

APPROVED

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

See Open Session minutes of 05/26/2022.

Board/Commission:	LIQUOR CONTROL COMMISSION	Meeting Date	May 12, 2022
Location	Pi`ikoi Building, Suite 300 4444 Rice Street, Lihue, HI 96766	Start of Meeting: 4:00 p.m.	End of Meeting: 4:59 p.m.
Present	Chair Dee Crowell, Vice Chair Kahawai Members: Gerald Matsunaga, Randall Nishimura, Tess Shimabukuro Also: Liquor Control Staff: Director Leo Sandoval, Commission Support Clerk Malialani Kelekoma, Ellen Ching, Administrator Boards & Commission, Deputy County Attorney Charles Foster		
Excused	Commissioner Lorna Nishimitsu		
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 5 members were present. Commissioner Nishimitsu is excused constituting a quorum.		
C.	<u>ANNOUNCEMENTS:</u> Next Scheduled Meeting: Thursday, May 26, 2022 – 4:00 p.m. or shortly thereafter. Details on the meeting will be forthcoming.		
D.	<u>APPROVAL OF AGENDA</u>	<u>Motion:</u> Mr. Matsunaga moved to approve the agenda as circulated. Mr. Kahawai seconded the motion.	

SUBJECT	DISCUSSION	ACTION
		Motion carried 4:0
	<i>Commissioner Nishimura entered the Liquor Control Commission Meeting at 4:01 p.m.</i>	
E.	<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 28, 2022 2. <u>DIRECTORS REPORT: April 19, 2022 – May 2, 2022</u> 3. <u>INVESTIGATORS ACTIVITY REPORTS:</u> 4. <u>EMPLOYEES IN LICENSED PREMISES:</u> <p>Managers and Assistant Managers Red/Blue Card exam list - See Attachment "A"</p> 5. <u>ACTIONS OF THE DIRECTOR:</u> <ol style="list-style-type: none"> a. <u>REQUEST FOR FREE-ONE DAY SPECIAL LICENSE:</u> <ol style="list-style-type: none"> 1. <u>THE KAUAI HUMANE SOCIETY dba THE KAUAI HUMANE SOCIETY:</u> Approval of Application No. Free 2022-31 filed on April 21, 2022, by The Kauai Humane Society for a Free One-Day Special Dispenser General license on May 22, 2022, at 3-825 Kaumuali'i Highway, Lihue, Kauai, Hawaii. 2. <u>THE KAUAI HUMANE SOCIETY dba THE KAUAI HUMANE SOCIETY:</u> Approval of Application No. Free 2022-32 filed on April 21, 2022, by The Kauai Humane Society for a Free One-Day Special Retail General license on May 24, 2022, at 3- 	

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	<p>825 Kaumuali'i Highway, Lihue, Kauai, Hawaii.</p> <p>3. <u>NATIONAL TROPICAL BOTANICAL GARDEN dba NATIONAL TROPICAL BOTANICAL GARDEN</u>: Approval of Application No. Free 2022-33 filed on April 12, 2022, by National Tropical Botanical Garden for a Free One-Day Special Dispenser General license on May 24, 2022, at 3-825 Kaumuali'i Highway, Lihue, Kauai, Hawaii.</p> <p>4. <u>KAUAI CHAMBER OF COMMERCE dba KAUAI CHAMBER OF COMMERCE</u>: Application No. Free 2022-34 filed on April 25, 2022, by Kauai Chamber of Commerce for a Free One-Day Special Dispenser General license on May 15, 2022, at the Poipu Bay Golf Course located at 2250 Ainako Street, Koloa, Kauai, Hawaii.</p> <p>b. <u>TEMPORARY INCREASE OF PREMISES</u>:</p> <p>1. <u>SUGAHARA RANCH INC. dba THE DOLPHIN POIPU</u>: Approval of Temporary Increase of 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, May 4, 2022, through July 27, 2022, from 3:30 p.m. To 6:30 p.m. Applicant has met all requirements and clearances obtained with Department Health, Building Division and Planning Department.</p> <p>c. <u>TEMPORARY DECREASE OF PREMISES</u>:</p> <p>1. <u>KAWAILOA DEVELOPMENT dba GRAND HYATT KAUAI RESORT & SPA</u>: Approval of Temporary reduction of licensed premises to include the entire 18-hole Poipu Bay Golf Course for a fundraising event to be hosted by Kauai Chamber of Commerce on Sunday, May 15, 2022.</p>	

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	<p>6. <u>CHANGE IN OFFICERS/DIRECTORS/ MEMBERS:</u></p> <p>a. <u>YOUNG’S MARKET COMPANY, LLC dba RNDC OF HAWAII: Deletion of Thomas Cole as CEO & President and the addition of title to Nicholas M. Mehall as CEO & President for Young’s Market Company, LLC dba RNDC of Hawaii License No. 3G-001.</u></p> <p>b. <u>SAFEWAY INC.: Deletion of Gary R. Morton as Vice President, Treasurer and Assistant Secretary and the addition of Cody Perdue as Vice President, Treasurer, Assistant Secretary, and Director for Safeway Inc. Dba Safeway Stores Lic. No. 4G-011 and 4G051.</u></p>	<p><u>Motion:</u></p> <p>Mr. Kahawai moved to approve the items in the consent agenda. Mr. Matsunaga seconded the motion. Motion carried 5:0</p>
<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. You can step up to the microphone and identify yourself.</p> <p>No Public Testimony.</p>	
<p>G.</p>	<p><u>PUBLIC HEARING:</u></p> <p>1. <u>HEALTHGO MARKET INC. dba HEALTHGO MARKET INC.:</u> Application 2022-045 was filed on January 24, 2022, by HealthGo Market Inc. dba HealthGo Market Inc. for a Retail Dealer General License located at 4479 Rice Street, Lihue, 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</p>	<p><u>Motion #1:</u></p> <p>Mr. Matsunaga moved to close the Public Hearing for Application No. 2022-045 for HealthGo Market Inc. Mr. Nishimura seconded the</p>

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	<p>within 500 feet of the proposed premises and up until this time of the public hearing the department has not received any letters in support or opposition to this application.</p> <p>Summary: Public Hearing for Application No. 2022-045 for HealthGo Market Inc. Mr. Jeremy Hillstrom Owner was present. He received a copy of the Investigator’s Report and had no questions or comments for the Commission. Commissioner Nishimura asked if the outside seating was allowed for drinking. Mr. Hill responded no; we are a Natural Food Store. No one was here to speak on this application.</p> <p>The Public Hearing for Application 2022-045 HealthGo Market Inc. closed.</p>	<p>motion. Motion carried 5:0.</p> <p><u>Motion #2</u></p> <p>Mr. Matsunaga moved to approve Application No. 2022-045 for HealthGo Market Inc. Mr. Nishimura seconded the motion. Motion carried 5:0</p> <p><u>Roll Call Vote:</u> Mr. Matsunaga- Aye Ms. Shimabukuro – Aye Mr. Nishimura – Aye Mr. Kahawai – Aye Mr. Crowell – Aye</p>
<p>H.</p>	<p><u>NEW LIQUOR LICENSE APPLICATION:</u></p> <p>1. <u>KAUAI ISLAND BREWING COMPANY-KOLOA, LLC. dba KAUAI ISLAND BREWING COMPANY: 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 5460 Koloa Road Suite I-102, Koloa, Kauai, Hawaii. Deposited \$450.00.</u></p>	<p><u>Motion:</u> Mr. Nishimura moved to accept Application No. 2022-050 Kauai Island Brewing Company-Koloa, LLC dba Kauai Island Brewing company for Publication and Public Hearing. Mr. Matsunaga seconded the motion. Motion carried 5:0.</p>
<p>I.</p>	<p><u>VIOLATION REPORT:</u></p>	<p><u>Motion:</u></p>

SUBJECT	DISCUSSION	ACTION
	<p>1. <u>VERDE RESTAURANT LLC. dba VERDE LIHUE: Violation of rule 7.8(a) Manager on Duty, Qualifications.</u></p>	<p>Mr. Nishimura moved to receive the violation report for Verde Restaurant LLC. dba Verde Lihue for a Violation Hearing. Mr. Kahawai seconded the motion. Motion carried 5:0.</p>
<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: 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. (Deferred from 4/28/2022 meeting)</u></p> <p>a. <u>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.</u></p> <p><u>Summary:</u> Sara Hill and Erica Dunn were present to represent MPK Management LLC dba The Beach House Restaurant. Questions and concerns were raised by the Commissioners for clarification:</p> <ul style="list-style-type: none"> - Map labeled temporary rather than permanent - Ms. Hill explained that it is the same proposal and no changes. - Planning on serving liquor outside of the 20 events that were against what was designated on the maximum from the Planning Commission? Ms. Hill replied yes, the plan that you can see there, where there's the extra little box that's the 	<p><u>Motion #1:</u></p> <p>Mr. Nishimura moved to approve the MPK Management LLC. dba The Beach House Restaurant extension of premises to be co-terminus with the current SMA approval and that the applicants come back at the end of 18 months to renew their extension of premises on October 12, 2023. Mr. Matsunaga seconded the motion. Motion carried 5:0.</p>

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	<p>area where we hold events. The 20 events per month that were limited to would be held in that area. On the right-hand side, that's every night, we have lovely patio furniture. People are seated out there for pupus and drinks until the sun sets.</p> <ul style="list-style-type: none"> - Permanent extension approved do you intend to put something up more permanent- Ms. Hill replied, not acceptable in terms of the zoning for the area. Kauai Liquor Rules do not require a barrier of any sort. - Commissioner's asked Investigator Reid Yoshida about the barriers around the location. Set of barriers are around the liquor consumption area. - How do you propose to enforce consumption of liquor outside the premises? Director Leo Sandoval-Reyes commented more frequent unannounced inspections. It's hard to tell whether they are coming from the neighboring residences. <p>2. <u>TAHITI NUI ENTERPRISES INC. dba TAHITI NUI: Request for a permanent increase of premises to include the ground area within the front fence line below the porch for additional seating as indicated on the attached photographs and diagrams that were submitted on April 7, 2022. Applicant has met all requirements and clearances from Department of Health, The County of Kauai Building Division, and Planning Department.</u></p> <p><u>Summary:</u> Nanea Marston was present to represent Tahiti Nui Enterprises INC. dba Tahiti Nui. Advised the Commission that they will be installing a rock wall and plan on helping to install a sidewalk. Commissioners requested that they control the noise and be in compliance with the original application.</p> <p>3. <u>KAUAI BREWERS LLC. dba KAUAI BEER COMPANY: Request for a permanent increase of premises to include outdoor seating area next door encompassing a space of approximately 26'x48' located adjacent to the main restaurant as</u></p>	<p><u>Motion #2</u></p> <p>Mr. Nishimura moved to approve Tahiti Nui Enterprises INC. dba Tahiti Nui for a permanent increase. Ms. Shimabukuro seconded the motion. Motion carried 5:0.</p>

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	<p><u>diagramed. Request was submitted on April 20, 2022. Applicant has met all requirements and clearances from Department of Health, The County of Kauai Building Division, and Planning Department.</u></p> <p><u>Summary:</u> Jim Grueber and Jessica Geffert were present to represent Kauai Brewers LLC. dba Kauai Beer Company.</p> <p>Questions from the Commissioners:</p> <ul style="list-style-type: none"> - Is this within your property area – Yes. - There is a mezzanine or overhang is that part of your request – No. - There are two buildings 4265 and 4261 – That’s the current brewery space and in front is the restaurant. 	<p><u>Motion #3</u></p> <p>Mr. Matsunaga moved to approve Kauai Brewers LLC. dba Kauai Beer Company for a permanent increase. Mr. Nishimura seconded the motion. Motion carried 5:0.</p>
<p>K.</p>	<p><u>REQUEST FOR SOLICITOR’S PERMIT</u></p> <p>1. <u>DARYL HIROMU DATE: Application No. 2022-060 was filed on April 14, 2022, by Daryl Hiromu Date for a Solicitor’s Permit in the County of Kauai to represent Kukui Meat Market, Inc., a Wholesale Dealer General licensee in the City & County of Honolulu. Deposited \$180.00</u></p>	<p><u>Motion:</u></p> <p>Mr. Nishimura moved to approve Application No. 2022-060 for Daryl Hiromu Date for a Solicitors Permit to represent Kukui Meat Market, INC. Mr. Matsunaga seconded the motion. Motion carried 5:0.</p>
<p>L.</p>	<p><u>AUTHORIZED AGENT:</u></p> <p>1. <u>PRIDE OF AMERICA SHIP HOLDING, LLC. Db a Pride of America: Authorization for Alex M. Chun from Watanabe Ing. LLP as Authorized Agent for Pride of America Ship Holding, LLC. db a Pride of America for License No. TVA-003 a transient vessel.</u></p>	<p><u>Motion:</u></p> <p>Mr. Nishimura moved to approved Alex M. Chun from Watanabe Ing. LLP as an Authorized Agent for Pride of America Ship Holding, LLC. db a Pride of America for License</p>

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		No.TVA-003 for a transient vessel.
M.	<p><u>EXECUTIVE SESSION:(CLOSED TO THE PUBLIC)</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>	No Action
N.	<p><u>ADJOURNMENT</u></p>	<p><u>Motion:</u></p> <p>Mr. Nishimura moved to adjourn meeting. Mr. Matsunaga seconded the motion. Motion carried 5:0.</p> <p>At 4:59 pm meeting was adjourned.</p>

Submitted by: _____
 Malialani Kelekoma, Commission Support Clerk

Reviewed and Approved by: _____
 Dee Crowell, Chair

- () Approved as circulated.
- (X) Approved with amendments. See minutes of 05/26/2022 meeting.