

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Commission:	LIQUOR CONTROL COMMISSION	Meeting Date	August 10, 2022
Location	Pi`ikoi Building, Suite 300 4444 Rice Street, Lihue, HI 96766	Start of Meeting: 1:00 p.m.	End of Meeting: 3:17 p.m.
Present	Chair Dee Crowell, Vice Chair Leland Kahawai. Members: Gerald Matsunaga, 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			
Absent			

SUBJECT	DISCUSSION	ACTION
A.	<u>CALL TO ORDER</u>	Chair Crowell called meeting to order @ 1:00 p.m.
B.	<u>ROLL CALL</u> Director Leo Sandoval-Reyes called roll, noting six members were present constituting a quorum.	
C.	<u>ANNOUNCEMENTS:</u> Next Scheduled Meeting: Wednesday August 24th, 2022 – 1:00 p.m. or shortly thereafter. Details on the meeting will be forthcoming.	
D.	<u>APPROVAL OF AGENDA</u> Director Sandoval-Reyes asked if there’s anyone in the public who wishes to testify on this agenda item.	Chair Crowell approved agenda as circulated. No Public Testimony.

SUBJECT	DISCUSSION	ACTION
	<p><u>Summary:</u> Commissioner Shimabukuro asked about the Violation Hearing for Tahiti Nui and why they were not on the agenda. Director Sandoval-Reyes replied, the Member/Owner is on Vacation and will return on the 15th. They are scheduled to be on the August 24th Liquor Commission Meeting.</p>	
<p>E.</p>	<p><u>CONSENT AGENDA</u></p> <p>Director Sandoval-Reyes asked if there’s anyone in the public who wishes to testify on this agenda item.</p> <ol style="list-style-type: none"> 1. <u>APPROVAL OF MINUTES: July 28, 2022</u> 2. <u>DIRECTORS REPORT: July 21, 2022 – August 3, 2022</u> 3. <u>EMPLOYEES IN LICENSED PREMISES:</u> <p>Managers and Assistant Managers Red/Blue Card exam list - See Attachment “A”</p> <ol style="list-style-type: none"> 4. <u>ACTIONS OF THE DIRECTOR:</u> <ol style="list-style-type: none"> a. <u>WAIVING OF RIGHTS TO A VIOLATION HEARING:</u> <ol style="list-style-type: none"> 1. Geffert & Apo LLC. dba Nawiliwili Tavern - 2G-018 2. Lava Lava Too Inc. dba Lava Lava Beach Club - 2G-035 3. Bangkok Happy Bowl Kauai, Inc. dba Bangkok Happy Bowl Bistro - 2G-039 	<p>No Public Testimony.</p>

SUBJECT	DISCUSSION	ACTION
	<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, August 3rd, through October 26th, 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>REQUEST FOR FREE ONE DAY SPECIAL LICENSE:</u></p> <p>1. <u>KAUAI CONCERT ASSOCIATION:</u> Approval of Application No. Free 2023- 03 filed on July 22, 2022, by Kauai Concert Association for a Free One-Day Special Dispenser General license on August 14, 2022, at Saint Michael and All Angels Episcopal Church, 4364 Hardy Street, Lihue, Kauai, Hawaii.</p> <p>d. <u>ALTERATION OF LICENSED PREMISES:</u></p> <p>1. <u>BANGKOK HAPPY BOWL KAUAI INC. dba BANGKOK HAPPY BOWL THAI BISTRO AND SUSHI BAR:</u> Application requesting approval of internal alteration of premises was filed on June 8, 2022, by Bangkok Happy Bowl Kauai Inc. dba Bangkok Happy Bowl Thai Bistro and Sushi Bar, operating under License 2G-039 and located at 2360 Kiahuna Plantation Drive, Ste 10-40, Koloa, Kauai, Hawaii. The request is to approve the addition of a waitress station without plumbing within the existing licensed premises inside the covered patio. The alteration was approved on July 29, 2022, with all required documents on file in the department.</p>	<p><u>Motion #1</u></p> <p>Mr. Nishimura moved to approve the Consent Agenda with the exceptions of item's, E.1 Approval of Minutes and item E.4.a. Ms. Nishimitsu seconded the motion. Motion carried 6:0.</p> <p><u>Motion #2</u></p> <p>Mr. Nishimura moved to approve the minutes as amended. Mr. Kahawai seconded the motion. Motion carried 6:0.</p>

SUBJECT	DISCUSSION	ACTION
	<p><u>Summary:</u> Commissioner Shimabukuro requested two items to be removed from the Consent Agenda: E.1 Approval of Minutes and Item E.4. a. Actions of the Director. Clarification on page 13, first line “the director has made (inaudible). Commissioner Nishimitsu responded it should be progress.</p> <p><u>Summary:</u> Item 4a. Actions of the Director: 1. Nawiliwili Tavern and 2. Lava Lave Beach Club, typo should be Lava Lava. When reading the Disposition of Violation Hearing I thought it would be a little clearer on Violation Hearing to “say” that the agent was at the hearing on the 28th. When reading Rule 3.11 it indicates that the individual can waive the right to a hearing and admit to the charge prior to the hearing without appearing before the Commission. Those two individuals were at the Hearing. I just wanted clarification if that needs to be addressed. Director Sandoval-Reyes replied, in the future the wording should be completely removed, there was no adjudication hearing. No action needed to be taken by the Commission.</p> <p><u>Summary:</u> Item 4.a. 3. Bangkok Happy Bowl Kauai, Inc. dba Bangkok Happy Bowl Bistro. The same would apply as suggested by the Director.</p>	<p><u>Motion #3</u></p> <p>Mr. Nishimura moved to approve Actions of the Director listed as agenda Item E. 4. a. 1. Nawiliwili Tavern and E.4. a. 2. Lava Lava Beach Club. Mr. Matsunaga seconded the motion. Motion carried 6:0.</p> <p><u>Motion #4</u></p> <p>Mr. Nishimura moved to accept the Actions of the Director for agenda item E. 4.a. 3. Bangkok Happy Bowl Kauai Inc. Mr. Kahawai seconded the motion. Motion carried 6:0.</p>
<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.</p>	<p>No Public Testimony.</p>
<p>G.</p>	<p><u>ADOPTION OF DECISION AND ORDER:</u></p> <p>Director Sandoval-Reyes asked if there’s anyone in the public who wishes to testify on this agenda item.</p>	<p>No Public Testimony.</p>

SUBJECT	DISCUSSION	ACTION
	<p>1. <u>ET & WT LLC. dba KENJI BURGER (KAPAA) 2BW-004</u>: Adjudication hearing held, July 14, 2022. (Deferred from 7/28/2022)</p> <p><u>Summary</u>: No one was present to represent ET & WT LLC. dba Kenji Burger (Kapaa). Corrections to be made Managing Member name is spelled incorrectly should be Tanigawa. Decision and Order there should have some clarification, pay within 30 days, but there's nothing about what date it's measured from 30 days from the date of this order or 30 days from the date of the hearing. Director Sandoval-Reyes replied with what we had done in the past was, whenever the Chair was reviewing it was signed after. Then we start the 30 days and that would be the date of this order. Commissioner Nishimura asked was any portion of the previous fine suspended. Commissioner Nishimitsu replied yes. Commissioner Nishimura asked the \$500.00 is for the second violation, which was failure to pay on time on the original fine. So, this would be an addition. Commissioner Nishimitsu responded, following up on Commissioner Nishimura's questions there was a \$200.00 suspension on the original violation. The department has been authorized by amendment to the rules to collect it automatically without further action by this Commission, was that collected? Director Sandoval-Reyes will check.</p> <p><i>Mr. Nishimura withdrew his motion and Mr. Kahawai withdrew his second.</i></p>	<p><u>Motion #1</u>:</p> <p>Mr. Nishimura moved to approve Adoption of Decision and Order for ET & WT LLC. dba Kenji Burger. Mr. Kahawai seconded the motion.</p> <p><u>Motion #2</u></p> <p>Ms. Nishimitsu moved to adopt the Findings of Fact, Conclusions of Law and Decision and Order for the licensee dba Kenji Burger as modified. Mr. Kahawai seconded the motion. Motion carried 6:0.</p>
<p>H.</p>	<p><u>ADJUDICATION HEARINGS</u>:</p> <p>Director Sandoval-Reyes asked if there's anyone in the public who wishes to testify on this agenda item.</p>	<p>No Public Testimony.</p>

SUBJECT	DISCUSSION	ACTION
	<p>1. <u>TRU PROTECTION INC. dba JAPANESE GRANDMA’S CAFÉ: located at 3871 Hanapepe Road, Hanapepe, Kauai, Hawaii, Violation of Rule 2.6, Renewal of license.</u></p> <ul style="list-style-type: none"> a. Tru Protection Inc. is licensed as a restaurant permitted to sell liquor for on-premises consumption. b. Tru Protection INC. failed to submit application renewal of license no later than June 30th of each year. On July 7th, 2022, contrary to Rule 2.6 of the Rules and Regulations of the Liquor Control Commission of the County of Kauai, State of Hawaii. c. Violation History within 24 months: Warning issued on 9/29/2021, Rule 3.2 Alteration of Premises. <p><u>Summary:</u> Commissioner Matsunaga stated for the record the licensee was called three times by Assistant Chief Investigator Stacy Iwasaki, there was no answer for Keiko Napier.</p> <p>2. <u>VIVA KAI LLC. dba KAI BAR COFFEE ROASTERS: located at 2555 Ala Namahana #F, Kilauea, Kauai, Hawaii, Violation of Rule 2.6, Renewal of license.</u></p> <ul style="list-style-type: none"> a. Viva Kai LLC. is licensed as a restaurant permitted to sell liquor for on premises consumption. b. Viva Kai LLC. failed to submit application renewal of license no later than June 30th of each year. On July 7th, 2022, contrary to Rule 2.6 of the Rules and Regulations of the Liquor Control Commission of the County of Kauai, State of Hawaii. 	<p><u>Motion #1:</u></p> <p>Mr. Matsunaga moved to fine by default judgement in the amount of \$600.00. Ms. Nishimitsu seconded the motion. Motion carried 6:0.</p>

SUBJECT	DISCUSSION	ACTION
	<p>c. Violation History within 24 months: Violation on 5/28/2021 Rule 7.8, Manager on Duty (\$250 fine with \$150 suspended with like kind violation. Stipulation, 6/8/2021 Rule 7.8 Manager on Duty, (\$250 fine), Warning issued on 3/9/2021, Rule 7.8, Manager on Duty.</p> <p><u>Summary:</u> Sean Garcia, Member of Viva Kai LLC. was present. He was not represented by Counsel and agreed to tell the whole truth. He received and understood the copy of the charges. He explained that they were late in filing, didn't know if he received an original notice in the mail and never got it. He was off island for five weeks in Europe. A reminder was sent a week before it was due. He was scrambling from Europe to get it all together and we got it in a few days late. We were having issues with the Tax Clearance.</p> <p>3. <u>BAMF LLC. dba BATTERS UP:</u> located at 1639 Haleukana St. Unite 1&2, Lihue, Kauai, Hawaii, Violation of Rule 7.8, Manager on Duty.</p> <p>a. BAMF LLC. is licensed as a restaurant permitted to sell liquor for on premises consumption.</p> <p>b. On July 8th, 2022, BAMF LLC. Failed to have a person who is not less than twenty-one years of age in active charge of any on premises establishment during the time the establishment is open for business and licensed to sell or serve liquor.</p> <p>c. Violation History within 24 months: None</p>	<p><u>Motion #2:</u></p> <p>Mr. Matsunaga moved that a fine of \$500.00 be imposed. Mr. Nishimura seconded the motion. Motion carried 6:0.</p>

SUBJECT	DISCUSSION	ACTION
	<p><u>Summary:</u> Trevor Christiansen, Owner of BAMF LLC., Batters Up was present. He was not represented by Counsel and solemnly swore to tell the whole truth and nothing but the truth. He received a copy of the charges and understood the charges. Mr. Christiansen explained they are still open. I brought some paperwork, if you want to look it over, we were waiting to get our health department all squared away, as well as I don't want to fall behind on my percentages. So, at the time, we still are open as a batting cage as we've been open two years now, but not the restaurant. Not the bar side at all and there was no liquor, no food in there yet. As I stated, I did not want to get behind on any of my taxation or anything. At the time we worked, the restaurant side was not open, so we didn't have a Manager on Duty, just someone there to run the batting cages. Commissioner Matsunaga commented to Chair Crowell that there should be a contested hearing, he does not admit to the charge. Commissioner Matsunaga advised Mr. Christensen to bring witnesses and that Inspector Herman be present. The maximum fine is up to \$5,000.</p>	<p><u>Motion #3:</u></p> <p>Mr. Matsunaga moved that the licensee has denied charges and that a Contested Case Hearing be scheduled on September 14, 2022. Mr. Nishimura seconded the motion. Motion carried 6:0.</p>
<p>I.</p>	<p><u>DISCUSSION ON THE PERMITTED INTERACTION GROUP'S RECOMMENDATIONS ON THE DIRECTOR OF LIQUOR CONTROL'S GOALS AND OBJECTIVES FOR JULY 1, 2022 – JUNE 30, 2023 (Deferred from 7/28/2022)</u></p> <p>Director Sandoval-Reyes asked if there's anyone in the public who wishes to testify on this agenda item.</p> <p>Ms. Ching commented at the last meeting this item was on the agenda, the Commissioners wanted to wait to Commissioner Matsunaga was present and to make sure the Director Sandoval-Reyes, had an opportunity to review the goals and objectives and to get his feedback.</p>	<p>No Public Testimony.</p>

SUBJECT	DISCUSSION	ACTION
	<p>Director Sandoval-Reyes commented he has a few items in which he would like feedback on. G1A C. Grants –Seeking External Grants for Educational Purposes. I am not sure the department can seek out a grant. Director requested to do research on grants as he has sought out information on grants in the past. He has been told that the grants he seeks are also being sought out by other departments. For example, Life Choices have to do with alcohol, he does not want to be competing for a department that is also a resource for the public already. Equipment Grants is something I can seek out, as far as Public Safety grants they are also not guaranteed. The Police Department would be seeking those and does not want to be competing with other departments, this may be difficult to obtain and does not want this to be held against him if he is unable to get grants.</p> <p>Commissioner Nishimitsu responded I don't think the sub-group intended that you acquire all these grants but to keep options open and to look for means to supplement funds as you deemed necessary for your departmental operation. I don't see any mandate to secure the funding.</p> <p>Director Sandoval-Reyes commented on his concerns regarding item C.A. (i.) Financial Efficiency and Stability, the weekly budget reports might not be accurate and is not settled weekly. Quarterly reports might be more feasible, I prefer not to do weekly budget briefings.</p> <p>Commissioner Nishimura asked how far in is the county?</p> <p>Director Sandoval-Reyes replied it depends, it is hard to get the amounts settled, we don't know what they are doing in finance. We know what we can expend and request funds for, what is needed. Ernie or Ken give us accurate reports when they are settlements are done, I don't think I can ask him for a weekly to be accurate.</p>	

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	<p>Commissioner Nishimura commented, I had the impression you could get real time reports by going on-line yourselves and that was relayed to us by Michelle. This was prior to you coming on-board, I do recall her saying that the department has access to the financial information that you need. I don't know how often they input for your department. If there is no change, there is no change. I would agree that a weekly basis is not reasonable but on a monthly basis, you should be aware of what's going on.</p> <p>Director Sandoval-Reyes commented yes, we have a Staff Assistant that keeps up with all the finances for me. He is on it for what we have, he tells me if we are falling short on anything and how to fix it. I don't have a problem, providing the reports, weekly is going to be a stretch not only for me but I am going to have to assign the work out. I am going to have the staff do it as I do not have access. With the access I have I don't know how to do the state system, that does the report.</p> <p>Commissioner Nishimitsu replied to Director Sandoval-Reyes could you live with a monthly.</p> <p>Director Sandoval-Reyes commented monthly would be great.</p> <p>Vice Chair Kahawai replied we are just following your timeline, that is what you gave us in your strategic plan a weekly budget briefing and that will probably have to change.</p> <p>Ms. Ching replied this is not the intent for the Commission to be briefed; this was for you to brief your department and part of your strategic plan.</p> <p>Director Sandoval-Reyes commented on we are doing our best on five errors or less, I'll have to check their work and go over that, which is my job. I might get a spelling wrong occasionally, on a street name, so I don't want to have five streets misspelled and I get dinged for five or six street names that are misspelled on that portion. On the minutes</p>	

SUBJECT	DISCUSSION	ACTION
	<p>we're working on that report as well. There was one about department morale and again, that's going to be one that's concerning to me as well. We do have employees that have a tendency of running directly to Commissioners instead of keeping it in house or bringing concerns. That's something that shouldn't be happening in my opinion, if they have a concern, it needs to be dealt within the department and not run to the Commissioners that's an operational thing that needs to be handled in house. So, it's hard to increase their morale on any particular employee that is not wanting to deal with change. So, again I wanted to bring that to your attention on the morale portion, I'm not sure how to address it. We're doing our best to modernize the department and some are just not wanting to keep up with the plan. That's all I had on those goals, everything else might work.</p> <p>Commissioner Shimabukuro replied I think on that issue, it's incumbent under Commission to then direct the employee back and follow the Chain of Command. So, it goes both ways, right? With regard to the errors, I was referring to the packet that we receive. In my opinion those packets that we receive should be error free. Basically, you are the last set of eyes that goes through pages one through a thousand to make sure everything is free of errors. But recognizing there are few things that are missing and that's where the allowances were put in to be as accommodating as possible. If you are having others prepare reports, you should be able to spot errors as the reviewer. If you are the author, I would recommend you run it by someone else for review.</p> <p>Commissioner Nishimitsu commented I think part of the concern was we spend the beginning of a lot of Commission meetings, on making corrections. That's something that shouldn't take up time at every meeting was my concern.</p> <p>Commissioner Nishimura commented on the Mission Statement are we looking for a modified Mission Statement? Or is it in contrast with the Vision Statement.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Director Sandoval-Reyes replied it's a Vision and Mission very different.</p> <p>Commissioner Nishimura commented it's a really nice statement, do you want a Mission Statement in addition with the Vision Statement. The other item was page 69 of the packet Goal #1 a. Education, Institute standards including standard operating procedures and uniform. I think a word is missing, I don't know if it's supposed to be uniform practices.</p> <p>Director Sandoval-Reyes replied uniforms.</p> <p>Commissioner Shimabukuro commented on Commissioner Matsunaga's concern do you want the wording changed on that one? Online or paper version of the agenda for Commissioners review? The reason why we had it on there is we wanted that option. I don't think we intended to say everything is going to go digital.</p> <p>Commissioner Nishimitsu replied that's the hope of the Director, going forward is probably going to resurface in the Goals and Objectives, it won't during my lifetime. It is something that can be checked off as accomplished.</p> <p>Commissioner Nishimura asked about goal #1 page 16 the desired outcome of managing the strategic plan by December 31, 2022, is that just for this year or is it going to be annually or is it intended to be bi-annual.</p> <p>Commissioner Shimabukuro replied no, the reason why we said that is because of the period July 1st to June 30th.</p> <p>Commissioner Nishimura replied will he provide an update of June 2023? That's the only thing.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Shimabukuro replied I hear what you mean, I guess we were thinking of updating this strategic plan six months in from the start of this December. This would be readdressed by the end of this plan period. Essentially it would be an update of the unfinished items. Do we need to be clearer about that?</p> <p>Commissioner Nishimitsu replied I am wondering if this is a regularly recurring item which we could revive too when we feel that it's necessary. Because we feel that there's no movement forward. Otherwise, every year we're going to have to go through the same process of creating a new goals and objectives.</p> <p>Commissioner Nishimura asked what if we were to just ask for an update on the strategic plan twice a year. So, that you know, based on your knowledge of the departmental operations you know where we're at. At that point, decide whether any further action is required.</p> <p>Commissioner Nishimitsu asked you want the whole strategic plan to be reviewed or just the goals and objectives that are a component of the strategic plan?</p> <p>Commissioner Nishimura replied I would imagine you would want at least to address the overall plan and let the Commission know where he is at. Otherwise in my mind no need a strategic plan just the goals and objectives.</p> <p>Commissioner Nishimitsu asked do you want it done on a regular recurring basis.</p> <p>Commissioner Nishimura replied yes.</p> <p>Commissioner Shimabukuro commented I like what you are saying I think the strategic plan can be reviewed annually. For the goals and objectives, we are asking the new PIG (Permitted Interaction Group) to incorporate that in a monthly report to the Commission.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Nishimitsu commented we approved the strategic plan through 2026. To review the strategic plan before it's drop-dead date. I don't know if we want to do that because then we wouldn't have given it such a long shelf life.</p> <p>Commissioner Shimabukuro replied that is a really long time.</p> <p>Commissioner Nishimitsu commented it is four years, it's not that long.</p> <p>Director Sandoval-Reyes replied it goes really fast.</p> <p>Commissioner Nishimura commented we should leave it for a year and see what happens.</p> <p>Ms. Ching commented since I'm the one that makes the edits so on that desired icon #4 do you want to leave it or change the date. What are we doing?</p> <p>Commissioner Nishimura replied leave it as is.</p> <p>Chair Crowell asked if there was anything else and are we going to have an amended goals and objectives?</p> <p>Ms. Ching replied to the Commission the only amendment that i heard based on your discussion was on page 2. b. vi. add an (s) to uniform. I think you can act on this.</p> <p>Chair Crowell commented based on the discussion we have a clearer idea of what should be aligned.</p> <p>Commissioner Nishimura commented on the morale.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Nishimitsu replied that is going to be your cross to bear, as a Director of any department during your entire tenure.</p> <p>Commissioner Nishimura commented as you pointed out guys are complaining to the Commission Members and if we send them back. There is a portion of the evaluation which does incorporate comments from staff in which you can discern at that level of what the general idea of what morale is like.</p> <p>Ms. Ching replied to Chair Crowell do you want me to amend based on your discussion then see what was clarified, what the Commission is looking for that the Director is seeking internal grants or external resources to assist. The other one was on page 2.c.a. i. The Weekly Budget Briefings these are internal, and the expectations is not that the Director will brief the Commission some of them will come up in a monthly report.</p> <p>Commissioner Nishimitsu replied if the Director is comfortable with both items as worded, knowing what the intent was I don't think we would need to amend them. We are not setting him up for failure in other words.</p> <p>Chair Crowell commented as long as the intent is recognized whether it is five errors or less and maybe more exploration being open and maybe zero errors.</p> <p>Commissioner Nishimitsu replied it's not intended that someone would be counting it's just something that the Director would have to recognize as something that the Commission is concerned about, and not having to spend time to make corrections to the records provided in the packet. I understand that some of the errors are in the staff report, which that is how it came to him. Although he could send it back to his staff for correction we are looking more at the agenda and the minutes.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Ching commented I think the Commission should be aware of when it comes to goals and objectives it's linked to the evaluation. You are going to take the goals and objectives and when it comes time to evaluate, your evaluation tool is that the Director met it or did not meet it. So, you will need to look at it from that perspective as well some of these may be aspirational. Some of the goals either he did it or did not do it, I think with facilitating that's a lot more nebulous, but where it says complete. So, you would need to consider that the wording of this, is critical as it is linked to the evaluation.</p> <p>Commissioner Nishimitsu replied since the success measurement or the number of errors that technically might become a downfall. I'm wondering if the second sentence of item 1 E could read with, ideally errors will be minimized during this evaluation period by the following. If that would become more nebulous, or do you think it's still precise?</p> <p>Ms. Ching commented I think you need to talk with the members of the PIG (Permitted Interaction Group) because there was a lot of discussion on it.</p> <p>Commissioner Nishimitsu commented well, ultimately the Commission adopts them or doesn't adopt, I don't know if it needs to go back to the PIG (Permitted Interaction Group). Well, you can pick members again.</p> <p>Commissioner Nishimura replied if we're using this date for the agenda and minutes, and we use this agenda as a benchmark. When it comes to evaluate, we take the agenda at the end of the time period and if it wasn't improved you will see it. Commissioner Nishimitsu commented today's agenda, minutes did not hit that five errors marks, so they are below.</p>	

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	<p>Commissioner Nishimura replied correct, they need to improve to that point. Either it's you get it down to five errors or less or expect to have five less errors by then. There is a difference. One is an improvement, and one is absolutely and without, with a 100-page document I would expect at least five errors.</p> <p>Commissioner Shimabukuro commented I disagree I think we should just have the first sentence and leave everything else out.</p> <p>Commissioner Nishimitsu replied it would be the Director shall review all documents and that would be the end of it. After the first sentence in item 1a. everything else would be deleted so it's an aspirational thing.</p> <p>Commissioner Shimabukuro replied eliminate errors.</p> <p>Commissioner Nishimitsu commented after the first sentence and everything else would be deleted. So, it is an aspirational thing.</p> <p>Commissioner Shimabukuro replied in other words in one meeting packet you could potentially have 25 errors that's how I read it. I know I was on the PIG (Permitted Interaction Group) I did not read it mathematically that way until right now. It didn't occur to me when we were discussing this and I apologize for that, I assumed that the quantitative amounts were for the entire year.</p> <p>Vice Chair Kahawai replied no, per agenda.</p> <p>Commissioner Shimabukuro replied are you providing that reference?</p>	

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	<p>Commissioner Nishimura commented I would agree with Commissioner Shimabukuro we all recognize the need for improvement, aspirational or otherwise. It is something we need to improve on I spend way too much time preparing for the meeting. To be candid I think some of the information listed on the agenda should not even be on the agenda. It should be included as part of the meeting information. So, that you are looking at the action that needs to be taken. As opposed to background information that you are flipping back and forth, it's that kind of things that tables being in different orientation from the rest of the report. It has to be adjusted so that all takes time away from the meeting. It is a relatively smaller agenda packet. So, when I had to do it for some fairly heavy ones with 100 pages that is way too much time, by the time we get the agendas we have one week to review. I try and review it when I get it and then come back to it the day before the meeting. It's very discouraging when I get it and have a hard time navigating, those are more of the type of things for me that are problematic with the information I have been looking at. In terms of some of the reports it would be good to be more complete as to what transpired. When you are jumping back and forth from the information it's all taken away from your focus as to the content. So, relative to the PIG (Permitted Interaction Group) report, I would agree with Commissioner Shimabukuro which is, eliminate the error numbers. We all know what we are looking for and fair or not to the Director if we are going to generate numbers it may not be something you want us to expect.</p> <p>Chair Crowell asked is there anything else. Is it 20 per agenda or per year. Is that the idea?</p> <p>Commissioner Nishimura replied no, we are taking the numbers out at this point.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Ching commented the amendments were page 2. b. vi. adding (s) to uniform. Page 4. 1.a (delete) Errors will be minimized during this evaluation period by the following: a. Agendas, 5 errors or less b. Minutes, 5 errors or less c. Reports, 5 errors or less d. Information, 5 errors or less to be eliminated.</p>	<p><u>Motion:</u></p> <p>Mr. Kahawai moved to approve the PIG's (Permitted Interaction Group) recommendations for the Director of Liquor Control's goals and objectives for Fiscal Year July 1, 2022 to June 30, 2023 as amended. Ms. Nishimitsu seconded the motion. Motion carried 6:0</p>
<p>J.</p>	<p><u>DECISION AND DISCUSSION ON FORMING A PERMITTED INTERACTION GROUP TO REVISE THE DIRECTOR OF LIQUOR CONTROL'S JOB DESCRIPTION (Deferred from 7/28/2022)</u></p> <p>Director Sandoval-Reyes asked if there's anyone in the public who wishes to testify on this agenda item.</p> <p>Ms. Ching commented HR is requesting to match the Director of Liquor Controls Ad to the Job Description. In the third paragraph the requirements: must be a citizen of the United States, must reside in the County of Kauai or be willing to establish residency and must possess a valid State of Hawaii Motor License. Those are not necessarily in the job description. The Police Chiefs job description where it clearly states in the job description they must reside in minimal qualifications in the County. What is the Charter language in there which is the minimal qualifications. My question to you is you can form a PIG (Permitted Interaction Group), or this group can direct me to do XYZ and then I'll do it. Or you can say that you don't want to move forward on this action.</p>	<p>No Public Testimony.</p>

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Shimabukuro asked for clarification are you referring to the document called Department of Personnel Services County of Kauai Chief of Police.</p> <p style="text-align: center;"><i>Chair Crowell called for a recess at 2:25 p.m. Meeting resumed at 2:37 p.m.</i></p> <p>Ms. Ching replied if you want to amend the job description to include, willing to establish residency upon hire and to reside in the County of Kauai into the job description as recommended.</p> <p>Commissioner Shimabukuro asked in looking at the job description for the Chief of Police she asked Director Sandoval-Reyes, are you eligible within your scope to possess a firearm.</p> <p>Director Sandoval-Reyes replied I can, but I don't, and the investigators don't.</p> <p>Commissioner Shimabukuro suggested to add bullets four and five from the Chief of Police on to the Director of Liquor Control under minimum qualifications.</p> <p>Chair Crowell asked do we really need to do this.</p> <p>Commissioner Nishimitsu replied what I heard from the Director of Boards & Commissions, that we should do it to have the job description consistent with the ad that was posted and upon which the Director was hired, there's a dichotomy right now.</p> <p>Chair Crowell asked what's the penalty for not having it in alignment?</p> <p>Ms. Ching replied I would refer that to HR (Human Resources) this is our recommendation to the Commission.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Chair Crowell replied one we could change it now or we could change it when we search for a New Director. There may be things that we may want to revamp the whole thing. Do we want another PIG (Permitted Interaction Group)?</p> <p>Commissioner Nishimitsu replied this was a suggestion or direction from the Commission to incorporate certain requirements contained in the job posting into the job description. Based on a prior decision of this Commission that the Director could not reside off island. Then it makes more sense to have the job description consistent with the action of the Commission and the job posting.</p> <p>Commissioner Matsunaga commented along that lines the minimum qualifications requirements if we adopt the Police, we could take one, two, four and five.</p> <p>Commissioner Nishimitsu replied only one of them was incorporated in the job posting, it was a possession of a bachelor's degree. That was a preference not a requirement. I am not comfortable in changing the job description if it puts in a provision that was not contained in the job posting as agreed. I am comfortable with putting a requirement of the job posting in a revised job description.</p> <p>Commissioner Shimabukuro replied that is why I was suggesting that we only add two four and five.</p> <p>Chair Crowell commented the problem is the job posting not in the job description.</p> <p>Commissioner Nishimitsu replied that is what they said if we already made the decision, and the Director has to be a resident of this County then we should make the job description match the action of the Commission and the job posting.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Nishimura replied I would say that we do that at the time of the next hire is my perspective. In going out to hire someone it was clear that we wanted someone to reside on island and that was the basis of the whole and acceptance. I don't think it's necessary to change that at this point in time. But it may be something we may want to revisit.</p> <p>Commissioner Shimabukuro replied maybe I'm unclear I wasn't here when this happened, clearly, but if that was a requirement on the posting, so no harm, no foul, right? If we add that to the job description because we're not adding an additional condition. All we are doing is aligning the job description with the posting. This is just for clarity, am I missing something.</p> <p>Commissioner Nishimitsu commented maybe I'm missing the same thing.</p> <p>Commissioner Shimabukuro commented I was bouncing off the recommendation of HR (Human Resources).</p> <p>Mr. Foster commented from a legal point of view what I am hearing and the way I would interpret is what was in the notice. Anyone hired based on that notice you have those requirements. I heard Commissioner Nishimitsu say her preference would be to change the description to fit the notice and that makes legal sense to me, because we don't have a problem with a hiree saying wait a minute you know your changing the rules of the game midstream. Because the rules of the game are contained in the notice, correct? That was, arguably, was the Commission's preference and what the hiring was based on. So, I hear, Commissioner Nishimitsu saying she would rather change the job description to fit the notice. I agree with that from a legal perspective because the notice was out there, notice was given. Doing it the other way I think would be more problematic. I don't think it would be illegal or anything but a little more, under certain situations.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Something you have to deal with later, I agree, I don't think any of this from a legal perspective is necessary legal. However, HR (Human Resources) seems to, and I wasn't here for that either, I was on vacation at that time. It sounds like their best practices opinion.</p> <p>Commissioner Nishimitsu replied it was contained in a memo, not verbal.</p> <p>Chair Crowell replied do we have to include a residency requirement in the job description is that all we have to do?</p> <p>Ms. Ching replied, the discussion I heard was to include bullet two, four and five.</p> <p>Chair Crowell commented this is the problem I have; this is now getting you to do a full review on the job description which takes quite a bit of effort.</p> <p>Ms. Ching replied you can just do bullet five, which is residence for me if you're going to do a whole review of the job description, then you need to form a PIG (Permitted Interaction Group) because that's got to be coming from you. If it's merely to take two, four and five bullets and stick it in the minimum qualification requirement that's not a problem.</p> <p>Commissioner Shimabukuro asked Commissioner Nishimitsu if she had the memo from HR (Human Resources) available.</p> <p>Commissioner Nishimitsu replied I don't have that, the job posting also requires if it is a problem having a valid State of Hawaii Driver's License which is item two under the Chief Police requirement so that is consistent with the job posting. Those two items would be fair to incorporate.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Ching commented bullets two, four and five are all in the posting. It is not different adding it is not in the job description. I just want to make a correction Commissioner Nishimura said job description should be job posting.</p>	<p><u>Motion:</u></p> <p>Ms. Nishimitsu moved that we direct the modification of the job posting of the Director of Liquor Control to include all of those provisions contained in the job description, which begins with the Director must be a citizen of the United States, reside in the County of Kauai or be willing to establish residency upon hire, and possess a valid State of Hawaii Motor Vehicle Operators license as those were the pre-conditions of the position. Mr. Matsunaga seconded the motion. Motion did not pass.</p> <p><u>Roll call vote:</u></p> <p>Mr. Matsunaga – Aye Ms. Shimabukuro – Aye Ms. Nishimitsu – Aye Mr. Nishimura – No Mr. Kahawai – No Mr. Crowell – No</p>

SUBJECT	DISCUSSION	ACTION
<p>K.</p>	<p><u>DECISION AND DISCUSSION ON FORMING A PERMITTED INTERACTION GROUP TO CREATE A MONTHLY REPORTING FORMAT FOR THE DIRECTOR OF LIQUOR CONTROL (Deferred from 7/28/2022)</u></p> <p>Director Sandoval-Reyes asked if there's anyone in the public who wishes to testify on this agenda item.</p> <p>Ms. Ching stated in your goals and objectives that we just adopted, there is reference to a monthly report. We need to have a monthly report format an example was sent. Most of the department heads do the reports that the Commissions will get. It will be based on the divisions within the department. For example, the Fire Chief, has ocean safety training. Basically, you will get a one-page report from each Bureau to include an administrative report on his progress on the goals. Liquor has two departments Investigation and Administrative so you would get one page from both departments as well as the goals and objectives.</p>	<p>No Public Testimony.</p> <p><u>Motion #1:</u></p> <p>Mr. Nishimura moved to form a PIG (Permitted Interaction Group) to create a monthly Reporting Format for the Director of Liquor Control. Mr. Kahawai seconded the motion. Motion carried 6:0.</p> <p><u>Motion #2</u></p> <p>Ms. Nishimitsu moved that Mr. Nishimura, Ms. Shimabukuro and Mr. Kahawai on the PIG (Permitted Interaction Group) and that their task is to create a monthly reporting format for the Director of Liquor Control. Mr. Matsunaga seconded the motion. Motion carried 6:0.</p>

SUBJECT	DISCUSSION	ACTION
<p>L.</p>	<p><u>DISCUSSION AND DECISION-MAKING ON ESTABLISHING A PERMITTED INTERACTION GROUP TO WRITE THE DIRECTOR’S CONSOLIDATED JOB PERFORMANCE EVALUATION, SELECT THREE MEMBERS OR LESS TO SERVE ON THE GROUP AND TO DETERMINE THE SCOPE OF THE PERMITTED INTERACTION GROUP.</u></p> <p>Director Sandoval-Reyes asked if there’s anyone in the public who wishes to testify on this agenda item.</p> <p>Chair Crowell selected Commissioner Nishimitsu, Commissioner Matsunaga and Commissioner Nishimura.</p> <p>Ms. Ching sent the evaluation form and I just want to let you know that I'm going to be emailing you the form and asking you to fill it up. Once you fill it out, I'm going to collate it together. Once it's collated, I will draft the consolidated report and convene the PIG (Permitted Interaction Group) to make amendments to the consolidated report.</p>	<p>No Public Testimony.</p> <p><u>Motion #1</u></p> <p>Mr. Nishimura moved to establish a PIG (Permitted Interaction Group) to write the Director’s consolidated job performance evaluation and Chair Crowell to designate three members to serve on the group. Mr. Kahawai seconded the motion. Motion passed 6:0.</p>
<p>M.</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>	<p>No Executive Session</p>

SUBJECT	DISCUSSION	ACTION
R.	<u>ADJOURNMENT</u>	<u>Motion:</u> Ms. Nishimitsu moved to adjourn meeting @ 3:17 p.m. Mr. Kahawai seconded the motion. Motion carried 6:0.

Submitted by: _____
Malialani Kelekoma, Private Secretary

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

- () Approved as circulated.
- () Approved with amendments. See _____ meeting.