

# APPROVED

COUNTY OF KAUAI  
Minutes of Meeting  
OPEN SESSION

Board/Commission:	<b>LIQUOR CONTROL COMMISSION</b>	Meeting Date	<b>November 12, 2021</b>
Location	Tele Conference via Microsoft Teams Audio +1 469-848-0234, Conference ID: 762 563 978# <a href="https://bit.ly/3ExBuhm">https://bit.ly/3ExBuhm</a>	Start of Meeting: 4:01 p.m.	End of Meeting: 5:16 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. <u>CALL TO ORDER</u></b>		Chair Gibson called meeting to order 4:01 p.m.
<b>B. <u>ROLL CALL</u></b>	Director Leo Sandoval called roll, noting 7 members were present via Tele-Conference constituting a quorum.	
<b>C. <u>ANNOUNCEMENTS:</u></b>	Next Scheduled Meeting: Thursday, December 9, 2021 – 4:00 p.m. or shortly thereafter.  <i>Commissioner Kahawai stated that he will not be attending the December 9, 2021 meeting.</i>	
<b>D. <u>APPROVAL OF AGENDA</u></b>		<u>Motion:</u> Mr. Pacheco moved to approve the agenda. Mr. Kahawai seconded the

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		motion. Motion carried 7:0.
E.	<p><b><u>APPROVAL OF MINUTES:</u></b></p> <ol style="list-style-type: none"> <li>1. Open Session Minutes of October 14, 2021            Corrections:            Page 1, remove Leland Kahawai from present to excused.            Page 6, line #2 change to swore.            Line #6 change to own.            Recommendation: \$250.00 to be suspended with the conditions that there is no reoccurrence.</li> <li>2. Open Session Minutes of October 28, 2021            Page 1, remove Leland Kahawai from present to excused.</li> </ol>	<p><b><u>Motion:</u></b>            Mr. Pacheco moved to accept the Open Session Minutes of October 14 and October 28, 2021, with corrections. Ms. Nishimitsu seconded the motion.            Motion carried 7:0.</p>
F.	<p><b><u>DIRECTOR'S REPORTS:</u></b></p> <ol style="list-style-type: none"> <li>1. <b><u>DIRECTOR REPORT:</u></b> <ol style="list-style-type: none"> <li>a. October 22, 2021 – November 3, 2021</li> </ol> </li> <li>2. <b><u>INVESTIGATORS ACTIVITY REPORTS:</u></b></li> <li>3. <b><u>EMPLOYEES IN LICENSED PREMISES:</u></b> <ol style="list-style-type: none"> <li>a. Managers and Assistant Managers Red/Blue Card exam list - See Attachment "A"</li> </ol> </li> </ol>	<p><b><u>Motion:</u></b>            Mr. Nishimura move to approve the Director's Report F. 1. a through 3. a. Mr. Pacheco seconded the motion. Motion carried 7:0.</p>
G.	<p><b><u>ACTIONS OF THE DIRECTOR</u></b></p> <ol style="list-style-type: none"> <li>1. <b><u>TEMPORARY INCREASE/EXTENSION TO PREMISES</u></b> <ol style="list-style-type: none"> <li>a. <b><u>SUGUHARA RANCH INC. dba THE DOLPHIN POIPU: Approval of Temporary Increase of</u></b></li> </ol> </li> </ol>	

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	<p>Premises to include their lanai area as a Beer Garden and Wine Bar per diagram submitted for a Culinary Market to be issued for use on every Wednesday beginning, November 3, 2021 through January 26, 2022 from 3:30 p.m. To 6:30 p.m. Applicant has met all requirements and clearances obtained with Department of Health, Building Division and Planning Department.</p> <p>2. <u>TRANSIENT VESSEL:</u></p> <p>a. <u>PRINCESS CRUISE LINES, LTD.:</u> Approval of One Day Transient Vessel License for the vessel Grand Princess, on December 25, 27, 31, 2021, January 1, 11, 26, 2022, February 19, 2022, March 16, 2022, and April 11, 2022. The vessel will be departing on the same days stated at 5:00pm.</p> <p>b. <u>PRINCESS CRUISE LINES, LTD.:</u> Approval of One Day Transient Vessel License for the vessel Island Princess, on January 25, 2022. The vessel will be departing on the same day at 5:00pm.</p> <p>c. <u>PRINCESS CRUISE LINES, LTD.</u> Approval of One Day Transient Vessel License for the vessel Ruby Princess, on December 13, 25, 29, 31, 2021, January 1 and 24, 2022, February 16, 2022, and April 2, 2022. The vessel will be departing on the same days stated at 5:00pm</p> <p>d. <u>PRINCESS CRUISE LINES, LTD:</u> Approval of One Day Transient Vessel License for the vessel Sapphire Princess, on April 23, 2022. The vessel will be departing on the same day at 5:00pm.</p> <p>e. <u>PRINCESS CRUISE LINES, LTD:</u> Approval of One Day Transient Vessel License for the vessel Coral Princess, on April 27, 2022. The vessel will be departing on the same day at 5:00pm.</p>	<p><u>Motion #1:</u>          Mr. Nishimura moved to accept the Temporary Increase/Extension of Premises for Suguhara Ranch Inc. dba The Dolphin Poipu. Mr. Pacheco seconded the motion. Motion carried 7:0.</p> <p><u>Motion #2</u>          Mr. Nishimura moved to accept the Actions of the Director: 2. Transient Vessel. Mr. Pacheco seconded the motion. Motion carried 7:0.</p>

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	<p>Summary: Director Leo Sandoval did research and checked to see if the Transient Vessels contribute or report the percentage fees to the Department. Consulted with Neighbor Islands and they do not contribute to the percentage fees. The only time that they contribute if they seek out an annual license. They choose to opt in for a one day pass as they are not operating 365 days a year. As a result, they do a \$33.00 per visit. Any other changes will be through HRS (Hawaii Revised Statutes) on types of rules. He will check with Homeland Security regarding boarding vessels. There were questions regarding jurisdiction and statutory licenses.</p> <p>Mr. Foster quoted HRS 281-31 (h) - Class 8. Transient vessel license. A general license may be granted to the owner of any vessel for the sale of liquor other than alcohol on board the vessel while en route within the jurisdictional limits of the State and within any port of the State. Sales shall be made only for consumption by passengers and their guests on board the vessel. The license shall be issuable in each county where the sales are to be made; provided that the application for the license may be made by any agent representing the owner.</p>	
<p><b>H.</b></p>	<p><b><u>NEW LICENSE:</u></b></p> <ol style="list-style-type: none"> <li>1. <u>TRU PROTECTION, INC. dba JAPANESE GRANDMA’S CAFE:</u> Application No. 2022-012 was filed on October 5, 2021 by Tru Protection dba Japanese Grandma’s Café for a New Restaurant General B (With Live Entertainment and Dancing) License located at 3871 Hanapepe Road, Kauai, Hawaii. Deposited \$450.00.</li> </ol>	<p><b><u>Motion #1:</u></b>          Mr. Nishimura moved to approve accept Tru Protection, INC. dba Japanese Grandma’s Café Application 2022-012 for a New Restaurant General B (With Live Entertainment and Dancing) schedule for Publication and Public Hearing. Mr. Kahawai</p>

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	<p>2. <u>HOMETOWN CANTEEN LLC. dba MUCHO ALOHA KOLOA</u>: filed Application No. 2022-034 on April 6, 2021 for a New Brew Pub B (With Live Entertainment and Dancing) License located at 5330 Koloa Rd, Suite 13-1, Koloa, Kauai, Hawaii. Deposited \$450.00.</p> <p>Summary: Director Leo Sandoval commented the Department of Health will not issue a certificate until they are up and operational. Mr. Foster quoted HRS 281-57 regarding to a Preliminary Hearing. Request that there be no preliminary hearing. A reasonable condition can be put into place.</p>	<p>seconded the motion.          Motion carried 7:0.  <u>Motion #2</u>          Mr. Nishimura moved to accept Application No. 2022-034 for Hometown Canteen LLC. dba Mucho Aloha Kauai schedule for Publication and Public Hearing. Ms. Nishimitsu seconded the motion.          Motion carried 7:0.</p>
<p>I. <b><u>CHANGE IN AUTHORIZED AGENT/OFFICERS</u></b></p>	<p>1. <u>SAFEWAY INC.</u>: Deletion of Robert Barker Dimond as EV/CFO for Safeway Inc., dba Safeway Stores No. 1209 (4G-051), Safeway Inc., and dba Safeway Stores No. 2894 (4G-011).</p>	<p><u>Motion #1:</u>          Mr. Pacheco moved to accept Safeway Inc. Deletion of Robert Barker Dimond as EV/CFO for Safeway Inc., dba Safeway Stores No. 1209 (4G-051), Safeway Inc., and dba Safeway Stores No. 2894 (4G-011). Ms. Nishimitsu seconded the motion.          Motion carried 7:0.</p>

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	<p>2. <u>MPK MANAGEMENT COMPANY LLC dba BEACH HOUSE RESTAURANT</u>: Addition of Stanley Earl Fuller as Manager and one-third ownership in MPK Management Company LLC dba Beach House Restaurant License No. 2G-045.</p> <p>3. <u>ALOHA PETROLEUM, LTD.</u>: Aloha Petroleum, Ltd. In connection with Aloha Island Mart's on Kauai. Retail General License No. 4G-029, 4G-031, 4G-032, 4G-067, and 4G-068 reports notice of merger of Sunco Property Company LLC to Sunco Retail LLC which now owns 100% of outstanding capital stock.</p>	<p><u>Motion #2</u>          Mr. Pacheco moved to accept MPK MANAGEMENT COMPANY LLC dba Beach House Restaurant: Addition of Stanley Earl Fuller as Manager and one-third ownership in MPK Management Company LLC dba Beach House Restaurant License No. 2G-045. Motion carried 7:0.</p> <p><u>Motion #3</u>          Mr. Nishimura moved to accept ALOHA PETROLEUM, LTD.: Aloha Petroleum, Ltd. In connection with Aloha Island Mart's on Kauai. Retail General License No. 4G-029, 4G-031, 4G-032, 4G-067, and 4G-068 reports notice of merger of Sunco Property Company LLC to Sunco Retail LLC which now owns 100%</p>

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		of outstanding capital stock. Motion carried 7:0.
<p><b>J.</b></p>	<p><b><u>EXECUTIVE SESSION:</u></b>          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 March 26, 2021, October 28, 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.</p> <p style="padding-left: 40px;">1. <b><u>APPROVAL OF MINUTES:</u></b>          a. <b><u>Executive Session Minutes of March 26, 2021</u></b>          b. <b><u>Executive Session Minutes of October 28, 2021</u></b></p>	<p><b><u>Motion:</u></b>          Mr. Nishimura moved to go into Executive Session and to invite Ms. Ching. Mr. Kahawai seconded the motion. Motion carried 7:0.</p>
<p><b>K.</b></p>	<p><b><u>RETURN TO OPEN SESSION</u></b></p>	<p>Commissioners returned to Open Session at 4:58 p.m.</p>
<p><b>L.</b></p>	<p><b><u>ROLL CALL FOR THE RETURN TO OPEN SESSION</u></b></p> <p>Director Leo Sandoval called roll, noting 7 members were present via Tele-Conference constituting a quorum.</p>	
<p><b>M.</b></p>	<p><b><u>RATIFY THE ACTIONS TAKEN IN EXECUTIVE SESSION</u></b></p>	<p><b><u>Motion:</u></b>          Mr. Nishimura moved to ratify the actions taken in Executive Session. Mr. Pacheco seconded the</p>

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		motion. Motion carried 7:0.
<p><b>N.</b></p>	<p><b><u>DISCUSSION AND POSSIBLE ACTION ON THE TERMS OF EMPLOYMENT FOR THE DIRECTOR OF LIQUOR CONTROL</u></b></p> <p>Summary: In response to questions from the Commissioners, Ms. Ching went over the terms and conditions regarding the letters of employment for the Director of Liquor Control. The annual and base salary questions where, if the terms of employment included a six-month probationary period, it did not. It was clear in the Goals and Objectives that there would be an evaluation at the six-month period. A discussion with HR (Human Resources) and confirmed that the Liquor Commission has the full authority to change at any point and time, whether it is six-month, earlier, or later the Liquor Control’s salary. One of the issues that were raised about the six-month evaluation and the six-months’ probation. The evaluation process would start in December with the Director’s Reports being submitted to the Commission and the Commission completing their evaluation providing the Director the evaluation. The motion was not part of the conditions of the probationary period. The Commission has the full authority up to the max for the Director of Liquor Control \$117,912. This would be contingent on the completion of goals and objectives being acceptable for the six-month period.</p> <p>Summary from Commissioners: The purposes of discussion, the evaluation is tied to the probationary period. The probationary period that I wanted would be beyond the actual six-month.</p> <p>Summary from Director Leo Sandoval: Thanked the Commission for the consideration on this matter. Working myself hard to improve upon what was passed down to me. Creating a Department that is acceptable and surpasses expectations of the Commission. I want to stay on island as long as I can as long as the Commission will keep me. This would start helping me to establish some roots where I can call this home. Hopefully my performance be what you as a Commission expect and more in the future. By the next meeting I will have finished my</p>	<p><u>Motion:</u>          Mr. Nishimura moved to increase the Director of Liquor Control’s salary to the maximum allowable under the salary ordinance upon acceptable completion of his goals and objectives for the interim evaluation. Mr. Pacheco seconded the motion.</p> <p><u>Roll Call Vote:</u>          Shimabukuro - Aye          Pacheco - Aye          Nishimura - Aye          Nishimitsu - Aye          Kahawai - Aye          Crowell - Aye          Gibson - Aye</p>



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	entire analysis will be completed as well as my goals for the Commissioners.	
O.	<p><b><u>EXECUTIVE SESSION:</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.	<p><b><u>ADJOURNMENT</u></b></p>	<p><u>Motion:</u>          Mr. Pacheco moved to adjourn the meeting. Ms. Nishimitsu seconded the motion. Motion carried 7:0.           Meeting ended @ 5:16 p.m.</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.