

# APPROVED

COUNTY OF KAUAI  
Minutes of Meeting  
OPEN SESSION

Approved as submitted March 24, 2022

Board/Commission:	<b>LIQUOR CONTROL COMMISSION</b>	Meeting Date	<b>February 10, 2022</b>
Location	Tele Conference via Microsoft Teams Audio +1 469-848-0234, Conference ID: 209 403 352# <a href="https://bit.ly/3J0OUVh">https://bit.ly/3J0OUVh</a>	Start of Meeting: 4:02 p.m.	End of Meeting: 7:09 p.m.
Tele Present	Chair Dee Crowell, Vice Chair Leland Kahawai (came on 4:09), Members: William Gibson, Lorna Nishimitsu, Randy Nishimura, Gary Pacheco (came on @4:04) Tess Shimabukuro (left @5: 48p.m) Also: Liquor Control Staff: Director Leo Sandoval, Liquor Clerical Assistant Anela Segreti, Ellen Ching, Administrator Boards & Commission, Deputy County Attorney Charles Foster		
Excused			
Absent			

SUBJECT	DISCUSSION	ACTION
A.	<b><u>CALL TO ORDER</u></b>	Chair Dee Crowell called the meeting to order 4:02 p.m.
B.	<b><u>ROLL CALL</u></b>  Director Leo Sandoval called roll, noting 7 members were present via Tele-Conference constituting a quorum.	
C.	<b><u>ANNOUNCEMENTS:</u></b>  Next Scheduled Meeting: Thursday, February 24, 2022 – 4:00 p.m. or shortly thereafter.	
D.	<b><u>APPROVAL OF AGENDA</u></b>	Agenda approved as circulated

SUBJECT	DISCUSSION	ACTION
<p><b>E.</b></p>	<p><b><u>CONSENT AGENDA</u></b></p> <ol style="list-style-type: none"> <li>1. <u>APPROVAL OF MINUTES – January 13, 2022</u></li> <li>2. <u>DIRECTOR`S REPORT</u> <ol style="list-style-type: none"> <li>a. January 7, 2022 – January 20, 2022</li> <li>b. January 21, 2022 – February</li> </ol> </li> <li>3. <u>INVESTIGATORS' ACTIVITY REPORTS:</u></li> <li>4. <u>EMPLOYEES IN LICENSED PREMISES:</u> <ol style="list-style-type: none"> <li>a. Managers and Assistant Managers Red/Blue Card exam list - See Attachment "A"</li> </ol> </li> <li>5. <u>ACTIONS OF THE DIRECTOR:</u> <ol style="list-style-type: none"> <li>a. <u>ALTERATION OF LICENSED PREMISES:</u> <ol style="list-style-type: none"> <li>1. <u>WALMART INC. dba WALMART SUPERCENTER #2308:</u> Application for requesting approval of internal alteration of premises was filed on January 26, 2022, by Walmart Inc. dba Walmart Supercenter #2308, operating under License 4G-070 and located at 3-3300 Kuhio Hwy., Lihue, Kauai, Hawaii. The request is to occupy the space formerly occupied by McDonalds and repurpose the space by leasing the space to Gather Federal Credit Union. The alteration of space was approved on January 26, 2022, with all required documents on file in the department.</li> </ol> </li> </ol> </li> </ol>	

SUBJECT	DISCUSSION	ACTION
	<p>b. <u>REQUEST FOR TEMPORARY EXTENSION OF PREMISES:</u></p> <p>1. <u>BANGKOK HAPPY BOWL, LLC. dba BANGKOK HAPPY BOWL THAI BISTRO AND SUSHI BAR:</u> Request for Temporary Increase of Premise to include the covered lanai directly in front of the existing lanai area was approved for February 2, 2022, through February 10, 2022. Licensee is currently requesting this extension to expand lanai area for additional dinning space for customers with entertainment to compliment dining. The proposed extension area is located inside the Poipu Shopping Village, 2360 Kiahuna Plantation Drive, A10-40, Koloa, Kauai, Hawaii. Application was submitted on January 17, 2022. Applicant has met all requirements and clearances obtained with Department of Health, The County of Kauai Building Division and Planning Department.</p> <p>2. <u>VALENTE HOLDINGS, LLC. dba KALPAKI JOE’S:</u> Request for Temporary Increase of Premise to include the Side Exterior fenced area facing the parking lot of the leased space in the Kukui Grove Shopping Center per diagram submitted on January 10, 2022, and approved for use from January 28, 2022 – February 11, 2022. The proposed extension area is being requested to create additional seating for customer with adequate space between tables. Applicant has met all requirements and clearances obtained with Department of Health, The County of Kauai Building Division and Planning Department.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>6. <u>REQUEST FOR A FREE ONE DAY SPECIAL LICENSE</u></p> <p>a. <u>HISTORIC WAIMEA THEATER AND CULTURAL ARTS CENTER dba HISTORIC WAIMEA THEATER AND CULTURAL ARTS CENTER</u>: Application No. Free 2022-16 was filed on January 24, 2022, by Historic Waimea Theater and Cultural Arts Center Free One-Day Special Dispenser General license on February 19, 2022, at Historic Waimea Theater and Cultural Arts Center located at 9691 Kaumualii Hwy, Waimea, Kauai Hawaii.</p> <p>b. <u>HISTORIC WAIMEA THEATER AND CULTURAL ARTS CENTER dba HISTORIC WAIMEA THEATER AND CULTURAL ARTS CENTER</u>: Application No. Free 2022-17 was filed on January 24, 2022, by Historic Waimea Theater and Cultural Arts Center Free One-Day Special Dispenser General license on February 21, 2022, at Historic Waimea Theater and Cultural Arts Center located at 9691 Kaumualii Hwy, Waimea, Kauai Hawaii.</p> <p>c. <u>HISTORIC WAIMEA THEATER AND CULTURAL ARTS CENTER dba HISTORIC WAIMEA THEATER AND CULTURAL ARTS CENTER</u>: Application No. Free 2022-18 was filed on January 24, 2022, by Historic Waimea Theater and Cultural Arts Center Free One-Day Special Dispenser General license on February 23, 2022, at Historic Waimea Theater and Cultural Arts Center located at 9691 Kaumualii Hwy, Waimea, Kauai Hawaii.</p> <p>d. <u>HISTORIC WAIMEA THEATER AND CULTURAL ARTS CENTER dba HISTORIC WAIMEA THEATER AND CULTURAL ARTS CENTER</u>: Application No. Free 2022-19 was filed on January 24, 2022, by Historic Waimea Theater and Cultural Arts Center Free One-Day Special Dispenser General license on February 25, 2022, at Old Waimea Mill located at 9600 Kaumualii Hwy, Waimea, Kauai Hawaii.</p>	

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	<p>e. <u>HISTORIC WAIMEA THEATER AND CULTURAL ARTS CENTER dba HISTORIC WAIMEA THEATER AND CULTURAL ARTS CENTER:</u> Application No. Free 2022-20 was filed on January 24, 2022, by Historic Waimea Theater and Cultural Arts Center Free One-Day Special Dispenser General license on February 26, 2022, at Old Waimea Mill located at 9600 Kaunualii Hwy, Waimea, Kauai Hawaii.</p> <p>f. <u>CG FOUNDATION dba CG FOUNDATION:</u> Application No. 2202-21 for a Free One-Day Special License was filed on January 15, 2022, by CG Foundation dba CG FOUNDATION sociation for a Free One-Day Special Dispenser General license on January 28, 2022, at Common Ground located at 4900 Kuawa Road, Kilauea, Kauai, Hawaii.</p> <p>1. <u>CHANGE IN OFFICERS/DIRECTORS/ MEMBERS:</u></p> <p>a. <u>THE ODOM CORPORATION DBA THE ODOM CORPORATION:</u> Deletion of Richard Alan Barkett as Board Advisor for The Odom Corporation dba The Odom Corporation License No. 3G-007 and 3G-009.</p> <p>b. <u>SEVEN-ELEVEN HAWAII, INC. DBA 7-ELEVEN STORES:</u> Deletion of Ryota Yokokura as Director, Adding Shuji Karaki as a Director for Seven-Eleven Hawaii, Inc. Db a 7-Eleven Stores License No. 4G-053, 4G-054, and 4G-034.</p> <p>Mr. Nishimura noted that CG Foundation has had several free one-day license request and felt that this was not necessarily appropriate. He asked the department to investigate this further which Director Sandoval stated he will investigate and will make recommendations. He noted for the record, his understanding is that CG Foundation is applying for full license.</p>	<p><u>Motion:</u></p> <p>Mr. Nishimura moved to approve the Consent Agenda and Ms. Nishimitsu seconded the motion. Motion carried 7.0</p>

SUBJECT	DISCUSSION	ACTION
<p><b>F.</b></p>	<p><b>PUBLIC HEARING:</b></p> <p>1. <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. (Continued from 1/13/2022, 1/27/2022)</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 (Continue from 1/13/2022, 1/27/2022).</p> <p>Jonathan Chun, counsel, and applicant Gabriel Tennberg were present. Mr. Tennberg provided an update of what has transpired since the last meeting. According to Mr. Tennberg, working with counsel Maunakea Trask and his client Ms. Iwai, were successful. They have come to an agreement satisfying Ms. Iwai’s concerns. As a result, Ms. Iwai was willing to drop her opposition.</p> <p>The Commission received public testimony in opposition to the application from Mr. John Patt whose residence is 3422 G Koloa Road. Mr. Patt testified; Mr. Gabriel assessment of Ms. Iwai was not accurate. According to Mr. Patt, Ms. Iwai went over to his home and was distraught and upset and said “they wore me down; they wore me down, go ahead and if I die, I am going to die. It was an attempt by Mr. Chun and Mr. Tennberg to wear her down, where she gave concessions under duress. She was not pleased with it. He referred to a written report made by a county inspector where it stated, the applicant is applying for live entertainment &amp; dancing and in my opinion the building and outdoor area are not constructed in such a way that sounds from the license premises would not disturb nearby residence. Mr. Patt asked the commission to stand with the county inspector and the 13 residence who are in oppositions to the</p>	

SUBJECT	DISCUSSION	ACTION
	<p>application. He further asked the Commission to speak with Ms. Iwai.</p> <p>Mr. Chun asked the commission to consider the written communication between him and Mr. Trask and to disregard Mr. Pat's testimony in terms of what he thinks Ms. Iwai has said or wanted because it's unsupported. There was no wearing down or demands on Ms. Iwai. Mr. Chun referred to his letter, filed with the commission, dated January 26, 2022, which addressed Ms. Iwai's specific requests to her satisfaction. The only item we could not commit to was Ms. Iwai's request to open at 9am. The reason being was applicant might want to open for breakfast. Mr. Patts' accusations are out of line and does not meet with what's was going on.</p> <p>Chair Crowell asked if anybody else would like to provide additional testimony.</p> <p>Mr. Trask joined the meeting and stated, he received a call from Director Sandoval regarding the understanding between Ms. Iwai and the applicant. Mr. Trask clarified they had an agreement and he trusted Mr. Chun would represent it fairly.</p> <p>Chair Crowell stated there's were some disputes, as to what transpired, between the applicant and Ms. Iwai. He stated the letter speak for itself, but a testifier stated Ms. Iwai agreed to the terms of the letter under duress.</p> <p>Mr. Trask stated, he didn't know anything about what has transpired. But Ms. Iwai was tired going back and forth so much. The terms, as far as he knows, we're agreeable and agreed to by Mr. Chun's client. Mr. Trask stated he sent an email to Mr. Sandoval and Mr. Chun informing both they reached an agreement and that he wouldn't be testifying or showing up and neither Ms. Iwai.</p> <p>Mr. Nishimura stated he has not seen any other communication beside what's in the packet (filed). He asked if they could take Mr. Trask word on the record that it has been resolved to Ms. Iwai's satisfaction.</p>	

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	<p>Mr. Trask replied, I have not spoken with Ms. Iwai since the last meeting. I can only make representation up until the last time I spoke with her. It doesn't mean, she didn't change her mind. As far as I know, there was an agreement.</p> <p>Chair Crowell asked Mr. Foster, if the list of criteria for evaluation of an application, which he requested in a prior meeting, has been prepared.</p> <p>Mr. Foster replied, no, Leo and I haven't finished a criteria sheet or a list. What we have is the statute and precedence and cases. In a situation as this, the Board can take hearsay evidence and that would be what Mr. Patt's testimony is. The Board can consider and weigh all various factors that would tend to establish the validity or non-validity of what the witness says. Mr. Trask can speak for Ms. Iwai as her attorney.</p> <p>Mr. Trask wanted to make it clear, he was not speaking on behalf of Ms. Iwai during the meeting. As to what transpired, he does not know anything. Ms. Iwai could have talked with somebody else, or she could have had a change of heart in the interim.</p> <p>Chair Crowell asked if there are any other person wanting to provide testimony on this application. No further testimony.</p> <p>Discussion: Regarding the matter of voting and whether the opposition has met statutory requirement regarding eligible voters within 500 feet of the proposed premises. Director Sandoval provided the information of the properties listed within 500 feet showing 7 owners and lessee. Director Sandoval stated, there was list that was provided by both sides. The Department is having to do actual verification through county records to verify and continue investigation. Further discussion whether by statute applicant is automatically disqualified from getting a license of any kind. If they are not automatically disqualified, commissioners need to decide whether they want to issue a license and whether the license will include live entertainment and dancing. It was noted it doesn't look like 40% will be met which is the requirement.</p>	



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	<p>Mr. Nishimura stated, based on the number of people that opposed to the application he wants to hear from Ms. Iwai. He asked Mr. Foster (County Attorney) to clarify whether it is the number of people that testified for and against the application or is it the registered voters. What percentage of that is opposed to the application and which would qualify for disqualification.</p> <p>Mr. Foster replied and referred to Statue 28139.5: The registered voters for the area within 500 feet of the nearest point of the premises for which the license is asked or 40% of the owners and lessees of record of real estate and owners of record of shares in a co-op apartment within 500 feet of the nearest point of the premises for which the licenses asked.</p> <p>Chair Crowell stated, we could continue the hearing to the next meeting and request Ms. Iwai present.</p> <p>Chair Crowell asked Mr. Patt if his opposition is based on the whole operation or just the music.</p> <p>Mr. Patt expressed he is opposed to the music and dancing. If that could be carved out, he would support the restaurant as a patron.</p> <p>Mr. Tennberg expressed, he thought they had an agreement and made their concessions. He wants to move on and is willing to drop the music to make everyone happy. He wants to be a blessing and not a nuisance to the community.</p>	<p><u>Motion</u></p> <p>Mr. Nishimura moved to continue the Public Hearing to the next meeting, February 24, 2022 @ 4pm. The Department to provide necessary information of registered voter and parcel list. Mr. Nishimura amended his motion to include inviting Ms. Iwai. Mr. Pacheco seconded. Motion carried 7.0.</p> <p>Roll Call:          Chair Crowell - Aye          Vice Chair - Kahawai – Aye          Shimabukuro – Aye          Pacheco - Aye          Nishimura – Aye          Nishimitsu – Aye          Gibson – Aye</p>

SUBJECT	DISCUSSION	ACTION
<p><b>G.</b></p>	<p><b><u>VIOLATION HEARING:</u></b></p> <ol style="list-style-type: none"> <li>1. KAUAI BLUE, INC. dba SHERATON KAUAI RESORT LINK CAFE: Violation of Rule 10.2, Manager on Duty, qualifications. <u>KAUAI BLUE, INC. dba SHERATON KAUAI RESORT LINK CAFE: Violation of Rule 10.2, Manager on Duty, qualifications.</u> <ol style="list-style-type: none"> <li>a. <u>SHERATON KAUAI RESORT LINK CAFE licensed as a Retail General permitted to sell liquor for off-premises consumption.</u></li> <li>b. <u>On November 27, 2021, at 8:05 p.m., Investigator Berry entered the licensed location to conduct an inspection. After conducting his initial inspection, Investigator Berry asked Mr. Ibia, an employee if he had a Red Card Manager on duty. Mr. Ibia told Investigator Berry he did not have one but was scheduled to take the red card exam on December 8, 2021.</u></li> <li>c. <u>Rule 10.2 Manager on duty, qualifications (a) states: a person who is not less than twenty-one years of age must be in active charge of any off-premises establishment at all times that liquor can be legally sold.</u></li> <li>d. <u>Last violation for this licensed location was February 13, 2018, for the same violation.</u></li> </ol> </li> </ol> <p>Yuriko Kawatake, Director of Sheraton Kauai Resort Link was present to represent Kauai Blue, Inc. dba Sheraton Kauai Resort Link Café. She was not represented by counsel. Chair Crowell administered the oath. Ms. Kawatake swore to tell the truth. She stated she received the copy of the charges, understood and admitted. Ms. Kawatake apologized for her and the management team lack of knowledge regarding red card. She stated this will not happen again.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Mr. Nishimura asked, has your scheduled been filled with red card managers on every shift and if they will always have red card in the shop? Ms. Kawatake replied, we don't have red card, we have blue card. I am now aware that someone must be always present in the retail shop with red card.</p> <p>Director Sandoval's stated the Department recommendation for this type of violation is \$500 fine. However, after the violation has been issued, the licensee sent several of its employees to take the exam and asked the Commissioners to take this into consideration.</p> <p>Mr. Nishimura asked Director Sandoval, for the record, if there were prior violations within the last year? Director Sandoval replied, no, not within the last year.</p> <p>Ms. Nishimitsu asked Mr. Nishimura to clarify whether any violation or violation of the same type.</p> <p>Mr. Nishimura stated any violation. They have been put on record and need to abide by all rules.</p> <p>Discussion regarding adopting rule that should another violation occur, the Director is allowed to collect suspended amount. Director Sandoval commented this was discussed in a prior meeting and it was approved.</p>	<p><u>Motion</u></p> <p>Mr. Nishimura assessed a fine off \$500 with suspension of \$250 with no similar violations within the next year. Mr. Nishimura amended his motion to reflect to "any violation" instead of "similar violations", Mr. Gibson seconded. Motion carried 7.0.</p> <p>Roll Call:          Chair Crowell - Aye          Vice Chair - Kahawai – Aye          Shimabukuro – Aye          Pacheco - Aye          Nishimura – Aye          Nishimitsu – Aye          Gibson – Aye</p>

SUBJECT	DISCUSSION	ACTION
<p>H.</p>	<p><b><u>PERMANENT INCREASE/EXTENSION TO PREMISES</u></b></p> <p>1. BANGKOK HAPPY BOWL, LLC. dba BANGKOK HAPPY BOWL THAI BISTRO AND SUSHI BAR: Request for Permanent Increase of Premise to include the covered lanai directly in front of the existing lanai area. Licensee is requesting this extension to expand lanai area for additional dinning space for customers with entertainment to compliment dining. The proposed extension area is in the Poipu Shopping Village, 2360 Kiahuna Plantation Drive, A10-40, Koloa, Kauai, Hawaii. Application was submitted on January 17, 2022. Applicant has met all requirements and clearances obtained with Department of Health, The County of Kauai Building Division and Planning Department.</p> <p>Applicant, Kirk and Paula Coult, owners, were present to represent Bangkok Happy Bowl, LLC. dba as Bangkok Happy Bowl Thai Bistro and Sushi Bar.</p> <p>Ms. Nishimitsu asked, what is the current capacity without the extension area and with the increase how many more seats does that add.</p> <p>Mr. Coult replied, currently approximately 70 seats and approximately 24 seats additional for lanai space.</p> <p>Mr. Gibson asked, is the walkway area licensed and is the potted plants enough to create restrictive boundaries.</p> <p>Director Sadoval replied, the walkway is unable to be licensed because it's a shopping mall, it would block off the pedestrian walkway. They understand that no alcohol can be consumed in the walkway area and need to always maintain control of the alcohol before given to the customer within permitted area. They have plans for structures to keep everyone enclose.</p>	

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	<p>Commissioner raised questions and discussions on the following:</p> <ul style="list-style-type: none"> <li>• The permanent increase request being that the lease is for 2 years is that closure.</li> <li>• Whether dancing will be allowed; designated dancing area only allowed within the 150 square foot area</li> <li>• Exhibit “1” (filed with Liquor Commission) concerns about hazard and tripping in the dirt area; if this area will part of dancing; and if it will be improved to prevent hazard to the customers. Concerns about approving something that may create a hazard to customers.</li> <li>• ATM Machine will that be relocated</li> </ul> <p>Director Sandoval replied, to the above bullet points, if the lease terminates with no extension, the actual premises will cease to exist. There's been no indication of dancing taken place in that area. The applicant can address what their intentions are relating to dancing in that area. The ATM Machine will likely be relocated by landlord.</p> <p>Mr. Coult stated, they are significantly improving to enhance the area, which will be valuable to the shopping center, the community, and visitors. As part of the improvement, they will be enclosing the lanai area with railings. He further stated, we don't generally have dancing, although it's already incorporated in our license. We will have entertainment that will complement the dining experience with a solo musician. We're not doing any late-night entertainments, so we're not doing that type of setting that's conducive to dancing. Only dancing would be, if a couple were celebrating an occasion and they wanted to get up and dance to a romantic music being played. He further stated, we have had no complaints or violations. Mr. Coult thanked the Commissioner for listening and working through this and hope to get an approval.</p> <p>Director Crowell asked if commissioners are ready to vote and noted as represented by</p>	

SUBJECT	DISCUSSION	ACTION
	<p>applicant more permanent barriers will be placed around the permit of new premises.</p> <p>2. <u>VALENTE HOLDINGS, LLC. dba KALPAKI JOE’S</u>: Request for Permanent Increase of Premise to include the Side Exterior fenced area facing the parking lot of the leased space in the Kukui Grove Shopping Center per diagram submitted on January 10, 2022. The proposed extension area is being requested to create additional seating for customer with adequate space between tables. Applicant has met all requirements and clearances obtained with Department of Health, The County of Kauai Building Division and Planning Department.</p> <p>Jodi Valenti was present on behalf of Valenti Holdings, LLC. dba Kalapaki Joe’s to answer any questions that commission had. The following were questions that were discussed.</p>	<p><u>Motion:</u></p> <p>Vice Chair Kahawai moved to approve Bangkok Happy Bowl, LLC, dba Bangkok Happy Bowl Thai Bistro and Sushi Bar Request for Permanent Increase. Amended to approve the permanent extension with the condition that permanent structures be put in place within the permitted area. Mr. Pacheco seconded. Motion carried 5.2</p> <p>Roll Call:          Chair Crowell - Aye          Vice Chair - Kahawai – Aye          Shimabukuro – Aye          Pacheco - Aye          Nishimura – nay          Nishimitsu – nay          Gibson – Aye</p>

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Nishimitsu asked, what is the reason for the request for Permanent Increase of Premises?</p> <p>Mr. Valenti replied, I would like to take advantage of the space outside to be able to create adequate space between tables on the inside the establishment. The fenced area outside would give us additional 25 to 30 seats.</p> <p>2. What was the capacity prior to covid and with covid restrictions how much did capacity dropped?</p> <p>Mr. Valenti replied, Prior to covid the capacity was 65. It is my understanding; we can operate at at100% if we check for vaccine passport. When that occurs in such a small space and must adhere to the 6-foot spacing between tables, the capacity drops to approximately 30% of 65. I would like to be able to get to that 100% as soon as possible. We know people are very cautious about being too close to each other. Giving the customers the opportunity to be able to be spread out would be nice. We would need more seating on the outside to afford to even be open.</p> <p>3. Mr. Gibson asked, does the extension have a semi-permanent fence around it and is there a restricted wall or structure that would prevent people from going in and out of the extended area?</p> <p>Mr. Valenti replied, we do have a permanent fence that has been built around the perimeter and we have complied with the egress that was required by zoning.</p> <p>Ms. Shimabukuro referred to the second diagram in the packet and asked for clarification of the proposed and the gate by parking stall. She also asked if there's a barrier between the outdoor dining area near the main entrance and the proposed area or whether it's completely open.</p>	

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	<p>Mr. Valenti replied, the gate had been drawn in by zoning that had required an egress exit which is a minimum of 36 inches swinging outward and that would be the gate. Both areas are an entire conglomeration which has been approved, I believe in 2014.</p>	<p><u>Motion</u></p> <p>Mr. Nishimura moved to approve Valente Holdings, LLC. Dba Kalapaki Joe's Lihue Request for Permanent Increase of Premises. Vice Chair Kahawai seconded. Motion carried 7.0</p> <p>Roll Call: Chair Crowell - Aye Vice Chair - Kahawai – Aye Shimabukuro – Aye Pacheco - Aye Nishimura – Aye Nishimitsu – Aye Gibson – Aye</p>



SUBJECT	DISCUSSION	ACTION
<p>I.</p>	<p><b><u>TRANSFER OF LIQUOR LICENSE:</u></b></p> <p>1. <u>LAHAINA PETROLEUM, LLC dba RAINBOW GAS &amp; MINI MART:</u> Application No. 2022- 040 was filed on January 13, 2022, by Lahaina Petroleum, LLC. dba Rainbow Gas &amp; Mini Mart for a transfer of Retail Dealer General No. 4G-050 from Lahaina Petroleum, LLC to Aloha Petroleum, LLC. located at 4-350 Kuhio Highway, Kapaa, Kauai, Hawaii. Deposited \$335.00.</p> <p>John Williams, present on behalf of Applicant, stated they really aren't changing anything at all at the store. I understand, it has been in operation for about 22 years under its current configuration and the owner is just looking to retire so she's selling the business and we are purchasing it. Currently, we have no intentions of changing any of the operation.</p> <p>There were discussions to reconsider the motion to correct line 3 of the agenda as it was worded wrong.</p> <p>Ms. Nishimitsu for discussion purposes who is the current licensee is Rainbow Gas &amp; Mini Mart</p> <p>Director Sandoval replied line 3 of Item I should read Retail Dealer General no. 4G-050 from, Rainbow Gas &amp; Mini Mart, LLC to Lahaina Petroleum, LLC.</p> <p>Chair Crowell noted let the record reflect that line 3 is worded wrong on the agenda.</p>	<p>Motion 1.</p> <p>Mr. Nishimura moved to accept Application No. 2022- 040 for Transfer of Liquor License for LAHAINA PETROLEUM, LLC dba RAINBOW GAS &amp; MINI MART: Public Hearing and Publication. Mr. Gibson Seconded. Motion carried 7.0</p> <p>Motion 2.</p> <p>Mr. Nishimura moved to reconsider action on Agenda item I to accept Application No. 2022- 040 to Transfer of Liquor License Rainbow Gas &amp; Mini Mart, LLC to Lahaina Petroleum LLC and schedule for Publication and Public Hearing and that correction need to be made. Vice Chair Kahawai seconded. Motion carried 6.0</p>

SUBJECT	DISCUSSION	ACTION
<p><b>J.</b></p>	<p><b><u>TEMPORARY LIQUOR LICENSE</u></b></p> <p>1. <u>LAHAINA PETROLEUM, LLC dba RAINBOW GAS &amp; MINI MART</u>: Application No. 2022-041 was filed on January 25, 2022, by Lahaina Petroleum, LLC. dba Rainbow Gas &amp; Mini Mart for a temporary Retail Dealer General license to operate License No. 4G-050 located at 4-350 Kuhio Highway, Kauai, Hawaii.</p> <p>Discussion whether item I.1 was written correctly on the agenda. Director checked and stated it was correct.</p>	<p><u>Motion</u></p> <p>Mr. Nishimura moved to approved <u>LAHAINA PETROLEUM, LLC dba RAINBOW GAS &amp; MINI MART</u>: Application No. 2022-041 Temporary Liquor License as presented by the Department that it is correct Mr. Gibson Seconded. Motion Carried 7.0</p> <p>Roll Call:          Chair Crowell - Aye          Vice Chair - Kahawai – Aye          Shimabukuro – Aye          Pacheco – Aye          Nishimura – Aye          Nishimitsu – Aye          Gibson – Aye</p>
<p><b>K.</b></p>	<p><b><u>REQUEST FOR SPECIAL LICENSE</u></b></p> <p>1. <u>KCY RESTAURANT, LLC. dba PUAKEA GRILL</u>: Application No. 2022- 042 was filed on February 1, 2022, by KCY Restaurant, LLC. Db a Puakea Grill for a Special Dispenser General Licenses from February 15, 2022, through April 12, 2022, to operate at Puakea Grill &amp; Puakea Golf Course located at 4150 Nuhou Street, Lihue, Kauai, Hawaii.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Director Sandoval noted this item is a request for a special license approval to allow applicant to operate, in the interim, until they can get to their public hearing. Originally, they were scheduled for public hearing on this agenda, however due to the technical difficulties in the last meeting the public hearing was continued to February 24, 2022.</p> <p>Ms. Shimabukuro recused herself from this agenda item and left the meeting at 5:48 pm.</p> <p>Kristin Yanagawa, owner, was present to represent KCY Restaurant, LLC dba Puakea Grill.</p> <p>Mr. Nishimura asked whether the café &amp; bar operations will be like what Puakea Bar &amp; Grill has been doing.</p> <p>Ms. Yanagawa replied yes.</p> <p>Ms. Nishimitsu asked the following questions:</p> <ol style="list-style-type: none"> <li>1. Is Director Kua an employee off KCY or Grove Farm.</li> </ol> <p>Ms. Yanagawa replied, he is employed by Grove Farm.</p> <ol style="list-style-type: none"> <li>2. If there were issues with the consumption of liquor or operation of the golf cart who's liable?</li> </ol> <p>Ms. Yanagawa replied, it would fall under KCY license.</p> <ol style="list-style-type: none"> <li>3. Is the lease condition on getting the liquor license that applies to the entire golf course premises? Ms. Yanagawa replied, she needs to check.</li> </ol>	

SUBJECT	DISCUSSION	ACTION
	<p>4. If you cannot get the license for the entire golf course premises, and just for the restaurants is the lease is terminable?            Ms. Yanagawa replied, she needs s to check.</p> <p>5. Are golf carts going to be crossing roads that are open to the general public?            Ms. Yanagawa replied, yes but, Nuhou Street, a private road is owned by Grove and is open to the public.</p> <p>6. Who will be exposed in the event an intoxicated golf cart driver is struck by a vehicle driving on Nohu St. Who will be exposed, you or Grove Farm?            Ms. Yanagawa replied, I will need to check.</p> <p>Mr. Haruki could not connect to answer any questions.</p> <p>Mr. Gibson asked Director Sandoval does the licensee need to consider insurance issues.</p> <p>Mr. Herman clarified; liability insurance is not required during the application process. But, before the department can issue a license, the licensee is required to have a minimum \$1,000,000.00 coverage of liquor liability insurance. As to the question regarding the cart path crossing, it is privately owned property. In the application there's a letter from Grove Farm, giving authorization for that license. Mr. Herman further clarified; insurance would be required for Applicant to have permanent license to be issued. It is not required on a temporary license.</p> <p>Mr. Gibson asked Ms. Yanagawa, do you have a million-dollar coverage?            Ms. Yanagawa replied, yes, I have insurance coverage of a million dollar.</p>	

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	<p>Chair Crowell asked when they would open if they had the temporary license. Ms. Yamakawa replied February 22, 2022.</p> <p>Director Sandoval stated the effective date for the special license is through April 12, 2022. We may need to amend that at the time of the public hearing which will be on February 24, 2022, because if they're denied on the public hearing. They still have the special license issued through April 12, 2022.</p> <p>Mr. Nishimura asked whether the special license can be automatically extended until such time action is taken on the permanent application.</p> <p>Mr. Foster checked the statute and noted, special license may be granted for the sale of liquor for a period not to exceed 3 days and pursuant to commission rule and may be approved by the administrator for fund raising events by nonprofit organizations, political candidates, and political parties.</p> <p>Mr. Herman commented, each permit could be for 3 days, but it could be multiple. I think at the end of that 3-day period another special license could be issued for another 3 days.</p> <p>Mr. Foster stated, there is no limitation on the statute from successive special licenses.</p> <p>Director Sandoval recommendation would be to amend the special license to February 22 through February 24 2002. At the time of the public hearing, if commissioners desire, they can issue a special license for additional 3 days and continue until the public hearing is completed.</p> <p>Further discussions on scenarios of how the 3-day extension would work to permit applicant to operate prior to the public hearing</p> <p>Kenneth Herman noted even if they get approved on the February 24, 2002,</p>	

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	<p>department still need to do final inspection.</p> <p>Mr. Nishimura moved to approve the special license request of <u>KCY RESTAURANT, LLC. dba PUAKEA GRILL</u>: Application No. 2022- 042 and that the director be allowed to extend it until such time that the action is taken on the permanent application.</p> <p>Chair Crowell asked Mr. Foster if Mr. Nishimura’s motion is allowable in which Mr. Foster replied yes, under the statue its allowable.</p> <p>Director asked if any further discussion. No further discussions raised. For the record Ms. Ching noted Ms. Shimabukuro recused herself vs. abstain.</p>	<p><u>Motion:</u></p> <p>Mr. Nishimura moved to approve <u>KCY RESTAURANT, LLC. dba PUAKEA GRILL</u>: Application No. 2022- 042 for special license for 2/22 through 2/24/2022. The Director allowed to extend the permit until such time that action is taken on the permanent application. Seconded by Mr. Gibson.</p> <p>Motion Carried 6.1</p> <p>Roll Call Vote:</p> <p>Chair Crowell - Aye        Vice Chair - Kahawai – Aye        Shimabukuro – recused        Pacheco - Aye        Nishimura – Aye        Nishimitsu – Aye        Gibson – Aye</p>

SUBJECT	DISCUSSION	ACTION
<p>L.</p>	<p><b><u>UPDATE, DISCUSSION AND POSSIBLE ACTION ON MEETING PROCEEDINGS</u></b></p> <p>Ms. Ching stated, during the last meeting or the meeting before that, this was put on the agenda per commissioners' request. The way it was left was the commissioners could email me any suggestions they may have. I did not receive any suggestions. I just wanted to provide feedback to the commission.</p> <p>There's no further action on this agenda item. But if commissioners have any suggestions or comments they can do so at this time.</p> <p>Discussions regarding possible changes to days and time of meetings and whether polling commissioners online or off-line. Commission agreed to poll offline.</p> <p>Ms. Ching noted, we will poll commissioner if they want to move meetings to Wednesday, yes or no, and if so what time?</p> <p>Director Sandoval noted on Item I. of the Agenda Transfer of Liquor License Motion need to be recalled due to error on the name. It indicated Aloha Petroleum and that needs to reverse motion.</p> <p>Mr. Foster referred to Roberts Rule of Orders Section 37 and explained d what is needed is a Motion from anyone to reconsider item and a second from anyone where decision was made. Have Discussion and another motion to restate what was done earlier.</p>	<p>No Action</p>

SUBJECT	DISCUSSION	ACTION
<p><b>M.</b></p>	<p><b><u>DISCUSSION AND POSSIBLE ACTION REGARDING THE SIX (6) MONTH EVALUATION OF THE DIRECTOR OF LIQUOR CONTROL (Continued from 12/9/2021 meeting)</u></b></p> <p>Discussion regarding the evaluation report of Director of Liquor Control and authorizing Administrator Ching to consolidate report.</p>	<p><u>Motion:</u></p> <p>Mr. Nishimura moved to authorize the Administrator of Boards and Commission to consolidate the 6-month evaluation of Director of Liquor Control and present to the Commissioners and go into executive session to consider the report. Mr. Pacheco Seconded. Motion carried 6.0.</p>
<p><b>N.</b></p>	<p><b>A. <u>EXECUTIVE SESSION:</u></b></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>1. <u>DISCUSSION, AND POSSIBLE ACTION REGARDING THE SIX (6) MONTH EVALUATION OF THE DIRECTOR OF LIQUOR CONTROL (Continued from 12/9/2021)</u></p>	<p><u>Motion:</u></p> <p>Mr. Nishimura moved to executive session @ 6:23p.m.Mr. Gibson seconded. Motion carried 6.0</p>



SUBJECT	DISCUSSION	ACTION
O.	<b><u>RETURN TO OPEN SESSION: 6:58p.m.</u></b>	Commissioner returned to open session at 6:58pm
P.	<b><u>ROLL CALL FOR THE RETURN TO OPEN SESSION</u></b>  Director Sandoval called roll, nothing 6 members were present via tele-conference constituting a quorum.  Ms. Shimabukuro- excused	
Q.	<b><u>RATIFY THE ACTIONS TAKEN IN EXECUTIVE SESSION</u></b>	<u>Motion:</u>  Mr. Gibson moved to ratify the action taken in the executive session. Mr. Pacheco seconded. Motion carried 6.0
R.	<b><u>DISCUSSION AND POSSIBLE ACTION REGARDING THE SALARY OF THE DIRECTOR OF LIQUOR CONTROL (Continued from 12/9/2021,1/13/2022 meeting)</u></b>  Discussions regarding retroactive date of salary increase for the Director of Liquor Control and the maximum increase currently in effect pursuant with salary resolution 2019-1. Administrator Ching provided information salary resolution currently in effect.	<u>Motion:</u>  Mr. Nishimura moved to authorize the salary increase Director of Liquor Control to \$117,912.00 in accordance with salary resolution 2019-1 retroactive to December 1, 2021. Mr. Pacheco seconded. Motion carried 6.0

SUBJECT	DISCUSSION	ACTION
S.	<p><b><u>EXECUTIVE SESSION:</u></b>            Pursuant to HRS §92-7(a), the Commission may, when deemed necessary, hold an executive session on any agenda item without written public notice if the executive session was not anticipated in advance. Any such executive session shall be held pursuant to H.R.S. §92-4 and shall be limited to those items described in HRS §92-5(a)</p>	No Action
T.	<p><b><u>ADJOURNMENT</u></b>            Pursuant to HRS § 92-7.5, at the time the board packet is distributed to the Liquor Control Commission, the board packet will be available for inspection at the Liquor Control Commission’s office (Pi’ikoi Building 4444 Rice Street, Suite 300, Līhu‘e, Hawai’i 96766). Please contact at (808) 241-4966 or <a href="mailto:liquor@kauai.gov">liquor@kauai.gov</a> to request access.</p>	<p><u>Motion</u>            Mr. Nishimura moved to adjourn the meeting. Mr. Pacheco seconded. Motion carried 6.0            Meeting ended 7:09p.m.</p>

Submitted by: \_\_\_\_\_  
 Mary Ann Ornellas, Liquor Clerical Assistant

Reviewed and Approved by: \_\_\_\_\_  
 Dee Crowell, Chair

- ( ) Approved as circulated.
- ( ) Approved with amendments. See minutes of \_\_\_\_\_ meeting.