



# LIQUOR CONTROL COMMISSION

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**WILLIAM GIBSON**, CHAIR  
**DEE CROWELL**, VICE CHAIR

**LELAND KAHAWAI**, MEMBER  
**RANDALL NISHIMURA**, MEMBER  
**LORNA NISHIMITSU**, MEMBER  
**GARY PACHECO**, MEMBER  
**TESS SHIMABUKURO**, MEMBER

## REGULAR MONTHLY TELECONFERENCE MEETING NOTICE AND AGENDA

Thursday, October 14, 2021  
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/3z154J0>

**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:** 441 228 033#

**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, October 28, 2021 – 4:00 p.m. or shortly thereafter

**D. APPROVAL OF AGENDA**

**E. APPROVAL OF MINUTES:**

1. Open Session Minutes of August 12, 2021
2. Open Session Minutes of August 26, 2021
3. Open Session Minutes of September 9, 2021
4. Open Session Minutes of September 23, 2021

**F. PUBLIC HEARING:**

1. KIIBO LLC dba KIIBO: Application No. 2022-005 was filed on July 15, 2021 by KIIBO LLC dba Kiiibo for a New Restaurant General license (Live Music, with No Dancing) located at 2991 Umi Street, Lihue, Kauai, Hawaii. The Commission accepted Application No. 2022-056 for publication and public hearing on August 12, 2021 and ordered to print notice of public hearing in The Garden Island newspaper on Wednesdays, August 18, and August 25, 2021, scheduling the public hearing on October 14, 2021, at 4:00 p.m. or shortly thereafter via Microsoft Teams conferencing only.
2. THE ODOM CORPORATION dba THE ODOM CORPORATION: Application No. 2022-009 was filed on July 26, 2021 by THE ODOM CORPORATION dba THE ODOM CORPORATION for a transfer of Wholesale Dealer General No. 3G-007 from Anheuser-Busch Sales of Hawaii, Inc. dba Anheuser-Busch Sales of Hawaii. The Odom Corporation located at 2955 Waapa Road, Lihue, Kauai, Hawaii. The Commission accepted Application No. 2022-009 for publication and public hearing on September 9, 2021 and ordered to print notice of public hearing in The Garden Island newspaper on Wednesday, September 15, 2021, scheduling the public hearing on October 14, 2021, at 4:00 p.m. or shortly thereafter via Microsoft Teams conferencing only.

**G. VIOLATION HEARING:**

1. BRICK OVEN PIZZA KALAHEO, INC.: Violation of Rule 7.8 Manager on duty, qualifications.
  - a. Brick Oven Pizza is licensed as a restaurant permitted to sell liquor for on-premises consumption.
  - b. On September 3, 2021, at 6:34 P.M. Investigator Yoshida was conducting a normal inspection at the licensee. At the time of the inspection Investigator Yoshida noted there were approximately fifteen patrons inside of the establishment. When Investigator Yoshida asked to speak with a Blue Card Manager, he was informed that there was not one on duty, but they could be contacted by phone. Investigator Yoshida also confirmed with the establishments work schedule that there was not a Blue Card Manager scheduled.
  - 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 12 month period includes: None

**H. DIRECTOR'S REPORTS:**

1. DIRECTOR REPORT:

a. September 24 - October 7, 2021

2. INVESTIGATORS ACTIVITY REPORTS:

3. EMPLOYEES IN LICENSED PREMISES:

a. Managers and Assistant Managers Red/Blue Card exam list - See Attachment "A"

**I. ACTIONS OF THE DIRECTOR:**

1. HOLLAND AMERICA LINE N.V.: Approval of One Day Transient Vessel License for the vessel ms Zuiderdam, which will arrive at Nawiliwili Harbor, Pier 2 , on December 15, 2021 8:00 a.m. and depart on the same day at 6:00 p.m..

**J. INFORMATIONAL MATTERS:**

1. Letter from Charter Review Commission – Proposed Amendments

**K. NEW LICENSE:**

1. BAMF LLC dba BATTERS UP: Application 2022-008 was filed on August 5, 2021 by BAMF LLC dba Batters Up for a New Restaurant General (A) (No Live entertainment and dancing) license located at 1639 Haleukana Street, Lihue, Kauai, Hawaii. Deposited \$450.00

**L. PERMANENT INCREASE :**

1. SGF CORP dba ROB'S GOOD TIMES GRILL: Request for permanent increase of premises to add permanent outdoor seating approximately 100' X 10' encompassing the sidewalk area immediately in front of Rob's Good Times Grill for table dining. The use of this additional area is to expand seating. The appropriate staff as well as the manager on duty will monitor all areas.

**M. REQUEST TO REMOVE LICENSE FROM SAFEKEEPING:**

1. DHC Food & Beverage dba The Market:
  - a. DHC Food & Beverage Corporation dba The Market is requesting to remove their license from safekeeping.
  - b. License No. 4G-038 was placed in safekeeping during the time of renovations being done to the licensed premises. Those renovations are now completed.
  - c. Hawaii Revised Statutes – HRS 281-41 (k) states: (k) The Conversion of an entity into any other form of entity or the merger of any entity shall not be deemed a transfer of the license; provided that the licensee, prior to the date of the conversion or merger, shall apply for and secure the approval of the Commission without any requirement for publication of notice. The foregoing shall not preclude compliance with subsection (d) upon a change in any of the partners or members, or with subsection (j) upon change of any shareholders, officers, or directors of any entity occurring concurrently with a conversion or merger.

**N. 90 DAY TRIAL PERIOD:**

1. Request for a one time 90 day trial period to provide live entertainment.
  - a. Tru Protection, Inc. Db a Japanese Grandma’s Café license No. 2G-036, currently holds a Restaurant General License with no live entertainment and no dancing.
  - b. True Protection, Inc db a Japanese Grandma's Café is requesting a one time 90 day trial period to provide live entertainment starting October 15, 2021.
  - c. HRS 281-47 Standard bar; music and dancing available. States Any standard bar establishment may provide facilities for dancing patrons, including a dance floor and love or recorded music, if establishment is located in a commercial district and obtains the approval of the Commission to provide such services on a one time trial basis to exceed ninety days; provided that the music and dancing shall be allowed only during the trial period.
  - d. Tru Protection ,Inc. db a Japanese Grandma’s Café is currently in the process to change the Class and Kind of the existing license from Restaurant General Class A no live entertainment and no dancing to Restaurant General Class B live entertainment and dancing.

**O. AUTHORIZED AGENT:**

1. MPK MANAGEMENT COMPANY LLC dba BEACH HOUSE RESTAURANT: Authorization for Robert Arthur Ueoka as the attorney and Authorized Agent for MPK MANAGEMENT COMPANY LLC dba Beach House Restaurant for Restaurant General Liquor License No. 2G-045 located at 5022 Lawai Road, Koloa, Kauai, Hawaii.

**P. NEW SOLICITOR'S PERMIT**

1. MASAKI MIYAZAWA: Application No. 2022-019 was filed on September 30, 2021, by Masaki Miyazawa for a Solicitor's Permit in the County of Kauai to represent Wismettac Asian Foods, a Wholesale Dealer General licensee in the City & County of Honolulu. Deposited \$180.

**Q. DISPOSITION OF AMOUNT OF FINE HELD IN SUSPENDED STATUS (9/23/2021):**

1. Viva Kai LLC dba Kai Bar Coffee Roasters: Discussion and possible decision making on the collection of the fine amount held in suspended status from June 17<sup>th</sup>, 2021 Commission hearing on a violation that originally occurred on May 28<sup>th</sup>, 2021 with conditions set. (Continued from 9/23/2021 Commission Meeting)

**R. 2021 PROPOSED RULE AMENDMENTS FOR COMMISSION REVIEW (9/23/2021)**

**S. 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 August 12, 2021, August 26, 2021, September 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. Executive Session Minutes of August 12, 2021
- b. Executive Session Minutes of August 26, 2021
- c. Executive Session Minutes of September 9, 2021

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).

**T. RETURN TO OPEN SESSION**

**U. ROLL CALL FOR THE RETURN TO OPEN SESSION**

**V. RATIFY THE ACTIONS TAKEN IN EXECUTIVE SESSION**

**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: [mkelekoma@kauai.gov](mailto:mkelekoma@kauai.gov)

Phone: (808) 241-4918

## **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 [mkelekoma@kauai.gov](mailto:mkelekoma@kauai.gov) or by calling 808 241-4918.

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 Malialani Kelekoma at (808) 241-4918 or [mkelekoma@kauai.gov](mailto:mkelekoma@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 Malialani Kelekoma at (808) 241-4918 or [mkelekoma@kauai.gov](mailto:mkelekoma@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.