



## 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, July 22, 2021  
10:00 a.m. or shortly thereafter

**Microsoft Teams Audio: + 1 469-848-0234, Conference ID: 808 028 655#**

**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.**

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. ANNOUNCEMENTS:**

Next Scheduled Meeting: Thursday, August 12, 2021 – 10:00 a.m. or shortly thereafter

**D. APPROVAL OF AGENDA**

**E. APPROVAL OF MINUTES**

Open Session Minutes of May 6, 2021

**F. VIOLATION HEARINGS:**

1. VIVA KAI LLC dba KAI BAR ROASTERS: Violation of Rule 7.8 Manager on Duty, qualifications.
  - a. Kai Bar Coffee Roasters is licensed as a Restaurant General on-premises establishment.

- b. On June 8, 2021, at approximately 6:33 pm Kai Bar Coffee Roasters did not have a person who possessed a liquor blue card and who was in active charge of the liquor sales when persons other than employees were present in the licensed area of the establishment when an Investigator from the Liquor department was delivering a Notice of Hearing to the establishment.
  - c. Rule 7.8 (a) Manager on duty, qualifications states: A person who is not less than twenty-one years of age shall be in active charge of any on premises establishment at all times when there is anyone who is not an employee in the premises. Rule 7.8 (b) in part states: This person shall have passed the test for a liquor blue card and have this card on their person or have it readily available.
  - d. Prior violations: On May 28, 2021, at 6:20 pm, Kai Bar Coffee Roasters was cited for violation of Rule 7.8 Manager on Duty, qualifications.
2. MPK Management Co. LLC dba BEACH HOUSE RESTAURANT: Violation of HRS Sec 281.31 (c)(1) Licenses, classes.
- a. Beach House Restaurant is licensed as a restaurant permitted to sell liquor for consumption for on-premises only.
  - b. On June 16, 2021, at approximately 6:55pm MPK Management Co. LLC. dba Beach House Restaurant did permit the removal of an alcoholic beverage from their licensed premises which was directly related to the licensee's operation as a restaurant which is a violation of HRS Sec. 281-31 (c)(1) Licenses, classes.
  - c. HRS Sec. 281-31 (c)(1) states: A license under this class shall authorize the licensee to sell liquor specified in this subsection for consumption on the premises; provided that a restaurant licensee, with commission approval, may provide off-premises catering of food and liquor; provided further that the catering activity shall be directly related to the licensee's operation as a restaurant.
  - d. Prior Violation History w/in 12-month period includes: None.

**G. DIRECTOR'S REPORTS:**

- 1. INVESTIGATORS ACTIVITY REPORTS:
- 2. INCOMING COMMUNICATIONS:
  - a. Disturbance Report from Kauai Brewers LLC dba Kauai Beer Company

3. OUTGOING COMMUNICATIONS (7/8/2021):

- a. To All Wholesalers, Re: Renewal and Non-Renewal of Liquor Licenses for Fiscal Year 2022.

4. EMPLOYEES IN LICENSED PREMISES:

- a. Managers and Assistant Managers - See Attachment "A"

5. RENEWALS/NON-RENEWALS continued from (7/8/2021):

- b. Comparison of Renewals/Non-Renewals for FY 2020, FY 2021, and FY 2022 - See Attachment "B"

**H. ACTIONS OF THE DIRECTOR:**

1. Temporary Increase/Extension To Premises

- a. KEOKI'S PARADISE: Approval of Temporary Increase of Premise to include a 210 sq. ft. grass turf area left of bar, per diagram submitted. Dates of temporary increase effective July 1, 2021, through October 30, 2021, from 11:00am - 10:00pm.
- b. KEOKI'S PARADISE: Approval of Temporary Increase of Premise to include the front area of the restaurant for a consumption area, per diagram submitted. Dates of temporary increase effective July 6, 2021, through October 1, 2021, from 11:00am - 10:00pm.
- c. THE DOLPHIN POIPU: Approval of Temporary Increase of Premise to include their lanai area as a Beer Garden and Wine Bar per diagram submitted for a Culinary Market on Wednesday's July 7, 14, 21, and 28, 2021 from 3:30p.m. to 6:30p.m.
- d. THE DOLPHIN POIPU: Approval of Temporary Increase of Premise to include their lanai area as a Beer Garden and Wine Bar per diagram submitted for a Culinary Market on Wednesday's August 4, 11, 18, and 25, 2021 from 3:30p.m. to 6:30p.m.

- e. THE DOLPHIN POIPU: Approval of Temporary Increase of Premise to include their lanai area as a Beer Garden and Wine Bar per diagram submitted for a Culinary Market on Wednesday's September 1, 8, 22, and 29, 2021 from 3:30p.m. to 6:30p.m.
- f. BEACH HOUSE RESTAURANT: Approval of Temporary Extension of Premises to include the patio lawn space, as seen in the attached. The space is approximately thirty feet by eighty feet.  
August 1,3,4,5,6,7,8,9,11,12,13,14,15,16,19,20,21,27,29, 2021 from 5:00 p.m. to 10:00 p.m.
- g. WRANGLERS STEAKHOUSE: Approval of Temporary Increase of Premises to include area fronting the restaurant, per diagram, from July 1, 2021, through September 30, 2021, from 11:00 a.m. to 11:00 p.m.

**I. VIOLATION REPORT:**

- 1. WB'S EXCLUSIVE LOUNGE dba WB's Exclusive Lounge: Violation of HRS Sec 281-31 (c) (1) Licenses, classes.
  - a. Under HRS 281-31(c)(1), A license under this class shall authorize the licensee to sell liquor specified in this subsection for consumption on the premises; provided that a restaurant licensee, with commission approval, may provide off-premises catering of food and liquor; provided further that the catering activity shall be directly related to the licensee's operation as a restaurant.
  - b. On July 9<sup>th</sup>, 2021, at approximately 11:20pm, WB's Exclusive Lounge was cited for allowing liquor to leave its licensed premise.

**J. PRESENTATION OF THE PERMITTED INTERACTION GROUP ON DRAFTING A JOB PERFORMANCE EVALUATION TOOL FOR THE DIRECTOR OF LIQUOR CONTROL AND ANY RELATED RECOMMENDATIONS**

**K. 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).

1. **APPROVAL OF MINUTES: Executive Session Minutes of May 6, 2021**

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 May 6, 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.

2. **DISCUSSION AND POSSIBLE ACTION REGARDING THE APPOINTMENT OF THE DIRECTOR AND THE EXPANSION OF OTHER JOB DUTIES**

Pursuant to HRS §92-4, §92-5(a)(2) and (4), the purpose of this Executive Session is for Commission to discuss and take action on the scope of the Director's duties as provided for in HRS §281-17(a)(5), 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.

L. **RETURN TO OPEN SESSION**

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

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

O. **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).

P. **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.