



## LIQUOR CONTROL COMMISSION

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**DEE CROWELL**, CHAIR  
**LELAND KAHAWAI**, VICE CHAIR

**RANDALL NISHIMURA**, MEMBER  
**LORNA NISHIMITSU**, MEMBER  
**TESS SHIMABUKURO**, MEMBER  
**GERALD S. MATSUNAGA**, MEMBER

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

- Meetings will be publicly noticed pursuant to HRS Chapter 92.
- 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, you 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](mailto: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 to the members after the meeting is concluded.
- **Oral testimony** will be taken during the public testimony portion of the meeting.
  - It is recommended that anyone interested in providing oral testimony register at least 24 hours prior to the meeting by emailing [liquor@kauai.gov](mailto: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).
  - 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.

### **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

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### REGULAR MONTHLY MEETING NOTICE AND AGENDA

Thursday, July 14, 2022  
4:00 p.m. or shortly thereafter  
Līhu`e Civic Center  
Pi`ikoi Building, Suite 300  
4444 Rice Street, Līhu`e, HI 96766

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. ANNOUNCEMENTS:**

Next Scheduled Meeting: Thursday, July 28, 2022 – 4:00 p.m. or shortly thereafter

**D. APPROVAL OF AGENDA**

**E. CONSENT AGENDA**

1. APPROVAL OF MINUTES: June 23, 2022

2. DIRECTORS REPORT: June 15, 2022 – July 6, 2022

3. EMPLOYEES IN LICENSED PREMISES:

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

4. ACTIONS OF THE DIRECTOR:

a. REQUEST FOR ALCOHOL PURCHASE PERMIT:

1. GLOBAL ALGAE INNOVATIONS: Approval of Alcohol Purchase Permit No. AP 2022-03, on June 16, 2022, at 4473 Pahee Street, Suite T. Lihue, Kauai, Hawaii.

**F. PUBLIC TESTIMONY:**

**G. ADOPTION OF DECISION AND ORDER**

1. COLOROSHO LLC. dba Paco's Tacos (Kalaheo) 2G-073: Adjudication hearing held, June 23, 2022.

**H. PRELIMINARY HEARINGS (NEW LICENSE):**

1. KAUAI PRIVATE CHEF, LLC. dba Scorpacciata: Application No. 2022-078 was filed on June 11, 2022, by Kauai Private Chef, LLC. Db a Scorpacciata for a Restaurant General (B) License with Live Entertainment and No Dancing located at 3501 Rice Street, Space Number 1003, Lihue, Kauai, Hawaii.
2. NAPALI BREWING COMPANY, LLC. dba NAPALI BREWING COMPANY: Application No. 2022-076 was filed on June 8, 2022, by Napali Brewing Company, LLC. dba Napali Brewing Company for a Brewpub (B) with Live Entertainment and Dancing located at 4-361 Kuhio Hwy, Suite 100, Kapaa, Kauai, Hawaii.

**I. VIOLATION REPORT:**

1. LAVA LAVA TOO LLC. dba LAVA LAVA BEACH CLUB: Violation of rule 3.2 Alteration of Premises.

**J. ADJUDICATION HEARINGS:**

1. ET & WT LLC. dba KENJI BURGER (KAPAA): Violation of rule 3.12, Commission Orders.
  - a. Kenji Burger Kapaa Is licensed as a restaurant permitted to sell liquor for on-premises consumption.
  - b. On May 26, 2022, a violation notice was issued to Kenji Burger Kapaa for failing to pay \$300.00 of a Commission Decision and Order that was issued on April 20, 2022, as a result of a violation of Rule 7.8 Manager on Duty. During the prior adjudication hearing the Commission imposed a fine of \$500.00 and that \$200.00 be suspended, provided that there is no conviction of the same offense within one year.
  - c. Rule 3.12 of the Kauai Liquor Control Commission states: All licensees shall comply with all lawful orders of the Commission.
  - d. Violation History within 24 months: November 30, 2020 (1) violation of Rule 3.1 - Failure to Post License, March 2, 2022 (1) violation of Rule 7.8 - Manager on Duty

2. GEFFERT & APO LLC. dba NAWILIWILI TAVERN: Violation of rule 7.13, Fight and Disturbance Reports.
  - a. Nawiliwili Tavern is licensed as a restaurant (B) permitted to sell liquor for on-premises consumption.
  - b. On May 18, 2022, Investigator Yoshida received information from Investigator Stem of a call for service received by Kauai Police Department which occurred at Nawiliwili Tavern requesting assistance to remove a patron after causing a disturbance.
  - c. Rule 7.13 of the Kauai Liquor Commission states, an on-premises shall report all fights or disturbances, on the form provided or approved by the department that occurs in their licensed premise. The report shall be typewritten and submitted to the department within seven days from the time of the incident.
  - d. Violation History within 24 months: October 16, 2020 (1) Warning issued for violation of COVID - Executive Orders.

**K. DISCUSSION AND POSSIBLE DECISION MAKING ON DIRECTORS PHYSICAL RESIDENCY REQUIREMENT AND SCHEDULE (Human Resources Representative has been requested to be present)**

1. Discussion of physical residency requirements of the Director of Liquor Control.
2. Discussion about a possible hybrid physical/teleworking work schedule for the Director of Liquor Control.

**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.

1. APPROVAL OF EXECUTIVE SESSION MINUTES: June 9, 2022
2. Discussion of physical residency requirements of the Director of Liquor Control.
3. Discussion about a possible hybrid physical/teleworking work schedule for the Director of Liquor Control.

**M. RETURN TO OPEN SESSION**

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

**O. RATIFY ACTIONS TAKEN IN EXECUTIVE SESSION**

**P. DISCUSSION AND POSSIBLE DECISION MAKING ON DIRECTORS PHYSICAL RESIDENCY REQUIREMENTS AND SCHEDULE (Human Resources Representative has been requested to be present)**

**Q. 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)

**R. 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 [mkelekoma@kauai.gov](mailto:mkelekoma@kauai.gov) to request access.