

APPROVED

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

See open Session Minutes of 8/10/2022.

Board/Commission:	LIQUOR CONTROL COMMISSION	Meeting Date	July 28, 2022
Location	Pi`ikoi Building, Suite 300 4444 Rice Street, Lihue, HI 96766	Start of Meeting: 4:00 p.m.	End of Meeting: 5:21 p.m.
Present	Chair Dee Crowell, Vice Chair Leland Kahawai Members: Randall Nishimura, Lorna Nishimitsu and Tess Shimabukuro Also: Liquor Control Staff: Director Leo Sandoval-Reyes, Assistant Chief Investigator Stacy Iwasaki, Liquor Private Secretary: Malialani Kelekoma, Boards & Commission Administrator: Ellen Ching Deputy County Attorney Charles Foster		
Excused	Gerald Matsunaga		
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-Reyes called roll, noting 5 members were present. Commissioner Matsunaga is excused constituting a quorum.	
C. <u>ANNOUNCEMENTS:</u>	Next Scheduled Meeting: Wednesday August 10th, 2022 – 1:00 p.m. or shortly thereafter. Details on the meeting will be forthcoming.	
D. <u>APPROVAL OF AGENDA</u>	Director Sandoval-Reyes noted revisions for the record Item (5) Temporary Increase of Premises, the maps are faded, and the clearances are valid that are in the department. Item (G) Adoption of Decision and Order should be represented by its Owner Erik Tanigawa. Item K. 1 a. should be Lava Lava.	<u>Motion:</u> Ms. Nishimitsu moved to approve agenda with revisions. Mr. Nishimura seconded the motion. Motion carried 5:0.

SUBJECT	DISCUSSION	ACTION
<p>E.</p>	<p><u>CONSENT AGENDA</u></p> <ol style="list-style-type: none"> 1. <u>APPROVAL OF MINUTES: July 28, 2022</u> 2. <u>DIRECTORS REPORT: July 7, 2022 - July 20, 2022</u> 3. <u>EMPLOYEES IN LICENSED PREMISES:</u> Managers and Assistant Managers Red/Blue Card exam list - See Attachment "A" 4. <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>KAUAI CHAMBER OF COMMERCE: Approval of Application No. Free 2023-02 filed on July 7, 2022, by Kauai Chamber of Commerce for a Free One-Day Special Dispenser General license on July 21, 2022, at 2976 Kress Street, Lihue, Kauai, Hawaii</u> b. <u>SPECIAL LICENSE APPLICATIONS:</u> <ol style="list-style-type: none"> 1. <u>COLOROSHKO LLC., dba Pacos Tacos Cantina: Approval of Application No. 2023-01, for Special License Dispenser No. SG 2023-01 on July 22, 2022, at 2545 Kiahuna Plantation Dr., Koloa, Kauai, Hawaii</u> 2. <u>COLOROSHKO LLC., dba Pacos Tacos Cantina: Approval of Application No. 2023-02, for Special Dispenser License No. SG 2023-02, on July 23, 2022, at 2545 Kiahuna Plantation Dr., Koloa, Kauai, Hawaii</u> 3. <u>COLOROSHKO LLC., dba Pacos Tacos Cantina: Approval of Application No.</u> 	

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	<p><u>2023-03, for Special Dispenser License SG 2023-03, on July 24, 2022, at 2545 Kiahuna Plantation Dr., Koloa, Kauai, Hawaii.</u></p> <p>4. <u>CONTEMPORARY FLAVORS CATERING INC. dba MARK’S PLACE: Approval of Application No. 2023-05, for Special Dispenser License No. SG-2023-05, on July 6, 2022, at the Philippine Cultural Center, 4431 Nuhou St. Lihue, Kauai, Hawaii.</u></p> <p>5. <u>TEMPORARY INCREASE OF PREMISES:</u></p> <p>a. <u>SUGAHARA RANCH INC. dba THE DOLPHIN POIPU: Approval of Temporary Increase of Premises to include their lanai area as a Beer Garden and Wine Bar per diagram submitted for “Flavors of Kukui’ula” Event to be held on Friday, July 29th, 2022, from 5:30 p.m. to 9:30 p.m. Applicant has met all requirements and clearances obtained with Department Health, Building Division and Planning Department.</u></p> <p>6. <u>AUTHORIZED AGENT:</u></p> <p>a. <u>Geffert & Apo LLC. dba Nawiliwili Tavern: Authorization for Lee Miller to act as an Authorized Agent for Geffert & Apo LLC.</u></p> <p>7. <u>RENEWAL OF LIQUOR LICENSE:</u></p> <p>a. <u>Renewals report for the 2023 fiscal year</u></p> <p>Director Sandoval-Reyes asked if there’s anyone in the public who wishes to testify on this item. No Public Testimony.</p>	<p><u>Motion:</u></p> <p>Mr. Kahawai moved to approve the Consent Agenda. Mr. Nishimura seconded the motion. Motion carried 5:0.</p>

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<p>F.</p>	<p><u>PUBLIC TESTIMONY ON ALL AGENDA ITEMS:</u></p> <p>Director Sandoval-Reyes 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>ADOPTION OF DECISION AND ORDER:</u></p> <p>1. <u>COLORSHKO LLC. dba Paco’s Tacos (Kalaheo) 2G-073:</u> Adjudication hearing held, June 23, 2022. (Deferred from 7/14/2022 meeting)</p> <p>Director Sandoval-Reyes 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>Commissioner Nishimitsu requested the following changes: Owner should be replaced with member Finding of Facts Section 3 and Conclusions of Law Section 3.</p> <p><i>Commissioner Kahawai withdrew his motion and Commissioner Nishimura withdrew his second.</i></p> <p>2. <u>ET & WT LLC. DBA KENJI BURGER (KAPAA) 2BW-004:</u> Adjudication hearing held, July 14, 2022.</p> <p>Commissioner Nishimitsu noted the following changes: Findings of Fact, Conclusion of Law, Decision and Order – Change from owner to member.</p>	<p><u>Motion #1:</u></p> <p>Mr. Kahawai moved to approve the Adoption of Decision and Order for Cloroshko LLC. dba Paco’s Tacos (Kalaheo). Mr. Nishimura seconded the motion.</p> <p><u>Motion #2</u></p> <p>Mr. Kahawai moved to approve the Adoption of Decision and Order for Cloroshko LLC. dba Paco’s Tacos as amended replaced the word Owner with Member. Mr. Nishimura seconded the motion.</p> <p><u>Motion #3</u></p> <p>Ms. Nishimitsu moved to approve the Adoption of Decision and Order for ET & WT LLC dba Kenji Burger. Mr. Kahawai seconded the motion.</p>

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	<p>Vice Chair Kahawai commented Findings of Fact, Conclusion of Law, Decision and Order 1st line add on. Findings of Facts 1st line the licensee failed to comply. Conclusions of Law line 3 add to.</p> <p>Commissioner Nishimura recommended deferring there are too many changes.</p> <p><i>Commissioner Nishimitsu withdrew his motion and Commissioner Kahawai withdrew his second.</i></p> <p>Commissioner Shimabukuro requested it be reviewed more thoroughly before presenting to the Commission.</p>	<p><u>Motion #4</u></p> <p>Mr. Nishimura moved to defer action on the Adoption of Decision and Order for ET & WT LLC dba Kenji Burger. Ms. Shimabukuro seconded the motion. Motion carried 5:0.</p>
<p>H.</p>	<p><u>PUBLIC HEARINGS:</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 5460 Koloa Road Suite I-102, Koloa, Kauai, Hawaii. <ol style="list-style-type: none"> a. All legal requirements have been met for today’s public hearing. b. The applicant has sent out notices to property owners or lessees of record within 500 feet of the proposed premises and up until this time of the public hearing the department has not received any letters in support or opposition to this application. <p>Director Sandoval-Reyes asked if there’s anyone in the public who wishes to testify on this item. You can step up to the microphone and identify yourself.</p>	

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	<p>No Public Testimony.</p> <p>Mr. Dave Curry, member of Kauai Island Brewing Company-Koloa was present. He received a copy of the Investigators Report and had no comments.</p> <p>Commissioner Nishimura asked Mr. Curry as part of the report under the entertainment states if noise becomes an issue either turn the sound down or stop the music and entertainment all together. Is that your understanding? Do you have any problems?</p> <p>Mr. Curry replied yes and had no problems with that.</p> <p>Commissioner Shimabukuro asked two questions on page 111 at the very top of that illustration there is the word “Open”, is there a barrier between the word landing?</p> <p>Mr. Curry replied there is no barrier right there. There is a barrier around the outdoor lanai. That would keep all our customers inside the designated area. For the live music and dancing theirs no barriers specifically for that.</p> <p>Commissioner Shimabukuro asked the area that you are applying for is it just the blue area or does it extend. The drawing is confusing it looks like you’re cutting the area for your license short of the actual perimeter.</p> <p>Mr. Curry replied, the license would cover the whole covered lanai dining. The live music would be inside that covered area. The musician would set up there and dancing would be in the closed licensed area.</p> <p>Commissioner Nishimitsu commented the question is whether there be liquor served on the left of the blue line, where it says open lanai dining.</p>	

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	<p>Mr. Curry commented there might have been a change our outdoor dining area is covered and fenced in. There would be no liquor served outside of the fenced in area. Commissioner Nishimitsu asked will liquor be served in the open lanai.</p> <p>Mr. Curry replied yes, the covered Lanai dining will have liquor served.</p> <p>Vice Chair Kahawai commented where the deck is there's a rail and it is covered. The map should be drawn differently.</p> <p>Chair Crowell asked you will not be serving liquor in that area.</p> <p>Mr. Curry replied, no.</p> <p>Chair Crowell opened the Public Hearing for Application 2022-050 Kauai Island Brewing Company-Koloa LLC. dba Kauai Island Brewing Company. There was no one present in support or in opposition of this application. Chair Crowell asked for a motion to close the Public Hearing.</p>	<p><u>Motion #1</u></p> <p>Mr. Nishimura moved to close the Public Hearing for Kauai Island Brewing Company-Koloa. Ms. Shimabukuro seconded the motion. Motion carried 5:0.</p> <p><u>Motion #2</u></p> <p>Mr. Nishimura moved to approve Application No. 2022-050 Kauai Island Brewing Company-Koloa LLC. dba Kauai Island Brewing Company for a New Restaurant General (B) License with live entertainment and dancing. As stipulated by the representative should sound be a question either turned the down the sound or turn off completely if there are any complaints. Also as stipulated by the applicant that the area not include the Open Lanai Dining area. Ms. Shimabukuro seconded the motion. Motion carried 5:0.</p>

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	<p>2. <u>ONE 38 INC. dba WAIPOULI WINE & SPRITS</u>: Application 2022-070 was filed on May 5, 2022, by One 38 Inc. dba Waipouli Wine & Spirits for a Retail Dealer General license located at 4-776 Kuhio Highway, Kapaa, Kauai, Hawaii.</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 records within 500 feet of the proposed premises and up until the time of the public hearing the department has not received any letters in support or opposition to this application.</p> <p>Director Sandoval-Reyes asked if there’s anyone in the public who wishes to testify on this item. You can step up to the microphone and identify yourself. No Public Testimony.</p> <p>Mr. Stephen Knox, Owner of 38 Inc. dba Waipouli Wine & Spirit was present.</p> <p>Commissioner Nishimitsu asked Mr. Knox are you a corporation or Limited Liability. You’re not a member you’re an officer.</p> <p>Mr. Knox replied, S-Corp, yes.</p> <p>Chair Crowell asked Mr. Knox if he received a copy of the investigators report and if he has any comments or questions.</p> <p>Mr. Knox replied, no.</p> <p>Chair Crowell opened the Public Hearing for Application 2022-070 One 38 Inc. dba Waipouli Wine & Spirit. There was no one present in support or in opposition of this</p>	<p><u>Motion #1</u></p> <p>Mr. Nishimura moved to close the Public Hearing for Application No. 2022-070 One 38 Inc. dba Waipouli Wine & Spirits. Ms. Shimabukuro seconded the motion. Motion carried 5:0.</p> <p><u>Motion# 2</u></p> <p>Mr. Nishimura moved to approve Application No. 2022-070 One 38 INC. dba Waipouli Wine & Spirits for a Retail Dealer General License. Ms. Nishimitsu seconded the motion. Motion carried 5:0.</p>

SUBJECT	DISCUSSION	ACTION
	<p>application. Chair Crowell asked for a motion to close the Public Hearing.</p>	
<p>I.</p>	<p><u>PRELIMINARY HEARINGS (NEW LICENSE):</u></p> <ol style="list-style-type: none"> 1. <u>SOF-XI KAUAI PV HOTEL, LP dba 1 HANAIEI BAY: Application No. 2023-006 was filed on July 6, 2022, by SOF-XI Kauai PV Hotel, LP dba 1 Hanalei Bay for a Hotel License located at 5520 Ka Haku Road, Princeville, Kauai, Hawaii.</u> <p>Director Sandoval-Reyes asked if there’s anyone in the public who wishes to testify on this item. You can step up to the microphone and identify yourself. No Public Testimony.</p>	<p><u>Motion:</u></p> <p>Ms. Nishimitsu moved to accept Application No. 2023-006 SOF-XI Kauai PV hotel, LP dba 1 Hanalei Bay to schedule a Public Hearing and set for Publication. Mr. Nishimura seconded the motion. Motion carried 5:0.</p>
<p>J.</p>	<p><u>VIOLATION REPORT:</u></p> <ol style="list-style-type: none"> 1. <u>TRU PROTECTION dba JAPANESE GRANDMA’S CAFE: located at 3871 Hanapepe Road, Hanapepe, Kauai, Hawaii, Violation of rule 2.6, Renewal of license.</u> 2. <u>TAHITI NUI ENTERPRISES INC. dba TAHITI NUI: located at 5-5134 Kuhio Hwy, Hanalei, Kauai, Hawaii, Violation of rule 2.6, Renewal of license.</u> 3. <u>VIVA KAI, LLC. dba KAI BAR COFFEE ROASTERS: located at 2555 Ala Namahana Pkwy. #F, Kilauea, Kauai, Hawaii, Violation of rule 2.6, Renewal of license.</u> 4. <u>BAMF, LLC. dba BATTERS UP: located at 1639 Haleukana St. Units 1 & 2, Lihue, Kauai, Hawaii, Violation of rule 7.8, Manager on duty.</u> 5. <u>BANGKOK HAPPY BOWL KAUAI, INC. dba BANGKOK HAPPY BOWL BISTRO: located at 2360 Kiahuna Plantation, Ste 10-40, Koloa, Kauai, Hawaii, Violation of rule 3.1(b), Posting of license and availability of Rules and Regulations, and</u> 	

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	<p style="text-align: center;"><u>Liquor Laws of the State of Hawaii.</u></p> <p>Director Sandoval-Reyes asked if there's anyone in the public who wishes to testify on this item. You can step up to the microphone and identify yourself. No Public Testimony.</p>	<p><u>Motion:</u></p> <p>Mr. Nishimura moved to accept the Violation Reports J.1 through J.5 and schedule for a Violation Hearings. Ms. Nishimitsu seconded the motion. Motion carried 5:0.</p>
<p>K.</p>	<p><u>ADJUDICATION HEARINGS:</u></p> <ol style="list-style-type: none"> 1. <u>LAVA LAVA TOO LLC. dba LAVA LAVA BEACH CLUB: located at 420 Papaloa Road, Kapaa, Kauai, Hawaii, Violation of rule 3.2 Alteration of Premises. Located at</u> <ol style="list-style-type: none"> a. <u>Lava Lava Too LLC. Is licensed as a restaurant permitted to sell liquor for on-premises consumption.</u> b. <u>On June 28, 2022, at 7:08 p.m., Investigator Stem entered the location to conduct a routine inspection. At the time of the inspection, he discovered the location had made alterations to the original floor plan since the approval of their original license by the Commission. The diagrams as submitted by the Investigator indicate the original diagram on file and a second diagram indicating the unapproved alterations to their premises.</u> c. Violation History within 24 months: Warnings issued on 11/4/2021 - Rule 7.4 (Noise), 12/28/2021 - Rule 7.13 (Fail to submit Disturbance Report), and 4/11/2022 - Rule 7.5 (Failed to obtain Gaming Device Permit) 	<p>First violation, the license shall pay a penalty of \$150 to the Department at the time the licensee admits to the charge. In this case, the licensee admits, then the fine is by rule \$150.</p>

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	<p>Director Sandoval-Reyes asked if there's anyone in the public who wishes to testify on this item. You can step up to the microphone and identify yourself. No Public Testimony.</p> <p>2. <u>GEFFERT & APO LLC. dba NAWILIWILI TAVERN: located at 3490 Paena Loop, Lihue, Kauai, Hawaii, Violation of rule 7.13, Fight and Disturbance Reports.</u></p> <p>a. <u>Nawiliwili Tavern is licensed as a restaurant (B) permitted to sell liquor for on-premises consumption.</u></p> <p>b. <u>On May 18, 2022, Investigator Yoshida received information from Investigator Stem of a call for service received by Kauai Police Department which occurred at Nawiliwili Tavern requesting assistance to remove a patron after causing a disturbance.</u></p> <p>c. <u>Rule 7.13 of the Kauai Liquor Commission states, an on-premises shall report all fights or disturbances, on the form provided or approved by the department that occurs in their licensed premise. The report shall be typewritten and submitted to the department within seven days from the time of the incident.</u></p> <p>d. <u>Violation History within 24 months: October 16, 2020 (1) Warning issued for violation of COVID - Executive Orders.</u></p> <p>Director Sandoval-Reyes asked if there's anyone in the public who wishes to testify on this item. You can step up to the microphone and identify yourself. No Public Testimony.</p>	<p>First violation, the license shall pay a penalty of \$150 to the Department at the time the licensee admits to the charge. In this case, the licensee admits, then the fine is by rule \$150</p>

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<p>L.</p>	<p><u>LEGISLATIVE INFORMATIONAL MATTERS</u></p> <ol style="list-style-type: none"> 1. ACT 076 - Related to Investigations – Removes authority of Liquor Commission to enforce the liquor tax laws. 2. ACT 264 - Related to HRS 92 defining “Board Business” and “Informal Gatherings” 3. ACT 045 - Related to Liquor License – Increasing maximum allowable fines. 4. ACT 089 - Related to Cabaret License <p>Director Sandoval-Reyes asked if there’s anyone in the public who wishes to testify on this item. You can step up to the microphone and identify yourself. No Public Testimony.</p>	<p><u>Motion:</u></p> <p>Mr. Nishimura moved to receive the Legislative Information Matters: Act 076, Act 264, Act 045 and Act 089. Ms. Nishimitsu seconded the motion. Motion carried 5:0.</p>
<p>M.</p>	<p><u>PRESENTATION OF THE PERMITTED INTERACTION GROUP’S RECOMMENDATIONS ON THE DIRECTOR OF LIQUOR CONTROL’S GOALS AND OBJECTIVES FOR JULY 1, 2022 – JUNE 30, 2023</u></p> <p>Director Sandoval-Reyes asked if there’s anyone in the public who wishes to testify on this item. You can step up to the microphone and identify yourself. No Public Testimony.</p> <p>Commissioner Nishimitsu commented previously, the Director has his goals and objectives. That he accomplished shortly after his appointment now that he's been at the helm for over a year. The Commission determined that it was sent to review those goals and objectives. So, we met online for two days to hear the original goals and objectives. A draft had been prepared for us by the Director of Boards and Commissions. To update it in conjunction with the current strategic plan that covers the</p>	

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	<p>period from 2021 to 2026. First, we should note that the Director has made progress on his goals and objectives for the last fiscal year. So, we first tweaked those goals and objectives to delete those specific items, and I've already been satisfactorily completed. To the extent that something along those lines may have to be revived, it can be done in subsequent action. The second thing we did was modify those goals and objectives to address issues that you're PIG (Permitted Interaction Group) believed would be appropriate based on things that have come up during Commission meetings. For example, the need to correct the agenda, minutes, etc. Thirdly, we find some of the goals and objectives to make them more specific rather than leaving them broad. With your PIG (Permitted Interaction Group), with better direction and focus to be able to get target stuff, the director on would like to hear. Finally, I think we all need to recognize that whatever goals and objectives this Commission ultimately adopts. As time goes on and events occur to further revise and tweak as both the Director and the Commission feels should be addressed. I don't think you need me to go through the two pages.</p> <p>Commissioner Nishimura asked, from the time you met till now, how much time has passed.</p> <p>Commissioner Nishimitsu replied it's been a two-week period.</p> <p>Vice Chair Kahawai commented it was on the 18th of July.</p> <p>Commissioner Nishimitsu commented we had a first meeting and then met five days apart. The second meeting we try to flash, track it to the best of our ability.</p> <p>Commissioner Nishimura commented I guess that we need to receive this.</p> <p>Ms. Ching replied you can you receive this for the record and then the next meeting</p>	

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	<p>would have discussion.</p> <p>Commissioner Nishimura asked can we also receive it and provide it to the Director for his comments as well at the next meeting so, we can expedite adoption?</p> <p>Ms. Ching replied I believe the Director has a copy, if he doesn't, I will email him.</p>	<p><u>Motion:</u></p> <p>Mr. Nishimura moved to receive the Goals and Objectives for the Director and a copy of the report be provided to the Director. That he may provide feedback to the Commission prior to adoption, and schedule for August 10, 2022. Ms. Shimabukuro seconded the motion. Motion carried 5:0.</p>
<p>N.</p>	<p><u>DECISION AND DISCUSSION ON FORMING A PERMITTED INTERACTION GROUP TO REVISE THE DIRECTOR OF LIQUOR CONTROL'S JOB DESCRIPTION</u></p> <p>Director Sandoval-Reyes asked if there's anyone in the public who wishes to testify on this item. You can step up to the microphone and identify yourself. No Public Testimony.</p> <p>Ms. Ching commented this is a carryover from last month's meeting regarding residency and the HR recommendation that if you are going to require residency, then you need to make an amendment to the job description. I have two thoughts on this, this is a very simplistic thing, and you can form a (PIG) Permitted Interaction Group, if you do. I would want to meet with those individuals right after this meeting. Because I have the job description and all you have to do is tell me what you want in it. I can make that amendment and we can do everything by e-mail. So, it'd be very quick or if you want to do this as a committee as a whole you can do it that way, whichever is most efficient and expedient for you.</p>	

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	<p>Chair Crowell asked does this mean that you think our decision was improper.</p> <p>Ms. Ching replied no, the decision was to require residency. So, HR is saying if you're going to do that, then you need to include that as well in the job description. Currently it is not included in the job description, it was made part of a requirement for the job posting. So, they are just dotting the I's crossing the t's and that's an implementation to this conversation. I know that in discussion in the PIG (Permitted Interaction Group) when we were doing the Goals and Objectives some of the members raised about all their other requirements in the posting that was not part of the job description, like must have a driver's license. That's kind of the basic information that I want from you. If whatever is required in the application. If you want me to take all those things and put it as a requirement in the job description. Not a problem. That's why saying that whatever its most efficient for you to do it as a committee as a whole or you can form a PIG (Permitted Interaction Group).</p> <p>Mr. Foster commented either way, as a committee it would be on the agenda.</p> <p>Commissioner Shimabukuro asked was the job description not created by HR department of the County.</p> <p>Ms. Ching replied no, it was reviewed by the HR department. It was created by this Commission and approved by the Commission, and it was reviewed by HR. Basically all commissions that have the authority to hire their department heads, they create the ad for the job posting, the job description, the Interview tools, and questions. They basically create that HR function in fact on this Commission. When they were looking at hiring that's what they discovered. There was not a job description. So, they had to start from scratch to create the job description in collaboration with the prior director. Looking at all of the job descriptions from the other counties and working with the Commission PIG (Permitted Interaction Group) and the prior Director. Based on the</p>	

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	<p>silence I'm going to summarize that you rather not form another PIG (Permitted Interaction Group) and just do a committee of the whole. So, if you want to do that, then I would suggest that you adopt a motion to authorize me to draft up the job description based on adding on the requirements of the posting. I'll come up with the first draft that you're next meeting.</p> <p>Commissioner Nishimura replied what if we feel that there's a job description, that HR reviewed. There was a posting that HR reviewed and now they're telling us that they have to (inaudible). Is there a reason we cannot have a posting that requires certain things? The posting can be a little bit more, it includes certain preferences that the Commission may have, which may make the difference between Candidate A and Candidate B which may not be an element of the job description.</p> <p>Ms. Ching replied, the job description is expansive, and I would say that job description is a lot more detailed than the post. For instance, in the job description we have minimum qualifications, we have desired qualifications, as in what the Commission would like to have, what is not, you know, required. You have desired knowledge, desired skills. But special working conditions so, what I would be looking at is taking turns of posting, which basically I think it had driver's license and the residency thing. Those are the two things that absolutely I would add into the section. I would add it under the minimum qualification requirements, so that's a mandatory.</p> <p>Chair Crowell asked is there any discussion.</p> <p>Mr. Foster called a point of order on myself earlier; the Chair was correct on a postponement. On the deferral, you can leave a motion open, and it defers, that motion.</p>	<p><u>Motion:</u></p> <p>Ms. Nishimitsu moved to authorize Boards and Commission Administrator Ms. Ching to draft the job description. Ms. Shimabukuro seconded the motion. Motion did not pass.</p> <p><u>Roll Call Vote:</u></p> <p>Ms. Shimabukuro – Aye Ms. Nishimitsu – Aye Mr. Nishimura – No Vice Chair Kahawai – No Chair Crowell – No</p> <p><u>Motion #2</u></p> <p>Mr. Nishimura moved to defer to the next meeting August 10, 2022. Ms. Nishimitsu seconded the motion. Motion carried 5:0.</p>

SUBJECT	DISCUSSION	ACTION
<p>O.</p>	<p><u>DECISION AND DISCUSSION ON FORMING A PERMITTED INTERACTION GROUP TO CREATE A MONTHLY REPORTING FORMAT FOR THE DIRECTOR OF LIQUOR CONTROL</u></p> <p>Director Sandoval-Reyes asked if there’s anyone in the public who wishes to testify on this item. You can step up to the microphone and identify yourself. No Public Testimony.</p>	<p><u>Motion:</u></p> <p>Mr. Nishimura moved to defer Item O. Decision and Discussion on forming a Permitted Interaction Group to Create a Monthly Reporting Format for the Director of Liquor Control. Ms. Shimabukuro seconded the motion. Motion carried 5:0.</p>
<p>P.</p>	<p><u>EXECUTIVE SESSION:</u></p> <p>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, 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> <ol style="list-style-type: none"> 1. <u>APPROVAL OF EXECUTIVE SESSION MINUTES: June 9, 2022 (updated)</u> 2. <u>APPROVAL OF EXECUTIVE SESSION MINUTES: July 14, 2022</u> 	<p><u>Motion:</u></p> <p>Ms. Nishimitsu moved to approve Executive Session Minutes of June 9, 2022 and July 14, 2022. Mr. Nishimura seconded the motion. Motion carried 5:0.</p>
<p>U.</p>	<p><u>ADJOURNMENT</u></p>	<p><u>Motion:</u></p> <p>Mr. Nishimura moved to adjourn meeting @ 5:22 p.m. Mr. Kahawai seconded the motion. Motion carried 5:0.</p>

Submitted by: _____
Malialani Kelekoma, Private Secretary

Reviewed and Approved by: _____
Leo Sandoval-Reyes, Director of Liquor Control

() Approved as circulated.

(X) Approved with amendments. See 08/10/2022 meeting.