



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.



LIQUOR CONTROL COMMISSION

DEE CROWELL, CHAIR
LELAND KAHAWAI, VICE CHAIR

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

REGULAR MONTHLY MEETING NOTICE AND AGENDA

Wednesday, August 10, 2022
1:00 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 24, 2022 – 1:00 p.m. or shortly thereafter

D. APPROVAL OF AGENDA

E. CONSENT AGENDA

1. APPROVAL OF MINUTES: July 28, 2022
2. DIRECTORS REPORT: July 21, 2022 – August 3, 2022
3. EMPLOYEES IN LICENSED PREMISES:

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

4. ACTIONS OF THE DIRECTOR:

a. WAIVING OF RIGHTS TO A VIOLATION HEARING:

1. Geffert & Apo LLC. dba Nawiliwili Tavern - 2G-018
2. Lava Lava Too Inc. dba Lava Lave Beach Club - 2G-035
3. Bangkok Happy Bowl Kauai, Inc. dba Bangkok Happy Bowl Bistro - 2G-039

b. TEMPORARY INCREASE OF PREMISES:

1. 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 a Culinary Market to be issued for use on every Wednesday beginning, August 3rd, through October 26th, 2022, from 3:30 p.m. To 6:30 p.m. Applicant has met all requirements and clearances obtained with Department Health, Building Division and Planning Department.

c. REQUEST FOR FREE ONE DAY SPECIAL LICENSE:

1. KAUAI CONCERT ASSOCIATION: Approval of Application No. Free 2023- 03 filed on July 22, 2022, by Kauai Concert Association for a Free One-Day Special Dispenser General license on August 14, 2023, at Saint Michael and All Angels Episcopal Church, 4364 Hardy Street, Lihue, Kauai, Hawaii.

d. ALTERATION OF LICENSED PREMISES:

1. BANGKOK HAPPY BOWL KAUAI INC. dba BANGKOK HAPPY BOWL THAI BISTRO AND SUSHI BAR: Application requesting approval of internal alteration of premises was filed on June 8, 2022, by Bangkok Happy Bowl Kauai Inc. dba Bangkok Happy Bowl Thai Bistro and Sushi Bar, operating under License 2G-039 and located at 2360 Kiahuna Plantation Drive, Ste 10-40, Koloa, Kauai, Hawaii. The request is to approve the addition of a waitress station without plumbing within the existing licensed premises inside the covered patio. The alteration was approved on July 29, 2022, with all required documents on file in the department.

F. PUBLIC TESTIMONY ON ALL AGENDA ITEMS:

G. ADOPTION OF DECISION AND ORDER

1. ET & WT LLC. dba KENJI BURGER (KAPAA) 2BW-004: Adjudication hearing held, July 14, 2022. (Deferred from 7/28/2022)

H. ADJUDICATION HEARINGS:

1. TRU PROTECTION INC. dba JAPANESE GRANDMA'S CAFÉ: located at 3871 Hanapepe Road, Hanapepe, Kauai, Hawaii, Violation of rule 2.6, Renewal of license.
 - a. Tru Protection Inc. is licensed as a restaurant permitted to sell liquor for on-premise consumption.
 - b. Tru Protection INC. failed to submit application renewal of license no later than June 30th of each year. On July 7th, 2022, contrary to Rule 2.6 of the Rules and Regulations of the Liquor Control Commission of the County of Kauai, State of Hawaii.
 - c. Violation History within 24 months: Warning issued on 9/29/2021, Rule 3.2 Alteration of Premises.

2. VIVA KAI LLC. dba KAI BAR COFFEE ROASTERS: located at 2555 Ala Namahana #F, Kilauea Kauai, Hawaii, Violation of Rule 2.6, Renewal of license.
 - a. Viva Kai LLC. is licensed as a restaurant permitted to sell liquor for on premises consumption.
 - b. Viva Kai LLC. failed to submit application renewal of license no later than June 30th of each year. On July 7th, 2022, contrary to Rule 2.6 of the Rules and Regulations of the Liquor Control Commission of the County of Kauai, State of Hawaii.
 - c. Violation History within 24 months: Violation on 5/28/2021 Rule 7.8, Manager on duty (\$250 fine with \$150 suspended with like kind violation stipulation), 6/8/2021 Rule 7.8, Manager on duty, (\$250 fine), Warning issued on 3/9/2021, Rule 7.8, Manager on duty.

3. BAMF LLC. dba BATTERS UP: located at 1639 Haleukana St. Unite 1&2, Lihue, Kauai, Hawaii, Violation of Rule 7.8, Manager on Duty.
 - a. BAMF LLC. is licensed as a restaurant permitted to sell liquor for on premises consumption.
 - b. On July 8th, 2022, BAMF LLC. Failed to have a person who is not less than twenty-one years of age in active charge of any on premises establishment during the time the establishment is open for business and licensed to sell or serve liquor.
 - c. Violation History within 24 months: None

- I. **DISCUSSION ON THE PERMITTED INTERACTION GROUP'S RECOMMENDATIONS ON THE DIRECTOR OF LIQUOR CONTROL'S GOALS AND OBJECTIVES FOR JULY 1, 2022 – JUNE 30, 2023 (Deferred from 7/28/2022)**
- J. **DECISION AND DISCUSSION ON FORMING A PERMITTED INTERACTION GROUP TO REVISE THE DIRECTOR OF LIQUOR CONTROL'S JOB DESCRIPTION (Deferred from 7/28/2022)**
- K. **DECISION AND DISCUSSION ON FORMING A PERMITTED INTERACTION GROUP TO CREATE A MONTHLY REPORTING FORMAT FOR THE DIRECTOR OF LIQUOR CONTROL (Deferred from 7/28/2022)**
- L. **DISCUSSION AND DECISION-MAKING ON ESTABLISHING A PERMITTED INTERACTION GROUP TO WRITE THE DIRECTOR'S CONSOLIDATED JOB PERFORMANCE EVALUATION, SELECT THREE MEMBERS OR LESS TO SERVE ON THE GROUP AND TO DETERMINE THE SCOPE OF THE PERMITTED INTERACTION GROUP.**

M. 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.

N. RETURN TO OPEN SESSION

O. ROLL CALL FOR THE RETURN TO OPEN SESSION

P. RATIFY ACTIONS TAKEN IN EXECUTIVE SESSION

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 to request access.