



LIQUOR CONTROL COMMISSION

WILLIAM GIBSON, CHAIR
DEE CROWELL, VICE CHAIR

SHIRLEY AKITA, MEMBER
LELAND KAHAWAI, MEMBER
GERALD MATSUNAGA, MEMBER
RANDALL NISHIMURA, MEMBER
GARY PACHECO, MEMBER

SPECIAL MONTHLY TELECONFERENCE MEETING NOTICE AND AGENDA

Thursday, February 18, 2021
10:00 a.m. or shortly thereafter

Microsoft Teams Audio: + 1 469-848-0234, Conference ID: 743 198 263#

This meeting will be held via Microsoft Teams conferencing only. Members of the public are invited to join this meeting by 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, fax, or mail. To avoid excessive noise/feedback, please mute your microphone except to testify.

CALL TO ORDER

ROLL CALL

ANNOUNCEMENTS:

Next Scheduled Meeting: Thursday, March 4, 2021 – 10:00 a.m. via Tele-Conference.

APPROVAL OF AGENDA

1. PUBLIC HEARING:

POINT HB LLC dba LEI HANAIEI: Application No. 2021-014 was filed on December 7, 2020 by POINT HB LLC dba LEI HANAIEI for a New Retail Dealer license at old Harvest Market location in Hanalei Town located at 5-5161 Building F Kuhio Hwy, Hanalei, Kauai, Hawaii. The Commission accepted Application No 2021-014 for publication and public hearing on December 17, 2020 and ordered to print notices of public hearing in the Garden Island on February 3, 2021 February 10, 2021 scheduling the public Hearing on February 18, 2021 at 10:00 a.m. or shortly thereafter via Tele-Conference.

2. DIRECTOR'S REPORTS:

- a) INVESTIGATORS' REPORTS:
- b) ACTIONS OF THE DIRECTOR:

c) INFORMATIONAL MATTERS:

NOTICE OF CHANGE IN MANAGERS OF A LIMITED LIABILITY COMPANY LICENSE

Young's Market Co., LLC, a Delaware manager-managed limited liability company (Licensee) notifies the Commission by letter dated January 30, 2021 that on December 31, 2020, one of its managers, Young's Holdings, Inc. a Delaware corporation ("YHI") withdrew as a manager, and that YHI Spirits, LLC, a Delaware limited liability company ("YHI SPIRITS") was admitted as a manager. Licensee also provides the Commission with further details concerning related business entities. (HRS § 281-41(e) provides in relevant part, "Where a license is held by a ... limited liability company, the admission or withdrawal of a ... manager of a manager-managed limited liability company shall not be deemed a transfer of the license; provided that the licensee shall, within thirty days from the date of the admission or withdrawal, so notify the commission in writing, stating the name of the ...manager, who has been admitted or withdrawn, and any other information as may be required by the commission.").

NOTICE OF CHANGE IN DIRECTORS OF CORPORATE LICENSE

Seven-Eleven Hawai'i, Inc. dba 7 Eleven Stores notifies that Commission of the removal of Ryoji Sakai as Director. Appointment of Ryota Yokokura as Director. (HRS § 281-41(i) provides in relevant part that "the corporate licensee, if not a publicly-traded company, or an entity ultimately solely owned by a publicly-traded company, shall, within thirty days from the date of election of any officer or director, notify the commission in writing of the name, age, and place of residence of the officer or director. A publicly-traded company, or an entity ultimately solely owned by a publicly-traded company, shall, within thirty days from the date of election of any replacement of an officer designated as a primary decision-maker regarding the purchase and sale of liquor, notify the commission in writing of the name, age, and place of residence of the officer. If the commission finds that the transferee, officer, or director, for whom notification is required to be given as specified in this subsection, is an unfit or improper person to hold a license in the transferee's, officer's, or director's own right pursuant to section 281-45, it may in its discretion revoke the license or suspend the license until a retransfer or new transfer of the capital stock is effected to a fit or proper person pursuant to section 281-45 or until the unfit or improper transferee, officer, or director is removed or replaced by a fit and proper person pursuant to section 281-45.").

3. OFF-PREMISE WAREHOUSING:

WAINIHA COUNTRY MARKET, INC.: Requesting for off-premise warehousing, per diagram and letter submitted, at 5-6607 Kuhio Highway, Hanalei, Kauai, Hawaii. (HRS § 281-39 (a) states in relevant part: “A license issued under this chapter shall authorize the doing of the business licensed only at the place described in the license, which shall be known as the licensed premises, except: (1) In case of a removal with the prior written consent of the liquor commission indorsed on the license, or outside warehousing which may be located off the licensed premises with prior written consent of the liquor commission.”)

4. UPDATE, DISCUSSION AND POSSIBLE DECISION-MAKING ON MATTERS RELATED TO THE HIRING OF THE DIRECTOR OR LIQUOR CONTROL

EXECUTIVE SESSION: Pursuant to Haw. Rev. Stat. ("H.R.S.") §92-4 and §92-5 (a) and (2) and (4), the purpose of this Executive Session is for the deliberation and decision-making by the Commission relating to the recommendations as presented by the Permitted Interaction Group on the hiring of a new Director of Liquor Control and other related items, 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 agenda item.

RETURN TO OPEN SESSION

ROLL CALL FOR THE RETURN TO OPEN SESSION

RATIFY THE ACTIONS TAKEN IN EXECUTIVE SESSION

EXECUTIVE SESSION: Pursuant to Haw. Rev. Stat. ("H.R.S.") §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 H.R.S. §92-5(a).

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
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 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.

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 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.