

LIQUOR COMMISSION
DEPARTMENT OF LIQUOR CONTROL
COUNTY OF MAUI, STATE OF HAWAII

TRANSCRIPT OF PROCEEDINGS
REGULAR MEETING

Held at the Department of Liquor Control Conference Room, David K. Trask, Jr. Office Building, 2145 Kaohu Street, Room 108, Wailuku, Maui, Hawaii, commencing at 9:04 a.m., on Wednesday, January 11, 2017.

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APPEARANCES

- 1
- 2 Robert Tanaka, Chairperson
- 3 Darren Lopez, Vice-Chairperson
- 4 Nane Aluli, Commissioner
- 5 Dawn Bicoy, Commissioner
- 6 William Kennison, Commissioner
- 7 Brenda Lee, Commissioner
- 8 Dana Souza, Commissioner
- 9 Roy Umeno, Commissioner (In, 9:15 a.m.)

10 STAFF PRESENT:

- 11 Edward Kushi, Jr., First Deputy Corporation Counsel
- 12 Glenn Mukai, Director
- 13 Mark Honda, Deputy Director
- 14 Layne Silva, Senior Investigator
- 15 Sarah Cordeiro, Secretary to Boards/Commissions II

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1 (Wednesday, January 11, 2017, 9:04 a.m.)

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3 CHAIR TANAKA: (Gavel.) Liquor Commission
4 meeting called to order. Roll call, Sarah.

5 MS. CORDEIRO: Sarah Cordeiro, Liquor Control.

6 COMMISSIONER BICOY: Good morning. Dawn Bicoy.

7 COMMISSIONER KENNISON: Willy Kennison.

8 COMMISSIONER ALULI: Nane Aluli.

9 MR. KUSHI: Ed Kushi.

10 CHAIR TANAKA: Good morning. Bob Tanaka.

11 VICE-CHAIR LOPEZ: Good morning. Darren Lopez.

12 COMMISSIONER SOUZA: Dana Souza.

13 COMMISSIONER LEE: Brenda Lee.

14 DIRECTOR MUKAI: Glenn Mukai, Liquor Control.

15 DEPUTY DIRECTOR HONDA: Mark Honda, Liquor
16 Control.

17 MR. LAYNE SILVA: Layne Silva, Liquor Control.

18 CHAIR TANAKA: Okay. Thank you. You have your
19 agenda for January 11, 2017. If there's no questions or
20 comments, may I have a motion for approval?

21 VICE-CHAIR LOPEZ: So moved.

22 COMMISSIONER SOUZA: Second.

23 CHAIR TANAKA: Moved and seconded. All in
24 favor, say "aye."

25 (Response.)

1 CHAIR TANAKA: Opposed, "no."

2 (No response.)

3 CHAIR TANAKA: You also have your minutes of
4 December 14, 2016. If there's no comments or questions,
5 may I have a motion for approval?

6 COMMISSIONER SOUZA: So moved.

7 VICE-CHAIR LOPEZ: Second.

8 CHAIR TANAKA: Okay, moved and seconded. All in
9 favor, say "aye."

10 (Response.)

11 CHAIR TANAKA: Opposed, "no."

12 (No response.)

13 CHAIR TANAKA: You also have your Executive
14 Session summary, November 9th, Summary One and Summary Two
15 of November 9th, and Summary One and Summary Two of
16 December 14th. If there's no comments or questions, may I
17 have a motion for approval?

18 COMMISSIONER SOUZA: So moved.

19 VICE-CHAIR LOPEZ: Second.

20 CHAIR TANAKA: Moved and second. All in favor,
21 say "aye."

22 (Response.)

23 CHAIR TANAKA: Motion carried. Let's go on to
24 General Licensing Matters, Item A through -- Item A
25 through R. If there's no questions, may I have a motion

1 for confirmation?

2 COMMISSIONER SOUZA: So moved.

3 VICE-CHAIR LOPEZ: Second.

4 CHAIR TANAKA: Okay, moved and seconded. All in
5 favor, say "aye."

6 (Response.)

7 CHAIR TANAKA: Motion carried, thank you. Let's
8 go on to Licensing, Public Hearing. Application Number
9 02, Nabee Inc.

10 MS. HAN: Hi. My name Julie Han, Nabee Inc.,
11 owner.

12 CHAIR TANAKA: Thank you. Layne.

13 MR. LAYNE SILVA: Application Number 02, Nabee
14 Inc. doing business as Poni, the address of proposed
15 premises is 1063 Lower Main Street, Apartment C-108 and
16 C-109A, Wailuku, Maui, Hawaii, applying for a Dispenser
17 General License, Category C(ii)/D. It's a new license
18 going for public hearing.

19 There are 181 owners and lessees within a
20 100-foot radius. 331 owners and lessees within a 500-foot
21 radius. There have been no protests received by the
22 Department submitted by -- I'm sorry -- no protests
23 received by the Department. The application was published
24 in "The Maui News" on November 16 and 23rd, 2016.

25 The documents necessary for the issuance of a

1 liquor license have been complied with, with the exception
2 of the following: The Department of Public Works
3 Certificate of Occupancy, Department of Public Works
4 miscellaneous inspection, Department of Commerce and
5 Consumer Affairs registration of trade name, payment of
6 license fee, and final inspection.

7 CHAIR TANAKA: Thank you. Do you have anything
8 to add? No. Okay. Since this is a public hearing, I'm
9 gonna open it to the public. Anybody for or against this
10 application? Okay. Seeing none, public hearing closed
11 for this item. Any questions by the Commissioners? Okay.
12 If there's no questions, may I have a motion?

13 COMMISSIONER SOUZA: I move to approve
14 Application Number 02 conditioned upon the applicant
15 completing the remaining application requirements to the
16 satisfaction of the Department of Liquor Control.

17 COMMISSIONER KENNISON: Second.

18 CHAIR TANAKA: Moved and seconded. All in
19 favor, say "aye."

20 (Response.)

21 CHAIR TANAKA: Opposed, "no."

22 (No response.)

23 CHAIR TANAKA: Motion carried. Thank you.

24 MS. HAN: Thank you.

25 CHAIR TANAKA: Let's go on to Application Number

1 09, Drink Enterprises, LLC.

2 MR. KAWAGISHI: Chairman Tanaka, Members of the
3 Liquor Commission, Michael Kawagishi on behalf of Drink
4 Enterprises, LLC. And with me today is Adam Clarke who is
5 the General Manager.

6 CHAIR TANAKA: Thank you. Layne.

7 MR. LAYNE SILVA: Application Number 12 [sic],
8 applicant is Drink Enterprises, LLC doing business as
9 Spanky's Riptide. The proposed premises is located at 505
10 Front Street, Suite 129 and 130, Lahaina, Maui, Hawaii.
11 This is a public hearing for a Dispenser General License,
12 C(ii). The documents necessary for completing the
13 remaining application requirement for a liquor license are
14 listed in the summary report.

15 Notice of hearing -- the notice of public
16 hearing was published in "The Maui News" on November 16th
17 and November 23rd, 2016. At the time there have been
18 letters of protest received that have not been recorded as
19 they were received late, we weren't able to verify them
20 according to the list of property owners.

21 And I also believe that, in the previous hearing
22 which took place in November, there was a request made by
23 the Commission that Mr. Kash appear in person and does not
24 appear that he is here today.

25 CHAIR TANAKA: Thank you. Mike.

1 MR. KAWAGISHI: Mr. Kash was notified that the
2 Commission requested his presence, but he had already
3 scheduled a trip to Thailand and was not able to attend
4 today.

5 CHAIR TANAKA: Mike, the person next to you, is
6 he the manager?

7 MR. KAWAGISHI: He is, yes.

8 CHAIR TANAKA: Manager of the facility?

9 MR. CLARKE: Yes, sir.

10 CHAIR TANAKA: Since this is a public hearing,
11 I'm gonna open it to the public. Anybody for or against
12 this application?

13 MR. BROWN: Against.

14 COMMISSIONER SOUZA: Mr. Chair, also, before we
15 go further, I believe this is Application Number 09. I
16 think Layne had mistaken and said Application Number 12.

17 MR. LAYNE SILVA: That is correct, it is
18 Application Number 09.

19 COMMISSIONER SOUZA: Thank you.

20 CHAIR TANAKA: It's corrected. Since you're
21 standing, are you here to --

22 MR. BROWN: I'm against.

23 CHAIR TANAKA: Okay. Please state your name.
24 If you represent any organization, please say so. You
25 have three minutes.

1 MR. BROWN: Okay. My name is Tory Brown. I'm
2 not representing an organization. I'm a homeowner at the
3 488 Front Street, right across Spanky's. As we know that
4 they had a preliminary hearing November 9th, they didn't
5 open their doors 'til November 25th, that first night,
6 motorcycles revving, like one grand party just happened.
7 I literally chased a motorcycle down Front Street yelling,
8 like, "What the heck?" So this is what our opening of
9 Spanky's was.

10 I humbly ask that Liquor Control and the
11 Commission to consider me and my family and the community
12 when regulating Spanky's bar hours of operation. Right
13 now, they're on a temporary license which serves and --
14 services to end at 10:00 p.m. They want a luxury license
15 that will allow them to apply and play live recorded music
16 until 2:00 a.m., which is strongly not supported in this
17 area.

18 I ask you two things today. If they are granted
19 a license to close at 10:00 p.m., or when they are, if
20 they are, please also tell them to contain their noise
21 levels. The music, the customers yelling, the screaming,
22 like it's a grand old Mardi Gras. Due to the alcoholic
23 levels, the loud TVs, the boat, the cow horns, it all
24 should be contained within their walls.

25 If I was any neighbor of anyone in here and I

1 had ridiculous noise from sunup to sundown, I'm sure you
2 folks would try and do something about it. And this is
3 what I'm doing. So please put yourselves in my shoes.

4 Eliminate that outdoor area. It is the ugliest
5 scene. It is a nuisance. I'm asking all you do is you do
6 this for our sanity. The reason is the nuisance noise,
7 like I said, from sunup to sundown. My head is ready to
8 blow up literally.

9 My biggest concerns is this: I really need you
10 to put yourselves in my situation. I am the sole provider
11 for my family, my son, my wife, my great aunt. I do this
12 by working 6:00 a.m. to 9:30 p.m., at two different jobs,
13 four to five days a week. Mind you, these are doubles. I
14 need to get a good night rest to perform my duties as a
15 professional massage therapist and light and sound
16 technician. If I cannot perform, how I can take care of
17 my family?

18 A lot of kids, people in general, walk from
19 school, beach, to work, to sports practice, home, to use
20 the Boys and Girls Club, all using Front Street and Shaw
21 Street, right at the corner of where Spanky's customers
22 burnout with motorcycles and hot rod cars, racing down
23 Front Street, racing up Shaw. I not -- I ask you guys not
24 to wait until somebody get hurt.

25 All the fighting that happens after Spanky's

1 closes causes property damage, could hurt one innocent
2 person, obviously, hurt the people involved. The fights
3 occur because they drunk.

4 Why I gotta put up my utility bills, why I gotta
5 raise them to have some sort of peace when this ridiculous
6 bar has their windows, doors open, enjoying the fresh air
7 and elements and I the homeowner is forced to be locked
8 indoors not just to go crazy? Again, think of you in this
9 situation, would you live with it or would you do
10 something about it?

11 Last, if the bar cannot respect the 10:00 level
12 and/or entertainment levels, the only option I ask is that
13 they leave. I'm sorry.

14 Also, if their regulation hours of serving
15 alcohol could be from 9:00 a.m. to their closing time at
16 10:00 p.m., just so the residents can kind of sleep in
17 past 7:00 a.m. 7:00 a.m., they start serving liquor,
18 craziness starts already.

19 I really consider your guys' decision will be
20 the right decision, thinking about the community, me, my
21 family, again.

22 Mahalo. Thank you.

23 CHAIR TANAKA: Thank you.

24 MR. BROWN: And my wife going testify, so I have
25 to go get my kid and she's gonna come. So could I have 10

1 seconds?

2 COMMISSIONER SOUZA: So you were here the last
3 time to testify, correct?

4 MR. BROWN: Yes.

5 COMMISSIONER SOUZA: With your wife?

6 COMMISSIONER BICOY: Okay.

7 COMMISSIONER SOUZA: So since that time, that
8 last meeting, we set the hours until 10:00, still
9 problems?

10 MR. BROWN: They decide to do all the
11 ridiculousness in those hours now.

12 COMMISSIONER SOUZA: Up to 10:00?

13 MR. BROWN: Yes.

14 COMMISSIONER SOUZA: But 10:00, they stop?

15 MR. BROWN: I hear every commentator from every
16 football game. I hear every cheer. I see babies in there
17 with their parents. It's a bar. It don't say grill or
18 restaurant. It's a bar, so I don't know why babies
19 inside. So it's just a nuisance.

20 COMMISSIONER SOUZA: It did stop at 10:00,
21 though?

22 MR. BROWN: Yes. I, actually, text Kari,
23 Jarrett and a few of the commissioners here videos of them
24 in the beginning, that they weren't closing until about
25 10:30, the doors are closed, entertainment was on. And I

1 sent them video. And so Cullen went down and talked to
2 them. And I guess they supposed to talk to the owners.

3 I don't know who the owners are because, around
4 town, Adam Kawehi is the owner, Kash is the owner. We
5 don't know who is the owner. So I don't know who he
6 talked to.

7 COMMISSIONER SOUZA: Thank you.

8 MR. BROWN: Okay. Thank you.

9 DIRECTOR MUKAI: The Commission have a packet on
10 recap on the investigator's reports?

11 COMMISSIONER SOUZA: Thank you.

12 CHAIR TANAKA: Okay. Next. Please state your
13 name. You have three minutes.

14 MS. BROWN: Okay. Hi.

15 MR. KUSHI: Wait. Wait. Wait.

16 MS. BROWN: My name is Marlene --

17 MR. KUSHI: Wait a minute. The recap, is this
18 the one here?

19 DIRECTOR MUKAI: Yes.

20 MR. KUSHI: Mike, have you seen this?

21 MR. KAWAGISHI: No.

22 MR. KUSHI: Can you give him a copy?

23 CHAIR TANAKA: Okay. Go ahead.

24 MS. BROWN: Good morning. My name is Marlene

25 Brown. I want to thank you guys again for being here and

1 hearing our concerns, the Board -- the Commission, for
2 your effortless time.

3 It's been more than 10 years that we've dealt
4 with noise nuisance emanating from 505 Front Street, Suite
5 130. With the former Bamboo Bar and Grill and now
6 Spanky's Riptide, myself, my family and our neighbors have
7 never really exercised our right to quiet enjoyment.

8 Quiet enjoyment is a covenant that promises that
9 the grantee or tenant of an estate in real property will
10 be able to possess the premises in peace, without
11 disturbance. Quiet enjoyment is the right to the
12 undisturbed use and enjoyment of real property by a tenant
13 or landowner.

14 Living directly across the street from Spanky's
15 Sports Bar has been a headache. And I feel our family
16 alone have over-compromised. We invested in 24 solar
17 panels, closed our double-panel windows and sliding door,
18 run our AC and sleep with our TV on nightly. And, still,
19 we hear the bar. We hear the vibration of the music and
20 almost always the lyrics and clear conversations. And
21 then the aftermath, once they close. Drunks, drunks,
22 drunks.

23 We are aware that there are other restaurant
24 bars located in the shops at 505, Feast at Lele, a
25 Polynesian luau show, but, then again, the sports bar

1 attracts a different crowd. Again, Feast at Lele, a
2 Polynesian show, Betty's Beach Cafe is a restaurant, it is
3 known for their breakfast, Pacific'O for their breach
4 front dining. And then we have Spanky's, their drink
5 specials, \$2 and up, a very easy price to get intoxicated.
6 Betty's, Pacific'O and Feast at Lele close by 10:00. So
7 should Spanky's. They're in the same shopping complex.

8 Ever since the bar has been under temporary
9 license, operating up until 10:00 p.m., we finally get
10 rest. Our neighbors get rest.

11 After receiving the notice for the public
12 hearing, I reached out to my neighbors to see if we were
13 the only ones being affected. Apparently, not. Almost
14 everyone I've spoken to have nothing really great to say
15 about the sports bar, which, to me, it's sad because it's
16 no one's fault but theirs. They can't seem to manage the
17 noise and they don't care to rectify any of the complaints
18 made by the neighborhood for the past five years.

19 The complaints were a collaboration of
20 disappointment and comments like, they don't conform,
21 they're inconsiderate, they're really loud, I can't
22 believe that they -- they lived 600 feet away and they can
23 hear 'em, and I'm sad for you, you're on the very corner,
24 and you have a one year old.

25 Finally, after five years, hopefully, our

1 concerns are being heard.

2 With that being said, looks likes the entire
3 Shaw Street, along with the homes situated on Front
4 Street, closest to the establishment, petitioned that
5 should Spanky's Riptide be granted their liquor license,
6 they should only operate up until 10:00 p.m. nightly just
7 as they are under the temporary license.

8 I know you're only accepting protests and
9 objections from those who live in a 500-foot radius.
10 However, the noise can be heard all the way up Shaw Street
11 and much further than 500 feet on Front Street. And it's
12 only fair their testimonies be recognized. Of course, we
13 share with you a list of homeowners and residents who
14 support the petition for Spanky's Riptide to close at
15 10:00, and all the written testimonies of the neighbors
16 that are closest to them.

17 Thank you.

18 CHAIR TANAKA: Thank you. Any questions? Thank
19 you. Anybody else for or against this application?

20 MR. LAYNE SILVA: Brent (inaudible).

21 MR. BUSTLE: Yes, sir.

22 CHAIR TANAKA: Please state your name. You have
23 three minutes.

24 MR. BUSTLE: My name is Brent Bustle. Thank
25 you, gentlemen and women, for attending today.

1 I happen to live about a block and-a-half away
2 from Spanky's Riptide. My actual address is 38 Kua. I
3 don't know, in the five years -- I've lived on Maui for 17
4 years, even when it was Bamboos and Que used to own the
5 sports bar there, I don't ever recall too much of anything
6 happening, especially for a bar front.

7 Adam and Kawehi who now are taking the role of
8 running the place, organization, I walk by there on a
9 daily basis, as me and my fiancée walk down to eat lunch,
10 eat dinner, maybe stop by Spanky's for one or two on the
11 way home, I don't hear so much of -- I hear just as much
12 highway noise from my house as I do anyplace else, dogs
13 barking in my neighborhood way over and above and beyond
14 what I've ever heard come from Spanky's. I could be right
15 next door on the street, across -- walking on the sidewalk
16 next to Lahaina Shores, I don't hear any of this noise. I
17 just think it's exaggeration. Maybe, from time to time,
18 it happens, but I'm not there every day. I can't be there
19 every day. I have a business to run as well. As a dive
20 instructor, I need to be in bed early, I need to rise
21 early.

22 But days I do have off, it's a time for me to go
23 down and watch football, spend time with my buddies, watch
24 UFC fights. Some of you may or may not agree with that
25 type of behavior, but, as an American citizen, I feel it's

1 my right to watch that stuff if I want to.

2 These guys have been nothing but kind to me,
3 nothing but kind to my fiancée, all my friends, all my
4 family that come over here and visit, and anybody else
5 I've ever known.

6 Yes, they allow dogs on the property.

7 As far as the children in there, they're pretty
8 strict, as far as I know. I don't ever recall seeing a
9 child in there. Again, it doesn't mean I'm there 24/7, I
10 can't testify it's never happened. But knowing the way
11 Adam is, I can't see him letting that happen. He's been
12 very strict about -- lately, since they reopened the
13 doors, anyways, hey, guys, this is the way it is, this is
14 the way it's gonna be, the LC is on us, we cannot allow
15 this to happen, and you guys need to be paying attention
16 to what you're doing.

17 As far as the fighting goes, I mean, a bar is a
18 bar is a bar. That stuff may happen. But, again, I've
19 never been in the facility of Spanky's, especially living
20 right next door, I'm by there all the time, where I've
21 seen fights. Again, doesn't mean it doesn't happen.
22 Maybe you guys have gotten police reports that says it
23 does. I'm not gonna testify whether it does or doesn't,
24 but I see no reason why these guys should be shut down,
25 closed down. I mean, it's one of my favorite places to go

1 of all the places I can choose along there.

2 And, again, I don't spend there every day, once
3 again, but thank you for your time.

4 CHAIR TANAKA: Thank you. Any questions?

5 COMMISSIONER LEE: Yeah, I have a question.
6 What time of the day are you in the bar?

7 MR. BUSTLE: I can be in there -- usually, if I
8 go, it's sometime after work. So between 3:00 and 6:00
9 most nights.

10 COMMISSIONER LEE: Yeah, because I heard you say
11 you go to bed early and you rise early.

12 MR. BUSTLE: Yeah.

13 COMMISSIONER LEE: So is it possible that you
14 never heard the disturbances?

15 MR. BUSTLE: I would say yes, definitely. I
16 would be lying if I said it wasn't a possibility. But
17 I've been in there before at 10:00 when Adam's -- as a
18 matter of fact, my buddy that works at the Kapalua Zipline
19 gave me free year passes for it. And he happened to be in
20 Spanky's at 10:00, or just there before, said, "Hey, man,
21 if you can meet me down here, I've got free passes, I'm in
22 town, I would like to give 'em to you." We were down
23 there -- again, upon walking down there to meet him just
24 to -- I didn't have a drink that night, but walking down
25 there, I -- maybe it was just coincidence, maybe not. I

1 didn't hear any noise. This was just three, four nights
2 ago. So --

3 COMMISSIONER LEE: Thank you.

4 MR. BUSTLE: You're welcome.

5 COMMISSIONER BICOY: I have one more question.
6 So you said you lived next door. So you live within the
7 500-foot radius?

8 MR. BUSTLE: No, no. I live about a block
9 and-a-half away.

10 COMMISSIONER BICOY: Is that within the 500-foot
11 radius or is it --

12 MR. BUSTLE: No, I'm gonna guess it's --

13 COMMISSIONER BICOY: Is it farther? Farther?

14 MR. BUSTLE: It's probably a block, probably
15 farther than 500 feet, but --

16 COMMISSIONER BICOY: Okay.

17 CHAIR TANAKA: Okay. Thank you.

18 MR. BUSTLE: You're welcome.

19 CHAIR TANAKA: Anybody else?

20 MS. NAGASAKI: Yes.

21 CHAIR TANAKA: Please state your name, and you
22 have three minutes.

23 MS. NAGASAKI: Aloha. My name is (Inaudible)
24 Nagasaki, and I live across the street from the business
25 that we're discussing today. And I have lived in that

1 spot for 18 years and I've seen businesses come and go.

2 My husband and I have had to move our bedroom
3 from the largest bedroom, which is at the corner of the
4 house most directly in line with the business, and we've
5 had to move our -- to the smallest bedroom, at the back of
6 the house, because the after -- the after parties and all
7 the stuff that goes on after the business closes goes on
8 into the night with fighting and yelling, drinking,
9 throwing bottles at my fence.

10 And it's really -- I suffer from posttraumatic
11 stress disorder, so it's extremely difficult for me to
12 hear all of that in the middle of the night when you're
13 supposed to be sleeping. Normal people would be sleeping
14 at those hours. And I'm awake because it's just noisy,
15 people not only fighting and carrying on, but going shishi
16 in my fence and my yard. And it's -- it's very problem --
17 it's very troublesome and -- yeah.

18 I also have -- I also have two little dogs that
19 freak out with all that, too, Jack Russell terriers. So
20 anybody coming up against our fence, they're immediately
21 alerted and they want to go out and bark. And I get up
22 and let them out in the middle of the night, and they go
23 out and they bark at the person. And oftentimes I have to
24 say, "Excuse me, excuse me, what are you doing," as
25 they're relieving themselves on my fence. It's a chain

1 link fence, so it comes right inside. And exposing
2 themselves and -- yeah, various other things that I don't
3 want to describe.

4 Do you have any questions of me?

5 I've lived in that house 18 years. I've lived
6 in Lahaina for 40. It used to be quiet. It used to be
7 quiet over there, but it's -- daytime, not so much because
8 I know everyone's enjoying all the sports and everything
9 and there's -- you know, they're always celebrating. It's
10 just that the nighttime is a real -- a real problem.

11 VICE-CHAIR LOPEZ: I have a question.

12 CHAIR TANAKA: Go ahead.

13 VICE-CHAIR LOPEZ: At approximately what time do
14 you experience these things?

15 MS. NAGASAKI: Between 2:00 and 4:00.

16 VICE-CHAIR LOPEZ: 2:00 in the afternoon?

17 MS. NAGASAKI: No.

18 VICE-CHAIR LOPEZ: Oh.

19 MS. NAGASAKI: No. Oh, I'm done?

20 VICE-CHAIR LOPEZ: Just recently or --

21 MS. NAGASAKI: No. It's been going on. Like I
22 said, we had to move from the corner bedroom on Shaw
23 Street to the back bedroom, the smallest bedroom in the
24 house, because it was just so noisy at night. The real
25 problem, like I said, is the after-hours stuff that goes

1 on, when people are intoxicated and out of control,
2 really. I've called the police numerous, numerous times,
3 yeah.

4 VICE-CHAIR LOPEZ: So we -- we had them
5 temporarily closing at 10:00. How has that been working
6 out?

7 MS. NAGASAKI: That's, actually, been better.
8 I've been kind of surprised, you know, because, like I
9 said, I -- it hasn't been in the last few days, but it --
10 previously, it was, like I said, out of control. I
11 understand the business can't control what happens in the
12 parking lot. I understand that, but it's -- once they
13 leave there -- and there used to be cop cars sitting, two
14 of them, usually, in the parking lot at closing time, but
15 they just go sit in their cars and wait and -- you know,
16 and then there's drinking in their cars and other things,
17 but they come and sit up against the fence, too, so they
18 don't have to be in their vehicles drinking. And more so
19 subject to the law, so --

20 COMMISSIONER ALULI: I've got a question.

21 MS. NAGASAKI: Sure. Where are you?

22 COMMISSIONER ALULI: How far up Shaw Street do
23 you live? Do you live right across the street from the
24 Salvation Army outlet or beyond that --

25 MS. NAGASAKI: I live right behind the Salvation

1 Army.

2 COMMISSIONER ALULI: Behind it?

3 MS. NAGASAKI: Yes. I'm the only house back
4 there.

5 COMMISSIONER ALULI: Oh, okay.

6 MS. NAGASAKI: So I'm on the edge of Moku`ula.

7 COMMISSIONER ALULI: Moku`ula, right, okay.

8 MS. NAGASAKI: Anything else?

9 CHAIR TANAKA: Any other questions? Okay.

10 Thank you very much.

11 MS. NAGASAKI: You're welcome. Thank you.

12 CHAIR TANAKA: Anybody else from the audience?
13 Okay. Before I close the public hearing, Mike, you have
14 anything else to add?

15 MR. KAWAGISHI: With the number of bars in --
16 I'm not trying to make excuses for the licensee, but Shaw
17 Street is a very popular exit out of Lahaina town. And
18 it's bound to have noise, not only from the immediate area
19 but from the rest of Lahaina town, as a lot of people use
20 that particular street as their exit to leave Lahaina.

21 The licensee has taken steps to try and
22 eliminate as much noise as possible. In fact, they are
23 looking at taking steps to close off the front door or
24 redesign the doors so that they have the ability to close
25 the doors facing Front Street.

1 I fail to see how they can be held accountable
2 for all of the traffic coming out of Lahaina town.

3 COMMISSIONER UMENO: So after hours, the parking
4 lot seems to be a problem. Is there some way you can
5 control that?

6 MR. KAWAGISHI: It is a public parking lot.

7 COMMISSIONER UMENO: Oh, it's a public parking
8 lot.

9 MR. KAWAGISHI: Yes. And --

10 COMMISSIONER UMENO: So the --

11 MR. KAWAGISHI: -- it is --

12 COMMISSIONER UMENO: -- police is the one that
13 controls --

14 MR. KAWAGISHI: Parking lot that use -- that a
15 lot of employees and other people that work and patronize
16 Lahaina town use because of its location. There is, also,
17 another parking lot further down, across the Kamehameha
18 III School, by Prison Street, that a lot of people use.

19 CHAIR TANAKA: Okay. Any other questions?

20 COMMISSIONER ALULI: Yeah. The patrons that use
21 your bar primarily use the parking lot that's on the
22 Lahaina town side of 505 or the one right across the
23 street that Moku`ula gets revenue from, one right next
24 door to the Salvation Army?

25 MR. CLARKE: I would say the majority of my

1 customers actually walk or bike. It's very rare that
2 people drive to Spanky's. There's 3,000-some-odd people
3 that live south of me, and most people just walk or ride
4 their bikes. You can come there at 7:00, 8:00 at any
5 given day and you'll see seven or eight bikes parked
6 outside. Those are the majority of my customers.

7 COMMISSIONER ALULI: Okay.

8 MR. KUSHI: Outside the bar or in the parking
9 lot?

10 MR. CLARKE: Outside the bar.

11 CHAIR TANAKA: Okay. Any other questions?
12 Okay. If none, we're gonna close the public hearing for
13 this item.

14 This morning, we were handed protests from
15 residents within that area. And in order to accept this,
16 we have to have the staff verify that these people are
17 residents or registered voters within the area. So the
18 Chair recommend that we defer this item until such time
19 that the staff has the opportunity to verify all this
20 protests. Any questions?

21 COMMISSIONER SOUZA: So, in the meantime, they
22 operate under the temporary license that allows them to
23 10:00?

24 CHAIR TANAKA: That's right. Glenn, how long
25 would it take to verify this?

1 DIRECTOR MUKAI: Well, it would depend because
2 we have to do the registered voters, also. So we have to
3 send a request to the County Clerk --

4 CHAIR TANAKA: Okay.

5 DIRECTOR MUKAI: -- for updated list.

6 CHAIR TANAKA: Okay. So I recommend that we
7 defer this item until such time that the staff can verify
8 all these protests. Any questions?

9 COMMISSIONER KENNISON: I have a question.

10 MR. KAWAGISHI: Chairman Tanaka, would the
11 Commission entertain letting the premises open 'til
12 midnight?

13 CHAIR TANAKA: For -- during the temporary?

14 MR. KAWAGISHI: Yes.

15 CHAIR TANAKA: I don't think so. It's up to the
16 Commissioners. Any comments by the Commissioners?

17 COMMISSIONER ALULI: No.

18 CHAIR TANAKA: We should leave status quo for
19 now.

20 COMMISSIONER ALULI: Yes.

21 CHAIR TANAKA: Yeah, okay. I will entertain a
22 motion for the Chair's recommendation.

23 MR. KUSHI: Before you do, Mr. Chair,
24 clarification. The temporary license would -- if you
25 defer this, the earliest you could hear it would be the

1 next meeting?

2 CHAIR TANAKA: Not really. Until such time that
3 the staff can verify this and put it on agenda.

4 MR. KUSHI: So if it's -- the next meeting is in
5 February, will the temporary license cover that period?

6 MR. LAYNE SILVA: I would have to verify the 120
7 days based on the date it was issued.

8 DIRECTOR MUKAI: They're on the first. Right,
9 Mike, you're on your first temporary?

10 MR. KAWAGISHI: Yes.

11 DIRECTOR MUKAI: Yeah, they can have one
12 additional.

13 CHAIR TANAKA: They can come in --

14 COMMISSIONER SOUZA: Administratively?

15 DIRECTOR MUKAI: Yes.

16 MR. KUSHI: The other concern I had, I'm not
17 sure if this is a protest, it's a two-page signature,
18 people signing this thing. What are they signing?

19 MR. BROWN: It's a petition that they --

20 MR. KUSHI: Where's the petition?

21 MR. BROWN: Right there, that they close at
22 10:00. The comments kind of express what they feel.

23 MR. KUSHI: I don't see any comments.

24 MR. BROWN: Is it okay I come up there?

25 COMMISSIONER SOUZA: It says, "Close at 10:00,

1 close at 10:00. Good to close early."

2 MR. BROWN: Is it okay? There's a comment box
3 right here, sir. Right here. "Close at 10:00, close at
4 10:00." Comments here. "Good to close early and
5 nuisance, close at 10:00, close at 10:00, close at 10:00."

6 MR. KUSHI: What about these first -- first
7 three? No comments?

8 MR. BROWN: They just support the cause that
9 they're a nuisance, they didn't put --

10 MR. KUSHI: They didn't put it down, though.

11 MR. BROWN: Okay. Then we don't include -- look
12 at them, but we can look at everybody else.

13 MR. KUSHI: Okay.

14 MR. BROWN: Thank you.

15 CHAIR TANAKA: Okay. Commissioners, may I have
16 a motion?

17 COMMISSIONER SOUZA: So I move that the licensee
18 be able to operate under the temporary license, closing at
19 10:00, until staff can do the investigation as far as
20 these protesters in the 500-square-foot radius.

21 CHAIR TANAKA: Yeah. Yeah. The -- the reason
22 for it is because if there are more than 50 percent, it's
23 automatic denial.

24 COMMISSIONER SOUZA: Yeah. So can we also find
25 out who these people are at the top and find out their

1 concerns as far as their comments or --

2 CHAIR TANAKA: I think they testified just now.

3 COMMISSIONER SOUZA: The ones that are listed on
4 the --

5 MR. LAYNE SILVA: I know at least one of them
6 have testified, yes.

7 CHAIR TANAKA: Testified.

8 COMMISSIONER SOUZA: Okay.

9 CHAIR TANAKA: Mike --

10 MR. KAWAGISHI: Yes.

11 CHAIR TANAKA: -- can we request the owner to
12 show up at our next meeting?

13 MR. KAWAGISHI: I shall make it a point to ask
14 him.

15 MR. KUSHI: Tell him it's a condition.

16 COMMISSIONER SOUZA: Or can we set our meeting
17 when he can be here?

18 MR. KAWAGISHI: If I can have a minute. Adam
19 has his itinerary.

20 DIRECTOR MUKAI: I believe there's a rule that
21 if the Commission requests the presence, the person either
22 be present or the Commission may deny the application.

23 CHAIR TANAKA: Yeah, there is something like
24 that. So -- so I have a motion on the floor. Any second?

25 COMMISSIONER ALULI: Roy seconded.

1 CHAIR TANAKA: Roy seconded, okay. Any
2 questions? If not, all in favor, say "aye."

3 (Response.)

4 CHAIR TANAKA: Opposed, "no."

5 (No response.)

6 CHAIR TANAKA: Motion carried. Okay, item
7 deferred until such time that the staff can verify all
8 these protests.

9 MR. KAWAGISHI: Thank you.

10 CHAIR TANAKA: Okay. Let's go on to Other
11 Licensing Matters. Kattwood II.

12 MR. NAKAMURA: Good morning, Mr. Chair, Members
13 the Commission. Craig Nakamura, attorney on behalf of the
14 applicant.

15 CHAIR TANAKA: Okay, Layne.

16 MR. LAYNE SILVA: Kattwood II, LLC doing
17 business as Aloha Ballroom at Maui Theatre, Dispenser
18 General License, Category C(ii), located at 878 Front
19 Street B-2, Lahaina, Maui, Hawaii, is requesting an
20 extension to exercise the liquor license pursuant to
21 Section 08-101-34(c) of the Rules of the Liquor
22 Commission, County of Maui. License granted by the
23 Commission on August 10th, 2016, to expire on February 6,
24 2017.

25 CHAIR TANAKA: Thank you. Craig.

1 MR. NAKAMURA: Just very briefly. The
2 construction here, I think, is, basically, completed.
3 They just need some additional time to complete the permit
4 requirements.

5 CHAIR TANAKA: Let me ask you this question:
6 What kind construction they doing in there?

7 MR. NAKAMURA: I think they, basically -- there
8 was very minimal. I think they, basically, had refinished
9 the interior, maybe -- maybe -- maybe install some
10 bathrooms. I'm not -- I'm not sure of all the details.

11 CHAIR TANAKA: Because originally, when we give
12 them the license to dispense, they -- they originally had
13 they CO and now they coming in and doing some renovation
14 again?

15 MR. NAKAMURA: This was -- this is not for the
16 main theatre area.

17 CHAIR TANAKA: Oh, this is a separate.

18 MR. NAKAMURA: Yes.

19 CHAIR TANAKA: That separate area was not
20 included, then?

21 MR. NAKAMURA: Yeah. We had the preliminary on
22 the theatre a month ago.

23 CHAIR TANAKA: Yeah.

24 MR. NAKAMURA: And so we're still waiting the --
25 the public hearing on that. This is a separate banquet

1 room facility next to the theater.

2 CHAIR TANAKA: Oh, okay. I thought everything
3 was included.

4 MR. NAKAMURA: Yeah. This is a separate one,
5 separate license.

6 CHAIR TANAKA: Okay. Fine. I'm gonna open it
7 to the public. Any public testimony on this item? Okay.
8 Seeing none, any questions by the commissioners? If not,
9 may I have a motion?

10 COMMISSIONER KENNISON: I move to approve Other
11 Licensing Matters A for the one-year extension.

12 COMMISSIONER ALULI: I second.

13 CHAIR TANAKA: Okay, moved and seconded. All in
14 favor, say "aye."

15 (Response.)

16 CHAIR TANAKA: Opposed, "no."

17 (No response.)

18 CHAIR TANAKA: Motion carried.

19 MR. NAKAMURA: Thank you.

20 CHAIR TANAKA: Let's go on to Lily's Ma`alaea
21 Kitchen.

22 MR. JORGENSEN: Good morning, Chairman Tanaka,
23 Members of the Commission and staff. My name is Dave
24 Jorgensen. I'm the attorney appearing on behalf of the
25 applicant Lily's Ma`alaea Kitchen LLC doing business as

1 Ma`alaea General Store and Cafe. With me this morning is
2 Kristine Peterson who is the principal of the LLC.

3 CHAIR TANAKA: Thank you. Layne.

4 MR. LAYNE SILVA: Lily's Ma`alaea Kitchen LLC
5 doing business as Ma`alaea General Store and Cafe,
6 Dispenser General License, Category C(ii), at 132 Maalaea
7 Road, Maalaea, Maui, Hawaii, requesting an extension to
8 exercise the liquor license pursuant to Section
9 08-101-34(c) of the Rules of the Liquor Commission, County
10 of Maui. License granted by the Commission on August
11 10th, 2016, to expire on February 6, 2017.

12 CHAIR TANAKA: Thank you. Dave, got anything to
13 add?

14 MR. JORGENSEN: Just briefly. This is one of
15 those that kind of falls under the no good deed goes
16 unpunished. My client is -- this whole application is for
17 them to be able to have more of a restaurant there than
18 just a retail store. My client understood that the --
19 they could tap into the sewer system, either Maalaea
20 Triangle or the County system, and that was what was
21 represented. Turns out, they can't do that. So they're
22 in the process of having, basically, improvements made so
23 that they can get approval from the State for the
24 wastewater system that they have to put in. So we need an
25 extension. My client believes, we're hopeful, five, six

1 months, it will be done, but we're asking for a one-year
2 extension to try and get plenty of time to make that
3 happen.

4 CHAIR TANAKA: Okay. Thank you. I'm gonna open
5 it to the public. Any public testimony? I get one
6 question, Dave. Was there any improvements done to this
7 facility that generated a permit requirement?

8 MR. JORGENSEN: Permit requirement from Liquor
9 or --

10 CHAIR TANAKA: Well, my understanding is that
11 you're asking for the extension because you got to meet
12 certain requirements to get a CO or whatever. Is that
13 correct?

14 MR. JORGENSEN: For the State to sign off, yes.

15 CHAIR TANAKA: Yeah.

16 MR. JORGENSEN: Department of Health.

17 CHAIR TANAKA: So what generated that?

18 MR. JORGENSEN: Changing from Retail to
19 Restaurant, additional stuff going into the system, and
20 the capacity that was on-site was not sufficient, but
21 there was an understanding that either the Maalaea
22 Triangle system could be utilized or the public system.
23 But -- and my client is available to answer questions, if
24 you have additional questions, but they're not allowed --
25 we're not allowed to tap into the public system. And

1 so --

2 MS. PETERSON: We are.

3 MR. JORGENSEN: So maybe it would be better for
4 my client to answer that question.

5 CHAIR TANAKA: Let me -- let me get this
6 straight. Glenn, in order for them to -- you're changing
7 the license to a Restaurant license, is that correct?

8 MR. JORGENSEN: No. Well, we can't apply for a
9 Restaurant license, but it's going to be used as a
10 restaurant.

11 DIRECTOR MUKAI: Yeah.

12 CHAIR TANAKA: Okay. Ma`alaea General Store
13 originally had a license?

14 MR. JORGENSEN: It has a license.

15 CHAIR TANAKA: It has a license, right?

16 MR. JORGENSEN: Dispenser General license.

17 CHAIR TANAKA: Dispenser General license.

18 MR. JORGENSEN: Also, retail.

19 DIRECTOR MUKAI: It has a retail license.

20 MR. JORGENSEN: I'm sorry. It is a Retail
21 license. So there's no -- currently, there's no
22 consumption on premises.

23 CHAIR TANAKA: So you're asking for a Dispenser
24 license?

25 MR. JORGENSEN: Yes. I'm sorry, sir. Yes.

1 CHAIR TANAKA: Okay. Okay. So --

2 MR. JORGENSEN: But there will be consumption on
3 premises.

4 CHAIR TANAKA: Okay. And the rule states that
5 you need a CO, basically? You need approval --

6 MR. JORGENSEN: From the Department of Health,
7 from everybody. Yes.

8 CHAIR TANAKA: From everybody?

9 MR. JORGENSEN: Yes.

10 CHAIR TANAKA: Okay. Then the sewer division is
11 requesting a flow requirement, is that correct?

12 MR. JORGENSEN: They're requesting --

13 CHAIR TANAKA: Because you going --

14 MR. JORGENSEN: -- that the capacity be
15 sufficient for the way they view the new uses, yes.

16 COMMISSIONER SOUZA: So wait now. So bigger
17 sewer system, too, a bigger pipe, you got to install that
18 and you cannot go in -- but you can go into the County
19 system?

20 MS. PETERSON: Apparently, our square footage of
21 the lot is too small to add a additional tank, so we have
22 to tap into either Maalaea Triangle or the city system
23 which was not in place when they did the tanks.

24 COMMISSIONER SOUZA: Are they going to make you
25 put a manhole, also?

1 MS. PETERSON: Yeah. Yeah.

2 COMMISSIONER SOUZA: That's --

3 MS. PETERSON: I know.

4 COMMISSIONER SOUZA: That's big money, and long
5 time.

6 MS. PETERSON: Yeah.

7 COMMISSIONER LEE: I have a question.

8 CHAIR TANAKA: Go ahead.

9 COMMISSIONER LEE: How many seats are you
10 planning for your restaurant?

11 MS. PETERSON: Nothing additional. No
12 additional seating. I'm not quite sure the number that
13 we're at right now, but nothing is physically changing.

14 COMMISSIONER LEE: So you have the physical
15 space for it, you just needed permission to do it?

16 MS. PETERSON: Correct.

17 CHAIR TANAKA: See, and that -- and that's where
18 I'm kind of concerned. In order for you to get this
19 license, you have to meet the requirements of the County,
20 basically. The rule states that you need a CO or special
21 inspection, correct, Glenn?

22 DIRECTOR MUKAI: Yes. And, also, the state law
23 says they have to obtain all approval from all other
24 governmental agencies.

25 CHAIR TANAKA: Yeah. And they were operating,

1 basically -- and you're not changing anything.

2 MR. JORGENSEN: Well, there was no on-site
3 consumption. There is no on-site consumption of alcohol
4 currently.

5 CHAIR TANAKA: Yeah. Yeah.

6 COMMISSIONER SOUZA: That's the change, though.

7 MS. PETERSON: That's the only change.

8 CHAIR TANAKA: Yeah, that's the only change.

9 MS. PETERSON: Yeah.

10 CHAIR TANAKA: So you're not, in effect,
11 affecting the sewer system, basically?

12 MR. JORGENSEN: We don't believe so.

13 CHAIR TANAKA: Right. You know, so --

14 MR. JORGENSEN: Not adverse -- not -- not -- not
15 to a greater extent than they already do because there is
16 the kitchen and food is made and food is --

17 CHAIR TANAKA: It's all existing, right?

18 MR. JORGENSEN: The same that's currently --

19 CHAIR TANAKA: Everything is existing. So now
20 you gotta go through the hoop and get every agency to
21 approve it in order to --

22 MR. JORGENSEN: Just the one --

23 MS. PETERSON: Just the one.

24 MR. JORGENSEN: -- is the only one remaining.

25 And Department of Health -- frankly, Department of Health

1 here signed off on it, but then somebody in Honolulu said,
2 "Woah, wait a minute," and imposed additional requirements
3 that they hadn't imposed previously.

4 MS. PETERSON: And I've already been in touch
5 with an engineer, the engineer that did it originally, and
6 he doesn't -- excuse me -- he doesn't think it's gonna be
7 a problem. It's just a large cost.

8 COMMISSIONER SOUZA: Digging for the manhole,
9 what about archaeology, all that other stuff?

10 MS. PETERSON: It's all already been done.

11 COMMISSIONER ALULI: Oh.

12 CHAIR TANAKA: See. So, basically, you know,
13 you're spending money which I -- I personally think is not
14 necessary, you know.

15 MS. PETERSON: Me, too.

16 CHAIR TANAKA: Glenn, I think we gotta take a
17 look at the rules on that. That was my biggest concern
18 all these years, that, you know, the government is putting
19 additional burden on these guys and trying to make them
20 meet the new Code requirements when these guys was
21 operating. And then, actually, you're not changing
22 nothing.

23 MS. PETERSON: No.

24 CHAIR TANAKA: You know, you're just changing,
25 you want a dispenser license. Well. But, anyway, that --

1 that's the law right now, so we can't do anything about
2 it. Any other questions by the Commission?

3 MR. KUSHI: Yeah, Mr. Chair. Not to beat a dead
4 horse again, but -- so your -- your -- your application
5 right now is for Dispenser General, right?

6 MR. JORGENSEN: This application.

7 MR. KUSHI: Correct. And you could open right
8 now if you -- if it --

9 MR. JORGENSEN: It is open right now.

10 MR. KUSHI: It is right now?

11 MR. JORGENSEN: Retail.

12 MR. KUSHI: Why do you need an extension?

13 MR. JORGENSEN: Retail -- the Retail license is
14 still in effect, there's still the kitchen, so food is
15 still being made, people are still consuming it there, but
16 not -- not consuming any liquor.

17 MR. KUSHI: Your -- your intent -- your client's
18 intent is to operate a restaurant?

19 MR. JORGENSEN: Basically, yes.

20 MR. KUSHI: That's why the improvements the
21 Department of Health is saying you need.

22 MR. JORGENSEN: Right.

23 MR. KUSHI: But if you didn't do a restaurant --

24 MR. JORGENSEN: Right.

25 MR. KUSHI: -- you could -- you could open right

1 now, Dispenser General?

2 MS. PETERSON: We -- we already --

3 MR. JORGENSEN: I'm sorry. She --

4 MS. PETERSON: -- have a restaurant.

5 MR. JORGENSEN: -- open right now. It is open

6 right now as a --

7 MR. KUSHI: Retail.

8 MR. JORGENSEN: -- Retail.

9 MR. KUSHI: Dispenser General -- you're asking
10 for an extension of the one year for the Dispenser

11 General?

12 MR. JORGENSEN: We don't have a Dispenser
13 General now, so people cannot consume on premises now.

14 And that's what they would like.

15 MS. PETERSON: But they still eat food on
16 premises. Like they still order and eat.

17 COMMISSIONER ALULI: It's the consumption of --

18 COMMISSIONER KENNISON: Liquor.

19 COMMISSIONER ALULI: -- liquor, is what you're
20 looking for?

21 CHAIR TANAKA: Yeah, see, you buy -- you buying
22 a hotdog, you wanna drink the beer --

23 MR. JORGENSEN: Right.

24 CHAIR TANAKA: -- but you can't drink --

25 MR. JORGENSEN: Right.

1 CHAIR TANAKA: -- the beer. That's why I say
2 the facility, the operation is not changing, basically.

3 MR. JORGENSEN: And the --

4 CHAIR TANAKA: Allowing them to drink the beer.

5 MR. JORGENSEN: The consumption of beer or wine
6 on premises is not going to impact the sewer capacity at
7 all.

8 CHAIR TANAKA: That's what I'm saying. You know
9 it's not gonna affect --

10 MR. KUSHI: Okay. We'll see you again when you
11 come in for the Restaurant license.

12 CHAIR TANAKA: Okay. Anybody else?

13 MR. JORGENSEN: But we do appreciate your
14 comments and your -- your understanding of the dilemma.

15 CHAIR TANAKA: I -- I -- I strongly believe
16 that, you know, we gotta change that rule. Any -- any
17 other questions? If not, may I have a motion?

18 COMMISSIONER KENNISON: I move to approve, under
19 Other Licensing Matter A [sic], the one-year extension.

20 COMMISSIONER ALULI: I'll second.

21 CHAIR TANAKA: Okay, moved and seconded. All in
22 favor, say "aye."

23 (Response.)

24 CHAIR TANAKA: Opposed, "no."

25 (No response.)

1 CHAIR TANAKA: Motion carried.

2 MR. JORGENSEN: Thank you. And to confirm,
3 that's for one-year extension?

4 COMMISSIONER KENNISON: I said one-year
5 extension.

6 MS. PETERSON: Thank you.

7 MR. JORGENSEN: Thank you very much.

8 CHAIR TANAKA: Nakagome Dining LLC.

9 MS. SUGIYAMA: Aloha. I'm Satoe Sugiyama. I'm
10 manager of 1054 Togoshi sushi restaurant. And here's my
11 husband, sushi chef.

12 CHAIR TANAKA: Thank you. Layne.

13 MR. LAYNE SILVA: Nakagome Dining LLC doing
14 business as 1054 Togoshi for a Dispenser General License,
15 Category C(i), at 95 East Lipoa Street, Space A104, Kihei,
16 Maui, Hawaii, requesting an extension to exercise the
17 liquor license pursuant to Section 08-101-34(c) of the
18 Rules of the Liquor Commission, County of Maui. License
19 granted by the Commission on August 10th, 2016, to expire
20 on February 6, 2017.

21 CHAIR TANAKA: Thank you. Do you have anything
22 else to add?

23 MS. SUGIYAMA: No.

24 CHAIR TANAKA: Okay. I'm gonna open it to the
25 public. Any public testimony? Okay. Seeing none, any

1 questions by the Commissioners?

2 MR. KUSHI: Mr. Chair, I note that the request
3 is for just one month. Do we need to see them again?

4 COMMISSIONER KENNISON: Yeah. Do you need
5 longer than a month?

6 VICE-CHAIR LOPEZ: Is one-month extension enough
7 time or you want more?

8 MS. SUGIYAMA: Yes, I think so.

9 COMMISSIONER KENNISON: One month is enough?

10 COMMISSIONER ALULI: One month is enough?

11 COMMISSIONER KENNISON: You want to make
12 extension? Are you sure? Yeah. Why don't we do it six
13 and -- be on the safe side?

14 COMMISSIONER ALULI: Six months.

15 COMMISSIONER KENNISON: If it's -- if it's done,
16 then --

17 CHAIR TANAKA: Yeah. Yeah.

18 MS. SUGIYAMA: Thank you so much.

19 CHAIR TANAKA: Okay. If there's no questions,
20 may I have a motion?

21 COMMISSIONER KENNISON: I move to -- I move to
22 approve Other Licensing Matter C, an extension of one --
23 six months.

24 COMMISSIONER ALULI: I second.

25 CHAIR TANAKA: Okay, moved and seconded. All in

1 favor, say "aye."

2 (Response.)

3 CHAIR TANAKA: Opposed?

4 (No response.)

5 CHAIR TANAKA: None. Motion carried. Thank
6 you.

7 MS. SUGIYAMA: Thank you very much.

8 CHAIR TANAKA: Okay, let's have a five-minute
9 recess.

10 (Recess, 9:59 a.m. to 10:09 a.m.)

11 CHAIR TANAKA: Okay, Liquor Commission meeting
12 called back to order. Administrative Affairs.

13 DIRECTOR MUKAI: Department requests approval of
14 the Fiscal 2018 budget in front of you. Basically, it's
15 pretty much flat budget except that we are asking for four
16 new vehicles because all our vehicles are dead or dying,
17 and, for the last four years, the Department did not ask
18 for any vehicles. We're asking for two fingerprint
19 scanners which the licensees and the attorneys requested.
20 And we brought that before you before. So when they do
21 the criminal history check, we can get it back usually
22 within a day instead of waiting two or three months. And
23 one expansion position for Clerk III because now with the
24 iNovah system and all the requirement that Treasury is
25 putting on the Department, plus we are swamped with the

1 processing of things.

2 So, basically, the increase will be -- the
3 biggest increase is for the vehicles, which will be
4 \$120,000 for four vehicles. And all of 'em, as you can
5 see exceeded the expected life. And some vehicle, like
6 the van, has not been operating for the last couple of
7 years. And when they used it for Hana, it died on them in
8 Hana. And it's been dying on them all over the place, so
9 we just said just park it, do not use. And it's not
10 repairable. So, basically, the total budget increase will
11 be \$148,879. 120 is for the vehicles.

12 CHAIR TANAKA: Okay. Any questions on the
13 budget?

14 MR. KUSHI: Question, Mr. Chair. Director, do
15 you have enough money to cover your pay raise and
16 Mr. Honda's pay raise? That's a crucial question, you
17 know.

18 DIRECTOR MUKAI: Oh, we have more than
19 sufficient monies.

20 MR. KUSHI: Okay. Main thing it's covered.

21 CHAIR TANAKA: Commission no going get pay
22 raise, too?

23 DIRECTOR MUKAI: Ask the Salary Commission.

24 CHAIR TANAKA: Okay. Any -- any other
25 questions? If not, may I have a motion for approval?

1 COMMISSIONER SOUZA: So moved.

2 COMMISSIONER UMENO: Second.

3 CHAIR TANAKA: Okay, moved and seconded. All in
4 favor, say "aye."

5 (Response.)

6 CHAIR TANAKA: Motion carried.

7 DIRECTOR MUKAI: Item D. Travel and -- travel
8 policy and procedures, we have attached the travel
9 procedures policy. So everyone is clear what the -- I'm
10 sure, when you were first welcomed on board, you were
11 indoctrinated on travel policy. So it's just a reminder.

12 COMMISSIONER BICOY: That's me. I tested the
13 limits. Sorry.

14 DIRECTOR MUKAI: Shh.

15 CHAIR TANAKA: You got more than you deserved?

16 DIRECTOR MUKAI: And the Director's Monthly
17 Report, the first is the minor decoy. We did the minor
18 decoy in December 15th and 16th with enforcement staff,
19 Maui Police Department and minor decoy. 16 liquor
20 licensed premises were checked, employees of two premises
21 checked the minor identification and still sold liquor to
22 the minor.

23 And the second item, the Department has opened
24 the Lahaina District Office. Now we are staffing it to a
25 limited basis. So it's open five days a week, depending

1 on staff. And, also, we put all new equipment in because
2 the computers, the printers, everything else was either
3 broken, outdated, so we had to get all new equipment for
4 there. And the chairs was really bad.

5 And the third item is a proposed rule amendment
6 which has been scheduled for public hearing before the
7 Liquor Commission on February 8th, 2017, which will be the
8 next Commission hearing.

9 And, also, on the side note, the Department is
10 delivering packet to the licensees which contain notice of
11 the public hearing for the proposed rule amendments, the
12 International ID Checking Guide, which you have before you
13 and which you can keep, it helps them to check IDs, and,
14 also, tax clearance memorandum which you have before you
15 so now they can go the Hawaii Express, where the licensee
16 can go online -- I mean, apply for it, pay a slight fee,
17 and they can get their tax clearance online, which is
18 faster. Because the last legislative session, the
19 legislature corrected the mistakes on the State law, so
20 now you are able to use it. It would help on the renewal.

21 And, also, I put before you the list, the
22 current list of all the licensees and where they are
23 located. So give you a overall view.

24 COMMISSIONER LEE: We can keep this?

25 DIRECTOR MUKAI: Yes, you can keep it, but the

1 only thing you cannot release is the numbers, the license
2 numbers. That's confidential. And --

3 COMMISSIONER LEE: Why do I have two?

4 DIRECTOR MUKAI: Supposed to get the other one.

5 MR. LAYNE SILVA: One is a mailing and one is
6 the premises.

7 COMMISSIONER LEE: Thank you.

8 DIRECTOR MUKAI: And D is the Liquor Control
9 Adjudication Board. The summary of the board decision on
10 January 5th, 2017 is before you.

11 That's all we have for --

12 COMMISSIONER SOUZA: (inaudible). Yeah, guys
13 from down under show they okole. That's all they did
14 fine? Suspend. They suspend 'em. One year. They
15 suspend 'em. Saw that in the paper. What?

16 MR. LAYNE SILVA: Was in the news.

17 COMMISSIONER SOUZA: Was on the news and then
18 what? Took the wahine up and did some kind of movement.

19 COMMISSIONER KENNISON: Give us a brief -- maybe
20 you can us a brief description.

21 VICE-CHAIR LOPEZ: Oh, yeah, yeah, yeah.

22 COMMISSIONER SOUZA: Chippendales.

23 CHAIR TANAKA: No can see the video?

24 COMMISSIONER BICOY: It's supposed to be me, the
25 one asking, not you.

1 MR. KUSHI: (Inaudible).

2 CHAIR TANAKA: Well, we like see, too. Okay.
3 The next meeting will be in Molokai. Sarah, everything's
4 all set up?

5 MS. CORDEIRO: Yes. You should -- I believe
6 we're posting that agenda tomorrow, so you'll get all your
7 travel.

8 COMMISSIONER SOUZA: I cannot make that one.
9 Sorry. I'm not gonna --

10 COMMISSIONER BICOY: I cannot, or I'll be late
11 if I do make it.

12 COMMISSIONER SOUZA: How can? You live there,
13 yeah?

14 COMMISSIONER BICOY: Yeah. I have --

15 COMMISSIONER SOUZA: Just kidding.

16 COMMISSIONER KENNISON: So do we have -- do we
17 have a quorum?

18 CHAIR TANAKA: Do we have a quorum?

19 MS. CORDEIRO: Without them, we would have six.
20 Oh, wait, sorry. Steven as well, so five.

21 CHAIR TANAKA: You gonna be there?

22 VICE-CHAIR LOPEZ: Yeah.

23 CHAIR TANAKA: Make sure you boat go, yeah.
24 Okay. So we should -- we should get all the information.

25 MS. CORDEIRO: In your packets that will be

1 mailed tomorrow.

2 CHAIR TANAKA: Okay. Any other comments or
3 questions? If not, may I have a motion for adjournment?

4 COMMISSIONER SOUZA: So moved.

5 CHAIR TANAKA: Meeting adjourned. (Gavel.)

6 (Meeting adjourned, 10:17 a.m.)

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CERTIFICATE

I, TONYA MCDADE, Certified Court Reporter of the State of Hawaii, do hereby certify that the proceedings contained herein were taken by me in machine shorthand and thereafter was reduced to print by means of computer-aided transcription; and that the foregoing represents, to the best of my ability, a true and accurate transcript of the proceedings had in the foregoing matter.

I further certify that I am not an attorney nor an employee of any of the parties hereto, nor in any way concerned with the cause.

DATED this 30th day of January, 2017.

/s/ Tonya McDade

Tonya McDade
Certified Shorthand Reporter #447
Registered Professional Reporter
Certified Realtime Reporter
Certified Broadcast Reporter