

# APPROVED

COUNTY OF KAUAI  
Minutes of Meeting  
OPEN SESSION

See minutes of 10-28-2021.

Board/Commission:	<b>LIQUOR CONTROL COMMISSION</b>	Meeting Date	<b>September 9, 2021</b>
Location	Tele Conference via Microsoft Teams Audio +1 469-848-0234, Conference ID: 880 370 951# <a href="https://bitly/3DoQvm7">https://bitly/3DoQvm7</a>	Start of Meeting: 10:02 a.m.	End of Meeting: 12:28 p.m.
Tele Present	Chair William Gibson, Vice Chair Dee Crowell Members: Leland Kahawai, Lorna Nishimitsu, Randy Nishimura, 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
<b>A.</b>	<b><u>CALL TO ORDER</u></b>	Chair Gibson called meeting to order 10:02 a.m.
<b>B.</b>	<b><u>ROLL CALL</u></b> Director Leo Sandoval called roll, noting 6 members were present via Tele-Conference constituting a quorum. Commissioner Nishimura was not present.	
<b>C.</b>	<b><u>ANNOUNCEMENTS:</u></b> Next Scheduled Meeting: Thursday, September 23, 2021 – 4:00 p.m. or shortly thereafter.	
<b>D.</b>	<b><u>APPROVAL OF AGENDA</u></b>	<b><u>Motion:</u></b> Mr. Pacheco moved to approve the agenda. Mr. Kahawai seconded the

SUBJECT	DISCUSSION	ACTION
		motion. Motion carried 6:0.
E.	<p><b><u>APPROVAL OF MINUTES:</u></b></p> <ol style="list-style-type: none"> <li>1. <u>Open Session Minutes of July 8, 2021</u></li> <li>2. <u>Open Session Minutes of July 22, 2021</u></li> </ol> <p>Commissioner Nishimitsu asked a question regarding the Open Session Minutes of July 22nd on page 5, it's reported that the Director gave an explanation about the apparent ability of the Commission. Look at the suspended sentence for? One of the licensees because the Licensee was unable to comply because he was already in violation and I don't have a recollection of that, that was discussed at that meeting. I do have a recollection that the Director told me that when he gave me a telephone call so does anybody else, recall that.</p> <p>Chair Gibson asked Director Leo Sandoval I think we talked about that.</p> <p>Director Leo Sandoval replied yes.</p> <p>Chair Gibson replied to Commissioner Nishimitsu are you talking about the second violation happening before the hearing on the first violation.</p> <p>Commissioner Nishimitsu replied I am aware of that.</p> <p>Director Leo Sandoval replied that's right it was scribed by the clerk so this should be the transcription of the actual Commission meeting as it happened is that correct Mrs. Kelekoma.</p> <p>Ms. Kelekoma responded yes.</p> <p>Commissioner Nishimitsu replied okay that's it.</p>	<p><u>Motion:</u>          Mr. Kahawai moved to approve the Open Session Minutes of July 8th and Open Session Minutes of July 22<sup>nd</sup>, 2021. Mr.</p>

SUBJECT	DISCUSSION	ACTION
		Pacheco seconded the motion. Motion carried 6:0.
F.	<p><b><u>PUBLIC HEARING:</u></b></p> <p>1. <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. The Commission accepted Application No. 2021-056 for publication and public hearing on July 8, 2021 and ordered to print notice of public hearing in The Garden Island newspaper on Wednesdays, July 14, and July 21, 2021, scheduling the public hearing on September 9, 2021 at 10:00 a.m. or shortly thereafter via Microsoft Teams conferencing only.</u></p> <p>Director Leo Sandoval commented for the public hearing those who had called in and would like to testify on behalf or opposition of the public hearing. You'll be called upon when it's your turn. Keep in mind also it will have a total of 3 minutes to speak whether it's for or against. The licensee at that time you'll unmute your microphones state your name title and your address for the record.</p> <p>Chair Gibson opened the Public Hearing for the Sugar Mill LLC. dba Kiawe Roots Application No. 2021-056. Director Leo Sandoval please read the details of the application.</p> <p style="text-align: center;"><i>Commissioner Nishimura entered the meeting @ 10:06 a.m.</i></p> <p>Director Leo Sandoval replied yes, Mr. Chair Application No. 2021- 056 was filed on May 20<sup>th</sup>, 2021 by the Sugar Mill LLC. dba Kiawe roots for any restaurant in general, (No live entertainment and no dancing) License located at 2-3687 Kaumuali'i Highway, Lawai, Kauai, Hawaii. Accepted Application No. 2021-056 for Publication and Public Hearing on July 8th</p>	

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	<p>2021 in order to print to notice. There's a Public Hearing in the Garden Island newspaper on Wednesday, July 14th and July 21st 2021.</p> <p>Scheduling a Public Hearing on September 9th, 2021 at 10:00 AM, or shortly thereafter via Microsoft Teams conferencing only if there's anyone in the meeting that would like to speak representing the applicant would you please identify yourself at this point and on unmute your microphone stating your name and title for the record please.</p> <p>Mrs. Tricia Ruiz replied, hi good morning. I am the owner of Kiawe Roots.</p> <p>Director Leo Sandoval replied Mrs. Ruiz please remember you have three minutes to speak. Chair Gibson, you can proceed with #3.</p> <p>Chair Gibson Thank you Mrs. Ruiz. Did you receive a copy of the investigators report?</p> <p>Mrs. Ruiz replied I did yes.</p> <p>Chair Gibson do you have any comments on this report.</p> <p>Mrs. Ruiz replied no.</p> <p>Chair Gibson thanked Mrs. Ruiz.</p> <p>Director Leo Sandoval asked is there anyone else that would like to speak in support of this application in the room at this time you may unmute your microphone and identify yourself by your name and address please. Hearing none in support is there anyone that likes to speak in opposition of the application. If no ones in support or opposition, are there anyone in the public that would like to speak on behalf of this public hearing. Chair Gibson we can move on to #5.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Chair Gibson asked the commissioners do you have any questions for Mrs. Ruiz.</p> <p>Vice Chair Crowell asked a question what is it the seating capacity of this restaurant.</p> <p>Mrs. Ruiz replied 26 people.</p> <p>Vice Chair Crowell 26. OK is that? Like regular like post COVID going to be 26.</p> <p>Mrs. Ruiz replied correct.</p> <p>Vice Chair Crowell thanked Mrs. Ruiz.</p> <p>Chair Gibson asked Commissioner for any questions, hearing none public hearing on Application No. 2021-056 is now closed is the Commission ready to make a decision.</p> <p>2. <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 A (No Live entertainment and no dancing) license located at 2829 Ala Kalanikaumaka Street, Suite D124, Koloa, Kauai, Hawaii. The Commission accepted Application No. 2022-001 for publication and public hearing on July 8, 2021 and ordered to print notice of public hearing in The Garden Island newspaper on Wednesdays, July 14, and July 21, 2021, scheduling the public hearing on September 9, 2021 at 10:00 a.m. or shortly thereafter via Microsoft Teams conferencing only.</u></p>	<p><u>Motion:</u>          Mr. Nishimura moved to approve Application No. 2021-056 for The Sugar Mill LLC dba Kiawe Roots. Mr. Kahawai 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>Chair Gibson opened the Public Hearing on Application No. 2022- 001 is now open is there departments report.</p> <p>Director Leo Sandoval Yes Mr. Chair Application No. 2022-001 was filed on June 29th, 2021 by Kauai Living Foods LLC dba Living Food Restaurant. Chair Gibson Application No. 2022 - 001 was filed on June 29th, 2021 by Kauai Living Foods LLC DBA Living Food Restaurant for Restaurant General, and no live entertainment and no dancing license located at 2829, Alakalanikaumaka Street D124 Koloa, Kauai, Hawaii, the Commission accepted Application 2022-001 for Publication and Public Hearing on July 8th 2021 in order to print notice of Public Hearing and the Garden Island newspaper on Wednesdays. July 14th and July 21st, 2021 scheduling, the Public Hearing on September 9th, 2021 at 10:00 AM, or shortly thereafter via Microsoft Teams. Is there anyone in the meeting that would like to speak, representing the applicant if so unmute your microphone state your name and title for the record.</p> <p>Chair Gibson and members of the Commission this is Robert Ichikawa, representing Kauai Living Foods LLC dba Living Food Restaurant. We received no opposition to the application, and we have no changes to the report.</p> <p>Chair Gibson asked did you receive a copy of the investigators report.</p> <p>Mr. Ichikawa replied yes, we did.</p> <p>Chair Gibson asked do you have any comments on the report.</p> <p>Mr. Ichikawa replied no, we have no changes, thank you.</p> <p>Director Leo Sandoval is there anyone else in the room that would like to speak in support of</p>	

SUBJECT	DISCUSSION	ACTION
	<p>the application. You can unmute your microphone at this time.</p> <p>Mr. Ichikawa introduced Nicole Freeland, who should be on the call as well, she's the President of Kauai Living Foods.</p> <p>Director Leo Sandoval advised Ms. Freeland as a reminder you have three minutes to speak.</p> <p>Ms. Freeland commented perfect, thank you so much for taking the time to hear our case, we're very excited.</p> <p>Chair Gibson asked Ms. Freeland did you want to speak on behalf of your application.</p> <p>Ms. Freeland replied we have no changes to the report.</p> <p>Chair Gibson thanked Ms. Freeland.</p> <p>Director Leo Sandoval stated is there anyone else who would like to speak in support of the application at this time? Does anyone they'd like to speak in opposition to the application you can unmute your microphone at this time? Chair Gibson, there are no more members of the public that wish to speak on this public hearing.</p> <p>Chair Gibson asked the Commissioners do you have any questions.</p> <p>Commissioner Nishimitsu asked Director Leo Sandoval is there going to be a requirement that there would be two different blue card managers on site during business operations.</p> <p>Director Leo Sandoval replied they are required, they're going to be two different entities. The inside and outside each one will have to have their own. They're going to be treated as separate entities.</p>	

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	<p>Commissioner Nishimitsu commented so it would have to be two different people not one person wearing two hats ok. Thank you.</p> <p>Chair Gibson asked for any further questions.</p> <p>Vice Chair Crowell asked what the seating capacity of this restaurant is.</p> <p>Ms. Freeland replied our occupancy is 76 guests and that is post COVID, without any of the restrictions so with the actions will have 35.</p> <p>Vice Chair Crowell thanked Ms. Freeland and asked for any further questions.</p> <p>Investigator Herman just for clarification on the question about the two different types of managers. The on-premise would require a blue card manager at all times. The retail would require a red card manager at all times.</p> <p>Commissioner Nishimitsu thanked Investigator Ken Herman.</p> <p>Chair Gibson any other questions any other comments if not the Public Hearing on Application No.2022- 001 is now closed is the Commission ready to make a decision and will do it with a roll call.</p>	<p><u>Motion:</u>          Ms. Nishimitsu moved to approve Application No. 2022-001 for Kauai Living Foods LLC DBA Living Food Restaurant 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</p>

SUBJECT	DISCUSSION	ACTION
	<p>3. <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, Suite D124, Koloa, Kauai, Hawaii. The Commission accepted Application No. 2022-002 for publication and public hearing on July 8, 2021 and ordered to print notice of public hearing in The Garden Island newspaper on Wednesdays, July 14, and July 21, 2021, scheduling the public hearing on September 9, 2021 at 10:00 a.m. or shortly thereafter via Microsoft Teams conferencing only.</u></p> <p>Chair Gibson Public hearing on Application No. 2022-002 is now open. Is there a Department report on this application?</p> <p>Director Leo Sandoval replied yes, Application 2022-002 was filed on June 29th, 2021 by Kauai Living Foods LLC DBA Living Food Market. For a new retail general license located at 2829, Alakalanikaumaka Street Suite D 124 Koloa, Kauai, Hawaii. Application 2022-002 for Publication and Public Hearing on July 8th, 2021 in order to print notice. A Public Hearing in the Garden Island newspaper on Wednesday, July 14th and July 21st, 2021 scheduling the Public Hearing on September 9th, 2021 at 10:00 AM, or shortly thereafter via Microsoft Teams conferencing. Is there anyone in this meeting that would like to speak representing the applicant? If so, please let unmute your microphone at this time and identify yourself by name and title for the record please.</p> <p>Mr. Ichikawa commented morning, we're representing Hawaii Living Foods LLC dba Living Foods Market and we have received no opposition to our application.</p> <p>Chair Gibson asked Mr. Ichikawa did you receive a copy of the investigator report.</p>	<p>Crowell - Aye          Gibson - Aye</p>

SUBJECT	DISCUSSION	ACTION
	<p>Mr. Ichikawa replied yes, Sir, we did, and there are no changes to the report.            Director Leo Sandoval commented is there anyone else that would like to speak in support of its application. Please unmute your microphone at this time.</p> <p>Mr. Ichikawa replied appearing on behalf of Kauai Living Foods, is Ms. Nicole Freeland, President of Kauai Living foods.</p> <p>Chair Gibson welcomed Ms. Freeland any comments.</p> <p>Ms. Freeland welcomed everyone and had no comments.</p> <p>Director Leo Sandoval is there anyone else that would like to speak in support of the application? Is there anyone that would like to speak in opposition of this application? Please unmute your microphone at this time. There are no more members of the public that wish to speak on this public hearing.</p> <p>Chair Gibson asked the Commissioners are there any questions.</p> <p>Commissioner Nishimura asked follow up to Commissioner Nishimitsu's question regarding the restaurant side just want to make sure that the applicants are aware of the separate requirements for Manager cards so that's there's no misunderstanding that the Restaurant and the Store need to have separate managers at all times.</p> <p>Chair Gibson responded red and blue card at all times.</p> <p>Mr. Ichikawa replied yes, sir their management is aware of the requirements.</p> <p>Chair Gibson responded the reason we bring this up is that we've had quite several errors.</p>	

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	<p>Mr. Ichikawa replied ok, it will be noted and we will abide by it. Thank you.</p> <p>Chair Gibson asked Commissioners are there any further questions. If not the public hearing on Application No. 2022-002 is now closed. Is the Commission ready to make a decision?</p>	<p><u>Motion:</u>            Mr. Nishimura moved to approve Application No. 2022-002 for Kauai Living Foods dba Living Foods Market for a New Retail General License. Mr. Kahawai 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><b>G.</b></p>	<p><b><u>DIRECTOR'S REPORTS:</u></b></p> <ol style="list-style-type: none"> <li>1. <u>DIRECTOR REPORT:</u> <ol style="list-style-type: none"> <li>a. August 26 – September 1, 2021</li> </ol> </li> <li>2. <u>INVESTIGATORS ACTIVITY REPORTS:</u></li> <li>3. <u>EMPLOYEES IN LICENSED PREMISES:</u></li> </ol>	

SUBJECT	DISCUSSION	ACTION
	<p>a. Managers and Assistant Managers - See Attachment "A"</p> <p>Director Leo Sandoval commented to Chair Gibson item G. The Directors Report which includes a. 1. We will be having a new document that you will be able to look at. From now it will probably have changes. On the Directors Report I'm going to go and start doing some updates. The Commission will know some of the items that are being worked on by the Director as well. This Director's Report will have information from August 26 through September 1st. It includes #2. The Investigators Reports for their activity. 3. Will be Employees in Licensed Premises, which will either be a Red or Blue Card. Persons that attended the class on that date.</p>	<p><u>Motion:</u>          Mr. Pacheco moved to accept the Director's Reports 1a through 3a. Mr. Crowell seconded the motion. Motion Carried 7:0.</p>
<p>H.</p>	<p><b><u>ACTIONS OF THE DIRECTOR:</u></b></p> <p>1. <u>SUSHI BUSHIDO LLC dba SUSHI BUSHIDO: Approval of Temporary Extension of Premises to include the outside seating. The space is approximately twelve feet by eighty-three feet. Located at 4-484 Kuhio Highway J9-11, Kapaa, Kauai, Hawaii on March 30, 2021 from 11:00 am through 1:00 am.</u></p> <p>Director Leo Sandoval stated this will be for a temporary extension, for future extensions and permanent extensions we are following up and waiting for the collaboration with the Planning Department. We are making sure we are following through with the permits required by Planning for future temporary and permanent extensions. One has been issued in the past already and is a different situation and will be going through a little lengthy process.</p> <p>Chair Gibson asked may we have a motion to accept the Actions of the Director, are there any questions.</p> <p>Commissioner Nishimura asked what the capacity of that facility.</p> <p>Director Leo Sandoval replied I don't have that answer for you, but we can get that answer for</p>	

SUBJECT	DISCUSSION	ACTION
	<p>you.            Commissioner Nishimura commented the only reason I bring it up is because they're going in for a permanent extension of the facility as well. I don't know if their capacity limits, would be affected in any way by fire codes? Just to make you guys aware.</p> <p>Director Leo Sandoval replied right, if they do go in for the permanent, we are educating ourselves on the types of permit special uses variances, SMA (Special Management Area) shoreline and all the different things that are going in planning. If they do go up for a permanent at this point, we are requiring a lot more paperwork to move forward with the approval process prior to submitting to the Commission for approval. That will be followed up on as well, for compliance with any other County Departments.</p> <p>Commissioner Nishimura thanked the Director Leo Sandoval.</p> <p>Chair Gibson asked are there any other questions.</p> <p>Vice Chair Crowell asked, is this area fenced off or partitioned off from the General public?</p> <p>Director Leo Sandoval commented to my knowledge, I don't think so. Investigator Kenneth Herman do you happen to know that information.</p> <p>Investigator Kenneth Herman replied yes, they are separated but it's not a full physical barrier, there are planters and roping.</p> <p>Vice Chair Crowell replied, thank you.</p> <p>Chair Gibson asked are there any further questions. No further questions may we have a motion to accept the actions of the Director.</p>	<p><u>Motion:</u>            Ms. Nishimitsu moved to accept the Actions of the Director. Mr. Pacheco</p>

SUBJECT	DISCUSSION	ACTION
	Commissioner Nishimura commented there is a motion Chair Gibson.	seconded the motion. Motion carried 7:0.
I.	<p><b><u>INFORMATIONAL MATTERS:</u></b></p> <p>1. <b><u>LICENSEE TRADE NAME CHANGE:</u></b></p> <p>a. <u>RED ROOSTER RESTAURANTS, LLC: Red Rooster Restaurants, LLC submitted a request for change of dba from “The Local Kauai” to “Fish Bar Deli” License No. 2G-026. A certificate of Registration of Trade Name was submitted with the request of trade name change. Date Received by Department of Liquor Control, August 12, 2021.</u></p>	<p><b><u>Motion:</u></b>          Mr. Nishimura moved to approve the Trade name change for Red Rooster Restaurant LLC. From The Local Kauai to Fish Bar and Deli. Mr. Kahawai seconded the motion. Motion carried 7:0.</p>
J.	<p><b><u>TRANSFER LIQUOR LICENSE:</u></b></p> <p>1. <u>THE ODOM CORPORATION dba THE ODOM CORPORATION: Application No. 2022-009 was filed on July 26, 2021, by The Odom Corporation dba The Odom Corporation for a transfer of Wholesale Dealer General No. 3G-007 from Anheuser-Busch Sales of Hawaii, Inc. dba Anheuser-Busch Sales of Hawaii. The Odom Corporation dba the Odom Corporation located at 2955 Waapa Road, Lihue, Kauai, Hawaii. Deposited \$335.00.</u></p>	<p><b><u>Motion:</u></b>          Mr. Nishimura moved to accept Application No. 2022-009 for the Odom Corporation for a transfer of Wholesale Dealer General No. 3G-007 from Anheuser-Busch Sales of Hawaii, Inc. dba Anheuser-Busch Sales of Hawaii to the Odom Corporation dba the Odom Corporation for Publication and Public Hearing. Ms. Nishimitsu</p>

SUBJECT	DISCUSSION	ACTION
		<p>seconded the motion.            Motion carried 7:0.</p>
<p><b>K.</b></p>	<p><b><u>TEMPORARY LIQUOR LICENSE:</u></b></p> <p>1. <u>THE ODOM CORPORATION dba THE ODOM CORPORATION: Application No. 2022-010 was filed on August 19, 2021, by The Odom Corporation dba The Odom Corporation for a temporary liquor license to operate Wholesale Dealer General License No. 3G-007 located at 2955 Waapa Road, Lihue, Kauai, Hawaii. Deposited \$335.00.</u></p> <p>Mr. Kenneth G.K. Hoo, Counsel for The Odom Corporation, thank you Director Leo Sandoval, Chair Gibson and Commission members. I just want to clarify that we would not have the temporary license issued, unless the permanent license has been transferred. It has been delayed for some reason we expect closing of this transaction to be on or about October 29th. So, if we don't have the permanent license issued by that premise transfer granted by that date, then we would want the temporary license to issue on that date. Also, for the record Mr. Steve Stenberg, Senior Vice President of Odom Corporation also appearing. That is the only clarification that we have, and we thank you very much.</p> <p>Investigator Kenneth Herman stated there is only a 15-day requirement for Public Hearing, tentatively without any problems their Public Hearing should be in October.</p>	<p><b><u>Motion:</u></b>            Mr. Nishimura moved to approve Application No. 2022-010 by The Odom Corporation dba The Odom Corporation for a temporary liquor license to operate as a Wholesale Dealer General License No. 3G-007. Mr. Pacheco seconded the motion.            Motion carried 7:0.</p>
<p><b>L.</b></p>	<p><b><u>PERMANENT REDUCTION:</u></b></p> <p>1. <u>DHC Food &amp; Beverage Corporation dba Sheraton Kauai Beach Resort: Lic. No. 12G-006, Request for permanent reduction of premises area to accommodate new location of retail space within hotel. See diagram. Located at 650 Aleka Loop, Kapaa, Kauai, Hawaii.</u></p> <p>Commissioner Nishimura commented to Chair Gibson they are related but separate. I'm gonna ask a question they are decreasing the space for one and increasing the space for the other.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>I'm hoping that they have the approval of the facility, to do so. I did not see something from the landlord is, but it may I may have missed that.</p> <p>Investigator Kenneth Herman replied yes, I can clarify all of that. It was submitted as part of the process. They were required to send a landlord approval also and this is something that's already happened when they did the renovations of the hotel. The landlord was on board with the renovations, it took a while to get the proper documentation. The retail store used to be located where the old front desk was. When renovations began, they moved so they were required to correct all the reductions and increases to make their liquor license consecutive. All the consecutive areas and back to the renovated floor plan. The decrease is where the sundry store used to be, and they need to increase that area back to the original license where the store is now. They gave up their hotel license for that area and increase the retail space.</p> <p>Commissioner Nishimura asked it's not the exact same square footage then.</p> <p>Investigator Kenneth Herman replied correct, the overall square footage of the whole complex is still the same. The square footage changed to increase the on-premise area back to where the store used to be and the square footage of the store is now new because that's a new area for where the store is, if that makes sense.</p> <p>Commissioner Nishimitsu asked the previously licensed area is larger now?</p> <p>Investigator Kenneth Herman responded no, the overall area shouldn't change because they're giving up their hotel license for the exact same square footage that they are increasing on retail side.</p> <p>Commissioner Nishimitsu stated the diagrams don't seem to dovetail, so I'm confused. The diagram for the permanent reduction shows a highlighted area in yellow and the diagram for the increase.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Investigator Kenneth Herman responded yes, the decrease is the size of the store. It is different from what the original store size was. There's going to be a change in square footage of what the old retail license was. The overall area combined within the hotel and the retail has not changed.</p> <p>Vice Chair Crowell asked is it the Mauka side or Makai side?</p> <p>Commissioner Nishimura commented to Vice Chair Crowell, this is in Kapa'a.</p> <p>Investigator Kenneth Herman replied it runs in between Mauka and Makai. When you enter through the main entrance of the hotel it is on the right-hand side. It used to be located on the left and runs north to south and wouldn't be Mauka or Makai.</p> <p>Vice Chair Crowell commented I thought this was in Poipu.</p> <p>Investigator Kenneth Herman replied this is Sheraton Coconut Beach.</p> <p>Chair Gibson replied so when you walk in the entrance is on the Lihue side of the lobby and the new side is on the Kapa'a side.</p> <p>Investigator Kenneth Herman replied opposite.</p> <p>Chair Gibson replied where is the entrance on the bottom?</p> <p>Investigator Kenneth Herman responded the entrance is towards Long's. If you would enter facing the ocean the store will now be on your right. There used to be a ball room.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Chair Gibson commented if what you are saying is correct, then the new side is smaller than the old side.</p> <p>Investigator Kenneth Herman replied I would have to look back to confirm. I believe it's a little smaller it's an open space next to the right of the front desk. To be a 100% sure I would have to get back to you.</p> <p>Director Leo Sandoval replied the new market is 107 square feet and the previous market was 150 square feet.</p> <p>Chair Gibson replied that makes sense and asked are there any further questions, hearing none asked for a motion.</p> <p>Vice Chair Crowell asked why does this require two separate actions this movement of the retail space?</p> <p>Director Leo Sandoval replied you have to approve the increase and approve the decrease.</p> <p>Vice Chair Crowell replied can that be done in one complete action, what if we approve the reduction and don't approve the increase?</p> <p>Investigator Herman replied since it is two separate licenses it needs to be conducted separately, there are two separate license numbers.</p> <p>Commissioner Nishimura replied according to the agenda they have the same Lic. No. 12G-006.</p> <p>Investigator Kenneth Herman replied that would be an error.</p> <p>Commissioner Nishimura asked are these separate licenses?</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Investigator Herman replied I am sorry I am incorrect.</p> <p>Director Leo Sandoval replied to Vice Chair Crowell to answer your question it is the same license. You may make the motion to increase and decrease on the exact same motion since it is the same license. We are going to end up doing it again and we already discussed item M. while doing Item L. Should you decide to decrease and approve that one, we can do it as a separate. At some point we're going to deny the permanent increase then we would do two separate votes. If we wanted to expedite L &amp; M you could make the motion to permanently decrease the space requested and then permanently increase the other space.</p> <p>Commissioner Nishimura commented I think Vice Chair Crowell's point is I see what the concern of the Department as well. I think moving forward we may want to consider any increase in space first, before we eliminate any kind of space that they already have. Otherwise like Vice Chair Crowell said we could deny the increase and then they are stuck.</p> <p>Director Leo Sandoval replied, we will note that for the next time it occurs. I think for this since it's on the agenda that way we can go ahead and vote for L and then we'll have to do a separate vote for M since it's worded that went through items.</p>	<p><u>Motion #1:</u>          Mr. Nishimura moved to approve permanent reduction for DHC Food &amp; Beverage Corporation dba Sheraton Kauai Beach Resort: License No. 12G-006. Mr. Kahawai seconded the motion. Motion carried 7:0.</p>
<p><b>M.</b></p>	<p><b><u>PERMANENT INCREASE:</u></b></p> <ol style="list-style-type: none"> <li><u>DHC Food &amp; Beverage Corporation dba Sheraton Kauai Beach Resort: Lic. No. 12G-006, Request for permanent increase of premises for a new location retail space within hotel. See diagram. Located at 650 Aleka Loop, Kapaa, Kauai, Hawaii</u></li> </ol>	<p><u>Motion #1:</u>          Mr. Nishimura move to approve the permanent increase for DHC Food &amp; Beverage Corporation dba Sheraton Kauai Beach Resort: Lic. No. 12G-006, for permanent increase of premises for a new location retail space within hotel. Mr. Kahawai seconded the</p>

SUBJECT	DISCUSSION	ACTION
		motion. Motion carried 7:0.
N.	<p><b><u>DISCUSSION AND POSSIBLE ACTION ON THE DIRECTOR OF LIQUOR CONTROL 90 DAY STATUS REPORT (8-26-21)</u></b></p> <p>Director Leo Sandoval replied that will be the discussion of possible action. On the Director of Liquor Control 90-day status report, which is continued from the 8-26-21 meeting? This is up for discussion</p> <p>Commissioner Nishimura requested a 5-minute recess.</p> <p>Chair Gibson called for a 5-minute recess @ 4:50 p.m.</p> <p>Director Leo Sandoval commented to Chair Gibson we can reconvene the meeting.</p> <p>Chair Gibson resumed the meeting back to order @ 4:54 p.m. We have a discussion and possible action to accept the 90-day status report? Do you have any questions or comments?</p> <p>Commissioner Nishimura commented I do have some questions relative to his objective #12. #1 The Department staffing assessment is limited for the number of responsibilities assigned, I was wondering if he could explain. You mentioned generating additional income and I wanted him to expand on that.</p> <p>Director Leo Sandoval responded currently, the way that we have that requirement, we have a very hardworking Department. Clarence works out front and he handles most of the issues that have to do with anything with finances and any front of the house work. He does really good job on that portion. Unfortunately, I continue to add more duties to him as they come about. I keep thinking of items that we have not been able to cover, in the future or in the past. We have Investigator Kenneth Herman that's been working really diligently in the back</p>	

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	<p>doing all the licensing process in which, in his position description, he is supposed to be doing supervision over some of the Investigators in the field.</p> <p>Currently, the licensing portion does take an immense amount of time away from his duties. Therefore, it leaves a portion of his expectations uncovered. Not of any fault of his own, because the amount of license that are continuously popping in, new increases and new decreases and any new investigations that need to be done.</p> <p>We are having to assign those when they come in to the new Investigators, which are limited to three. The workload that we pass on to those Investigators they do the best that they can with following up. At the same time, we start lacking on auditing functions, which is keeping up with the licensee. Once they are ready and on track of issuing their license, we don't have anybody that we can go back and start following up on that. Are they in continuous compliance with County with the lease agreements and are they up to code, are continuously following up with what should be done. Licensees must have an active lease, we have locations that only have the original lease whenever they originally applied for a license. Nobody is gone back to make sure that they have and actively swear they are supposed to be at. We probably did not have that, and they wouldn't qualify for the license anymore.</p> <p>We also don't have the option of having an auditor for financial assessment, so whenever we come back around who are checking for taxes or percentage fees, which we dependent upon our Department. We don't have a person that has the time to go out and audit to make sure that monies or the amount that's being reported for sales are inaccurate. We are depending on word of mouth and hoping that they are being forthcoming with all their sales.</p> <p>We take it for face value of the amount of money that they are reporting for sales and we go off on that amount. Which ultimately it affects our budgeting because the amount of money that we get in from sales is not what should be. Those are some of the things that are hurting our Department at this point.</p> <p>We also need to look at label approval process for new products. Those are where we're missing out on items, not so much a money grabs they're more of an area of revenue. We have not been addressing for our County. Other counties have more requirements for external mainland to come into our island. They will pay to have their label approval and have their</p>	

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	<p>product approved to be sold on our island.</p> <p>That money that other places are getting in, and we are missing out on that as well. Marketing practices, we don't have any way that can go around and do the marketing practices violation to make sure that they're doing. Anything that has to do with marketing like advertising outside any of the extra stuff that's not actually enforcement. Our law enforcement functions and we don't have the follow up with that. That's missing also on compliance and revenue as well.</p> <p>The external relations in in the community we don't have anybody to show them that we're getting involved in the community as well. We have taken to the community since this report has been done. We've taken a big step and if you notice on our Directors Report, we are in the process of hiring an 89 they contract that will be the face of the liquor Department. That person won't be an enforcement person, that person will be a civilian that will talk to public and educate youth on the effects of alcohol. They will distribute material in the public showing a positive image for the County and the Liquor Department.</p> <p>So that portion I was only able to make that happen because of a law out of the fines account that allows to have somebody funded for that kind of position, so having to get creative. To fill those gaps that were lacking on, but that's the only one. I was able to fill the gap. The other one that must has to come out of our actual budget or operations and that we don't have but it is able to be funded if we will just generate more money that way.</p> <p>Commissioner Nishimura thanked Director Leo Sandoval.</p> <p>Chair Gibson asked Director Leo Sandoval I have a question, how have you inquired regarding the percentages that are being reported. I know that former Director Gerald Rapozo mentioned that he had a formula that he would exercise when he was in question of any licensee. However, I was thinking wouldn't that be finance or another agency like that be able to help you.</p>	

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	<p>Director Leo Sandoval replied well the Finance Department bases their numbers on the numbers that are reported by the licensees. So again, we have nobody to validate the numbers that are given to us by the licensee. So even if they give the numbers it is the Finance Department that is going off that, the trust is that they are given the right number to start with.</p> <p>This year, we sent out the invoices for the Finance Department for the percentage fees for the budget. This year is going to be historically the lowest amount of percentage fees we've ever collected. In the past we have received a copy of what everyone is paying. Whereas, we would have big wholesalers that would generate millions of dollars off of sales of alcohol, we would have them contribute higher amounts towards their fees paid to the County. This year the amount that they paid is a very low. So that's only going to hurt and go downhill with them. Everyone is having to pay an amount that's being generated this year. So next year if we are ever able to move that amount of the percentage and they are able to be contributed. Then, maybe we'll be able to bounce back to where we were at the previous years. This year itself the amount that the percentage was, I believe it was, Clarence is actually online now and correct me if I'm wrong. He's the one that does the invoices for Finance and I believe it was at 0.003% is that correct clearance.</p> <p>Mr. Clarence Sales replied yes.</p> <p>Director Leo Sandoval replied whenever we're permitted to go up to 1%. Next year it appears percentage fees for everyone is going to be surprised with the amount that they're going to have to pay, because they paid so little this year. We just got to deal with that problem when that comes around. There's no way of getting around it without our overall budget being hurt. We will be reducing even more than what we have been reduced to now.</p> <p>Chair Gibson commented seems like in audit is in order.</p>	

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	<p>Director Leo Sandoval replied that's probably a good idea for an audit. The auditing comes down to the amount of money that is contributed by the licensees. We are basing it off what the licensees is telling us that they are generating on fees.</p> <p>Chair Gibson commented an audit of each of the licensees is that an area that perhaps the 89-day person could be contracted to perform.</p> <p>Director Leo Sandoval replied it is a position that could be done. However, the money to fund that account is not there. The only way I was able to fund the other position which I am seeking for the public relations and training person is out of the fines. It must be related only to education, it can't be doing a function of enforcement. There must be an actual education training position. The budget just doesn't call for it, even with the reallocation of one of our clerks. I believe that happened before I came on. Even that savings doesn't allow for an additional body to perform that kind of function which is direly needed in our Department.</p> <p>Chair Gibson responded to Commissioner Nishimura was that enough to answer your question?</p> <p>Commissioner Nishimura replied, yes.</p> <p>Chair Gibson asked Commissioner Nishimura do you have another question.</p> <p>Commissioner Nishimura replied yes, for assessment #3, you mentioned the new software, the software system that you folks are contemplating using, for renewal and applications. I'm just wondering if you guys work with the Finance Department on that to make sure it dovetails with the Finance System.</p>	

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	<p>Director Leo Sandoval replied, the program that we're working here has several vendors. The problem that had been identified as a lack of workflow. My report management systems that we have in the Department is no fault of anyone's. It works currently, but it's something that has been pitched, it hasn't been implemented. I reached out to Dale Sherman, which is the IT Director for the County and I started my journey. I did not want to start any upgrades without knowing the compatibility with the County. County is currently moving towards a new system for a vendor, called Element XS.</p> <p>It's the same program that is being utilized by HR (Human Resources) and going to be utilized with the Director of Finance. Right now, the program that is utilized by the Director of Finance is ran through what's called NIC. Both companies are previously approved, they did put in their bids. They are allowed to be contracts for the County, I am in the process right now. The (Q) basically, everyone else is trying to get the same thing on board. Where we can utilize NIC temporarily to allow our licensees to go ahead and start paying any fines, fees and renewals. New application fees online through a credit card or check for that matter. Not only during the pandemic we were having to utilize social distancing and keeping people from coming to office more often. We are doing this to make it a little more convenient for them as well. The other thing is with the Element XS program that the County is using they have a developer that is on contract. He has come into our office and we have collectively with the Licensing Department, it's really everyone in this office, which is three of us. We are getting together, putting our ideas, suggestions of what we really need to make a new license application work. They are developing something for us, something that they currently have and then tweaking it to make it work for us. So that we can have an archiving system, a new licensing system and everything can be done online. That process right there is in the works and it's going to take us a little time. I have told everyone it's not something that's gonna happen overnight. Software development is something that could take a year or two years. The only thing that I know that can be something that will be done faster is the online payment system. I am in the process of setting up a meeting for Element XS. I have to go before them and request, the Department to allow us to utilize their system which is going to be the same way the Fire Department used.</p>	

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	<p>It was done by the Fire Department using exact same system as well to collect any kind of fines that they have. We are trying to align them all together in the same software and hopefully that that will help us out in some way. There is no way to recall at this point, histories without going to the filing system in our Department. It's time to get to the new generation and trying to update it ourselves, to catch ourselves up.</p> <p>Commissioner Nishimura replied, thank you.</p> <p>Chair William Gibson asked are there any more questions.</p> <p>Director Leo Sandoval commented to Mr. Chair also, all that information for the online payments is being done at no charge to us. The Department is figuring out a way to not have to pay for that system, so that's also a plus.</p> <p>Chair William Gibson asked any more questions about the Directors 89-day report.</p> <p>Commissioner Kahawai commented in reading through this, you know looks like Director Sandoval has gotten a lot done in the 90 days. I have a question regarding Objective 2, were you able to meet with all the Department heads?</p> <p>Director Leo Sandoval replied all of them and I pestered every single one of them until I got there. The most difficult was legal because they really do have their hands full. They were the very last ones that I spoke to, but everybody else, they're very on board with us. They see where the Department is going and they're saying that it's a different Department. It really is and more people are looking at us differently from other departments. I think they like what they see what's going on? They see the upgrades, aesthetics of the building. If you haven't seen our office since we've done a remodeling of it. It was done at no charge to the Department, it needed to be done.</p>	

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	<p>Commissioner Kahawai replied the other question I had was Objective five and this is what the council members etc. There's a comment mentioning that they would like to see that Department begin increasing community involvement. Do you have any thoughts on that?</p> <p>Director Leo Sandoval responded I did originally this was done early. I knew it was going to be a little hard to get ahold of each one of the council persons as I brought them in one by one and some of them came in 2 by 2 to speak as well. Their concern was, knowing that we don't ask for money from the County for our operating expenses. I communicated to them and I said, even though we don't ask for funds for operations from the County. I still see our Department as representor of the County. We are the face of the County even though we don't get funds from you. We represent the County, Commissioners, and the council. People see us, they don't see we are only a Commission. If they see us as they work for the County. I asked them their opinions and I had said, what would you like to see positively come out from this Department? Every one of them, said we need more of the education in the community. Originally all I had was options of sending out Investigators. They are over worked on other things, but that's where we had to come up with a solution for the 89-day contract. I'm trying to do what I can with what I have and that was the only involvement I can do.</p> <p>Hopefully within the next few 2-3 weeks we'll have that person and start training them so they can get out there and represent us. What needs to be taught, we've had a lot of interest in the 89 day position. We've only had it posted for 3 days and already have at least 5 or 6 applicants that are interested in coming to work for the County Liquor Department.</p> <p>Commissioner Kahawai replied that's good to hear I just wanted to know basically what you were thinking. You know what kind of support or where they're willing to provide the Department.</p> <p>Director Leo Sandoval replied, I think it's more passive. I don't think it's actually money, but I think it's more of a problem solver for the Department.</p>	

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	<p>Commissioner Kahawai replied, great, thanks that's all I had.</p> <p>Vice Chair Crowell asked does the County have still have a drug coordinator?</p> <p>Director Leo Sandoval replied to be honest, I don't know that they we have a Community Outreach person.</p> <p>Chair William Gibson replied to Vice Chair Crowell I was going ask the same question. Didn't we have a Drug Coordinator, one of the prosecutor's sisters?</p> <p>Investigator Kenneth Herman commented yes, I can touch on that before I was interrupted. I was mentioning earlier, Teresa Koki still runs outreach program and we the Department has always been involved in the community. There are projects I used to speak at health fairs. I just want to add that the Director since he started, has not sit still and this man is a moving man.</p> <p>Vice Chair Crowell asked so when you get into this outreach please work with the Administration and Healthcare professionals and make sure everybody is on the same page. I can help you with that and talk to you offline.</p> <p>Director Leo Sandoval replied okay, I'll lead it.</p> <p>Chair Gibson commented are there any more questions on the report. I think it was quite a task putting this report together and achieving all these objectives was quite a job.</p>	<p><u>Motion #1:</u>          Mr. Nishimura moved to receive the report of the Liquor Control Director for his 90-day report for the record. Mr. Kahawai</p>

SUBJECT	DISCUSSION	ACTION
		seconded the motion. Motion carried 7:0.
O.	<p><b><u>DISCUSSION AND POSSIBLE ACTION ON THE RECOMMENDATIONS FROM THE PERMITTED INTERACTION GROUP ON THE DRAFT JOB PERFORMANCE EVALUATION TOOL FOR THE DIRECTOR OF LIQUOR CONTROL AND OTHER RELATED RECOMMENDATIONS</u></b></p> <p>Director Leo Sandoval stated the PIG (Permitted Interaction Group) discussion possible action on the recommendations from the Permitted Interaction Group. On the draft job performance evaluation tool for the Director of Liquor Control and other related recommendations. Ms. Ching will take over this portion.</p> <p>Ms. Ching thanked Director Leo Sandoval this is Ellen Ching Administrator for Boards and Commissions. You have in your packet the PIG (Permitted Interaction Group) report and the members of the PIG (Permitted Interaction Group) and the Commission ready to take this report. Do you have any questions or does any of the Commissioners have any questions?</p> <p>Chair William Gibson asked who is the Chair of the PIG (Permitted Interaction Group)?</p> <p>Commissioner Nishimura replied, our report and recommendations where submitted, at a previous meeting and I'll open it up for questions at this time.</p> <p>Chair William Gibson stated do we have any questions from the Commission. Commissioner Nishimura your committee did a great job.</p> <p>Commissioner Nishimura replied well in fairness, you know lot of the heavy lifting was done by the Boards and Commissions and I want to thank Ms. Ching and her staff for all their support.</p> <p>Chair Gibson thanked Ms. Ching.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Vice Chair Crowell asked the idea is all the Commissioners would fill this out and compile this into one document, is that the idea.</p> <p>Ms. Ching replied I can address that, typically what happens with evaluations is once all the Commissioners have completed their evaluation. We would compile it you would get a report back that would say. Let's look at the interim report. We would not necessarily identify what Commissioner said what we would say, Commissioner one said, and we would literally cut and paste your comments. We would compile all the comments in one report and that's the report you would see. Typically, this is how we've done evaluations and I would run it through HR (Human Resources) because we've had some Commissions where, the comments from the Commissioners have been in opposition, which creates problems from an HR perspective. An evaluation from the perspective is a tool for the Commissioners to provide feedback to the Director. Feedback on great job, we think you're doing, fantastic and providing specific examples of why you think that or saying these are some areas, we'd like you to improve on. It's a feedback tool so when we get the comments back, I would have HR (Human Resources) review it. When HR (Human Resources) says they are okay with it, then I would present it to the Commission. If they're not, I would invite HR (Human Resources) to come and see the Commission if there's like totally divergent comments. I would have HR (Human Resources) come and we would need to work on the evaluation. So, it's a cohesive evaluation and then it would be presented to the Director.</p> <p>Chair William Gibson replied no this is good this is what we asked for any other comments or questions.</p> <p>Commissioner Nishimura commented I will bring one up since something came to mind, we can do it, either before or after but perhaps might be better to do it before hand. Given our report Ms. Ching, would you suggest that we send it to HR (Human Resources) at this time for comment as far as process?</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Ching commented because this is the format has been used with all of the other Commissions. HR (Human Resources) is quite familiar with it already so I feel we're on solid ground.</p> <p>Commissioner Nishimura thanked Ms. Ching.</p> <p>Chair William Gibson replied so we can go ahead and accept this as our new standard.</p> <p>Ms. Ching commented there's two things I would want the Commission to adopt, a motion to accept the recommendations of the report. It's clear what the Commission will do as far as process and evaluation and what tools you will use. If the Commission has any question or want to amend anything then you need to do a motion to accept what you're willing to accept and you can do a secondary motion on anything you would like to amend.</p> <p>Chair William Gibson commented what is the Commissions feeling on this.</p> <p>Commissioner Shimabukuro asked a question for Ms. Ching, is it customary to have the Director complete a self-evaluation using the exact same form prior to us completing it.</p> <p>Ms. Ching replied this is the only Commission that is doing that, my other Commissions moving forward may adopt that practice. I think it would be useful information from the standpoint of the Commission to see, the Director's thoughts on where they are on these things. I would be hopeful that both of you are seeing things similarly.</p> <p>Commissioner Shimabukuro replied OK.</p> <p>Chair William Gibson asked Ms. Ching would this report be in embellishment on the Directors 90-day report or could it be.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Ching replied so what would happen when in preparation for you to do an evaluation for the Commission. An evaluation is we will ask the Director to complete the evaluation and do a self-evaluation and you will get that report. On the second thing is that you will get his status report on where he feels he is on the goals. You will also get any comments that the Boards and Commission may have received from staff because we will solicit staff comments so you will get the reports. The Commission would move forward on completing your evaluation individually. When we receive all of the individual evaluations, we will compile that into a report and turn it around and submit it to you for your review.</p> <p>Commissioner Shimabukuro replied OK.</p> <p>Chair William Gibson asked are there anymore comments or questions. We have the choice of accepting the goals and objectives report and going forth with that.</p> <p>Ms. Ching replied at this point, your options are to adopt the recommendations in whole or adopt the recommendations in part and be specific about what parts you want to amend. I requested for another motion because the motion that you just adopted was regarding the draft evaluation tools. The recommendations also cover the process the evaluation process. So you would adopt that motion then it'll be clear about what my directions are moving forward.</p>	<p><u>Motion#1</u>          Mr. Kahawai moved to accept the recommendations of the PIG (Permitted Interaction Group) draft, job performance evaluation tool. Ms. Shimabukuro seconded the motion. Motion carried 7:0.</p> <p><u>Motion#2</u>          Mr. Kahawai moved to adopt the process of performing the job performance evaluation for the Director of Liquor Control. Ms. Shimabukuro seconded the motion. Motion carried 7:0.</p>
<p>p.</p>	<p><b><u>EXECUTIVE SESSION</u></b>  <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 July 8, 2021, July 22, 2021, County Attorney’s Report on the Liquor Control Commission’s questions pertaining to reconsideration of previously rendered in-abeyance penalty and to consult with its attorney on questions and issues pertaining to the Commission’s</u></p>	<p><u>Motion:</u>          Mr. Pacheco moved to enter into to Executive Session @ 11:33 a.m. Ms. Nishimitsu seconded the motion. Motion carried 7:0.</p>

SUBJECT	DISCUSSION	ACTION
	<p><u>powers, duties, privileges, immunities, and liabilities as they may relate to this item.</u></p> <p><b>1. <u>APPROVAL OF MINUTES:</u></b></p> <p><b>a. <u>Executive Session Minutes of July 8, 2021</u></b></p> <p><b>b. <u>Executive Session Minutes of July 22, 2021</u></b></p> <p><b>c. <u>County Attorney’s Report on the Liquor Commission’s questions pertaining to reconsideration of previously rendered in-abeyance penalty.</u></b></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>	
<p><b>Q.</b></p>	<p><b><u>RETURN TO OPEN SESSION</u></b></p>	<p>Commissioners return to open session @ 12 :25 p.m.</p>
<p><b>R.</b></p>	<p><b><u>ROLL CALL FOR THE RETURN TO OPEN SESSION</u></b></p> <p>Director Leo Sandoval called roll, noting 6 members were present via Tele-Conference constituting a quorum, Commissioner Kahawai left the meeting @ 12:22 p.m.</p>	
<p><b>S.</b></p>	<p><b><u>RATIFY THE ACTIONS TAKEN IN EXECUTIVE SESSION</u></b></p>	<p><b>Motion:</b>          Mr. Nishimura moved to ratify the actions taken in Executive Session. Ms. Nishimitsu seconded the motion. Motion carried 6:0.</p>

SUBJECT	DISCUSSION	ACTION
<p>T.</p>	<p><b><u>ADJOURNMENT</u></b>             With no further business to conduct, Chair Gibson called for a motion and a second to adjourn the meeting.</p>	<p><b><u>Motion:</u></b>            Mr. Pacheco moved to adjourn the meeting. Ms. Nishimura seconded the motion. Motion carried 6:0.</p>

Submitted by: \_\_\_\_\_  
 Malialani TM Kelekoma, Liquor Clerical Assistant

Reviewed and Approved by: \_\_\_\_\_  
 William Gibson, Chair

( ) Approved as circulated.

(X) Approved with amendments. See minutes of 10-28-2021 meeting.