

APPROVED

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

See Open Session minutes of 5-12-2022.

Board/Commission:	LIQUOR CONTROL COMMISSION	Meeting Date	April 28, 2022
Location	Pi`ikoi Building, Suite 300 4444 Rice Street, Lihue, HI 96766	Start of Meeting: 4:00 p.m.	End of Meeting: 4:40 p.m.
Present	Chair Dee Crowell, Vice Chair Kahawai Members: Gerald Matsunaga, Lorna Nishimitsu, Randall Nishimura, Tess Shimabukuro Also: Liquor Control Staff: Director Leo Sandoval, Assistant Chief Liquor Investigator Stacy Iwasaki, Commission Support Clerk Malialani Kelekoma, Ellen Ching, Administrator Boards & Commission, Deputy County Attorney Charles Foster		
Excused			
Absent			

SUBJECT	DISCUSSION	ACTION
A. <u>CALL TO ORDER</u>		Chair Crowell called meeting to order 4:00 p.m.
B. <u>ROLL CALL</u>	Director Leo Sandoval called roll, noting 6 members were present, constituting a quorum.	
C. <u>ANNOUNCEMENTS:</u>	Next Scheduled Meeting: Thursday, May 12, 2022 – 4:00 p.m. or shortly thereafter. Details on the meeting will be forthcoming.	
D. <u>APPROVAL OF AGENDA</u>	Director Leo Sandoval requested to make an amendment to the agenda Item G.1 New Liquor License Application: Kauai Island Brewing-Koloa, LLC dba Kauai Island Brewing	

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	<p>Company the applicant has some updates and corrections that need to be done to the application.</p>	<p><u>Motion:</u></p> <p>Mr. Kahawai moved to approve the agenda with amendments. Mr. Nishimura seconded the motion. Motion carried 6:0.</p>
<p>E.</p>	<p><u>CONSENT AGENDA</u></p> <ol style="list-style-type: none"> 1. <u>APPROVAL OF MINUTES:</u> <ol style="list-style-type: none"> a. Open Session Minutes of April 14, 2022 2. <u>DIRECTORS REPORT:</u> April 8, 2022 – April 18, 2022 3. <u>INVESTIGATORS ACTIVITY REPORTS:</u> 4. <u>EMPLOYEES IN LICENSED PREMISES:</u> <ol style="list-style-type: none"> a. Managers and Assistant Managers Red/Blue Card exam list - See Attachment "A" 5. <u>ACTIONS OF THE DIRECTOR:</u> <ol style="list-style-type: none"> a. <u>TEMPORARY DECREASE OF PREMISES:</u> <ol style="list-style-type: none"> 1. <u>TROY’S LLC. dba TROY’S:</u> Approval of Temporary reduction of licensed premises to include the main dining room. Diagram is attached to the application in the 	

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	<p>packet. The premises will be reduced on April 14, 2022, from 2pm – 10pm, to accommodate for a wedding Reception.</p> <p>2. <u>MPK MANAGEMENT COMPANY LLC. dba THE BEACH HOUSE RESTAURANT:</u> Approval of Temporary Increase of licensed premises to include the patio lawn space, as seen in the attached, from April 12, 2022, through July 12, 2022.</p> <p>b. <u>REQUEST FOR USE OF GAMING DEVICE</u></p> <p>1. <u>LAVA LAVA BEACH CLUB 2:</u> License No. 2G-035 located at 420 Papaloa Road, Kapaa, Kauai, Hawaii requested approval of the use of, (1) Cornhole, (1) Connect Four, (1) Ping Pong, (1) Foosball table, (1) Lawn Checkers, (1) Giant Jenga, (1) Ladder Ball, and (1) Bucket Toss game. Request was approved from April 13, 2022, through June 30, 2022.</p> <p>Commissioner Nishimitsu asked was the Deputy present at the last meeting and does not see it noted.</p> <p>Mrs. Kelekoma responded he was present.</p> <p><i>Motion to approve the agenda as circulated, motion withdrawn by Commissioner Nishimura and seconded withdrawn by Commissioner Matsunaga.</i></p>	<p><u>Motion #1:</u></p> <p>Mr. Nishimura moved to approve the Consent Agenda as distributed. Mr. Matsunaga seconded the motion.</p> <p><u>Motion #2:</u></p> <p>Mr. Nishimura moved to approve the Consent Agenda with the exception of the Open Session Minutes of 04/14/2022. Mr. Matsunaga seconded the motion. Motion Carried 5:1</p> <p><u>Motion #3:</u></p> <p>Ms. Nishimitsu moved to approve Open Session Minutes of 04/14/2022 with amendments to add Assistant Chief Liquor Investigator Stacy Iwasaki as being present. Mr. Nishimura seconded the motion. Motion carried 5:1</p>

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<p>F.</p>	<p><u>PUBLIC TESTIMONY:</u></p> <p>Director Sandoval asked if there’s anyone in the public who wishes to testify on any item of the agenda.</p> <p>No Public Testimony.</p>	
<p>G.</p>	<p><u>NEW LIQUOR LICENSE APPLICATION</u></p> <ol style="list-style-type: none"> 1. <u>KAUAI ISLAND BREWING COMPANY-KOLOA, LLC. dba KAUAI ISLAND BREWING COMPANY:</u> Application 2022-050 was file on March 8, 2022, by Kauai Island Brewing Company-Koloa, LLC. dba Kauai Island Brewing Company for a New Restaurant General (B) With Live Entertainment and Dancing located at 5485 Koloa Road #12, Koloa, Kauai, Hawaii. Deposited \$450.00. 2. <u>LADY ANN CRUISES LLC. dba MARINA A:</u> Application 2022-059 was filed on April 12, 2022, by Lady Ann Cruises LLC. dba Marina A for a New General Tour or Cruise Vessel License moored at Kikiaola Small Boat Harbor located at 8932 Kekaha Road, Kekaha, Kauai, Hawaii. Deposited \$100.00- <u>NO PUBLIC HEARING REQUIRED.</u> Tour Vessel Exception, Rule 2.5(j) permits license approval by Commission. <p>Chair Crowell asked if the applicant was present.</p> <p><u>Summary:</u> Questions were asked when the vessel leaves and returns and if he passengers permitted to carry out. Where the liquor is stored. Director Sandoval replied it is only on the vessel and yes that is a violation if they carry out. They serve the alcohol halfway through their tour. It’s a sunset tour that lasts about three hours.</p>	<p>Removed from the agenda.</p> <p><u>1st Motion:</u></p> <p>Mr. Nishimura moved to accept application No. 2022-059 Lady Ann Cruises LLC. dba Marina A for a New Liquor License. Ms. Nishimitsu seconded the motion. Motion carried 6:0.</p>

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	<p>Chair Crowell called for a roll call vote.</p>	<p><u>Roll Call:</u></p> <p>Mr. Matsunaga – Aye Ms. Nishimitsu – Aye Mr. Nishimura – Aye Ms. Shimabukuro-Aye Vice Chair Kahawai- Aye Chair Crowell - Aye</p>
<p>H.</p>	<p><u>APPLICATION FOR TRANSFER OF LIQUOR LICENSE</u></p> <p>1. <u>TWO PEAS, LLC dba TWO PEAS</u>: Application No. 2022-056 was filed on April 4, 2022, by Two Peas, LLC dba Two Peas for a transfer of Restaurant General (B) Live Music and Dancing License No. 2G-009 from Ginger and Thai Basil LLC. dba JO2 Restaurant to Two Peas LLC. dba Two Peas Located at 4-971 Kuhio Hwy, Kapaa, Kauai, Hawaii. Deposited \$335.00.</p>	<p><u>Motion:</u></p> <p>Mr. Nishimura moved to receive Application No. 2022-056 for a transfer License No. 2G-009 from Ginger and Thai Basil LLC. dba JO2 Restaurant to schedule for Publication and Public Hearing. Mr. Matsunaga seconded the motion. Motion carried 6:0.</p>
<p>I.</p>	<p><u>APPLICATION FOR TEMPORARY LIQUOR LICENSE</u></p> <p>1. <u>TWO PEAS, LLC dba TWO PEAS</u>: Application No. 2022-057 was filed on April 4, 2022, by Two Peas LLC. dba Two Peas for a temporary Restaurant General (B) Live Music and Dancing, to operate License No. 2G-009 located at 4-971 Kuhio Hwy, Kapaa, Kauai, Hawaii.</p>	<p><u>Motion:</u></p> <p>Mr. Kahawai moved to approve Application No.2022-057 for Two Peas, LLC dba Two Peas for a temporary Restaurant General (B) Live Music and Dancing Liquor License. Ms. Nishimitsu seconded</p>

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		the motion. Motion carried 6:0.
<p>J.</p>	<p><u>REQUEST FOR PERMANENT INCREASE/EXTENSION TO PREMISES</u></p> <p>1. <u>MPK MANAGEMENT LLC. dba THE BEACH HOUSE RESTAURANT</u>: Request for a permanent increase of premises to include the outdoor lawn space as indicated on the attached photographs and diagrams that were submitted on April 13, 2022. Applicant has met all requirements and clearances from Department of Health, The County of Kauai Building Division, and Planning Department.</p> <p>a. The Applicant has received an approval from the Planning Commission for an SMA on April 12, 2022. The decision has been attached to this request specifying the conditions of the SMA. In condition #24 of the SMA, the Planning Commission has granted the SMA on a temporary basis of 18 month.</p> <p><u>Summary</u>: Commissioners had concerns to the nature of this application. Having a Public Hearing (HRS 281-62) (HRS 281-39.5), temporary Permit will expire on July 12th, 2022. The temporary does not extend to the sidewalk, the permanent does. The sidewalk is 4ft wide and the beach is right adjacent to that. No significant means to control liquor.</p> <p><i>Motion to receive the application Commissioner Nishimura withdrew his motion and Commissioner Nishimitsu withdrew her second.</i></p>	<p><u>Motion #1</u>:</p> <p>Mr. Nishimura moved to receive the application for request for Permanent Increase/Extension to Premises for Liquor License 2G-045, MPK Management LLC. dba The Beach House Restaurant to Publish and schedule a Public Hearing. Ms. Nishimitsu seconded the motion.</p> <p><u>Motion #2</u></p> <p>Mr. Nishimura moved to defer action on request for Permanent Increase/Extension to Premises for MPK Management LLC dba The Beach House Restaurant to May 12, 2022, and have applicant be present to discuss their application. Mr. Matsunaga seconded the motion. Motion carried 6:0.</p>
<p>K.</p>	<p><u>AUTHORIZED AGENT</u></p> <p>1. <u>ALBERTSON COMPANIES INC. dba Safeway</u>: Authorization for Corporation</p>	<p><u>Motion</u>:</p> <p>Ms. Nishimitsu moved to approve</p>

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	<p>Service Company as the Authorized Agent for all Albertson Companies Inc. dba Safeway at the following licensed locations: License No. 4G-051, 4-831 Kuhio Hwy, Kapaa, Kauai, Hawaii, and License No. 4G-011, 4454 Nuhou Street, Lihue, Kauai, Hawaii.</p>	<p>Authorized Agent Albertson Companies Inc. dba Safeway for License No. 4G-051 Safeway Kapaa and License No. 4G-011 Safeway Lihue. Mr. Nishimura seconded the motion. Motion carried 6:0.</p>
<p>L.</p>	<p><u>UPDATE, DISCUSSION, AND POSSIBLE ACTION ON MEETING PROCEEDINGS</u> (Continued from 3-24-2022 and 4-14-2022 meeting.)</p> <p><u>Summary:</u> Commissioners discussed they are able to meet on every 2nd and 4th Wednesday at 1:00 p.m. beginning August 10, 2022. Ms. Ching Boards and Commissions Administrator confirmed the day and times does not conflict with other Commissions.</p>	<p><u>Motion:</u></p> <p>Mr. Matsunaga moved to have the Liquor Control Commission meetings on the 2nd and 4th Wednesdays at 1:00 p.m. beginning August 10, 2022. Mr. Nishimura seconded the motion. Motion carried 6:0.</p>
<p>M.</p>	<p><u>ADJOURNMENT</u></p>	<p><u>Motion:</u></p> <p>Mr. Nishimura moved to adjourn the meeting. Mr. Matsunaga seconded the motion. Motion carried 6:0.</p> <p>At 4:40 pm meeting was adjourned.</p>

Submitted by: _____
 Malialani Kelekoma, Commission Support Clerk

Reviewed and Approved by: _____
 Dee Crowell, Chair

- (X) Approved as circulated.
- () Approved with amendments. See minutes of _____meeting.