



LIQUOR CONTROL COMMISSION

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, 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 at any time during 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 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.



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REGULAR MONTHLY MEETING NOTICE AND AGENDA

Thursday, July 28, 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: Wednesday, August 10, 2022 – 1:00 p.m. or shortly thereafter

D. APPROVAL OF AGENDA

E. CONSENT AGENDA

1. APPROVAL OF MINUTES: July 14, 2022
2. DIRECTORS REPORT: July 7, 2022 - July 20, 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 FREE-ONE DAY SPECIAL LICENSE:

1. KAUAI CHAMBER OF COMMERCE: Approval of Application No. Free 2023-02 filed on July 7, 2022, by Kauai Chamber of Commerce for a Free One-Day Special Dispenser General license on July 21, 2022, at 2976 Kress Street, Lihue, Kauai, Hawaii

b. SPECIAL LICENSE APPLICATIONS:

1. COLOROSHKO LLC., dba Pacos Tacos Cantina: Approval of Application No. 2023-01, for Special License Dispenser No. SG 2023-01 on July 22, 2022, at 2545 Kiahuna Plantation Dr., Koloa, Kauai, Hawaii
2. COLOROSHKO LLC., dba Pacos Tacos Cantina: Approval of Application No. 2023-02, for Special Dispenser License No. SG 2023-02, on July 23, 2022, at 2545 Kiahuna Plantation Dr., Koloa, Kauai, Hawaii
3. COLOROSHKO LLC., dba Pacos Tacos Cantina: Approval of Application No. 2023-03, for Special Dispenser License SG 2023-03, on July 24, 2022, at 2545 Kiahuna Plantation Dr., Koloa, Kauai, Hawaii.
4. CONTEMPORARY FLAVORS CATERING INC. dba MARK'S PLACE: Approval of Application No. 2023-05, for Special Dispenser License No. SG-2023-05, on July 6, 2022, at the Philippine Cultural Center, 4431 Nuhou St. Lihue, Kauai, Hawaii.

5. TEMPORARY INCREASE OF PREMISES:

- a. SUGAHARA RANCH INC. dba THE DOLPHIN POIPU: Approval of Temporary Increase of Premises to include their lanai area as a Beer Garden and Wine Bar per diagram submitted for "Flavors of Kukui'ula" Event to be held on Friday, July 29th, 2022, from 5:30 p.m. to 9:30 p.m. Applicant has met all requirements and clearances obtained with Department Health, Building Division and Planning Department.

6. AUTHORIZED AGENT:

- a. Geffert & Apo LLC. dba Nawiliwili Tavern: Authorization for Lee Miller to act as an Authorized Agent for Geffert & Apo LLC.

7. RENEWAL OF LIQUOR LICENSE:

- a. Renewals report for the 2023 fiscal year

F. PUBLIC TESTIMONY ON ALL AGENDA ITEMS:

G. ADOPTION OF DECISION AND ORDER:

1. COLOROSHO LLC. dba Paco's Tacos (Kalaheo) 2G-073: Adjudication hearing held, June 23, 2022. (Deferred from 7/14/2022 meeting)
2. ET & WT LLC. Dba KENJI BURGER (KAPAA) 2BW-004: Adjudication hearing held, July 14, 2022.

H. PUBLIC HEARINGS:

1. KAUAI ISLAND BREWING COMPANY-KOLOA, LLC. dba KAUAI ISLAND BREWING COMPANY: Application 2022-050 was file on March 8, 2022, by Kauai Island Brewing Company-Koloa, LLC. dba Kauai Island Brewing Company for a New Restaurant General (B) With Live Entertainment and Dancing located at 5460 Koloa Road Suite I-102, Koloa, Kauai, Hawaii.
 - a. All legal requirements have been met for today's public hearing.
 - b. 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 or opposition to this application.
2. ONE 38 INC. dba WAIPOULI WINE & SPRITS: Application 2022-070 was filed on May 5, 2022, by One 38 Inc. dba Waipouli Wine & Spirits for a Retail Dealer General license located at 4-776 Kuhio Highway, Kapaa, Kauai, Hawaii.
 - a. All legal requirements have been met for today's public hearing.
 - b. The applicant has sent out notices to property owners or lessees of records within 500 feet of the proposed premises and up until the time of the public hearing the department has not received any letters in support or opposition to this application.

I. PRELIMINARY HEARINGS (NEW LICENSE):

1. SOF-XI KAUAI PV HOTEL, LP dba 1 HANAIEI BAY: Application No. 2023-006 was filed on July 6, 2022, by SOF-XI Kauai PV Hotel, LP dba 1 Hanalei Bay for a Hotel License located at 5520 Ka Haku Road, Princeville, Kauai, Hawaii.

J. VIOLATION REPORT:

1. TRU PROTECTION dba JAPANESE GRANDMA'S CAFE: located at 3871 Hanapepe Road, Hanapepe, Kauai, Hawaii, Violation of rule 2.6, Renewal of license.
2. TAHITI NUI ENTERPRISES INC. dba TAHITI NUI: located at 5-5134 Kuhio Hwy, Hanalei, Kauai, Hawaii, Violation of rule 2.6, Renewal of license.
3. VIVA KAI, LLC. dba KAI BAR COFFEE ROASTERS: located at 2555 Ala Namahana Pkwy. #F, Kilauea, Kauai, Hawaii, Violation of rule 2.6, Renewal of license.
4. BAMF, LLC. dba BATTERS UP: located at 1639 Haleukana St. Units 1 & 2, Lihue, Kauai, Hawaii, Violation of rule 7.8, Manager on duty.
5. BANGKOK HAPPY BOWL KAUAI, INC. dba BANGKOK HAPPY BOWL BISTRO: located at 2360 Kiahuna Plantation, Ste 10-40, Koloa, Kauai, Hawaii, Violation of rule 3.1(b), Posting of license and availability of Rules and Regulations, and Liquor Laws of the State of Hawaii.

K. ADJUDICATION HEARINGS:

1. LAVA LAVA TOO LLC. dba LAVA LAVA BEACH CLUB: located at 420 Papaloa Road, Kapaa, Kauai, Hawaii, Violation of rule 3.2 Alteration of Premises. Located at
 - a. Lava Lave Too LLC. Is licensed as a restaurant permitted to sell liquor for on-premises consumption.
 - b. On June 28, 2022, at 7:08 p.m., Investigator Stem entered the location to conduct a routine inspection. At the time of the inspection, he discovered the location had made alterations to the original floor plan since the approval of their original license by the Commission. The diagrams as submitted by the Investigator indicate the original diagram on file and a second diagram indicating the unapproved alterations to their premises.
 - c. Violation History within 24 months: Warnings issued on 11/4/2021 - Rule 7.4 (Noise), 12/28/2021 - Rule 7.13 (Fail to submit Disturbance Report), and 4/11/2022 - Rule 7.5 (Failed to obtain Gaming Device Permit)
2. GEFFERT & APO LLC. dba NAWILIWILI TAVERN: located at 3490 Paena Loop, Lihue, Kauai, Hawaii, 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.

L. LEGISLATIVE INFORMATIONAL MATTERS

- 1. ACT 076 - Related to Investigations – Removes authority of Liquor Commission to enforce the liquor tax laws.
- 2. ACT 264 - Related to HRS 92 defining “Board Business” and “Informal Gatherings”
- 3. ACT 045 - Related to Liquor License – Increasing maximum allowable fines.
- 4. ACT 089 - Related to Cabaret License

M. PRESENTATION OF THE PERMITTED INTERACTION GROUP’S RECOMMENDATIONS ON THE DIRECTOR OF LIQUOR CONTROL’S GOALS AND OBJECTIVES FOR JULY 1, 2022 – JUNE 30, 2023

N. DECISION AND DISCUSSION ON FORMING A PERMITTED INTERACTION GROUP TO REVISE THE DIRECTOR OF LIQUOR CONTROL’S JOB DESCRIPTION

O. DECISION AND DISCUSSION ON FORMING A PERMITTED INTERACTION GROUP TO CREATE A MONTHLY REPORTING FORMAT FOR THE DIRECTOR OF LIQUOR CONTROL

P. 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 (updated)

2. APPROVAL OF EXECUTIVE SESSION MINUTES: July 14, 2022

Q. RETURN TO OPEN SESSION

R. ROLL CALL FOR THE RETURN TO OPEN SESSION

S. RATIFY ACTIONS TAKEN IN EXECUTIVE SESSION

T. 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)

U. 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 to request access.