

Approved

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved as submitted 2/10/22.

Board/Commission:	LIQUOR CONTROL COMMISSION	Meeting Date	January 13, 2022
Location	Tele Conference via Microsoft Teams Audio +1 469-848-0234, Conference ID: 428 352 635# https://bit.ly/3GDUi0e	Start of Meeting: 4:02 p.m.	End of Meeting: 7:09 p.m.
Tele Present	Chair Dee Crowell, Vice Chair Leland Kahawai, Members: William Gibson, Lorna Nishimitsu, Randy Nishimura, Gary Pacheco, Tess Shimabukuro Also: Liquor Control Staff: Director Leo Sandoval, Liquor Clerical Assistant Mary Ann Ornellas & Anela Segriti, Ellen Ching Administrator Boards & Commission, Deputy County Attorney Charles Foster, Deputy County Attorney Aaron Larrimore		
Excused			
Absent			

SUBJECT	DISCUSSION	ACTION
A. <u>CALL TO ORDER</u>		Chair Dee Crowell called the meeting to order 4:02 p.m.
B. <u>ROLL CALL</u>	Director Leo Sandoval called roll, noting 7 members were present via Tele-Conference constituting a quorum.	
C. <u>ANNOUNCEMENTS:</u>	Next Scheduled Meeting: Thursday, January 27, 2022 – 4:00 p.m. or shortly thereafter.	
D. <u>APPROVAL OF AGENDA</u>	Mr. Nishimura had questions on a couple of the items and therefore requested to have the Approval of Minutes (E.1) removed from the Consent Agenda.	Mr. Nishimura moved to approve agenda as modified. Mr. Pacheco seconded the motion. Motion carried 7.0

SUBJECT	DISCUSSION	ACTION
	<p>Chair Crowell stated to have this discussion at the end for possible action on meeting proceedings.</p>	
<p>E.</p>	<p><u>CONSENT AGENDA</u></p> <ol style="list-style-type: none"> 1. <u>APPROVAL OF MINUTES – December 9, 2021</u> 2. <u>DIRECTOR`S REPORT</u> <ol style="list-style-type: none"> a. December 9, 2021, to January 6, 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. PERMIT TO RECEIVE LIQUOR FROM OUTSIDE THE STATE OF HAWAII: Approval of request to received liquor from outside the state of Hawaii as a shipment of household goods through a common carrier. Applicant Jonathan Anacleto of Kapaa is returning from military deployment in Germany to Kauai. Permit #HG2022-036 was issued on December 7, 2021, with the associated fee paid. Shipment was set to occur on December 8, 2021. 	

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	<p>b. BARREL AND BBQ, LLC. dba CHICKEN IN A BARREL PLANTATION HIDEAWAYS: Violation of Rule 7.13 Fight and Disturbance Reports. Scheduled for a Violation Hearing to be held on January 13, 2021. (Violation was changed to a Warning after additional information was obtained)</p> <p>c. CG FOUNDATION dba CG FOUNDATION: Approval of Application No. Free 2022-13 and Free 2022-14 filed on December 8, 2021, by CG Foundation for a Free One-Day Special Dispenser General license on December 16th and December 17, 2021, at 4900 Kuawa Road, Kilauea, Kauai, Hawaii.</p> <p>d. PRINCESS CRUISE LINES, LTD: Amended Port of Call for the Princess Cruise Lines, Grand Princess Ltd., Transient Vessel NO. TV 2022-06 from January 11, 2022, to new date of January 10, 2022. Transient Vessel NO. TV 2022-07 from January 26, 2022, to new date of January 25, 2022. Transient Vessel NO. TV 2022-08 from February 19, 2022, to new date of February 21, 2022.</p> <p>6. <u>INFORMATIONAL MATTERS:</u></p> <p>a. <u>LICENSEE TRADE NAME CHANGE:</u></p> <p>1. PIETRO’S POIPU, LLC: Pietro’s Poipu, LLC submitted a request for change of dba from “Pietro’s Poipu, LLC.” to “Volcano Pizza, LLC.” License No. 2G-041. A certificate of Registration of Trade Name was submitted with the request of trade name change. Date Received by Department of Liquor Control, November 21, 2021.</p>	

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	<p data-bbox="548 435 1499 776">2. CLOROSHKO LLC dba PACO'S TACOS CANTINA KAPAA: Application 2022-035 was filed on July 20, 2021, by Cloroshko dba Paco's Tacos Cantina Kapaa for a New Restaurant General A (No Live Entertainment and No Dancing) License located at 4-1292 Kuhio Hwy, Kapaa, Hawaii. Deposited \$450.00. Originally accepted by the Commission on December 9, 2021, for publication and public hearing to be set on February 10, 2022. The applicant missed the required deadline for public mail out notification and will need to be rescheduled for a new publication and hearing date.</p> <p data-bbox="359 1094 1472 1243">Summary: Chair Crowell, stated, we are going to approve all items under "E" Consent Agenda by one action. Any commissioner, as Mr. Nishimura did, may remove an item from the Consent Agenda to be discussed later in the meeting. Except for item "E1", Approval of Minutes for the December 9, 2021, meeting, Consent Agenda is approved.</p>	<p data-bbox="1528 1133 1961 1398"><u>Motion:</u> Mr. Nishimura moved to approve the Consent Agenda except for item E.1 (Approval of Minutes December 9, 2021). Vice Chair, Leland Kahawai seconded the motion. Motion carried 7:0.</p>

SUBJECT	DISCUSSION	ACTION
<p>F.</p>	<p>PUBLIC HEARING:</p> <ol style="list-style-type: none"> 1. UNCLE D’S ENTERPRISES LLC dba UNCLE D’S KAUIAI: UNCLE D’S ENTERPRISES dba UNCLE D’S KAUIAI filed Application No. 2022-010 on May 10, 2021, for a New Retail General License located at 3501 Rice Street, Lihue, Kauai, Hawaii. Deposited \$450.00. <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, however we have received one letter in opposition to this application. <p>Chair Crowell opened the Public Hearing for UNCLE D’S ENTERPRISES LLC dba UNCLE D’S KAUIAI: UNCLE D’S ENTERPRISES dba UNCLE D’S KAUIAI filed Application No. 2022-010 on May 10, 2021.</p> <p>Dustin Stoner, Owner of UNCLE D’S ENTERPRISES LLC dba UNCLE D’S KAUIAI, was present. He received a copy of the investigators report and stated he had no comments.</p> <p>Chair Crowell asked the Commissioners if they had any questions for Mr. Stoner. Mr. Nishimura asked, Mr. Stoner, whether his operation is a retail establishment with food preparation and if he had the necessary permits to operate the kitchen.</p> <p>Mr. Stoner replied yes and explained the kitchen is in the back and retail in the front. There’s a cold kitchen on premises with dividing wall.</p>	

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	<p>Mr. Gibson asked, Mr. Stoner whether he will be retailing liquor while preparing snacks in his operation. He also asked, how would he control people going outside in that central area from consuming their alcohol.</p> <p>Mr. Stoner explained, alcohol consumption is not allowed on premises and there are signs and security guards working on premises.</p> <p>No testimony in opposition to the application.</p> <p>The Commission received testimony from Ms. Laurie Roberts in support of the application. Ms. Roberts resides at 5249 Kaapuni Rd., Ms. Roberts stated, the shop has done a lot of pivoting to keep the business open through the pandemic and by adding this additional product to this location, it will bring in more traffic into the shop. It's an innovative way to support more local products in which Mr. Stoner is trying to support more locals and craft beers and spirits.</p> <p>Ms. Nishimitsu asked Ms. Roberts what is her connection to the applicant and whether she was an employee?</p> <p>Ms. Roberts replied, she is not an employee but have been approached to being an employee. She is a friend of Mr. Stoner and have know him for about 7 years.</p> <p>Director Sandoval stated for the record the department had received Paul and Noelani Pomroy's opposition and they are not present at the meeting.</p> <p>Ms. Nishimitsu asked Director Sandoval about the nature of the opposition. Director Sandoval replied they did not give any specifics on what they were objecting to other than, they would be here to protest and testify.</p>	<p><u>Motion:</u></p> <p>Mr. Gibson moved to approve UNCLE D'S ENTERPRISES dba UNCLE D'S KAUAI filed Application No. 2022-010 on May 10, 2021, for a New Retail General License located at 3501 Rice Street, Lihue, Kauai, Hawaii. Mr. Pacheco seconded the motion. Motion carried 7.0</p>

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	<p>Chair Crowell informed the applicant that his application is approved, and Mr. Stoner thanked the commission.</p> <p>The Public Hearing on Application No. 2022-010 was closed.</p> <p>2. <u>HOMETOWN CANTEEN LLC. dba Mucho Aloha:</u> HOMETOWN CANTEEN LLC dba Mucho Aloha filed Application No. 2022-034 on April 6, 2021, for a New Brew Pub B (With Live Entertainment and Dancing) License located at 5330 Koloa Rd, Suite 13-1, Koloa, Kauai, Hawaii. Deposited \$450.00.</p> <p>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 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, however we have received community opposition to this application.</p> <p>Chair Crowell opened the Public Hearing for <u>HOMETOWN CANTEEN LLC. dba Mucho Aloha:</u> HOMETOWN CANTEEN LLC. dba Mucho Aloha filed Application No. 2022-034 on April 6, 2021, for a New Brew Pub B (With Live Entertainment and Dancing) License located at 5330 Koloa Rd, Suite 13-1, Koloa, Kauai, Hawaii. Deposited \$450.00.</p>	<p><u>Roll Call Vote:</u></p> <p>Chair Crowell – Aye Vice Chair Kahawai - Aye Shimabukuro – Aye Pacheco – Aye Nishimura – Aye Nishimitsu – Aye Gibson – Aye</p>

SUBJECT	DISCUSSION	ACTION
	<p>Jonathan Chun, counsel, Applicant Gabriel Tennberg, Landlord Corey Beal, and Mr. Ian Jung were present on behalf of the Applicant. Mr. Chun stated we received the investigators report and had submitted one clarification on January 4th, 2022, which indicated where the entertainment will be located and orientation of the speakers. He further stated the applicant does not have any current plans to have dancing on the premises and will comply with the Commission Rules in the event it did decide to introduce dancing as an entertainment under the License.</p> <p>Mr. Gibson asked what type of entertainment they are planning to offer, who was the previous owners of that location and whether those business offered entertainment.</p> <p>Mr. Chun replied, Applicant's plan is to offer a single acoustic guitar musician for entertainment. The hours would end at 8:00 p.m. and not to exceed that. Mr. Tennberg stated nothing in the in the realm of bands or dancing. Mr. Beal added, we purchased the property in 2018 which has been vacant and prior to us owning it, it was Crystal Harmonics, a tattoo shop. Prior to that it was a restaurant, and he was not aware if previous owners offered entertainment.</p> <p>Ms. Nishimitsu asked applicant why he elected to have the entertainment outdoors instead of within the confines of the buildings.</p> <p>Mr. Tennberg replied, there is some courtyard space which we share with other business and the idea of having some nice live music on some afternoons or evenings would make a nice environment. If it's inside the building, it would just be for our patrons. He further stated he is willing to be as understanding as where the music is positioned.</p> <p>Mr. Nishimura stated in the application it was noted this might be a brew pub. He raised his concerns about the sanitation and waste discharging into Waikomo Stream which is</p>	

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	<p>adjacent to and the licensed premises. Mr. Nishimura further asked if they got Department of Health approval.</p> <p>Mr. Tennberg replied, correct, it is intended to be a brew pub. The way that the disposal works is most liquid becomes beer and goes into a serving tank and then into a pint glass. The liquids than enter the sewer system includes products of water and soap used to clean the equipment. All the solids get disposed separately. We have within the area where the brewing will be a fully waterproofed in contained area with floor drain that will connect directly to the sewer system. So, there would not be any opportunity for liquids to escape the area at all. We are working with Department of Health and it's going into a review. The general concept of how we're going to route the wastewater to the treatment plant is accepted by the Department of Health. We're just sorting through some specifics of the type of pretreatment unit will have. The general concept has been run by the Department of Health and we are anticipating approval.</p> <p>Chair Crowell asked questions in relation to parking location, entry and exit to Mucho Aloha property and access to the little driveway that's between the premises.</p> <p>Mr. Chun referred to the site plan (on file) which was sent to Liquor Department and approved by the Planning Department showing the approved parking for the entire parcel. The site plan showed the location of the parking stalls in that property. According to the South Shore community plan, on the form-based code, the required parking is around 12 stalls, which according to the Planning Department it's way in the applicant is way excess of the required parking.</p> <p>Mr. Beal added there is plenty of parking between the Texaco Gas Station and the building that currently houses Leiahi Health and the scuba shop. In addition, there is parking on the opposite side of the buildings that goes all the way down Poipu Road. To enter or exit will depend on where people park. If they're parking in front of Mucho</p>	

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	<p>Aloha, they would enter from Koloa Road and exit out onto Poipu Road. In any case, they'd be exiting out onto Poipu Road. The main entrance to Mucho Aloha is facing the Texaco Gas Station. There is access unto that lane in question and doesn't know what the plans are for that entry point.</p> <p>Mr. Tennberg explained in detail regarding on the access of the little driveway in between. He stated there are 3 access points to the property as Mr. Beall mentioned there's the 2 main access points. One is opposite the Texaco off the access road that comes from Koloa Road. Then there's the main access point between the Salvation Army and Crazy Shirts and those would be the 2 access points that we have signage and are encouraging guests to enter through. The way it is right now, there's an access point off the easement.</p> <p>It's common that people will walk down the easement and go through that access point and out by Crazy Shirts. One thing we plan to do which is a requirement to have if you're going to have alcohol is that we have to perimeter the courtyard area. So, we intend to put a closeable gate there and encourage people to enter through the other 2 access points, rather than coming down that easement at all.</p> <p>Mr. Chun stated the traffic in discussion is about pedestrian and not vehicle traffic. Mr. Chun further stated there will be no parking on the easement as some of concerns were raised. As indicated by Mr. Beal, the main parking area that's indicating in the site plan is the 20 stalls off Poipu road and there's another 18 stalls, behind the Salvation Army building. All those stalls have access through Poipu Road.</p> <p>Chair Crowell stated he is not concerned about automobile traffic but pedestrian traffic and people walking by people's home, because after a few beers, conversation tends to get little louder. This is an unfortunate location where there are houses right across the little alleyway.</p>	

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	<p>Mr. Tennberg stated I want to be sensitive to keeping noise and any other privacy issues buffered from the community. I had spoken with Ms. Iwai about this when I visited her, my intention is to extend the partial 6-foot fence there bordering her property between there and the larger center to extend that down all the way to that entrance off the easement road and to supply additional landscaping to create as much of a visual and sound buffer as possible and if it's legal to do so I'm also happy to even put a closed gate there, so that people cannot enter or exit through there, but of course, if there are people in that community that want to come in that would be their easiest access point. So, I'm willing to be totally flexible and do whatever would be the best solution for the owners.</p> <p>Chair Crowell asked is the music going to be amplified or just guitar with no speakers and no amplifier.</p> <p>Mr. Tennberg replied, I don't have a plan around that. I was just thinking acoustic guitar, sometimes acoustic guitar you can plug right into a small speaker, but that's not even a necessary point for me. If it's just guitar, not amplified, I'm fine with that. My intent was to have mellow low key Hawaiian music in the courtyard for people to enjoy and certainly don't want to do anything that would be a problem to the neighborhood.</p> <p>Mr. Kahawai asked, Mr. Chun and Mr. Beal, what efforts have you taken or done to help mitigate some of the challenges with the respective owners surrounding the property.</p> <p>Mr. Beall asked, are you speaking specifically to the applicant's liquor license or in general.</p> <p>Vice Chair Kahawai replied, knowing that music and entertainment could potentially be looked upon or frowned upon by neighboring properties, what efforts have you folks</p>	

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	<p>taken to try to share your plans with your neighboring properties.</p> <p>Mr. Beall replied, we probably have had minimal direct contact with our neighbors. Certainly, if there's ever an issue, we're very reactive to any concerns. We have had live music similar and probably louder than what Mr. Tennberg is intending on having in that courtyard. If there is ever a complaint, we certainly would address it. We do have security which is very expensive. So, we do not have 24-hour security or even full-time security. We have a roving security, but they're very reactive and we're certainly open and available at all times.</p> <p>Mr. Tennberg stated, currently, I live on Oahu and go back and forth to Kauai about once a month for other work. I did take the opportunity to try to go around introduce myself. Not knowing there was opposition, this was my only chance. I was going to have to do this personally before this hearing. I tried to get out there and do that. Had I had more opportunity or even known that it was appropriate, I would have loved the opportunity to talk to the community. I grew up in Koloa myself. I worked in that building when I was in high school and when it was Mangoes Restaurant. I'm very familiar with that area and the neighborhood. I have plenty of friends and neighbors, even my family, still in live Koloa. What I hope to do with this whole project is make a really great place for people to come. The last thing I want to do is create a nuisance to the community. I am 100% wanting to work and alleviate any concerns. I want this to be a great place especially being right their people would feel like they're welcome and feel this like it's their place because they're so close that would be the best.</p> <p>Vice chair Kahawai asked the Department if they knew what type of licenses were approved by the previous restaurant operations.</p> <p>Chair Sandoval replied, I had the investigators look into that and apparently, it was so long ago the archives have been put somewhere.</p>	

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	<p>Mr. Chun commented, I understand the concern about the about patrons walking back to their cars. There will be security and even though it's not full time, there will be security around there. And if this is a concern for the neighbors, I'm sure we can with the landlord to have the security there at specific times. Mr. Beal added, our number one issue unwelcome guests hanging out in the courtyard. As you know there's a growing homeless population everywhere and Koloa is no exception. It's a real plus to the neighborhood that we do have a tenant occupying the space and you know policing the area and the patrons.</p> <p>Chair Crowell asked if any other questions for the applicant. If not, we can agree to the public testimony.</p> <p>Director Sandoval went through the list of people registered to testify if they were present and to make sure that we do recognize that they did call in.</p> <p>Chair Crowell reminded testimony is limited to 3-minute and so please organize your thoughts.</p> <p>Director Sandoval further stated, to the members of the public, please make sure you mute your microphone. If you're not speaking at this point, so we can record properly.</p> <p>Mauna Kea Trask, for the record with me is Ms. Iwai. Mr. Trask requested to preserve his time and Ms. Iwai time for the end.</p> <p>The Commission received public testimony from Mr. Rafael Tapia in opposition to the application. Mr. Tapia stated, we are pleased to see development in Old Town Koloa. But there's responsibility that has to be taken place specially where we have an establishment that will be so closed to homes. Collectively, all of us have opposed or objected to the liquor licensed at this time, so we that can find out what's going to be done to regulate and keep our peaceful neighborhood. Mr. Tapia stated the family</p>	

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	<p>primary objection is their home is the closest to Mucho Aloha (16 feet away). His family primary request is for the establishment not to be open past 9pm and closed at a decent time. He further stated, we love the restaurant to be there, but we also want our time respected.</p> <p>Miss Nishimitsu asked Mr. Tapia, you are just basically talking about the restaurant hours. What about the music, are you not you're not concerned about depth and as long as the operations are limited time wise?</p> <p>Mr. Tapia replied, absolutely and he used as an example, the Koloa Market Day and in how this could work for Mucho Aloha. The market close at 8:00pm, music stops and by 9:00 pm. everybody is out of there and it's not too late and nobody else is roaming around.</p> <p>The Commission received public testimony from Mr. John Patt. My name is John Pat and I live and owned 3422 G Poipu Road. He thanked the commission for taking his testimony. He stated his home is about 300 feet from the proposed Mucho Aloha Brew Pub and that he and his wife support small business as they were business owners at one time. He expressed his concerns and stated the nature of Mucho Aloha will present a serious intrusion into the lives and tranquility to the of the adjacent residential neighborhood. He stated live music will travel far behind the wall of Mucho Aloha and will enter every home in this community and there is no way to screen out the daily noise. He asked the commission to please reject this application.</p> <p>Mr. Patt also commented on the discussion about parking. He stated that of most parking are full and they have not created new parking to deal with the new traffic that will be there. He further stated he remembered Pancho and Lefty and Mangoes did not have live music</p> <p>Ms. Nishimitsu asked Mr. Patt, if it's just the restaurant without live music and or</p>	

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	<p>dancing you don't have these kinds of concerns you voiced today.</p> <p>Mr. Patt replied, they would be a lot less. I would still have concerns on the parking, intoxicated patrons milling around, He further stated, I support Mr. Tapia's request about closing at a more reasonable time.</p> <p>Mr. Nishimura asked Mr. Patt if he had objections if they closed at 10:00 PM. The applicants stipulated they would close at 10pm.</p> <p>Mr. Patt stated yes, and I have objection if the music continues as well. I have objections to the daily music. Mr. Tapia referred to music that happens in the courtyard that's once a month. That's not a problem. This is everyday....and the next day.... if you can take that off, 9pm 10pm that not a big deal.</p> <p>Ms. Nishimitsu stated the application says they want the live music Thursday through Saturday. It doesn't look like its every night.</p> <p>Mr. Patt stated Its still 3 days in a row a week and we can't do nothing about it, it's still in our home. Furthermore, what if they decide to change the days what recourse do, we have and what if they decide to bring in amplifier.</p> <p>The Commission received public testimony from Samantha Hoapili, 3422H Poipu Road. Koloa Hawaii 96756. Ms. Hoapili stated her main concerns are the traffic, parking, congestions, noise, the extra people that would be around after drinking and the inconvenience of getting in and out there home.</p> <p>Mr. Trask asked Director Sandoval why he is reading down the list of the petition and those people haven't signed up and they just signed the letter that Ms. Iwai circulated, they're not failing to testify, I don't think they ever came</p> <p>Director Sandoval stated they haven't signed up and noted that for the record, what we</p>	

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	<p>are doing is recognizing they had signed the petition as well. So, they are being recognized although they are not present.</p> <p>The Commission received public testimony in opposition to the application by Mr. Trask on behalf of Ms. Iwai. Mr. Trask thanked the Commission and introduced Ms. Iwai to the Commission. He is present to speak on behalf of Ms. Iwai and to address some issues that came up. Mr. Trask stated Ms. Iwai was born and raised on Kauai. Her lot is directly behind the eastern portion of the old Koloa Town Shops. She doesn't have a street address. She has PO Box. She and her family have been there their whole lives. Mr. Trask a provided history of the licensed premises and the previous business that occupied the space. Ms. Iwai wanted to make this very clear. She has absolutely nothing personal against the applicant Mr. Tennberg, Mr. Beal, or anybody. She doesn't oppose development. Mr. Trask explained, she's only speaking up because when Ms. Iwai received the notice, she called the person who says to contact, and they never called her back. She called the Department and requested a copy of the application, and I believe there was some confusion at that time. The Department subsequently was gracious enough to give us the application, which I received this morning. But they didn't give her the application at that time. And she contacted me, and I agreed to help her.</p> <p>Mr. Trask stated the main concern that Ms. Iwai had was noise, the extent of the premises, traffic, parking, and the wastewater nuisance. Mr. Trask referred to the application packets, the attached exhibits and raised many concerns of the applicant plans and the affects it will have to Ms. Iwai's property.</p> <p>Mr. Trask pointed out the last Commission meeting on November 12th, 2021. It was stated on the record that Department of Health won't give a certificate until the</p>	

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	<p>applicant is up and operational per an email from Mr. Chun on 11-18-21 he informed the Department of the applicants claim that brewery is designed to contain all spills and drain into the private sewer system for the development. We believe that this is putting the cart before the Horse. They have to show you that they comply with Department of Health prior to issuing the license.</p> <p>Mr. Trask further stated Ms. Iwai is concerned that promises will be made, but they're not going to be delivered. He further stated Ms. Iwai support Mr. Tennberg, but this isn't the right place if. Perhaps down the road. Mr. Trask further stated, please let these people enjoy their lives and enjoy this last vestige of Old Koloa Town. Mr. Trask thanked the commission and would be happy to answer any questions.</p> <p>Chair Crowell ask the Commissioners if they want to close the public hearing.</p> <p>Mr. Nishimura stated, it appears that there's lack of communication on the part of the applicant and the neighbors. Before you close the public hearing, is it possible to continue it to the next meeting to give them the opportunity to talk to each other and see if they can work out their differences.</p> <p>Chair Crowell asked any further discussion.</p> <p>Ms. Nishimitsu stated, she would like the applicant to look at whether operating outside of the structure is absolutely critical for his operation or whether he can confine his activities within the 4 walls.</p> <p>Mr. Tennberg replied, he will look at that. It's a difficult question to answer right now because there's been a business plan that's been developed. He further stated the courtyard is by no means intended to be the main area. Majority of all the business and activities is going to take place inside. He further stated he appreciate Mr. Tapia presentation and his request were very reasonable with the hours. He stated, he can be</p>	<p>Mr. Nishimura moved to continue the Public Hearing to the next meeting, January 27, 2002, at 4:00p.m. Mr. Pacheco seconded the motion. Motion carried 7.0</p>

SUBJECT	DISCUSSION	ACTION
	<p>as amendable as possible and can work with hours ending at 9pm.</p> <p>Chair Crowell stated the Public Hearing will be continued to January 27, 2022, 4:00 p.m. or shortly thereafter.</p> <p>Break: 5:28</p> <p>Returned: 5:34</p> <p>3. <u>TRU PROTECTION INC. dba JAPANESE GRANDMA'S CAFE</u>: Tru Protection Inc. dba Mucho Aloha filed Application No. 2022-012 on October 5, 2021, for a New Restaurant General B (With Live Entertainment and Dancing) License located at 3871 Hanapepe Road, Hanapepe, Kauai 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 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>Chair Crowell opened the Public Hearing for TRU PROTECTION INC. dba JAPANESE GRANDMA'S CAFE: Tru Protection Inc. dba Mucho Aloha filed Application No. 2022-012 on October 5, 2021.</p> <p>Director Sandoval pointed out an error on the agenda #3 of Public Hearing. Second line</p>	

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	<p>where it says Mucho Aloha it needs to have an amendment to reflect Japanese. Grandma's Café instead.</p> <p>Director Crowell noted the correction.</p> <p>Tamar Rejman authorized representative for True Protection Inc. dba Japanese Grandma's Café was present on behalf of the applicant. She had no comments on the investigator's report. She stated, they have filed everything necessary and are looking to bring more artist and liveliness to Hanapepe Town. By bringing in acoustic live music it will bring in additional patron and business into the Hanapepe town neighborhood. We don't start before 6pm and we end promptly at 8:30. We do ask the musicians to be done before 8:30.</p> <p>Mr. Nishimura asked, at the time of the application, it was empty. I noticed that there were gazebos or structures in the back. I guess this would be the extended area. Mr. Nishimura further asked if they received Planning Department approval.</p> <p>Director Sandoval explained the application that was submitted was a brand-new application. Since the location has had a license previously approved, the previous license was operating, and they decided to apply for the new license. Whenever they file for the new license, the actual improvements had already been made. However, the clearances for those additions had not been submitted for alteration approval to the Commission. Therefore, technically it could have been a violation. Now that the location is seeking a brand-new license, it's almost like they are a new person coming in that location. Therefore, the new premises is being presented as a new license. They're only submitting the paperwork which only requires a planning certification or and use. Anything that's for improvement would have to be under the old license. Because the new plan as presented in the drawing is showing the new gazebo and we wanted to seek the violation for the alteration, we could seek that on the old license. But that</p>	

SUBJECT	DISCUSSION	ACTION
	<p>would be a determination of the Commission to proceed with that.</p> <p>Chair Crowell asked if a letter was issued with the permit or if a certificate was issued.</p> <p>Director Sandoval stated we issued the certificate and on the certificate such as conditions or stipulations that are set forth by the Commission its printed directly on the license.Mr. Nishimura stated that the application if there were issues with sound, they would lower the sound or stop the entertainment altogether. I would like to make sure that the authorized agent is aware of that this stipulation.</p> <p>Ms. Rejman confirmed that she is aware of the stipulation.</p> <p>Mr. Kahawai asked if the live music will be in the restaurant building itself or outdoors and being that the application included live music and entertainment what efforts if any have you made to any of your surrounding?</p> <p>Ms. Rejman stated, it is in the outdoor courtyard. It is on the far-right corner where there's really an empty space. That is the primary location of where the music takes place. We don't add any additional speakers. We certainly manage and oversee the volume to which they're allowed to play at.</p> <p>We bought those styrofoam eggshell lining which basically blocks the sound for when they're playing music so we're able to control the sound to some degree.</p> <p>Mr. Kahawai asked, but no efforts to communicate with the neighbors informing them that you folks are applying for live music.</p> <p>Ms. Rejman stated my understanding is when we filed for this petition. We are given or warranted a 60-day period to do live music in the restaurant or 30-day period, but whatever that might be, to give that a try and to see if anyone has any complaints. We</p>	

SUBJECT	DISCUSSION	ACTION
	<p>haven't had any issues. In fact, a lot of our patrons are constantly asking to see when we have art night that's going to be back. We used to do that on Hanapepe Road pre covid. We are a very close-knit community as you know. Uhm that we really haven't had any concerns. We are very close with our neighboring establishments majority of them do close on the earlier side. They're not as concerned and there's no immediate residential neighbors that that have raised any concerns others than those that we have been in contact with.</p> <p>Ms. Shimabukuro questioned the illustrations in the diagram called the main building and then you've got 2 existing accessories in the back. I'm assuming that's gazebo area, but under the main building. there's 3 apartment unit that also occupy that space is that correct.</p> <p>Ms. Rejman stated those are solely owned by the business. As part of the building those are resided by our employees.</p> <p>Chair Crowell asked if anyone has further questions for Ms. Rejman and if not, we can take public testimony.</p> <p>Director Sandoval asked if anyone in favor or opposition to this application. No appearance.</p> <p>The Public Hearing on Application No. 2022-012 was closed.</p>	<p><u>Motion #1</u></p> <p>Mr. Nishimura moved to close the public hearing and Vice Chair Kahawai seconded the motion.</p> <p><u>Motion #2</u></p> <p>Vice Kahawai moved to approve Application No. 2022-012 filed October 5, 2021, to add on live entertainment and music Mr. Pacheco seconded Motion carried 7.0</p> <p><u>Roll Call Vote:</u></p> <p>Chair Crowell – Aye Vice Chair Kahawai - Aye Shimabukuro – Aye Pacheco – Aye Nishimura – Aye Nishimitsu – Aye Gibson – Aye</p>
<p>G.</p>	<p>VIOLATION HEARING:</p> <p>1. <u>BURTON TRUJILLO dba OLYMPIC CAFE:</u> Violation of Rule 7.8 Manager on</p>	

SUBJECT	DISCUSSION	ACTION
	<p>duty qualifications.</p> <ul style="list-style-type: none"> a. Olympic Café is licensed as a restaurant permitted to sell liquor for on-premises consumption. b. On October 14, 2021, at 6:45 a.m., Investigator Herman entered the licensed location to conduct an inspection. After conducting his initial inspection, Investigator Herman asked Mr. Burton if he had a Blue Card Manager on duty. Mr. Burton told Investigator Herman his was expired then asked his staff if anyone on duty possessed a Blue Card. After checking with his staff, no one on duty possessed a Blue Card. c. Rule 7.8 Manager on duty, qualifications (a) states: a person who is not less than twenty-one years of age and who is duly registered by the licensee as a manager and approved by the commission must be in active charge of any on premises establishment at all times when there is anyone who is not an employee in the premises. d. Prior violation history w/in a 12-month period includes: None <p>Director Sandoval read the violation report. No appearance by licensee BURTON TRUJILLO dba OLYMPIC CAFÉ. Director Sandoval stated the licensee was served, with the notice for today's hearing, on November 19, 2021, and hand signed by Mr. Trujillo and delivered by Investigator Herman.</p> <p>Ms. Nishimitsu asked the Director's recommendation, in which Director Sandoval recommended a fine of \$500 for first offense.</p>	<p>Ms. Nishimitsu moved to impose a fine of \$500 against the Licensee Burton Trujillo dba Olympic Café.</p>

SUBJECT	DISCUSSION	ACTION
	<p>According to Mr. Foster this would be a default. Mr. Foster recommended that on the order or findings to include the director’s representation of the method of notification to the violator.</p>	<p>Vice Chair Kahawai seconded. Motion carried 7.0</p> <p><u>Roll call vote:</u></p> <p>Chair Crowell – Aye Vice Chair Kahawai - Aye Shimabukuro – Aye Pacheco – Aye Nishimura – Aye Nishimitsu – Aye Gibson – Aye</p>
<p>H.</p>	<p><u>VIOLATION REPORT:</u></p> <p>1. <u>KAUAI BLUE, INC. dba SHERATON KAUAI RESORT LINK CAFE:</u> Violation of Rule 10.2, Manager on Duty, qualifications.</p>	<p><u>Motion:</u></p> <p>Vice Chair Leland Kahawai moved to schedule a violation hearing for Kauai Blue, Inc. dba Sheraton Kauai Resort Link Café. Mr. Pacheco seconded the motion. Motion carried 7.0</p>

SUBJECT	DISCUSSION	ACTION
<p>I.</p>	<p><u>NEW LICENSE:</u></p> <p>1. <u>TROPICAL TACO LTD. Dba TROPICAL TACO:</u> Application 2022-039 was filed on December 14, 2021, by Tropical Taco LTD dba Tropical Taco for a New Restaurant Beer and Wine (A) No Live Music and No Dancing) License located at 5-5088 Kuhio Highway, Hanalei, Kauai, Hawaii. Deposited \$450.00.</p>	<p><u>Motion:</u></p> <p>Mr. Nishimura move to accept Tropical Taco Ltd. dba Tropical Taco Application 2022-039 and to schedule for publication and hearing. Mr. Pacheco seconded. Motion carried 7.0</p>
<p>J.</p>	<p><u>NEW SOLICITOR'S PERMIT</u></p> <p>1. JESSE SCHWARTZ: Application No. 2022-038 was filed on December 14, 2021, by Jesse Schwartz for a Solicitor's Permit in the County of Kauai to represent Chambers & Chambers, Inc., a Wholesale Dealer General licensee in the City & County of Honolulu. Deposited \$180.</p>	<p><u>Motion:</u></p> <p>Mr. Nishimura moved to approve Jesse Schwartz Application 2022-038 for a Solicitor's Permit. Mr. Pacheco seconded the motion. Motion carried 7.0</p>
<p>K.</p>	<p><u>REQUEST FOR A FREE ONE DAY SPECIAL LICENSE</u></p> <p>1. <u>HAWAII HOTEL INDUSTRY FOUNDATION dba HAWAII LODGING & TOURISM ASSOCIATION:</u> Application No. Free 2022-15 was filed on December 22, 2021, by Hawaii Hotel Industry Foundation dba Hawaii Lodging & Tourism Association for a Free One-Day Special Dispenser General license on January 16, 2022, at Hokualea Golf Course located at 3351 Ho'Olauulea Way, Lihue, Kauai Hawaii.</p>	<p><u>Motion #1:</u></p> <p>Mr. Nishimura moved to approve the Application No. Free 2022-15. by Hawaii Hotel Industry Foundation dba Hawaii Lodging & Tourism Association for a Free One-Day Special Dispenser General</p>

SUBJECT	DISCUSSION	ACTION
		<p>license on January 16, 2022, at Hokuala Golf Course located at 3351 Ho’Olaulea Way, Lihue, Kauai Hawaii. Mr. Pacheco and Mr. Gibson seconded. Motion carried 7.0</p>
<p>L.</p>	<p><u>PERMANENT INCREASE/EXTENSION TO PREMISES</u></p> <p>1. <u>GINGER AND THAI BASIL dba JO2</u>: Request for Permanent Increase of Premise to include the Front Exterior of the leased space in the Waipouli Complex per diagram submitted on November 3, 2021. Applicant has met all requirements and clearances obtained with Department of Health, The County of Kauai Building Division and Planning Department.</p>	<p><u>Motion: 1.</u></p> <p>Mr. Gibson moved to approve 1. GINGER AND THAI BASIL dba JO2 Request for permanent increase of premises Mr. Nishimura seconded. Motion carried 6.1</p> <p>Roll Call Vote: Chair Crowell - Aye Vice Chair - Kahawai – Aye Shimabukuro – Aye Pacheco - Aye Nishimura – Aye Nishimitsu – No Gibson – Aye</p>

SUBJECT	DISCUSSION	ACTION
	<p>2. <u>SUSHI BUSHIDO LLC. dba SUSHI BUSHIDO</u>: Request for Permanent Increase of Premise to include the outside seating area directly outside of the location per diagram submitted on November 15, 2021. Applicant has met all requirements and clearances obtained with Department of Health, The County of Kauai Building Division and Planning Department.</p> <p>Commissioners expressed concerns about these licensees wanting to increase their premises outside a solid structure and control of liquor outdoors about approving this request and controlling alcohol beverages when it's outside the premises.</p>	<p><u>Motion: 2</u></p> <p>Mr. Nishimura moved to approve 2. SUSHI BUSHIDO LLC. dba SUSHI BUSHIDO: Request for Permanent Increase of Premise to include the outside seating area directly outside of the location per diagram submitted on November 15, 2021 With the provision that they install fixed permanent exterior partitions. Mr. Gibson seconded. Motion carried 6.1</p> <p>Roll Call Vote: Chair Crowell - Aye Vice Chair - Kahawai – Aye Shimabukuro – Aye Pacheco - Aye Nishimura – Aye Nishimitsu – No Gibson – Aye</p>
<p>M.</p>	<p><u>REQUEST FOR ALTERATION OF LICENSED PREMISES</u></p> <p>1. <u>DHC FOOD & BEVERAGE CORPORATION dba SHERATON KAUAI – GRAND PAVILION</u>: Permit requested for permanent internal alteration of premises</p>	<p><u>Motion:</u></p> <p>Mr. Gibson moved to approve DHC FOOD & BEVERAGE CORPORATION dba SHERATON KAUAI – GRAND</p>

SUBJECT	DISCUSSION	ACTION
	<p>to include a new building to be utilized as the Grand/Luau Pavilion within the current hotel licensed area per attached floor plan on December 28, 2021. Applicant has met all requirements and clearances obtained with Department of Health, The County of Kauai Building Division and Planning Department.</p>	<p>PAVILION: Permit requested for permanent internal alteration of premises to include a new building to be utilized as the Grand/Luau Pavilion within the current hotel licensed area per attached floor plan on December 28, 2021. Mr. Pacheco seconded. Motion carried 7:0</p> <p>Roll Call Vote: Chair Crowell - Aye Vice Chair - Kahawai – Aye Shimabukuro – Aye Pacheco - Aye Nishimura – Aye Nishimitsu – Aye Gibson – Aye</p>
<p>N.</p>	<p><u>PRESENTATION, DISCUSSION, AND POSSIBLE ACTION ON THE DIRECTOR OF LIQUOR CONTROL (6) MONTH DEPARTMENT STATUS REPORT, DEPARTMENT BUDGET UPDATE AND DEPARTMENT (5) YEAR STRATEGIC PLAN. (Continued from 12/9/2021 meeting)</u></p>	<p><u>Motion:</u></p> <p>Mr. Nishimura moved to accept the updated materials ((6) month department status report, department budget update and department (5) year strategic plan) presented by the Director and they be incorporated into the 6 month review and consideration of any</p>

SUBJECT	DISCUSSION	ACTION
		kind of probationary kind of review. Seconded by Mr. Billy Gibson. Motion carried 7:0
O.	<p><u>UPDATE, DISCUSSION, AND POSSIBLE ACTION REGARDING THE SIX (6) MONTH EVALUATION OF THE DIRECTOR OF LIQUOR CONTROL (Continued from 12/9/2021 meeting)</u></p> <p>Ms. Ching reminded Commissioners that evaluations are due Jan. 18, 2022.</p>	No Action
P.	<p><u>DISCUSSION AND POSSIBLE ACTION REGARDING THE SALARY OF THE DIRECTOR OF LIQUOR CONTROL (Continued from 12/9/2021 meeting)</u></p> <p>Ms. Ching stated by next meeting evaluation should be in and she will compile into a report and send it out to the Commission for review and approval. All in agreement great, if not there has to be a meeting of the commission to decide how to come together to produce a unified report.</p>	<p><u>Motion #1:</u></p> <p>Mr. Gibson moved to continue item P to the next meeting, January 27, 2022. Mr. Pacheco seconded the motion. Motion carried 7.0</p>
Q.	<p><u>DISCUSSION AND POSSIBLE ACTION ON MEETING PROCEEDINGS</u></p> <p>Chair Crowell welcomed any suggestions to make the meeting run smoother.</p>	No Action
E.	<p>1. <u>APPROVAL OF MINUTES:</u></p> <p>a. <u>December 9, 2021</u></p> <p>Mr. Nishimura noted on page 9 of the minutes - Department to follow up on</p>	<p><u>Motion: 1</u></p> <p>Mr. Nishimura moved to approve the Minutes of December 9, 2021</p>

SUBJECT	DISCUSSION	ACTION
	investigator’s report and separate warehousing this should be put on the agenda in the future. On page 12, it should reflect Mr. Nishimura and not Mr. Nishimitsu.	as corrected. Vice Chair Kahawai seconded. Motion carried 7.0
R.	<u>EXECUTIVE SESSION</u> Pursuant to HRS §92-4, §92-5(a)(4), §92-9(a) (1-4) and (b), the purpose of this Executive Session is for Commission to approve or amend the Executive Session Minutes of December 9, 2021, and to consult with its attorney on questions and issues pertaining to the Commission’s powers, duties, privileges, immunities, and liabilities as they may relate to this item.	<u>Motion:</u> Mr. Nishimura moved to approve the Executive Session Minutes of December 9, 2021. Mr. Gibson second.
S.	<u>RETURN TO OPEN SESSION</u>	No Action
T.	<u>ROLL CALL FOR THE RETURN TO OPEN SESSION</u>	No Action
U.	<u>RATIFY THE ACTIONS TAKEN IN EXECUTIVE SESSION</u>	No Action
V.	<u>EXECUTIVE SESSION:</u> 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)	No Action
V.	<u>ADJOURNMENT</u>	<u>Motion:</u> Mr. Gibson moved to adjourn the meeting. Mr. Pacheco seconded the motion. Motion carried 7:0. Meeting ended @ 7:09 p.m.

Submitted by: _____
Mary Ann Ornellas, Liquor Clerical Assistant

Reviewed and Approved by: _____
Dee Crowell, Chair

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