



LIQUOR CONTROL COMMISSION

DEE CROWELL CHAIR
LELAND KAHAWAI, VICE CHAIR

WILLIAM GIBSON, MEMBER
RANDALL NISHIMURA, MEMBER
LORNA NISHIMITSU, MEMBER
GARY PACHECO, MEMBER
TESS SHIMABUKURO, MEMBER

REGULAR MONTHLY TELECONFERENCE MEETING NOTICE AND AGENDA

Thursday, January 13, 2022
4:00 p.m. or shortly thereafter

Microsoft Teams Conferencing Information

Click on the link below to join on your computer or mobile app by VIDEO:

<https://bit.ly/3GDUi0e>

Or

Dial phone number and enter conference ID to call in and join by AUDIO:

Phone: [+1 469-848-0234](tel:+14698480234) United States, Dallas

Phone Conference ID: 428 352 635#

This meeting will be held via Microsoft Teams conferencing only. Members of the public are invited to join this meeting by using the link above or calling the number above with the conference ID information. You may testify during the video conference or submit written testimony in advance of the meeting via e-mail or mail. To avoid excessive noise/feedback, please mute your microphone except to testify.

A. CALL TO ORDER

B. ROLL CALL

C. ANNOUNCEMENTS:

Next Scheduled Meeting: Thursday, January 27, 2022 – 4:00 p.m. or shortly thereafter

D. APPROVAL OF THE AGENDA

E. CONSENT AGENDA

1. APPROVAL OF MINUTES – December 9, 2021

2. DIRECTORS REPORT

a. December 9, 2021 to January 6, 2022

3. INVESTIGATORS ACTIVITY REPORTS:
4. EMPLOYEES IN LICENSED PREMISES:
 - a. Managers and Assistant Managers Red/Blue Card exam list - See Attachment "A"
5. ACTIONS OF THE DIRECTOR:
 - 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.
 - b. BARREL AND BBW, 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)
 - 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.
 - 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.
6. INFORMATIONAL MATTERS:
 - a. LICENSEE TRADE NAME CHANGE:
 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.

2. COLORSHKO 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.

F. PUBLIC HEARING:

1. UNCLE D'S ENTERPRISES LLC dba UNCLE D'S KAUAI: 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. Deposited \$450.00.
 - 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.
2. HOMETOWN CANTEEN LLC. dba Mucho Aloha: 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.
 - 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 community opposition to this application.

G. VIOLATION HEARING:

1. BURTON TRUJILLO dba OLYMPIC CAFE: Violation of Rule 7.8 Manager on duty, qualifications.
 - 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

H. VIOLATION REPORT:

1. KAUAI BLUE, INC. dba SHERATON KAUAI RESORT LINK CAFE: Violation of Rule 10.2, Manager on Duty, qualifications.

I. NEW LICENSE:

1. TROPICAL TACO LTD. DbA TROPICAL TACO: 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.

J. NEW SOLICITOR'S PERMIT

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.

K. REQUEST FOR A FREE ONE DAY SPECIAL LICENSE

1. HAWAII HOTEL INDUSTRY FOUNDATION dba HAWAII LODGING & TOURISM ASSOCIATION: 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 Hokuala Golf Course located at 3351 Ho'Olaualea Way, Lihue, Kauai Hawaii.

L. PERMANENT INCREASE/EXTENSION TO PREMISES

1. GINGER AND THAI BASIL dba JO2: 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.
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. Applicant has met all requirements and clearances obtained with Department of Health, The County of Kauai Building Division and Planning Department.

M. REQUEST FOR ALTERATION OF LICENSED PREMISES

1. DHC FOOD & BEVERAGE CORPORATION dba SHERATON KAUAI – GRAND 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. Applicant has met all requirements and clearances obtained with Department of Health, The County of Kauai Building Division and Planning Department.

N. 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)

O. UPDATE, DISCUSSION, AND POSSIBLE ACTION REGARDING THE SIX (6) MONTH EVALUATION OF THE DIRECTOR OF LIQUOR CONTROL (Continued from 12/9/2021 meeting)

P. DISCUSSION AND POSSIBLE ACTION REGARDING THE SALARY OF THE DIRECTOR OF LIQUOR CONTROL (Continued from 12/9/2021 meeting)

Q. DISCUSSION AND POSSIBLE ACTION ON MEETING PROCEEDINGS

R. EXECUTIVE SESSION:

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.

1. APPROVAL OF MINUTES:

a. December 9, 2021

S. RETURN TO OPEN SESSION

T. ROLL CALL FOR THE RETURN TO OPEN SESSION

U. RATIFY THE ACTIONS TAKEN IN EXECUTIVE SESSION

V. EXECUTIVE SESSION:

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)

W. ADJOURNMENT

WRITTEN TESTIMONY

Persons wishing to offer comments are encouraged to submit written testimony at least 24-hours prior to the meeting and must indicate:

1. Your name and if applicable, your position/title and organization you are representing.
2. The agenda item that you are providing comments on; and

Send written testimony to:

Liquor Control Commission
c/o Office of Boards and Commissions
Pi'ikoi Building 4444 Rice Street, Suite 300
Līhu'e, Hawai'i 96766
E-Mail: liquor@kauai.gov
Phone: (808) 241-4966

SPEAKER REGISTRATION

Prior to the Day of the Meeting: Persons wishing to testify are requested to register their name, phone number, and agenda item via email at liquor@kauai.gov or by calling 808 241-4966.

On the Day of the Meeting: Persons who have not registered to testify by the time the Commission meeting begins will be given an opportunity to speak on an item following oral testimonies of registered speakers. The length of time allocated to person(s) wishing to present verbal testimony may be limited at the discretion of the chairperson or presiding member.

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 liquor@kauai.gov to request access.

SPECIAL ASSISTANCE

If you need an auxiliary aid/service or other accommodation due to a disability, or an interpreter for non-English speaking persons, contact (808) 241-4966 or liquor@kauai.gov as soon as possible. Requests made as early as possible will allow adequate time to fulfill your request.

Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.