



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

On November 29, 2021, Governor David Y. Ige issued an Emergency Proclamation, which continued the suspension of Hawai'i Revised Statutes (HRS) Chapter 92, relating to Public Agency Meetings and Records (also known as the Sunshine Law) as it pertained to the COVID-19 Response. HRS Chapter 92 was suspended to the extent necessary to enable boards to conduct business in-person or through remote technology without any board members or members of the public physically present in the same location. In addition, on December 29, 2021, Governor Ige issued a proclamation suspending HRS 92-3.7 to suspend the requirement to have at least one meeting location that is open to the public.

Meetings of the Liquor Control Commission will be conducted as follows until further notice:

- Meetings will be publicly noticed pursuant to HRS Chapter 92.
- In-person meetings will be closed to the public to be consistent with social distancing practices.
- Liquor Control Commissioners, Department and/or Boards and Commission Staff, parties to agenda items, and resource individuals may appear via the Microsoft Teams remote technology.
- If any major and insurmountable technical difficulties are encountered during the meetings, the Liquor Control Commission will continue all matters and reconvene at the next scheduled Liquor Control Commission Meeting.
- Minutes of meetings will be completed pursuant to HRS Chapter 92 and posted to the Liquor Control Commission's website upon completion and approval.

Public Comments and Testimony:

- **Written testimony:** The Liquor Control Commission will accept written testimony for any agenda item herein. Written testimony indicating your 1) name, and if applicable, your position/title and organization you are representing, 2) the agenda item that you are providing comment on, and 3) contact information (telephone number and email address), may be submitted to liquor@kauai.gov or mailed to the Liquor Control Commission, c/o Department of Liquor Control, 4444 Rice Street, Suite 120, Lihue, Hawaii 96766. Written testimony received by the Liquor Commission at least 24 hours prior to the meeting will be distributed to all Liquor Control Commissioners prior to the meeting. Any testimony received after this time and up to the start of the meeting will be summarized by the Director of the Liquor Department during the meeting and added to the record thereafter. Any late testimony received will be distributed to the members after the meeting is concluded.

- **Oral testimony** will be taken during the public testimony portion of the meeting via Microsoft Teams remote technology platform.
 - It is recommended that anyone interested in providing oral testimony register at least 24 hours prior to the meeting by emailing liquor@kauai.gov or calling (808) 241-4966. Any request to register shall include your 1) name, and if applicable, your position/title and organization you are representing, and 2) the agenda item that you are providing comment on, and 3) contact information (telephone number and email address).
 - It shall be the responsibility of the testifier to join the meeting through the Microsoft Teams link provided on the posted agenda to provide their testimony. In addition, it shall be the responsibility of the testifier to ensure that the Microsoft Teams software is downloaded and operational prior to the meeting.
 - The testifier's audio and video shall be disabled until it is your turn to testify.
 - Per the Liquor Control Commission's and Chairs practice, there is three-minute time limit per testifier.
 - Individuals who have not registered to provide testimony will be given an opportunity to speak on an agenda item following the registered speakers.
 - If there are temporary technical glitches during your turn to testify, we may have to move on to the next person due to time constraints; we appreciate your understanding.

- **Liquor Commission Oral Testimony Policy**
 - Pursuant to HRS § 92-3 of the Public Agency Meetings and Records statute, the Kauai Liquor Control Commission must afford all interested persons an opportunity to submit data, views, or arguments, in writing, on any agenda item. The Commission must also afford all interested persons an opportunity to present oral testimony on any agenda item. The Commission may provide for reasonable administration of oral testimony by rule.

 - This Liquor Control Commission Policy is enacted in accordance with HRS § 92-3 and the Office of Information Practices guidance, to allow the Commission reasonable administration of oral testimony.

 - The Chair may limit all oral testimony during a Commission meeting to 3 minutes, but such time limit shall not include pertinent responses by the speaker to questions posed by members of the Commission. The Chair may grant an additional 3 minutes to provide further testimony after all interested persons have had an opportunity to provide oral testimony.

SPECIAL ASSISTANCE

IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS PLEASE CONTACT THE DEPARTMENT OF LIQUOR CONTROL AT (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 ALTERNATIVE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.



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, March 10, 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/3oqyCgD>

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: 930 694 009#

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, March 24, 2022 – 4:00 p.m. or shortly thereafter

D. APPROVAL OF AGENDA

E. CONSENT AGENDA

1. APPROVAL OF MINUTES: None
2. DIRECTORS REPORT: February 18, 2022 – March 3, 2022
3. INVESTIGATORS ACTIVITY REPORTS:
4. EMPLOYEES IN LICENSED PREMISES:

Managers and Assistant Managers Red/Blue Card exam list - See Attachment "A"
5. ACTIONS OF THE DIRECTOR:
 - a. CHICKEN IN A BARREL WAIMEA: Approval of a special request for addition of (1) Friday night trivia and (1) Corn Hole entertainment device to be located on premises.
6. TEMPORARY INCREASE OF PREMISES:
 - a. MPK MANAGEMENT CO. LLC., dba THE BEACH HOUSE RESTAURANT: Approval of Temporary Extension of Premises to include the patio lawn space, as seen in the attached packet. The space is approximately thirty feet by eighty feet from March 12, 2022 through April 12, 2022.
 - b. All applicable requirements have been met and clearances obtained including a temporary emergency (SMA) Special Management Permit from planning, a clearance from Building Division, and Department of Health.
 - c. MPK Management has filed with the Planning Commission an application for a permanent Special Use Permit (SMA), Public Hearing scheduled for April 12, 2022.
7. CHANGE IN OFFICERS/DIRECTORS/ MEMBERS:
 - a. COSTCO WHOLESAL CORPORATION dba COSTCO WHOLESAL 640 (4G-030): The addition of Gary Dean Swearingen as Assistant Secretary and ownership of less than one percent. The addition of Roland Michael Vachris as President/Director and ownership of less than one percent. The deletion of Walter Craig Jelinek as President and will remain as CEO & Director.

F. PUBLIC TESTIMONY:

G. PUBLIC HEARING:

1. 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. (Continued from 1/13/2022, 1/27/2022 2/10/2022 and 2/24/2022) Public Hearing was closed on 2/24/2022, pending Commission decision.
2. LAHAINA PETROLEUM, LLC dba RAINBOW GAS & MINI MART: Application No. 2022-040 was filed on January 13, 2022, by Lahaina Petroleum, LLC. dba Rainbow Gas & 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
 - b. All legal requirements have been met for today's public hearing.
 - c. 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.

H. TRANSFER OF LIQUOR LICENSE APPLICATION

1. HAOLE GIRL ISLAND SWEETS, LLC. dba STREET BURGER: Applicant No. 2022-046 was filed on February 25, 2022, by Haole Girl Island Sweets, LLC. dba Street Burger for a transfer of Restaurant General (A) No live music & No dancing from Double Rainbow Inc. to Haole Girl Island Sweets, LLC. located at 4-369 Kuhio Highway, Kapaa, Kauai, Hawaii. Deposited \$335.00

I. REQUEST FOR TEMPORARY LIQUOR LICENSE

1. HAOLE GIRL ISLAND SWEETS, LLC dba STREET BURGER: Application No. 2022-047 was filed on February 25, 2022, by Haole Girl Island Sweets, LLC dba Street Burger for a temporary Restaurant General (A) No Live Music & No Dancing to operate Double Rainbow Inc. dba Street Burger, License No. 2G-028 located at 4-369 Kuhio Highway, Kapaa, Kauai, Hawaii.

J. EXTENSION IN TIME TO EXERCISE LIQUOR LICENSE REQUEST

1. POINT BH LLC. dba HANAIEI MARKET: Request for extension in time for a one time period of 6 months to exercise Application No. 2021-025 which was approved on August 12, 2021.

K. UPDATE, DISCUSSION, AND POSSIBLE ACTION ON MEETING PROCEEDINGS (Continued from 2/24/2022)

L. 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, 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.

M. RETURN TO OPEN SESSION

N. ROLL CALL FOR THE RETURN TO OPEN SESSION

O. RATIFY THE ACTIONS TAKEN IN EXECUTIVE SESSION

P. 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)

Q. ADJOURNMENT

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.