

COUNTY OF KAUAI  
Minutes of Meeting  
OPEN SESSION

Board/Commission:	<b>LIQUOR CONTROL COMMISSION</b>	Meeting Date	<b>February 24, 2022</b>
Location	Tele Conference via Microsoft Teams Audio +1 469-848-0234, Conference ID: 898 802 845# <a href="https://bit.ly/3486qZe">https://bit.ly/3486qZe</a>	Start of Meeting: 4:01 p.m.	End of Meeting: 5:48 p.m.
Tele Present	Chair Dee Crowell, Vice Chair Leland Kahawai, Members: William Gibson, Randy Nishimura, Gary Pacheco, Tess Shimabukuro Also: Liquor Control Staff: Director Leo Sandoval, Liquor Clerical Assistant Mary Ann Ornellas & Anela Segreti, Ellen Ching Administrator Boards & Commission, Deputy County Attorney Charles Foster		
Excused	Lorna Nishimitsu		
Absent			

SUBJECT	DISCUSSION	ACTION
<b>A. <u>CALL TO ORDER</u></b>		Chair Crowell called meeting to order 4:01 p.m.
<b>B. <u>ROLL CALL</u></b>	Director Leo Sandoval called roll, noting 6 members were present and alone via tele-conference constituting a quorum.	
<b>C. <u>ANNOUNCEMENTS:</u></b>	Next Scheduled Meeting: Thursday, March 10, 2022 – 4:00 p.m. or shortly thereafter	
<b>D. <u>APPROVAL OF AGENDA</u></b>	Director Sandoval noted an amendment to correct the dates on Agenda Item E. 6a and 6b. CG Foundation request for a Free One-Day Special License. The correct date for 6a is February 24, 2022, and 6b is February 26, 2022.	Approved as circulated

SUBJECT	DISCUSSION	ACTION
E.	<p><b>A. <u>CONSENT AGENDA</u></b></p> <ol style="list-style-type: none"> <li>1. <u>APPROVAL OF MINUTES</u> –</li> <li>2. <u>DIRECTORS REPORT</u> <ol style="list-style-type: none"> <li>a. February 3, 2022 – February 17, 2022</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>REQUEST FOR TEMPORARY INCREASE OF PREMISES:</u> <ol style="list-style-type: none"> <li>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, February 2, 2022, through April 27, 2022, from 3:30 p.m. To 6:30 p.m.               <ol style="list-style-type: none"> <li>a. Applicant has met all requirements and clearances obtained with Department of Health, Building Division and Planning Department</li> </ol> </li> </ol> </li> </ol> </li> </ol>	

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	<p>b. <u>REQUEST FOR TEMPORARY REDUCTION OF PREMISES:</u></p> <p>1. <u>SOF-XI KAUAI PV GOLF, L.P. dba PRINCEVILLE MAKAI GOLF CLUB:</u>            Approval of Temporary Reduction of Premises to include the Princeville Makai Golf Course and Clubhouse area as per diagram submitted to accommodate a non-profit fundraiser event hosted by Boys &amp; Girls Club of Hawaii at 4080 Lei O Papa Road, Princeville, Kauai, Hawaii on March 6, 2022, 6:00 a.m. To 3:00 p.m.</p> <p>6. <u>REQUEST FOR A FREE ONE DAY SPECIAL LICENSE</u></p> <p>a. <u>CG FOUNDATION dba CG FOUNDATION:</u> Application No. 2202-22 for a Free One-Day Special License was filed on January 15, 2022, by CG Foundation dba CG FOUNDATION socation for a Free One-Day Special Dispenser General license on January 24, 2022, at Common Ground located at 4900 Kuawa Road, Kilauea, Kauai, Hawaii.</p> <p>b. <u>CG FOUNDATION dba CG FOUNDATION:</u> Application No. 2202-23 for a Free One-Day Special License was filed on January 15, 2022, by CG Foundation dba CG FOUNDATION socation for a Free One-Day Special Dispenser General license on January 26, 2022, at Common Ground located at 4900 Kuawa Road, Kilauea, Kauai, Hawaii.</p> <p>c. <u>BOYS &amp; GIRLS CLUB OF HAWAII dba BOYS &amp; GIRLS CLUB OF HAWAII:</u>            Application No. Free 2022-24 filed on February 2, 2022, by Boys &amp; Girls Club of Hawaii for a Free One-Day Special Dispenser General license on March 6, 2022, at the Princeville Makai Golf Club located at 4080 Lei O Papa Rd., Princeville, Kauai, Hawaii.</p>	

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	<p>d. <u>NATIONAL TROPICAL BOTANICAL GARDEN dba NATIONAL TROPICAL BOTANICAL GARDEN</u>: Application No. Free 2022-25 filed on February 1, 2022, by National Tropical Botanical Garden for a Free One-Day Special Dispenser General license on February 24, 2022, at the National Tropical Botanical Garden located at 4425 Lawai Road, Koloa, Kauai, Hawaii.</p> <p>e. <u>KAUAI CHAMBER OF COMMERCE dba KAUAI CHAMBER OF COMMERCE</u>: Application No. Free 2022-26 filed on February 14, 2022, by Kauai Chamber of Commerce for a Free One-Day Special Dispenser General license on March 10, 2022, at the Kauai Restoration &amp; Cleaning located at 3093 Peleke St., Lihue, Kauai, Hawaii.</p> <p>7. <u>TRANSIENT VESSELS</u>:</p> <p>a. <u>HOLLAND AMERICA LINE N.V.</u>: Approval of One Day Transient Vessel License No. 2022-043 for the vessel MS. Koningsdam, on February 14, 2022. The vessel will be arriving at 7:00AM and departing on the same day February 14, 2022, at 1:00PM.</p> <p>b. <u>HOLLAND AMERICA LINE N.V.</u>: Approval of One Day Transient Vessel License No. 2022-044 for the vessel Ms. Koningsdam, on February 19, 2022. The vessel will be arriving at 7:00AM and departing on the same day February 19, 2022, at 5:00PM.</p> <p>8. <u>CHANGE IN OFFICERS/DIRECTORS/ MEMBERS</u>:</p> <p>a. <u>QSI, INC. dba Times Supermarket, Big Save Eleele, Big Save Hanalei, Big Save Waimea, Big Save Kapaa, and Big Save Koloa</u>,: Change of title for Reid K. Matsumoto to Executive Vice President/Treasurer/Secretary/Director and Addition of Kazuhiro</p>	

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	<p>Matsumoto and Eric Higa as Directors of QSI, Inc. dba Times Supermarket (4G-058), Big Save Eleele (4G-007), Big Save Hanalei (4G-008), Big Save Waimea (4G-012), Big Save Kapaa (4G-009) and Big Save Koloa (4G-010) as of December 1, 2021.</p> <p>b. <u>MNS, LTD.</u>: Deletion of Neil Ishida as Director for MNS, LTD. dba ABC Store #57 (4G-001), ABC Store #58 (4G-002), ABC Store #59 (4G-003), Island Country Markets (4G-014), Sueoka Market (4G-060) as of January 14, 2022.</p>	<p><u>Motion:</u></p> <p>Mr. Nishimura moved to approve the Consent Agenda. Mr. Pacheco seconded motion.</p> <p>Motion carried 6.0</p>
<p><b>F.</b></p>	<p><b><u>PUBLIC TESTIMONY:</u></b></p> <p>Director Sandoval stated public testimony is open for any agenda item and any person in the public that would like to testify on any agenda item was allowed to do at this time.</p> <p>No public testimony</p>	
<p><b>G.</b></p>	<p><b><u>PUBLIC HEARING:</u></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 and 2/10/2022)</p> <p>Director Sandoval stated, they received additional documents which was forwarded to the Commission for their review. A couple of individuals will be speaking.</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</p>	

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	<p>April 6, 2021</p> <p>Jonathan Chun, counsel for the applicant reserved his right to speak after the public testimony.</p> <p>Carolyn Tapia was present, [REDACTED] in favor of applicant, testified her home is the closest to Mucho Aloha. She addressed her concerns regarding homeless, drugs, her encounter of a dangerous situation in that area and that having the business there would stop the unsafe situation.</p> <p>John Patt was present, testified and thanked the commission for their endurance, efforts, and consideration for the residents. He reminded the commission of the investigators report that says it's most likely the music and dancing proposed by Mr. Tennberg would disturb the residents and nothing the residents can do once it comes into their homes. He expressed they are in their 70's and they have no choice but to endure this intrusion, into their home, 3 nights a week. The only choice they have is for the Commission to step in and help.</p> <p>Mr. Tapia was present, and testified they sent a letter to Liquor Department in favor of Mucho Aloha. (Written testimony on file) He and Mr. Tennberg had communicated verbally and Mr. Tennberg agreed to closing at 9:00 p.m. and to limit outdoor seating. He wants the Commission to have the applicant stipulate in writing their verbal agreement.</p> <p>Director Sandoval asked if there's anyone else who would like to testify on this item. He noted they contacted Ms. Iwai per the request of the Commission.</p> <p>Coleen Iwai was present to testify, no street address, [REDACTED] Koloa, Hawaii. Ms. Iwai stated, I am here today because at the last hearing the commissioners wanted to</p>	

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	<p>speaking to me directly, after Mr. Patt had said, I dropped my opposition under duress.</p> <p>Commissioner Nishimura asked whether Ms. Iwai withdrew her opposition under duress.</p> <p>Ms. Iwai replied, yes.</p> <p>Commissioner Nishimura asked Ms. Iwai, are you still opposed to the application?</p> <p>Ms. Iwai replied, no, I dropped my opposition because I could not handle it anymore. I am just verifying because you guys questioned what Mr. Patt had said.</p> <p>Chair Crowell asked if there's any other questions for Ms. Iwai. No further questions were asked to Ms. Iwai.</p> <p>Mr. Chun clarified several issues and questions raised during the last meeting on February 10, 2022.</p> <ul style="list-style-type: none"><li>• The list from County Clerk's Office showed 55 registered voters within 500 feet of the proposed licensed premises. Of those 55, five (5) registered voters submitted oppositions which is a little less than 9%, and less than the majority of the registered voters within 500 feet that have registered to protest on this application.</li><li>• Applicant would consent to closing at 9 p.m.</li><li>• The issues of homeless and drugs would go away from the proposed area because having an operating business would allow for security which applicant will provide. The landlord has committed they will have roving security patrolling the area. With the approval, the neighborhood will be a safer place as compared to what it is now.</li></ul>	

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	<ul style="list-style-type: none"> <li>• The letter dated January 26, 2022, to Mr. Trask addressed all of Ms. Iwai’s requests and concerns (written testimony on file).</li> <li>• Ms. Iwai may have felt pressured, because people felt she was representing the neighborhood and that was not her intent. Her intent was to represent her own concerns based upon where she lives and the impact of the proposed premises to her house. The applicant did not pressure Ms. Iwai directly or indirectly. All communications were very straightforward and professional through Mr. Trask. Mr. Trask sent communication via letter or email to the Liquor Department stating they will withdraw their opposition.</li> <li>• Mr. Chun urged the commission to speak with investigator Kenneth Herman regarding his report. According to Mr. Chun, in his last conversation with Mr. Herman, Mr. Herman did not feel his report was intended to be saying there was a problem with noise.</li> </ul> <p>The applicant has met all the criteria for a license application and has made tremendous number of concessions fulfilling his promises. Mr. Chun stated for the record, we are willing and consent to having on the permit to state closing would be 9:00 p.m.</p> <p>Mr. Tennberg thanked the commission for their patience through the many meetings. He hoped that his genuine willingness to be a good neighbor, a community member grants him the license. He wants Mucho Aloha to be a place for everyone can enjoy.</p> <p>Chair Crowell asked if anyone had any questions for the applicant.</p> <p>Commissioner Gibson asked Mr. Chun, what I am hearing is that closing will be at 9p.m.</p> <p>Mr. Chun replied, correct, the applicant clearly stated he would be open and consent to a 9:00 o'clock closing time.</p>	



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	<p>Chair Crowell stated, at the last meeting, the applicant said he was willing to surrender the music portion of his application and not provide music. Is that not the case anymore?</p> <p>Mr. Chun replied, if it becomes an issue with the Commission and there are problems or complaint, applicant can remove the entertainment portion at renewal. Mr. Chun referred to the rules on noise level and stated the applicant has always said, he will close entertainment at 8:00 p.m.</p> <p>Director Sandoval stated, at the time of renewal, applicant can make some changes. However, we must keep everyone aware with the new laws that are coming out regarding sound. The Commission can choose not to renew the license if the noise becomes a nuisance at the premises at the time of renewal.</p> <p>Mr. Chun replied, the intent is not to disturb the neighbors and for that reason, Mr. Tennberg agreed to close at 9:00 p.m. with entertainment ending at 8:00 p.m. and limited the number of days with entertainment. If there is an issue, neighbors can submit complaints to the Commission and those complaints will be addressed to the applicant. At that point, we will be opened to remove the entertainment whether it be for renewal or before then.</p> <p>Chair Crowell noted the days with entertainment are Thursdays, Fridays, and Saturdays.</p> <p>Director Sandoval stated, for the Commission information, if applicant's license is granted the license renewal is within 4 months. This is a good trial period to see if they will be a good a neighbor and to prove they are following through with the Commission</p>	

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	<p>conditions. This is an option available since the renewal time is so soon.</p> <p>Chair Crowell asked, will they be in operation in 4 months.</p> <p>Mr. Tennberg replied, 4 months, not likely being how construction is currently. At best guess is mid-summer.</p> <p>Commissioner Nishimura asked the following questions relative to the letter from the Tapia's (filed with Liquor Department)</p> <p>1. Mr. Chun, is it you're understanding that that your client has agreed to the limitations set forth in that letter?</p> <p>Mr. Chun replied, I don't have a copy of the letter from Mister Tapia. But if his referring to a 9:00 o'clock closing time. Yes, we are.</p> <p>2. What about limiting or removing all outdoor seating in the existing courtyard except for having seating under future new roof structure.</p> <p>Mr. Tennberg replied, I'm sorry, I don't recall a specific discussion with Mr. Tapia about eliminating the outdoor seating. But certainly, having a limited outdoor seating outside of the patio area. The intent is not to have a lot of seats outside, just a couple of cozy chairs and it's not going to be a full-service area. I would like to be able to have some outdoor space with limited seating.</p> <p>3. How about installation of proper landscape screening between Mucho Aloha, Koloa leased property and the adjacent properties.</p> <p>Mr. Mr. Tennbeg replied, yes, 100%, in our letter to Mr. Trask on behalf of Ms. Iwai's, we agreed to install a fence along that whole area. In addition to the fence, on the</p>	

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	<p>inside, additional landscaping will be done to provide privacy both for sound and for visual.</p> <p>4. Will that include a cooler equipment to be fenced and insulated to reduce the noise?</p> <p>Commissioner Nishimura asked Mr. Chun what is the date of that letter? That you cited at the beginning of your testimony.</p> <p>Mr. Chun the last letter to Mr. Trask dated January 26, 2022, and the Commission was cc'd on that letter.</p> <p>Commissioner Nishimura asked, are you willing to stipulate that those conditions will be abided by?</p> <p>Mr. Chun replied, yes, everything regarding the applicant licensed premises and things that we have control of. We pointed out to Mr. Trask certain things like the parking area which is not part of the licensed premises and under exclusive jurisdiction or control of the landlord, which we've been working with the landlord.</p> <p>Mr. Patt thanked Chair Crowell for allowing him to speak again. Mr. Patt expressed his concerns and suggested the commissioners look at his questions.</p> <ul style="list-style-type: none"> <li>• Mr. Chun's remarks about the investigator's report regarding the double negative. Mr. Patt disagree with Mr. Chun's explanation. He expressed, he doesn't understand why Mr. Chun is trying to create doubt about what the investigator said.</li> <li>• How much does Mr. Tennberg know about security in Old Koloa Town and how much security will Mr. Tennberg provide. Mucho Aloha needs to provide the Commission with their detailed security plans.</li> </ul>	

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	<ul style="list-style-type: none"> <li>Regarding the 5 votes standard and 13 signatures on the petition. He questioned whether the 5 votes out of the 50 eligible votes are accurate.</li> </ul> <p>Chair Crowell thanked Mr. Patt and ask if anyone else wanted to testify.</p> <p>Director Sandoval noted, in a prior meeting Commissioner Nishimura asked for verification of the information provided by Mr. Chun. We verified the information through the County Real Property (TMK's) and registered voters from Elections Office and its 12.7%, which is still not enough for the automatic denial, and it does match within the range that Mr. Chun has provided</p> <p>Chair Crowell closed the Public Hearings. No further testimony</p> <p><u>Discussion regarding timeline for decision:</u></p> <p>Director Sandoval stated from the date of the first adjournment there are 42 days, if the Commission decide to continue, you can go to 90 days, which leaves 48 days to meet the first milestone. Additional days can be added for total of 120 days to decide. At this point Commission have sufficient information to decide. He noted Rule 3.17 is available for added conditions to the license if it's acceptable to the neighbors in opposition.</p> <p>Commissioner Nishimura wanted to add several conditions to the application and requested to defer this matter to the next meeting.</p> <p>Chair Crowell asked Mr. Foster if its ok for commissioner to ask the staff to help commissioner assist Mr. Nishimura to draft the conditions. Mr. Foster replied yes, it's within the timeline.</p> <p>Director Sandoval stated, if any other commissioners want to make the motion with the conditions at this point, it could be approved otherwise will have to continue to the</p>	<p><u>Motion 1.</u></p> <p>Mr. Nishimura moved to close the Public Hearing on this Agenda Item Vice Chair Kahawai seconded. Motion carried 6.0</p> <p><u>Motion 2.</u></p> <p>Mr. Nishimura moved to defer action on Application No. 2022-034, Hometown Canteen LLC. dba Mucho Aloha to the next meeting March 10, 2022. Mr. Pacheco seconded. Motion carried 6.0</p>

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	<p>next meeting.</p> <p>2. <u>KCY RESTAURANT, LLC. dba PUAKEA GRILL</u>: Application 2022-037 was filed on September 2, 2021, by KCY Restaurant, LLC. dba Puakea Grill for New Restaurant General B (Live Entertainment and Dancing) License located at 4150 Nuhu Street, Lihue, Kauai, Hawaii. Deposited \$450.00.</p> <p>a. All legal requirements have been met for today’s public hearing.</p> <p>b. The applicant has sent out notices to property owners or lessees of record within 500 feet of the proposed premises and up until this time of the public hearing the department has received ten letters in support, and two letters of opposition to this application.</p> <p>Director Sandoval read the Department Report and noted the number of letters has changed since the publishing of the agenda. All the letters have been forwarded to the Commission for their review. Director Sandoval stated for the record, the names that have submitted letters in support are William Eddy, Michael Acoba, James Mayfield, Thomas Rosellini, Elshae Tanimoto, Thomas Oi, Eric Yama, Guy Moriguchi, Chad Saki, Lyle Tabata, Karen Takata, Heidi Tukuda, Shelly Paik, Shelsey Francisco, Tarryn Oriol, Sherly Grady, and a letter in opposition with condition from Sandy Burris. Mr. &amp; Mrs. Villamor Galiza and David and Kane have submitted letters in opposition. (Written testimony on file). Two members of the public are online wanting to testify.</p> <p>Commissioner Shimabukuro recused herself from discussion and voting on this matter.</p> <p>Chair Crowell opened the public hearing on this application. Asked Ms. Yanagawa if she</p>	

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	<p>is the operator off the proposed restaurant and if she read the report and had any comments or questions.</p> <p>Kristin Yanagawa, present on behalf KCY Restaurant, LLC. dba Puakea Grill. She stated, Puakea Golf Course has been open for 30 years and the restaurant and Grill has been there for over 20 years serving both local families and visitors. When the pandemic hit the golf course and restaurant closed. During that time, Grove Farm searched for a new owner and operator of the restaurant. I have been trained at the culinary arts program at Kauai Community College and experienced working for many wonderful restaurants on the island such as JO2, Pacos, Kukuiula and Verde. This opportunity is challenging; however, it will hopefully fulfill my dreams of operating my own restaurant. My desire is to continue to provide the community with a restaurant that is comfortable and inviting for all, not only for golfers, families, friends, and businesses to enjoy. The operation of the restaurant will be like the previous operation with local plantation style comfort foods for dine-in and takeout. Hours are 7:00 AM for breakfast and lunch and appetizers until 6:00 PM. Refreshment service to our golfers is an important and necessary part of the golf experience. Beverage carts service, selling alcohol and food, will be offered. We are working with Grove Farm to ensure safe crossing for the golfers who traverse to Nuhou Street, which is owned by Grove farm properties and is not a public access road. Measures such as additional signage, for vehicles and the golf carts, race speed bumps or flashing lights are possible. At the grill, we will not have live music or dancing. On occasions, Grove Farm, the owner of the golf course does allow rental of the lawn area for occasions such as wedding receptions, baby luaus, family and business gatherings. Looking back on the frequency of these events, it's been less than 10 times a year. These events may opt for live music and dancing. However, Grove Farm will impose a 10:00 p.m. curfew as part of the conditions for using this area. For these special engagements, Grove Farm will ensure that their licensee obtains the temporary liquor license from the Liquor Commission. Grove Farm has assured me that a curfew of 10:00 p.m. remains in placed with all these functions. My intention is that Puakea Grill</p>	

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	<p>offers a warm and inviting place for dining and to complement the surrounding community. It will be an establishment for all to enjoy.</p> <p>Doctor Wilbur Keith, 2110 Kanio Street, present in support of KCY Restaurant, LLC. dba Puakea Grill. Dr. Keith thanked the commissioners for allowing him to speak. Dr. Keith supports Kristin because she is accountable, responsible and knows what ohana is about. Granting the liquor license for Puakea Grill, not only speaks about the owner Kristin as being socially responsible to her community which she serves. Grove Farm has always been accountable and gifting to our community and certainly holding them responsible with small group gatherings on the golf course. This establishment does not suggest they are going to have wild parties and drunk drivers. It's a place for our ohana, visitors and friends to golf, have evening walks and reception for special occasions. The commissioner, staff and our community should embrace and stand behind Kristin and Puakea Grill and to celebrate something that will bring dignity to our community. It will grant a secured area and continuation of something that has already been going on for over 30 years servicing our community and providing economics onto those constituents. I certainly hope that you'll provide your support.</p> <p>Mr. Dave and Ann Kane, present, resides 2515 Kanio Street for 20 years, opposed to the application. Mr. Kane strongly and vehemently object to a liquor serving nightclub in their neighborhood. The reasons are noise, traffic, and security and safety. For them to withdraw their objection, limitation must be placed on applicant's liquor license. 1). No dancing. 2). Music ok but not amplified. 3). Special events as defined and must end by 9:00 p.m. and not 10:00 p.m. as stated in the current application.</p> <p>Mr. Kane expressed they can accept 2 days of special events/functions per month that requires the applicant to stay open after 6:00 pm. which would give them 24 events per year. These conditions need to be in writing. Mr. Kane further asked if this license is</p>	

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	<p>granted, what remedies are there for the neighbors if the terms are violated? (Written testimony on file).</p> <p>Chair Crowell thanked Mr. Kane and asked commissioners if they had any questions for Mr. Kane.</p> <p>Mr. Nishimura asked Mr. Kane, is it you're understanding that this application is for a nightclub or for a restaurant?</p> <p>Mr. Kane replied, when I read the application, what came to my mind is Rob's Grill. Which is what we don't want in our neighborhood. We have no objection to the hours of 7am to 6pm., we object to closing after 6pm and amplified music.</p> <p>Mr. Nishimura, under the old operation did you have any objections to the way it was operated. Would you allow that kind of operation to take place?</p> <p>Mr. Kane replied, there was never any late-night functions under the old way of operation.</p> <p>Mr. Nishimura, stated on occasions, they did have Friday evening music with no dancing contained within the structure.</p> <p>Mr. Kane replied, I have no objection to golf functions. I've been there for many golf functions. They happened during the daytime for awards banquet etc.</p> <p>Chair Crowell thanked Mr. Kane and asked if anybody else wanted to testify.</p> <p>Director Sandoval stated that's all people that were registered, although they're not required to be registered, anybody that wishes to speak on this matter can unmute themselves at this time. No additional public testimony.</p> <p>Vice Chair Kahawai asked the applicant, of the 10 or so events, held annually</p>	



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	<p>historically, how many have been indoors and outdoors in tents.</p> <p>Ms. Yanagawa, called on Warren Haruki to address the question.</p> <p>Mr. Haruki replied, most of the special events tend to be outdoors because of the limited capacity of 50-60 people indoors.</p> <p>Commissioner Nishimura asked Mr. Haruki, during your tenure, did you ever have any complaints with any of your outdoor events, whether they had live music or not?</p> <p>Mr. Haruki replied, not to my recollections. I don't recall many complaints, at all. We are situated far way and we don't have a lot of homes within 700-800 feet. I understand what Mr. Kane said about noise travels. Tradewinds carry some noise from the airport, so winds will carry some of the noise. These events are not rock concerts. They are small family local gatherings such as weddings, baby luau and anniversary and we imposed a curfew.</p> <p>Commissioner Gibson asked, are the functions adjacent to the restaurant?</p> <p>Mr. Haruki replied, most of the functions are adjacent just outside the restaurant. A few functions requiring bigger tents are set near Grove Farm Manager's home which is about 100- 200 yard from the court barn.</p> <p>Chair Crowell, asked commissioners, if no other people wanting to testify, should we close the public hearing or is there more information you need?</p> <p>Commissioner Nishimura moved to close the public hearing for Application 2022-37, KCY Restaurant, seconded by Vice Chair Kahawai.</p> <p>Chair Crowell stated, it's been moved and seconded to approve the application as applied for and closed the Public Hearing.</p>	<p><u>Motion 1:</u></p> <p>Mr. Nishimura moved to close the Public Hearing for Application 2022-037, KCY Restaurant. Vice Chair Kahawai seconded. Motioned carried 5.0.</p> <p><u>Motion 2:</u></p> <p>Mr. Nishimura move to approve the Application 2022-037, KCY restaurant, LLC dba Puakea Grill outside the general restaurant license allowing for live music and dancing. It's stated in their</p>

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	<p>Discussions: Whether there were any complaints or notices to the previous licensee of Puakea Grill and if there were other objections, testimony in opposition to the application, with the exceptions of Mr. &amp; Mrs. Galiza and Mr. &amp; Mrs. Kane. Director Sandoval, stated, they researched back to the original license from 2007 to 2020 of June and there was nothing on record, but there were 2 violations with errors on documentation and that no further testimony has been received up till 10:00 am the meeting.</p> <p>Commissioner Nishimura supported this application as originally applied for considering the history of how they have operated in the past. They appear to be doing similar type of operation and have not received complaints.</p>	<p>application that they would shut down no later than 10:00 o'clock. Mr. Pacheco seconded.</p> <p>Motion carried 5.0</p> <p><u>Roll Call Vote:</u>          Mr. Gibson - Aye          Mr. Nishimura - Aye          Lorna Nishimutsu - excused          Mr. Pacheco - aye          Ms. Shimabukuro- recused          Chair Crowell - Aye          Vice Chair Kahawai- Aye</p>

SUBJECT	DISCUSSION	ACTION
<p>H.</p>	<p><b><u>NEW LICENSE:</u></b></p> <p>1. HEALTHGO MARKET INC. dba HEALTHGO MARKET INC.: Application 2022-045 was filed on January 24, 2022, by HealthGo Market Inc. dba HealthGo Market Inc. for a Retail Dealer General License located at 4479 Rice Street, Lihue, Kauai, Hawaii. Deposited \$450.00.</p> <p>Director Sandoval stated this item is for acceptance and publication.</p> <p>Chair Crowell noted, it's been moved and seconded to accept the application and schedule for public hearing and publication.</p>	<p><b><u>Motion:</u></b></p> <p>Vice Chair Kahawai moved to accept application number 2022-045. Health Gold Market Inc dba HealthGo Market Inc. for publication and public hearing. Mr. Pacheco seconded.          Motion carried 6.0</p>
<p>I.</p>	<p><b><u>DISCUSSION AND POSSIBLE ACTION TO ADOPT A COMMISSION POLICY RE: ORAL TESTIMONY</u></b></p> <p>1. Attachment for consideration</p> <p>Director Sandoval stated, we are looking to adopt a policy to add into the preamble of the commission agenda and defined parameters for public testimony time limits.</p> <p>Mr. Foster clarified that the information is already appended. This would sort of make it official and it would be adopting the actual language that was recommended by Administration.</p> <p>Administrator Ching clarified the rules and emergency proclamation and Act 220, which was effective January 1, 2022, and the new regulations regarding virtual meetings and</p>	

SUBJECT	DISCUSSION	ACTION
	<p>changes on the format of the agenda to have a preamble and incorporating amendments in the rules. Director Sandoval noted, with the way legislation is moving there are going to be some new definitions, new things that are changing.</p> <p>Mr. Foster stated, if the Commission wanted to adopt this then the motion would just be to adopt the language.</p> <p>Chair Crowell stated it's been moved and seconded to approve the proposed oral testimony policy and placed it in our Policy Handbook.</p> <p>Mr. Nishimura asked to include on the next Agenda rules for requests for free 1 day permit. (CG Foundation)</p>	<p><u>Motion:</u></p> <p>Mr. Gibson moved to adopt the proposed oral testimony policy. Mr. Gary Pacheco seconded. Motion carried 6.0</p>
<p><b>J.</b></p>	<p><b><u>UPDATE, DISCUSSION AND POSSIBLE ACTION ON MEETING PROCEEDINGS</u></b></p> <p>Discussion on results of poll, conflict of schedules dates and times and on options to meet everyone's availability.</p> <p>Director Sandoval stated everything is schedule up through April hearing. Mr. Nishimura moved to defer this matter to next meeting</p>	<p><u>Motion:</u></p> <p>Mr. Nishimura moved to defer Item J. to the next meeting. Mr. Pacheco seconded the motion. Motion carried 6.0</p>
<p><b>K.</b></p>	<p><b><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>No Action</p>
<p><b>L.</b></p>	<p><b><u>RETURN TO OPEN SESSION:</u></b></p>	<p>No Action</p>

SUBJECT	DISCUSSION	ACTION
M.	<b><u>ROLL CALL FOR THE RETURN TO OPEN SESSION</u></b>	No Action
N.	<b><u>RATIFY THE ACTIONS TAKEN IN EXECUTIVE SESSION</u></b>	No Action
O.	<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)	No Action
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.	Mr. Pacheco moved to adjourn the meeting Mr. Nishimura seconded the motion. Motion carried 6.0

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.