Wilma Bumanlag commented I was thinking of post a sign to not bring out any liquor by the door. Is it okay to post it by the door? Or three of us one is watching the door when there is no security that shows up.</p> <p>Chair Gibson asked the Commissioners are there any further questions for Ms. Wilma Bumanlag.</p> <p>Commissioner Nishimura asked are all of your drinks served in plastic cups.</p> <p>Ms. Wilma Bumanlag replied yes, I think that is what is required from the Department of Health including the plates it is all plastic.</p> <p>Commissioner Nishimura stated are you saying that the Department of Health does not allow you to use glassware.</p> <p>Ms. Wilma Bumanglag replied the restaurant asked us to use the throw away and that is what we do as well as the bar.</p> <p>Chair Gibson asked any further questions Commissioners. Hearing none is the Commission ready to make a decision.</p> <p>Commissioner Nishimura asked does the Department have any recommendations for this.</p> <p>Director Leo Sandoval responded WB's Exclusive Lounge has had no prior violations within the previous 12 months. However the Department does consider this type of violation a Public Safety Violation meaning that the actions is not being prevented could result in a more serious outcome. Under HRS 281-91 the maximum fine is up to \$2,000.00 for this type of offense. The Department would like to recommend a fine of \$500.00 to be assessed at your discretion.</p>	

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	<p>Commissioner Nishimura asked Director Leo Sandoval are there any other violations that WB's has had.</p> <p>Director Leo Sandoval replied within the 12 months that was documented I see none.</p> <p>Commissioner Nishimura asked Investigator Ken Herman are there any past violations.</p> <p>Investigator Ken Herman replied I will check on that.</p> <p>Commissioner Nishimura thanked Investigator Ken Herman.</p> <p style="text-align: center;"><i>Chair Gibson called for a recess @ 10:28 a.m.</i></p> <p>Director Leo Sandoval responded to Commissioner Nishimura WB'S Exclusive Lounge has two separate violations in the past. First was in 2017 failing to clear out the containers at closing time and was a \$500.00 fine. The second was in 2019 a violation of 7.8 Manager on Duty also fine of \$500.00. That is all the violations that they had.</p> <p>Commissioner Nishimura called for a point of order to Chair Gibson that the meeting needs to be called back to order.</p> <p style="text-align: center;"><i>Chair Gibson resumed meeting @ 10:33 a.m.</i></p> <p>Chair Gibson are there any further questions, hearing none is the Commission ready to vote.</p> <p>Investigator Herman called for a point of order to Chair Gibson stating that it should be WB's Exclusive Lounge.</p> <p>Chair Gibson replied with WB's Exclusive Lounge when repeating the passing of the motion.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Investigator Ken Herman replied just to make sure we are giving the fine to WB's Exclusive Lounge and not Exclusive Lounge for the record.</p> <p>Chair Gibson restated for the record WB's Exclusive Lounge.</p>	<p><u>Motion:</u> Mr. Nishimura moved to levy a fine of \$500.00 for the offense against WB's Exclusive Lounge dba WB's Exclusive Lounge as recommended by Director Leo Sandoval. Mr. Pacheco seconded the motion. Motion carried 7:0</p> <p><u>Roll Call Vote:</u> Shimabukuro - Aye Pacheco - Aye Nishimitsu - Aye Nishimura - Aye Kahawai - Aye Crowell - Aye Gibson – Aye</p>
<p>H.</p>	<p><u>DIRECTOR'S REPORTS:</u></p> <ol style="list-style-type: none"> 1. <u>INVESTIGATORS ACTIVITY REPORTS:</u> 2. <u>EMPLOYEES IN LICENSED PREMISES:</u> <ol style="list-style-type: none"> a. Managers and Assistant Managers - See Attachment "A" 	<p><u>Motion:</u> Mr. Pacheco moved to accept the Director's Report. Ms. Nishimitsu seconded the motion. Motion carried 7:0.</p>

SUBJECT	DISCUSSION	ACTION
<p>I.</p>	<p><u>ACTIONS OF THE DIRECTOR:</u></p> <ol style="list-style-type: none"> 1. <u>HISTORIC WAIMEA THEATER AND CULTURAL ARTS CENTER: Approval of Application Nos. Free 2022-01 and Free 2022-02 filed on July 13, 2021, by Historic Waimea Theater and Cultural Arts Center for a Free One-Day Special Dispenser General licenses on August 6, 2021 and August 7, 2021, at 9691 Kaunualii Highway, Waimea, Kauai, Hawaii.</u> 2. <u>NATIONAL TROPICAL BOTANICAL GARDEN: Approval of Application No. Free 2022-03 through Free 2022-09 filed on July 13, 2021, by National Tropical Botanical Garden for a Free One-Day Special Dispenser General licenses on August 18, 19, 20, 21, 25, 26, 27, 2021 at 3530 Papalina Road, Kalaheo, Kauai, Hawaii.</u> 3. <u>ROB’S GOOD TIMES GRILL: Approval of Temporary Increase of Premise to include 100 sq. ft. x 10 sq. ft. immediately fronting the restaurant per diagram submitted from August 1, 2021 to November 1, 2021.</u> <p>Chair Gibson asked the Commission is there any discussion.</p> <p>Commissioner Kahawai commented I noticed you shorten the time period for Robs’ Good Times Grill by almost two months, is there a reason why.</p> <p>Director Leo Sandoval replied a lot of the temporary increases are becoming an ongoing thing. We are suggesting to the applicants to go ahead and proceed application for a permanent increase. That process has already began and it should be completed before the time that it was requested if everything is documented properly.</p>	

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	<p>So instead of doing for a long term we are starting with a 3 month period anything in access of 3 months we are going to re-evaluate at that time. We are suggesting to the licensees a permanent increase, so we are not inundated all the time with all these temporary's.</p> <p>Commissioner Kahawai thanked Director Leo Sandoval.</p> <p>Vice Chair Crowell commented just to let the Department know any permanent increase should be referred to the Planning Department, because it affects the required parking requirements.</p> <p>Director Leo Sandoval replied to Vice Chair Crowell as part of the permanent increase we are having them consult with planning prior to any kind of approval. One of the process does requires Planning to clear them prior to approval before seeking that permanent. We won't move forward until planning says its fine with them.</p> <p>Commissioner Nishimura commented I did not see it in the packet but perhaps the Department may know. Do they have permission from the landlord to use the sidewalks space? Since it affects the rest of the Shopping Center.</p> <p>Director Leo Sandoval replied they do have approval from the landlord, Investigator Herman can you elaborate on that portion.</p> <p>Investigator Herman replied yes I don't have it with me at this time, yes it should be in the packet, I sent it with the rest of the information they do have a letter from the landlord approving their use of that area. It is part of the required paperwork for their request.</p> <p>Commissioner Nishimura thanked Investigator Ken Herman.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Chair Gibson asked any further discussion, hearing none may we have a vote to accept the actions of the Director.</p>	<p><u>Motion:</u> Mr. Kahawai moved to accept the Actions of the Director items 1 through 3. Mr. Pacheco seconded the motion. Motion carried 7:0.</p>
<p>J.</p>	<p><u>NEW LICENSE</u></p> <p>1. <u>KIIBO LLC dba KIIBO: Application No. 2022-005 was filed on July 15, 2021 by KIIBO LLC dba KIIBO for a New Restaurant General license located at 2991 Umi Street, Lihue, Kauai, Hawaii. Deposited \$450.00.</u></p> <p>Investigator Ken Herman stated this is for acceptance for Publication and Public Hearing. The owner of Kiibo Mr. Exabe should be on the call, if you have any questions.</p>	<p><u>Motion:</u> Mr. Nishimura moved to accept Application No. 2022-005 for KIIBO LLC dba KIIBO schedule for Publication and Public Hearing. Mr. Pacheco seconded the motion. Motion carried 7:0.</p>
<p>K.</p>	<p><u>NEW SOLICITOR'S PERMIT</u></p> <p>1. <u>WESLEY A. SAKAMOTO: Application No. 2022-004 was filed on July 28, 2021, by Wesley A. Sakamoto for a Solicitor's Permit in the County of Kauai to represent The Cherry Company, Ltd., a Wholesale Dealer General licensee in the City & County of Honolulu. Deposited \$180.</u></p> <p>Commissioner Nishimura asked Mr. Sakamoto will you be representing The Cherry Company on Oahu or Kauai.</p> <p>Director Leo Sandoval replied the actual wholesale is on Oahu, he will be soliciting for new business on Kauai.</p> <p>Chair Gibson asked Commissioner Nishimura any further questions.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Nishimura responded when I look at their application it says the applicant shall represent the company in Honolulu, maybe I am looking at it wrong.</p> <p>Commissioner Kahawai asked what is a Solicitors Permit.</p> <p>Director Leo Sandoval replied the Solicitors Permit, permits the actual to represent the wholesaler as an extension of the wholesaler while on our island. While on our island they are soliciting for orders to see if anyone would like to become a new customer of that person. They are not selling to the general public they are selling to the retailers and anyone who would like to start ordering that particular product.</p> <p>Commissioner Kahawai thanked Director Leo Sandoval and Commissioner Nishimura stated I didn't understand that portion.</p> <p>Mr. Foster replied this is under Section 281-39 of the Hawaii Revised Statues.</p> <p>Chair Gibson asked are there any more questions, hearing none, may we have a motion to accept.</p>	<p><u>Motion:</u> Mr. Kahawai moved to accept Application No.2022-004 for Wesley Sakamoto. Mr. Pacheco seconded the motion. Motion carried 7:0.</p>
<p>L.</p>	<p><u>CHANGE IN AUTHORIZED AGENT/OFFICERS:</u></p> <p>1. <u>QSI, INC.: Deletion of Christopher K. Borden as President/Director and Addition of Naoki Yoshida as President/Director for QSI, Inc., dba Big Save Eleele (4G-007), Big Save Hanalei (4G-008), Big Save Kapaa (4G-009), Big Save Koloa (4G-010), Big Save Waimea (4G-012), and Times Supermarket (4G-058).</u></p>	<p><u>Motion #1:</u> Mr. Nishimura moved to accept change in Authorized Agent/Officers for QSI, INC. Mr. Kahawai seconded the motion. Motion carried 7:0</p>

SUBJECT	DISCUSSION	ACTION
	<p>2. <u>LAHAINA PETROLEUM, LLC: Deletion of Edward R. Marszal as a member for Lahaina Petroleum, LLC dba Hokulei Village Texaco (4BW-019), Kapaa Texaco (4BW-006), Koloa Town Texaco (4BW-012), Lihue Texaco (4BW-005), Rice Street Texaco (4BW-011). Susan L. Marszal will remain as the sole member.</u></p>	<p><u>Motion #2:</u> Mr. Nishimura moved to approve the change in Authorized Agent/Officers for Lahaina Petroleum, LLC. Mr. Kahawai seconded the motion. Motion carried 7:0.</p>
<p>M.</p>	<p><u>PERMANENT INCREASE OF PREMISES:</u></p> <p>1. <u>MPK MANAGEMENT CO. LLC dba THE BEACH HOUSE RESTAURANT: Request for permanent increase of premises to accommodate the regular weddings/events on the south lawn area and west lawn area of the Beach House Restaurant. The appropriate staff as well as the manager on duty will monitor all areas.</u></p> <p>Director Leo Sandoval stated this increase is being submitted accordance to HRS 281-62, if there is no discussion it can be accepted with a motion to do so.</p> <p>Chair Gibson asked Commissioners are there any discussion, Commissioner Shimabukuro you had a question about the increase of premises on this licenses.</p> <p>Commissioner Shimabukuro replied my concerns have been addressed, my concerns was the lack of enforcement and monitoring by the Owner for the temporary increase.</p> <p>Chair Gibson thanked Commissioner Shimabukuro and asked are there any other discussion on this application.</p> <p>Commissioner Nishimitsu asked has there been confirmation from the Planning Department that the expansion of the operations is acceptable.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Director Leo Sandoval replied the documents that have been received do show the outline that is permitted by the County. That's actually diagrammed on the attachment that says decrease on it which actually goes all the way to the sidewalk. For reference the Counsel for Beach House Restaurant is on the call. Mr. Robert Ichikawa is also available for questions.</p> <p>Commissioner Nishimitsu commented the diagram shows the expansion of the premises as sought from the Liquor Commission. I don't see anything that the Planning Commission has presented with the diagrams and has agreed that this expanded area is acceptable. I just need that confirmation.</p> <p>Investigator Ken Herman replied couple of the packets request for zoning clearance. Planning Department did check use is permitted and issued a zoning permit.</p> <p>Director Leo Sandoval replied there is a form that says landlord authorization increase reduction of license permit. The way that it was printed its two-sided so the other side has the request for zoning clearance on the other side.</p> <p>Vice Chair Crowell commented really, I have some concerns it is not a proper approval. If they issued a clearance, this is an SMA (Special Management Area) issue. If they did the SMA Permit to increase the property. If they signed off on it that would be the basis of my approval.</p> <p>Director Leo Sandoval replied we have the opportunity with the County Attorney to discuss this issue and he is available if you need additional information.</p> <p>Chair Gibson asked Mr. Robert Ichikawa, Counsel for the Beach House Restaurant if Planning approved this application.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Mr. Robert Ichikawa replied we submitted a Clearance with the Planning Commission for the extension and received approval.</p> <p>Chair Gibson asked Vice Chair Crowell does that satisfy your question.</p> <p>Vice Chair Crowell responded I guess there's a new Sheriff in town, based on what you are saying I don't show any record of approval in my packet.</p> <p>Mr. Robert Ichikawa responded on that application it is checked off for the extension of the premises.</p> <p>Director Leo Sandoval asked if the Commissioners have that in there packet.</p> <p>Commissioner Kahawai replied to Vice Chair Crowell it is a Liquor Control Document and on the bottom half of the document is the Planning Department's signed off and that the zoning is permitted. So the Planning Department signed at the bottom on July 23, 2021.</p> <p>Director Leo Sandoval commented the things that I am seeing a difference on the Zoning Permit is for the Southern Most Lawn and on the increase it's showing the increase Southern Lawn area and West Lawn area. There might be a small discrepancy there, I'm not sure of the West Lawn area.</p> <p>Chair Gibson asked the Commission would they like to take this up in Executive Session, for further questions. Mr. Foster do you have any input on this.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Nishimitsu commented I'm not convinced this needs to go into Executive Session. As opposed to clarification from Planning that both expanded areas outside of the permitted structure are okay to be added to the uses covered under the original permits. I think that is what Vice Chair Crowell was concerned about.</p> <p>Chair Gibson commented any further discussion.</p> <p>Mr. Robert Ichikawa responded the expansion to the where the wedding area for the south area lawn has been used in the past. We are including it from the last hearing with the Commission. We rely on the Planning Department for approval for the zoning.</p> <p>Chair Gibson commented any further discussion. Before we make this permanent I have a concern. Seeing that there was a recent violation in controlling this area. I wondering if we should grant a forever stamp on it.</p> <p>Mr. Robert Ichikawa replied that was the only violation that the Beach House Restaurant had. They have taken measures, everyone is properly notified and trained daily on what the stanchions are to be laid out as. They have ordered signage warning customers that it is prohibited to go beyond that area. They are waiting to receive it and it has been ordered about 2-3 weeks ago. Upon receiving it, it will be permanently posted up as well.</p> <p>Chair Gibson asked Investigator Ken Herman if his investigators are satisfied with this area that we are discussing can be policed in an efficient manner.</p> <p>Investigator Ken Herman commented we are making regular checks to the licensees as we would any licensees. A temporary permit should be in place then they need to go, if they are scheduled on that shift in that area. They need to go and check the permitted area if the shift area matches up.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>If they are in the area that night for any licensee they have been told to go and check on them. I haven't had any reports recently that occurred at those, but during the scheduled events recently, we have made 5 out of 18 times had a temporary extension our Investigators have had no incidents.</p> <p>Commissioner Nishimura does the change from or the increase from the premised area does that require a Public Hearing.</p> <p>Mr. Charles Foster responded under 281-62 The liquor commission may, in its discretion, permit the reduction or the increase in the area of the licensed premises of any licensee without publication of notice at a public hearing. It is allowed without a hearing. You may provided that, where an increase in premises may significantly impact the public, the commission may require hearings pursuant statues pertaining to Public Hearings.</p> <p>Commissioner Nishimura thanked Mr. Foster.</p> <p>Chair Gibson commented any further discussion.</p> <p>Commissioner Shimabukuro asked the photo that was presented in our packet and the photo outlines with the stanchions, is that where the extension will be. I am assuming that is an accurate depiction of the drawing. I do have a concern about the type of material that they use, it looks quite temporary. That would be one of my concerns. The photo seems to be shorter than the distance that is outlined in the drawing.</p> <p>Director Leo Sandoval replied to Commissioner Shimabukuro, I can answer that portion the area that is being sought is an extension passed where the area is in the photo. It appears that the actual extension will go all the way to the sidewalk now. Which was kind of an issue that we have talked about in the office. Typically the customer would like to go to the edge to sit down and view the sunset and water. That was an area of concern that the customer does not go past that area of the ledge. The ledge is actually pass the premises.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Vice Chair Crowell commented that is the issue I brought up the last time, we had a photo of the customers sticking their legs into the public access and restricting public access. That would be a concern if people wanted to walk around on the access they couldn't.</p> <p>Mr. Robert Ichikawa replied I have Sara Hill who is the CEO and Ericka Dunn General Manager they are on but muted. They are trying to unmute. It is not on our end it is the other end. They may be able to address some of the issues.</p> <p>Investigator Ken Herman advised Mr. Robert Ichikawa they will need to *6, to unmute themselves.</p> <p>Mr. Robert Ichikawa stated I will address the conversation that I had with them, they have definitely been vigilant to the patrons. They do not want anything to happen, even from their own liability stand point. They are taking measures to make sure whoever their customers are will not be interfering with anyone outside of the stanchion area. The other thing too is with the higher numbers now, without their extension is critical to business. They would like to ensure that it doesn't in any way cross any of the rules or violating any of the rules. They are making sure that their customers understand that. It's a privilege to be outside and they do not want to lose being a licensee.</p> <p>Vice Chair Crowell asked will food be served outside on the lawn?</p> <p>Mr. Ichikawa replied, yes. The way they lay it out everyone will be distanced and they will not be right up against the stanchions. Ensuring there is proper distance from the walkway and the different seating areas.</p> <p>Commissioner Shimabukuro replied I do have a concern with those stanchions, they would allow someone to still access the sidewalk or that ledge area if they so wanted to.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Mr. Ichikawa responded we will address that issue, I do understand that. If there is a way to double stanchion it at different levels or maybe two or three levels of stanchion that could be roped off. It looks a little more permanent. They can address those issues to make the stanchions harder to go in and out of. Make it more visible and harder to go out of the stanchions.</p> <p>Commissioner Shimabukuro thanked Mr. Robert Ichikawa.</p> <p>Chair Gibson asked any further discussion.</p> <p>Commissioner Nishimura commented in light of the impact from the Public and this is a personal preference. I would prefer that we end this with through a Public Hearing process. We may look at things a certain way, there may be other things that we are not aware of as well.</p> <p>Mr. Ichikawa replied I will say that the premises is fee simple land that they own, people cannot access their lawn area. They as owners of the land will allow them, so much a public access for the area, the land, lawn and the restaurant area I just want to clarify that.</p> <p>Commissioner Nishimura asked is the pathway is a public access.</p> <p>Mr. Ichikawa replied the pathway is, the Beach House Restaurant will not allow patrons or customers to access their lawn. Nor will they allow anyone from their walkway into the property as well. They will have to come through the restaurant.</p> <p>Chair Gibson asked any further discussion.</p> <p>Commissioner Shimabukuro commented that she agrees with Commissioner Nishimura that we should probably bring this up for a Public Hearing.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Mr. Foster responded for clarification based on the impact to the Public, I think the reason for setting this for a hearing should state based on impact from the Public. I would put that in for the record, I believe Commissioner Nishimura said that.</p> <p>Mr. Ichikawa asked for the Public Impact I am still trying to clarify they own the land and this is their area they could use it to serve food and not liquor. We have been expanding this to serve liquor and getting approvals every month from the department. At the request of the department we are applying for a permanent increase instead of doing the approval process of the way it was. Everything was running smoothly and then we were applying for a permanent increase for the wedding area lawn standpoint nothing is going to change of what has been done. I am concerned the Public interest for the use of the premises, they own the land, utilize the land and we are applying for an extension for the liquor on the premises that we own the land on.</p> <p>Commissioner Nishimitsu commented I don't think the issue is who owns the land, but this creates a pathway for other businesses who have a structural within to which they are permitted to conduct their business from expanding on to open areas that they also lease or own by increasing the footage of their operations. These are not things that planning has necessarily factored in when it originally looked at authorizing the construction, that's my concern and that is where I am coming from.</p> <p>Mr. Ichikawa thanked Commissioner Nishimitsu.</p> <p>Chair Gibson commented I believe Commissioner Nishimura made the original motion, could you please restate it including Mr. Foster's advice.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Mr. Foster replied let me further clarify, by making that clarification it does not limit the issues that can be discussed or considered at the hearing, but I believe under 281-62 where increase in premises could significantly impact the public the Commission may require a hearing it is important to note that the Commission did express concerns about the significant impact on the public to bring us into that into a public hearing situation.</p> <p>Commissioner Nishimura advised Chair Gibson that Commissioner Shimabukuro was the one that made the motion. That is what promoted me to suggest a public hearing.</p> <p>Mr. Ichikawa commented to the Commission I understand that we will have a Public Hearing. In the meantime because Beach House Restaurant already has commitments for September is it possible to have an approval of temporary use until the Public Hearing is held. It would only be for the wedding area that they have been applying for routinely. There has been no trouble with that area it is only extended for a period of time for weddings from the afternoon till the evenings not all day it is only for that area.</p> <p>Chair Gibson asked Director Leo Sandoval with their temporary permits what are the dates.</p> <p>Mr. Ichikawa commented it is for August and hopefully request for September in the event of a Public Hearing is scheduled later, Thank you.</p> <p>Director Leo Sandoval asked Mr. Ichikawa are there any temporary's issued at this point.</p> <p>Mr. Ichikawa responded it is just for August at the request of the department we applied for a permanent we were not able to apply for September. We respectfully request if we could because they have so many commitments for September for some weddings on the lawn. It would be the same premise that was approved over five years for that temporary area for weddings.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Director Leo Sandoval replied so there is one for August and not for September.</p> <p>Mr. Ichikawa replied correct.</p> <p>Director Leo Sandoval commented to Chair Gibson that the temporary increase for the month of September to operate for the weddings and special events. It could be requested and approved for the temporary premises only until we can do the actual Public Hearing.</p> <p>Mr. Ichikawa replied that would be wonderful and again to the Commissioners the wedding area is the key area that is part of their business that people enjoy having their weddings. The stanchions to the walkway was because of COVID and it seems safer and better, but if it's that much of a concern to the Commissioners then we would go back and have a permanent extension for the wedding area. That is what we initially planned to do, it's to get the extension for that wedding premises which has been routinely approved but for always having to come back the suggestion was to increase that wedding area for a permanent increase. In doing so we increased the area to the lawn because of everything that was happening. We could reapply for an increase to just the wedding premises which was the originally the plan and the suggestion of the Commission.</p> <p>Chair Gibson asked Mr. Foster how we should handle this are we bound now to go into the Public Hearing.</p> <p>Mr. Foster replied we are in the same meeting you can vote to withdraw that. I hear the applicant saying they would be agreeable to a condition on the permanent permit to limited to the portion where the weddings are at. My own experience having been there on site and the ownership address this, that area is away from the Public sidewalk where there have been some issues with the encroachment there. One idea is you can proceed on the application as it is and impose the conditions and it only affects that area where the weddings are however they are described in the application.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Director Leo Sandoval asked could there be a recommendation for the applicant to amend the current requested drawing for approval and then revisit this issue at the next Commission Meeting.</p> <p>Mr. Foster replied yes we can continue this at the next meeting.</p> <p>Mr. Ichikawa replied we can reapply for that wedding area with everything that was discussed the last time when it was recommended that we file for permanent increase. We will file it for that area which has been used, we will file for the permanent increase. In the future if we wanted to expand or increase the area down to the walkway we could bring that application at some point if we wanted to. At that point we understand that there may be a Public Hearing. For now we just wanted to extend that wedding area on the lawn, which is away from the public walkway.</p> <p>Director Leo Sandoval suggested to Chair Gibson and the Commissioners, if he does resubmit the diagram for what has been historically approved on the temporary increase. At that point he represents it to the Commission and is acceptable then would that be acceptable to the Commission for review again for approval?</p> <p>Chair Gibson asked are there any discussion.</p> <p>Commissioner Nishimitsu' s commented would it be simpler for the applicant to say what they are seeking for a permanent approval is the diagram sheet #A001 and titled existing at the top and that would be the permanent area.</p> <p>Director Leo Sandoval the diagram sheet for A001 shows a significant increase to what they currently have.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Nishimitsu replied no the one that is titled existing and that's the problem they used the same diagram and did not change the sheet number one is titled existing and one is titled increase.</p> <p>Director Leo Sandoval replied I see what you are saying.</p> <p>Commissioner Nishimitsu asked Mr. Ichikawa is this what you are seeking.</p> <p>Mr. Ichikawa replied what we would be seeking an extension from the right of the existing license premises which is the lawn. That's where the prior approval has been granted and that is where the weddings takes place. It's away from the beach walkway.</p> <p>Commissioner Nishimitsu asked Mr. Ichikawa do you want temporary or permanent approval.</p> <p>Mr. Ichikawa replied we were fine doing the temporary approvals, but the Commissioner felt to apply for a permanent, so we went ahead and did the permanent. We were fine with the old system as well.</p> <p>Director Leo Sandoval commented in the temporary it was not reflected what is actually on this permits increase.</p> <p>Mr. Ichikawa replied right we were going to apply for the increase for the wedding area which is the right side of the structure. With everything going on with COVID it had to be more outside access, we thought we just increase the lawn area. It would be more social distancing and outside areas. Not realizing the concern on the walkway that would come up. We are okay if we just apply for where the wedding area is now that has been previously approved from the Commission and the Department and not increase to other parts of the lawn, which is not used for the wedding.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Nishimitsu asked on any of your diagrams does it identify “wedding area” is?</p> <p>Mr. Ichikawa replied not specifically because we put the line around the lawn area, but we can do that. It is similar to the ones that we have always applied for the wedding.</p> <p>Commissioner Kahawai asked Director Leo Sandoval you’ve been approving temporary increases in the past.</p> <p>Director Leo replied that is correct.</p> <p>Commissioner Kahawai suggested since they are seeking a temporary increase for September for that “wedding area” that can be done outside of the meeting through the Actions of the Director. Then the applicant can come in with the correct map and a new application for a permanent increase for the “wedding area” that way we can address it at the next meeting. At least he can come in with the proper channels to get the temporary increase for his wedding in September if that’s agreeable.</p> <p>Director Leo Sandoval replied to Commissioner Kahawai that is able to be done. The map that has been historically submitted is not reflective of what you have in front of you. That map will be more agreeable to the Commissioners once you see that map. Unfortunately we do not have that available to you. When we revisit at the next meeting you will have an opportunity to discuss that map which has been approved prior for temporary increases. It does not include anything near the sidewalk. It may be better to continue at that point. I can meet with Mr. Ichikawa and make an arrangement for the temporary increase so they don’t have loss of business during September.</p> <p>Chair Gibson commented we still have the issue for request of a Public Hearing are we confirming, withdraw or reload.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Shimabukuro asked Mr. Ichikawa for clarification as she is looking at the temporary extension that were afforded the Beach House in most recent times. That includes a portion includes the West Lawn. I believe the reason the Director requested that you submit a permanent request is so that we are not constantly inundated with temporary extensions month after month. So with that being said if you are going in for the permanent extension in the wedding area as you described I just wanted to clarify that you will not be seeking temporary increases on the west lawn.</p> <p>Mr. Ichikawa replied the west lawn portion has been part of the usage we were expanding it further towards the beach walk. What we are doing is we are going to keep the west lawn area that has been used. I will talk to my clients they can continue to use the west lawn as they have been and not increase it towards the walkway. The only permanent increase would be to the south side for the wedding which was previously approved. To answer your question we will continue to use the premises and part of the lawn as we have been authorized to use. We will seek the increase only for the south lawn for the weddings but we will not seek increase on the west lawn any further then what we already have. We can withdraw this application for a Public Hearing we would keep our licensed premises how we have been using it. We will increase the south lawn for the wedding premises per our discussions with the Commission and Department and what we have been permitted to use for the wedding.</p> <p>Commissioner Shimabukuro thanked Mr. Ichikawa.</p> <p>Chair Gibson asked any further discussion.</p> <p>Vice Chair Crowell responded what concerns me is you put the department behind the eight ball, by making reservations on this area without having proper approvals. You are anticipating that the Department or Commission will give you an approval when you shouldn't be.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Mr. Ichikawa replied oh no I'm sorry if that was the impression but that was never the intention.</p> <p>Vice Chair Crowell commented sounded like in September you have some dates set already.</p> <p>Mr. Ichikawa replied that came in ahead of time that came in July for the temporary, we felt we were gonna come in for the same approval for the wedding premises normally approved for the past 5 years. We had no intentions to do anything that would surprise the Commission or Planning Department we thought we just expand that other area as well and submit our request to the Planning Department and Department of Liquor Control. In no means did we expect everything to be approved. I apologize for what may be interpreted we were just trying to expand the outdoor premises. It was more of the nature of what's been happening we are fine take back the application and use the premises that we have been able to use and get the permanent increase for the wedding area.</p> <p>Chair Gibson asked Mr. Foster where do we go from here.</p> <p>Mr. Foster replied under Robert's Rules we should entertain a motion to reconsider, there's a motion on the table then maker and the seconder can withdraw the motion.</p> <p>Chair Gibson replied we voted on it.</p> <p>Mr. Foster responded we have more than a motion we have to entertain a motion to reconsider that and if there is no discussion and the motion passes then that last vote is nullified. Take a motion to reconsider what was just passed.</p> <p>Commissioner Nishimitsu asked if MPK Management going to withdraw their request for permanent increase of the premises the one that we are considering today. If they withdraw it there is nothing for a Public Hearing to move forward on.</p>	<p><u>Motion #1:</u> Ms. Shimabukuro requested a Public Hearing for MPK Management LLC dba Beach House Restaurant permanent increase of Premises and the potential impact of the public. Mr. Crowell seconded the motion. Motion carried 7:0.</p> <p><u>Roll Call Vote:</u> Shimabukuro - Aye Pacheco - Aye Nishimitsu - Aye Nishimura - Aye Kahawai - Aye Crowell - Aye Gibson - Aye</p>

SUBJECT	DISCUSSION	ACTION
	<p>Chair Gibson asked Mr. Ichikawa will you be withdrawing.</p> <p>Mr. Ichikawa replied yes we will withdraw this request and make approval for a temporary for the lawn area that's been previously approved for weddings and reapply for the request per our discussions with the Department and Commission. Then file a request for increase for the south lawn area for the weddings which will be added to what currently is used for the license premises.</p> <p>Commissioner Nishimitsu replied just to clarify you are asking for a temporary consent for the west lawn area and in the future you will be applying for a permanent increase to the licensed premises for the west lawn and wedding area.</p> <p>Mr. Ichikawa replied the south area.</p> <p>Commissioner Nishimitsu responded wherever the wedding area is.</p> <p>Mr. Foster commented to clarify my understanding is that, that requires no action on the part of the Commission that will be done as an administrative effort with the Director the temporary portion.</p> <p>Chair Gibson asked for any further discussion.</p> <p>Commissioner Nishimitsu asked for clarification there was nothing before us.</p> <p>Mr. Foster replied to Commissioner Nishimitsu there is nothing on the table, however there was a resolution that was passed for a Public Hearing that needs to be reconsidered if the Commission is planning to move in that direction under discussion.</p> <p>Chair Gibson asked Mr. Foster how that work with a motion will.</p>	<p><u>Motion #2:</u> Mr. Crowell move to reconsider the resolution for a Public Hearing set for this application. Ms. Shimabukuro seconded the motion. Motion carried 7:0.</p>

SUBJECT	DISCUSSION	ACTION
	<p>Mr. Foster replied we would entertain a motion to reconsider the last resolution that was passed, there is no discussion on the motion and an affirmative vote will then rescind that last action.</p>	<p><u>Roll Call Vote:</u> Shimabukuro - Aye Pacheco - Aye Nishimitsu - Aye Nishimura - Aye Kahawai - Aye Crowell - Aye Gibson - Aye</p>
<p>N.</p>	<p><u>DISCUSSION AND POSSIBLE ACTION REGARDING THE APPOINTMENT OF THE DIRECTOR AND THE EXPANSION OF OTHER JOB DUTIES</u></p> <p>Mr. Foster commented during the last meeting the Commission had requested that we suggest a motion to expand the job duties of the Director to appoint him as an Investigator. I can simply put that the Director be appointed pursuant to HRS 281.17 (5) as an Investigator such appointment be effective immediately or whatever defined by the Commission.</p>	<p><u>Motion #1:</u> Mr. Pacheco moved to approve the Director be appointed pursuant to HRS 281.17 (5) as an Investigator effective immediately. Mr. Nishimura seconded the motion. Motion carried 7:0.</p>
<p>O.</p>	<p><u>PRESENTATION FROM THE PERMITTED INTERACTION GROUP ON DRAFTING A JOB PERFORMANCE EVALUATION TOOL FOR THE DIRECTOR OF LIQUOR CONTROL AND ANY RELATED RECOMMENDATIONS</u></p> <p>Ms. Ching commented to the Chair you assigned a PIG (Permitted Interaction Group) to provide recommendations on drafting a Job Performance Evaluation Tool for the Director of Liquor Control. The members of the PIG (Permitted Interaction Group) Commissioner Leland Kahawai, Commissioner Lorna Nishimitsu and Commissioner Randy Nishimura they met on several occasions the last being August 2 to finalize the recommendations. You have your report with the attachments Commissioner Nishimura will be the spokesperson.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Nishimura commented the PIG (Permitted Interaction Group) drafted a Job Performance Evaluation and is part of your packet. He thanked Ms. Ching Administrator for Boards and Commission for her hard work she put in in helping the PIG (Permitted Interaction Group) put together and keeping us in track. Over the past couple of years the Liquor Commission has adopted the first job description for the Director of Liquor Control as well as goals and objectives. On July 28, 2021 a PIG (Permitted Interaction Group) was formed to create the final task of creating a job performance evaluation tool and providing recommendations. The PIG (Permitted Interaction Group) met on several occasions and finalized a draft that is before you. The recommendations of the PIG (Permitted Interaction Group):</p> <ol style="list-style-type: none"> 1. Commission conduct an initial evaluation after six months or at a period determined by the Commission. (See attachment #1, draft interim/six month (6) month evaluation) there is also and (See attachment #2, draft interim/six (6) month evaluation, MASTER FORM) that we can amend as we see fit depending on any need for an interim evaluation. 2. The Commission conduct an annual evaluation. The first annual evaluation period will be conducted on July 1, 2022 to coincide with the fiscal year. The commission will conduct the annual evaluation on July 1st, thereafter. (See attachment #3, draft annual evaluation). 3. The Commission may conduct additional evaluations with more frequency if desired. 4. In conjunction with the Commissions evaluation, the Commission will request a status report from the Director on his progress related to his goals and objectives for: <ol style="list-style-type: none"> a. The initial 90 day period; b. The initial 6 month period; c. The initial 1 year and 1 month period; d. Every year, thereafter; and e. as needed. 	

SUBJECT	DISCUSSION	ACTION
	<p>The status report shall include a written narrative along with the status indicated on the Goals and Objectives Report form. (See attachment #4, Goals and Objectives Report form)</p> <p>5. The Commission will solicit confidential staff input. The Office of Boards and Commissions staff will email Liquor Control Department staff to request their input and comments regarding the Director of Liquor Control. All comments will be kept confidential. Any comments will be shared with the Liquor Control Commission without identifying the author.</p> <p>6. The Commission will request the Director of Liquor Control completed and return the evaluation form to the Office of Boards and Commission staff a minimum of three (3) weeks in advance of the Commission working on the evaluation.</p> <p>7. The Completed evaluation form from the Director, the status report on the goals and objectives, and the staff input report will be provided to the Commission by the Office of Boards and Commission staff to the Liquor Control Commissioners for their consideration in the evaluation process.</p> <p>8. The Commission meets to discuss and formulate a unified response to the Director's evaluation.</p> <p>9. The Commission shall convened a special meeting to conduct the evaluation.</p> <p>Commissioner Nishimura asked are there any questions from the Commission or Director.</p> <p>Director Leo Sandoval thanked the PIG (Permitted Interaction Group) very well put together and professionally done. Thank you for giving me a guiding point to works towards.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Nishimura commented to Chair Gibson, based on the rules and procedures of the PIG (Permitted Interaction Group) we can only present the report at this meeting. For this action to be accepted it will need to be put back on the agenda at the future meeting.</p>	<p>No action is required at this time.</p>
	<p><i>Ms. Ching exited the Open Session Meeting of the Liquor Control Commission @ 11:58 a.m.</i></p>	
<p>P.</p>	<p><u>EXECUTIVE SESSION</u></p> <p>Pursuant to HRS §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 HRS §92-5(a).</p> <ol style="list-style-type: none"> 1. <u>APPROVAL OF MINUTES:</u> <ol style="list-style-type: none"> a. <u>Executive Session Minutes of February 20, 2021</u> b. <u>Executive Session Minutes of May 20, 2021</u> <p><u>Pursuant to HRS §92-4, §92-5(a)(4), §92-9(a)(1-4) and (b), the purpose of this Executive Session is for Commission to approve or amend the Executive Session Minutes of February 20, 2021, May 20, 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 this item.</u></p>	<p><u>Motion:</u> Mr. Nishimura moved to go into Executive Session and to invite the Director Leo Sandoval, Mr. Foster, Deputy County Attorney and Mrs. Kelekoma, Support Clerk. Mr. Kahawai seconded the motion. Motion carried 7:0.</p>
<p>Q.</p>	<p><u>RETURN TO OPEN SESSION</u></p>	<p><u>Motion:</u> Mr. Pacheco moved to return to open Session. Ms. Nishimitsu seconded the motion. Motion carried 7:0.</p>

SUBJECT	DISCUSSION	ACTION
<p>R.</p>	<p><u>ROLL CALL FOR THE RETURN TO OPEN SESSION</u></p> <p>The Commission reconvened at 12:12 p.m. Director Leo Sandoval called roll, noting 7 members were present via Tele-Conference constituting a quorum.</p>	
<p>S.</p>	<p><u>RATIFY THE ACTIONS TAKEN IN EXECUTIVE SESSION</u></p>	<p><u>Motion:</u> Mr. Pacheco moved to ratify the actions taken in Executive Session. Ms. Nishimitsu seconded the motion. Motion carried 7:0.</p>
<p>T.</p>	<p><u>EXECUTIVE SESSION:</u></p> <p><u>Pursuant to Haw. Rev. Stat. ("H.R.S.") §92-7(a), the Commission may, when deemed necessary, hold an executive session on any agenda item without written public notice if the executive session was not anticipated in advance. Any such executive session shall be held pursuant to H.R.S. §92-4 and shall be limited to those items described in H.R.S. §92-5(a).</u></p>	
<p>OTHER COMMENTS</p>	<p>Commissioner Nishimitsu asked Director Leo Sandoval, when are we going to revisit Viva Kai LLC dba Kai Bar Coffee Roasters first violation on the suspended fine.</p> <p>Director Leo Sandoval commented that was completed with the second violation that will have to be put back on the agenda.</p> <p>Commissioner Nishimitsu asked when will it be put back on the agenda.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Director Leo Sandoval replied I believe we finished the adjudication for Viva Kai, the suspended fine that they have an additional violation.</p> <p>Commissioner Nishimitsu responded they did, the first violation was a fine for \$250.00 and \$150.00 suspended. The second violation they had a \$250.00 fine and we were told we could not impose a suspended fine because we had to revisit the first violation. So my questions is when is the first violation going to be re-visited.</p> <p>Director Leo Sandoval replied I will consult with the County Attorney on that if it does come up it will be on the next agenda. I will have to make sure we are able to discuss this County Attorney first.</p> <p>Chair Gibson asked for any further discussion.</p>	
<p>U.</p>	<p><u>ADJOURNMENT:</u></p> <p>With no further business to conduct, Chair Gibson called for a motion and a second to adjourn the meeting.</p>	<p><u>Motion:</u> Mr. Pacheco moved to adjourn the meeting. Ms. Nishimitsu seconded the motion. Motion carried 7:0.</p>

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.