

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 9:00 a.m., on Wednesday, April 12, 2017.

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LIQUOR COMMISSION - APRIL 12, 2017

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APPEARANCES

- Robert Tanaka, Chairperson
 - Darren Lopez, Vice-Chairperson
 - Nane Aluli, Commissioner
 - Dawn Bicoy, Commissioner
 - Leon Bolosan, Commissioner
 - Dana Souza, Commissioner
 - Roy Umeno, Commissioner
- STAFF PRESENT:
- Edward Kushi, Jr., First Deputy Corporation Counsel
 - Glenn Mukai, Director
 - Mark Honda, Deputy Director
 - Layne Silva, Senior Investigator
 - Karilee Yoshizawa, Supervising Investigator
 - Sarah Cordeiro, Secretary to Boards/Commissions II

LIQUOR COMMISSION - APRIL 12, 2017

1 (Wednesday, April 12, 2017, 2016, 9:00 a.m.)

2 * * *

3 CHAIR TANAKA: (Gavel.) Gonna call the Liquor
4 Commission meeting to order. Okay. Before we go with our
5 roll call, I just wanna welcome our new member, Mr. Leon
6 Bolosan. Okay. Sarah, roll call.

7 MS. CORDEIRO: Sarah Cordeiro, Liquor Control.

8 COMMISSIONER BICOY: Good morning. Dawn Bicoy.

9 COMMISSIONER ALULI: Aloha. Nane Aluli.

10 COMMISSIONER SOUZA: Dana Souza.

11 MR. KUSHI: Ed Kushi.

12 CHAIR TANAKA: Morning. Bob Tanaka.

13 VICE-CHAIR LOPEZ: Morning. Darren Lopez.

14 COMMISSIONER UMENO: Good morning. Roy Umeno.

15 COMMISSIONER BOLOSAN: Good morning. Leon

16 Bolosan.

17 DIRECTOR MUKAI: Glenn Mukai, Liquor Control.

18 DEPUTY DIRECTOR HONDA: Mark Honda, Liquor

19 Control.

20 MS. YOSHIZAWA: Kari Yoshizawa, Liquor Control.

21 MR. SILVA: Layne Silva, Liquor Control.

22 CHAIR TANAKA: Thank you. Okay. You have your
23 agenda for April 12, 2017. If there's no questions, may I
24 have a motion for approval?

25 COMMISSIONER SOUZA: So moved.

LIQUOR COMMISSION - APRIL 12, 2017

1 COMMISSIONER ALULI: So moved.

2 COMMISSIONER SOUZA: Second.

3 CHAIR TANAKA: All in favor, say "aye."

4 (Response.)

5 CHAIR TANAKA: Also, you have your minutes of
6 March 8, Commission minutes and Executive Session summary
7 of March 8. If there's no questions or comments, may I
8 have a motion for approval?

9 VICE-CHAIR LOPEZ: So moved.

10 COMMISSIONER SOUZA: Second.

11 CHAIR TANAKA: Moved and seconded. All in
12 favor, say "aye."

13 (Response.)

14 CHAIR TANAKA: Opposed, "no."

15 (No response.)

16 CHAIR TANAKA: Okay. Public testimony. Are
17 there anybody in this audience testifying on the rules or
18 wanna testify on the rules? Okay. You know what, let me
19 explain. We're not gonna take any testimony on the rules,
20 it's not an agenda item, but we decided to call a special
21 meeting to address these rule changes. You will be
22 notified. Hopefully, we gonna have this special meeting
23 prior to our next meeting in May. So if you get any
24 concerns, please leave your name and number with our staff
25 so they can contact you people if you wanna testify. And

LIQUOR COMMISSION - APRIL 12, 2017

1 we will address all the concerns of the public at that
2 time.

3 MS. SCHAEFER: Mr. Chairman, may I rise to a
4 point of order?

5 CHAIR TANAKA: Beg your pardon?

6 MS. SCHAEFER: May I rise to a point of order?

7 CHAIR TANAKA: Go ahead.

8 MS. SCHAEFER: Your agenda says public concerns,
9 it does not say public concerns for specific items. And
10 so I think the opportunity for the people who have come
11 here to speak on the rules issue should be permitted, and
12 respectfully ask that you reconsider your decision on
13 this.

14 CHAIR TANAKA: Okay. Let me -- let me --

15 MR. KUSHI: Yeah, Mr. Chair, if I understand
16 what the testifier is saying, the agenda item is Agenda
17 Item IV, public testimony, it's not public concerns. The
18 Sunshine Law says any member of the public has the right
19 to testify on matters pertaining to the agenda. What the
20 Chairman has stated that these concerns about the recent
21 rule changes is not on the agenda. That's why they're
22 scheduling a special meeting to address those concerns.
23 So, in essence, what you're saying is wrong.

24 MS. SCHAEFER: Well, Mr. Kushi, there's been a
25 lot of things wrong about the Sunshine Law here. And I

LIQUOR COMMISSION - APRIL 12, 2017

1 don't mean to be argumentative, but I would point out
2 that --

3 CHAIR TANAKA: Excuse me.

4 MS. SCHAEFER: -- under public concerns --

5 CHAIR TANAKA: Excuse me. Can you state your
6 name?

7 MS. SCHAEFER: Oh, of course. I'm so sorry. My
8 name is Madge Schaefer. Is there any other information
9 that you need?

10 CHAIR TANAKA: No. That's fine.

11 MS. SCHAEFER: Okay. So my point is that it
12 should clearly state somewhere on your agenda that if
13 public concerns aren't going to be allowed, that if the
14 public comments must be specific to an agenda item, that
15 should be stated on your agenda, but that's not what it
16 says. Again, I don't mean to be disrespectful, I don't
17 mean to be argumentative, but I think there needs to be a
18 clarification here.

19 MR. KUSHI: Mr. Chair, I stand by my statement.

20 CHAIR TANAKA: Okay. Ms. Schaefer, what -- what
21 we intend -- intend to do is to call a special meeting so
22 we can address all your concerns, you know, instead of get
23 this involved with our agenda items that affect all those
24 other people who are on the agenda. And at that time
25 we're gonna specifically address the rule changes so the

LIQUOR COMMISSION - APRIL 12, 2017

1 public has the opportunity to testify and then the
2 Commission can discuss all the testimonies and see whether
3 we wanna repeal the rule change or whatever it is.

4 MS. SCHAEFER: All right. So how -- may I ask
5 how that public notice will be done? Will it be done in
6 the classifieds 30 days before?

7 CHAIR TANAKA: Well, I'm gonna leave it up to
8 the Department, but that's why I said whoever wanna
9 testify here today or came to testify today, I suggest
10 they leave their name and number with our staff so that
11 they can get -- be contacted directly.

12 MS. SCHAEFER: May I respectfully ask that the
13 staff contact me as soon as the date is set so that I'm
14 able to --

15 CHAIR TANAKA: Well, we --

16 MS. SCHAEFER: -- spread the word?

17 CHAIR TANAKA: Well, right now, we're looking at
18 our next meeting is May 8th. Okay. We're looking at
19 holding that hearing, special meeting, on May -- the day
20 before.

21 MS. SCHAEFER: On the 7th?

22 CHAIR TANAKA: On the 7th. Then, on May 8th, it
23 will be an agenda item for the discussion and whether we
24 should repeal or not the rules.

25 MS. SCHAEFER: All right. So May the 7th, here

LIQUOR COMMISSION - APRIL 12, 2017

1 in this room?

2 CHAIR TANAKA: Yeah.

3 MS. SCHAEFER: All right.

4 DIRECTOR MUKAI: Mr. Chair, the next scheduled
5 meeting for May, the regular meeting is May 10th.

6 CHAIR TANAKA: Oh, May 10th. Sorry.

7 DIRECTOR MUKAI: It will May 9th.

8 CHAIR TANAKA: May 9th. The regular meeting
9 will be May 10th. So May 9th will be -- well, we're
10 looking at that. Right now, it's tentative.

11 MS. SCHAEFER: All right.

12 CHAIR TANAKA: I would suggest you contact the
13 Department, you know, soon as the thing is set.

14 MS. SCHAEFER: Well, when I contact the
15 Department -- and that was one of the things that I wanted
16 to address today. When I contacted the Department, I'm
17 told I have to put things in writing. I'm told that in
18 order to see any information that I ask to see, I have to
19 have an investigator with me from the Department.

20 CHAIR TANAKA: Okay. Let me -- let me put it
21 this way: Please leave your name, address and number with
22 our staff. And I'll tell the Director, soon as the thing
23 is set, to contact you directly.

24 MS. SCHAEFER: Mr. Chair, I appreciate that
25 courtesy. Thank you very much. And I appreciate you all

LIQUOR COMMISSION - APRIL 12, 2017

1 having a special meeting to hear this. This is an
2 important issue for the community. Thank you again.

3 CHAIR TANAKA: Thank you.

4 MR. KUSHI: Mr. Chair, for clarification, as of
5 now, the agenda item for the special meeting will be
6 discussion on Ms. Mahina Martin's letter to the Commission
7 dated April 5th. I -- I seem to -- it seems to indicate
8 that she wants to file a petition, but that will be the
9 agenda item. And her letter contains all the concerns
10 about the rule amendments.

11 MS. HELM: Excuse me. May I ask a question?

12 CHAIR TANAKA: Sure. Go ahead.

13 MS. HELM: Aloha. My name is Miki Helm. And I
14 was here to testify. And my request is that you may
15 consider a bigger place because I think with the amount of
16 concern in the community, this room is definitely too
17 small.

18 CHAIR TANAKA: Well, we'll take that under
19 consideration.

20 MS. HELM: Thank you.

21 MR. MARTIN: Chair, I'm Mahina Martin. Thank
22 you, Ed, for bringing that up. I just want to say that I
23 had met with the Department and they were gracious enough
24 to share their concerns and so we went through the
25 process. But the reason why people are here today is

LIQUOR COMMISSION - APRIL 12, 2017

1 because, quite frankly, the Mayor's Office had said -- I
2 was busy telling everybody, no, you have to wait until
3 May. Unfortunately, you know, the instructions we got
4 from the County is that today was available to come
5 instead because there was no clarity on an agenda item
6 specifically. So I just wanna make that clear. This was
7 why we get into these situations.

8 MR. KUSHI: Yes. Thank you. I'll bring that up
9 with the 9th Floor.

10 CHAIR TANAKA: Thank you. Okay. Let's go on
11 with our agenda. Let's go on to General Licensing
12 Matters, Item A through M. If there's no questions or
13 comments, may I have a motion for confirmation?

14 COMMISSIONER SOUZA: So moved.

15 COMMISSIONER ALULI: Second.

16 CHAIR TANAKA: Moved and seconded. All in
17 favor, say "aye."

18 (Response.)

19 CHAIR TANAKA: Opposed, "no."

20 (No response.)

21 CHAIR TANAKA: Motion carried.

22 Public hearing item, Application Number 15, Maui
23 Wine.

24 MS. HEGELE: Good morning. I'm Paula Hegele,
25 President of Maui Wine. And we're trying to finalize a

LIQUOR COMMISSION - APRIL 12, 2017

1 new license change from a Manufacturer I to a -- or to a
2 Class 18.

3 CHAIR TANAKA: Thank you. Kari.

4 MS. YOSHIKAWA: Application Number 15, the
5 applicant is Maui Wine, Ltd. doing business as "To Be
6 Named". The proposed premises is located at 14815 Piilani
7 Highway, Kula, Maui, Hawaii. This is a public hearing for
8 a new Small Craft Producer Pub License.

9 The documents necessary for completing the
10 remaining application requirements for a liquor license
11 are listed in the summary report.

12 Notice of public hearing was published in "The
13 Maui News" on February 15th and 22nd, 2017. There are a
14 total of two owners and lessees situated within 500 feet
15 of the proposed premises. The Department did not receive
16 any protests.

17 CHAIR TANAKA: Thank you. Do you have anything
18 else to add?

19 MS. HEGELE: No. Thank you.

20 CHAIR TANAKA: Since this is a public hearing
21 item, I'm gonna open it to the public. Any public
22 testimony? Okay. Seeing none, any questions by the
23 Commissioners? If there's no questions, may I have a
24 motion?

25 COMMISSIONER SOUZA: I move to approve

LIQUOR COMMISSION - APRIL 12, 2017

1 Application Number 15 conditioned upon the applicant
2 completing the remaining application requirements to the
3 satisfaction of the Department of Liquor Control.

4 COMMISSIONER ALULI: Second.

5 CHAIR TANAKA: Moved and seconded. All in
6 favor, say "aye."

7 (Response.)

8 CHAIR TANAKA: Opposed, "no."

9 (No response.)

10 CHAIR TANAKA: Motion carried. Thank you.

11 MS. HEGELE: Thank you.

12 CHAIR TANAKA: Application Number 20, FOH
13 Hospitality.

14 MR. HOROVITZ: Good morning, Mr. Chair, Members
15 of the Commission, Members of the Department. My name is
16 Peter Horovitz, I'm the attorney for the applicant. With
17 me is Chris Rabang, he's the General Manager of the
18 property, and, also, Brandon Maeda, who is the Food and
19 Beverage Operations Manager.

20 CHAIR TANAKA: Thank you. Kari.

21 MS. YOSHIZAWA: Application Number 20, the
22 applicant is FOH Hospitality, LLC doing business as
23 Kauhale Market. The proposed premises is located at 45
24 Kai Malina Parkway, Suite Number 1, Lahaina, Maui, Hawaii.
25 This is a public hearing for a new Retail General license.

LIQUOR COMMISSION - APRIL 12, 2017

1 The documents necessary for completing the
2 remaining application requirements for a liquor license
3 are listed in the summary report.

4 Notice of public hearing was published in "The
5 Maui News" on February 15th and 22nd, 2017. There are a
6 total of 1,333 [sic] owners and lessees situated within
7 500 feet of the proposed premises. The Department did not
8 receive any protests.

9 CHAIR TANAKA: Thank you. Peter.

10 MR. HOROVITZ: Yes, sir.

11 CHAIR TANAKA: According to your letters, what
12 you're asking for, can you brief the Commission what
13 you're asking for?

14 MR. HOROVITZ: Certainly. And with the Chair's
15 permission, I have a couple of printouts of maps just
16 showing the wings of the hotel that are not yet open and
17 then there's the minor changes that, you know, moving the
18 cabinet here and stuff like that, that -- so that the
19 Commission can see what I'm talking about. With the
20 Chair's permission, I'll hand them out.

21 CHAIR TANAKA: Go ahead.

22 MS. YOSHIZAWA: Chair, right now we're
23 discussing the retail premises, not the hotel. The hotel
24 is the next item up on the agenda.

25 MR. HOROVITZ: That's fine. There's -- I

LIQUOR COMMISSION - APRIL 12, 2017

1 have -- the changes that I have are for the retail and for
2 the hotel. I can hand them all out together or one at a
3 time.

4 CHAIR TANAKA: Well, just hand it all out.

5 MR. HOROVITZ: Okay. The first one, if you pass
6 it around, take one and pass, these are the retail
7 changes. And then the second one is the hotel changes.

8 Thank you, Chair.

9 With regard to the market -- and we'll get into
10 this as well with the hotel -- there -- on the as-builts,
11 there's some very minor, minor floor changes. I won't say
12 floor changes. The floor plan remains the same, but there
13 were a couple of items we moved a cabinet here or a shelf
14 there. These are normally things that the Department may
15 or may not care about, but we don't like to take any
16 chances. And -- and we would expect that the Department
17 would want us to permit those changes after the fact.

18 Normally, those -- the way that would work is,
19 in my understanding, is the license would issue and then
20 we would submit a permit application to permit the
21 changes. We've been told that we can't submit the
22 permit -- permit themselves until there's a license number
23 to attach the permit to. And that -- that's all fine.

24 Our concern that we have with this license and
25 with the following license is the hotel is opening, the

LIQUOR COMMISSION - APRIL 12, 2017

1 guests are checking in on Saturday. There are -- there's
2 a scheduled, just a blessing Friday that will be a private
3 affair, but it will be a blessing for -- for the hotel and
4 property. And then, like I said, there will be guests
5 there on -- on Saturday. So we would like to be able to
6 serve and sell out of -- sell out of the retail premises
7 and then serve on the Hotel license that will be coming up
8 next.

9 The timing issue we're running into is that
10 Friday is a holiday, and the Department is closed. We
11 have been working with the Department to attempt to get
12 scheduled for the final inspection.

13 In years past -- and, again, I'm prefacing this
14 in the years past, the -- the process would be was the
15 Department would often inspect premises before the final
16 hearing and then come out and -- and hand your license
17 over, you know, assuming all -- all was good. That
18 process has changed, which is fine, the Department's
19 entitled to -- to review its processes, but we are
20 penciled in for a -- an inspection Thursday at 1:00. I'm
21 concerned that doesn't give us enough time in the normal
22 course simply because the property needs to be, you know,
23 inspected, which is why we've provided the maps to the
24 Department ahead of time, they were gracious to accept
25 them, so that they could see what the minor changes were

LIQUOR COMMISSION - APRIL 12, 2017

1 so no one has to go hunting for anything. But the reality
2 is that has to occur, the inspectors have to fight their
3 way back through Lahaina traffic, which is not very fun,
4 come back, do whatever paperwork the Department needs to
5 do, I don't know what else might be on the inspectors'
6 desks when they get here, and then try to issue a license
7 and/or the permits by 4:30 on Thursday. I have a very
8 real concern that that simply is not possible in -- in the
9 normal course.

10 My request -- and I know that normally the --
11 the, you know, if -- if the Commission chooses to approve
12 a license, the normal verbiage is what was -- we just
13 heard, that the license be issued subject to the
14 completion of the remaining requirements to the
15 satisfaction of the Department. I'm not certain that's
16 adequate here. We have submitted everything. All of the
17 COs have been issued with -- on the hotel, that we'll get
18 to, with the exception of Wings 6, 7 and 8, which are
19 blocked off and closed and we're reducing. But all the
20 COs have been issued, all the insurance certificates and
21 everything.

22 My request is going to be very specific, that
23 the Department order that the license actually issue by
24 4:30 on Thursday. You know, we're prepared -- again, we
25 respect the Department's schedule, they have a finite

LIQUOR COMMISSION - APRIL 12, 2017

1 number of people. We're prepared to go right after this
2 meeting and do the inspections if they have the staff to
3 do it. I'm not saying they do, and I'm not, you know,
4 again, trying to dictate their schedule, but we've been
5 ready for quite a while and would -- would, you know, it's
6 very important.

7 I know that most of the Commissioners know --
8 know the history of this application. They saw us on
9 Molokai three months ago, they saw us a couple months back
10 at the public hearing. You've seen what we've been -- you
11 know, what we've been attempting to do and how we've been
12 trying to work through the various problems. But, again,
13 this license is ready to go. We have people checking in.

14 We're okay and fine if -- you know, the
15 Department, if it wishes to take its time to review the
16 permit changes of a shelf here versus there or whatever it
17 may be, we're fine with them taking their time to do that,
18 but the issuance of the licenses so that we can, you know,
19 serve -- you know, serve guests and -- and, you know, open
20 the shop and open the property, which, again, there is a
21 blessing on Friday, there are guests checking in on
22 Saturday. And, you know, we've been -- we've never, you
23 know, hid -- hid the ball on that.

24 So my request again -- and I'm happy to answer
25 any questions about this, but my request would be very

LIQUOR COMMISSION - APRIL 12, 2017

1 specific that the Commission instruct the Department to
2 actually issue the license by 4:30 on Thursday.

3 We will do whatever is necessary to accommodate
4 the Department's schedule in that regard. We have people
5 who will be out there with inspections, you know, from our
6 office, we have authorized signers on this side as well,
7 so that if some minor permit request needs to be signed by
8 someone, we can call from over there, have it submitted
9 here in five minutes. That's -- that's not a problem.

10 We -- we can accommodate -- there's a Lahaina
11 office as well. I don't know whether they, you know,
12 would have the license ready to go, but that's, again, the
13 Department's prerogative.

14 But, again, our -- our -- we -- our specific
15 request is to have the license issued by 4:30 tomorrow.

16 CHAIR TANAKA: Thank you. Kari, I get one
17 question.

18 MS. YOSHIZAWA: Yes, Chair.

19 CHAIR TANAKA: When was -- when was these
20 changes made? Was it during construction they made these
21 changes?

22 MR. HOROVITZ: Yeah. These were -- these were
23 as-built during construction. So just -- you know, I'm
24 building a home right now and I wish I could stick to the
25 plans, but you -- you see something on the ground and it

LIQUOR COMMISSION - APRIL 12, 2017

1 needs to change a little bit.

2 CHAIR TANAKA: And these changes were
3 immediately made known to the Department?

4 MR. HOROVITZ: We made them known as soon as we
5 could. You know, the Department made clear to us that
6 they did not want us to submit a permit application. We
7 got permission from the Department earlier this week to
8 actually submit the maps. We -- we would have liked to
9 have submitted them early, they didn't -- they didn't want
10 them. And, again, I'm trying to respect their process.

11 We tried to make it as easy as possible. And as
12 you see on this, what -- what you're seeing in front of
13 you is exactly what we submitted to the Department. We've
14 highlighted the additions and we've highlighted the
15 subtractions.

16 Almost all of these are -- I would say all of
17 them, frankly, are non-substantive. And I'm not even
18 certain the Department would, in the normal course, care
19 about them, but we don't want to take any chances and we
20 try to highlight everything. So there's -- you'll even
21 note, I think, on the market one there's like a new trash
22 receptacle noted. I don't really know what that has to do
23 with liquor, but it's there, you know. We noted where
24 there are, you know, fixed umbrellas around the pool, you
25 know, so we -- we've put those types of things on the map.

LIQUOR COMMISSION - APRIL 12, 2017

1 Again, we're -- we're perfectly fine -- and in the normal
2 course, I mean, licensees modify their premises all the
3 time, you know, they renovate and they submit a permit
4 application, and the Department, you know, processes that
5 permit application and does what they will. And we're
6 fine with that, but that -- your license generally doesn't
7 get revoked or put on hold while they're putting a permit.
8 So we're simply asking that the license be issued.

9 If they wish, you know, to take a week or 10
10 days or whatever to process the permit changes, that's
11 fine, you know. We're fine with that. If they would like
12 to process the permit changes by Thursday, we're fine with
13 that, too, you know, but the -- the important thing is
14 that the license issue.

15 CHAIR TANAKA: You're kind of confusing me now.
16 Kari.

17 MS. YOSHIZAWA: Yes, Chair.

18 CHAIR TANAKA: The -- these -- these changes
19 that were made, the revisions that were made, now this
20 becomes part of the license application?

21 MS. YOSHIZAWA: No. What usually happens per
22 Department procedures is that once the application is
23 approved --

24 CHAIR TANAKA: Before you -- license and permit,
25 now explain why they need a permit when they gonna get a

LIQUOR COMMISSION - APRIL 12, 2017

1 license.

2 MS. YOSHIZAWA: Because it's a modification of
3 licensed premises. And the Department has not been -- yet
4 been able to confirm what they're submitting is correct.
5 For example, the last --

6 CHAIR TANAKA: But they don't have the license
7 yet.

8 MS. YOSHIZAWA: But they're already approved in
9 preliminary hearing with that floor plan.

10 CHAIR TANAKA: So now they --

11 MS. YOSHIZAWA: So if they submit that in public
12 hearing and then we go out for our final and we find
13 inconsistencies with what they're submitting, they're
14 still gonna need to submit a permit to address the
15 changes. So they wouldn't be meeting the requirements.

16 CHAIR TANAKA: Now I'm kind of confused. I
17 don't know if the other Commissioners are. They haven't
18 been granted a license yet?

19 MS. YOSHIZAWA: Yes.

20 CHAIR TANAKA: Okay. So now they coming in with
21 this revised plan. So when you grant the license to them,
22 based on this, it's -- the permit thing is moot because
23 it's already part of the license, yeah?

24 MS. YOSHIZAWA: No. If -- if the Commission
25 wishes to adopt that floor plan as part of the

LIQUOR COMMISSION - APRIL 12, 2017

1 application, that's okay, but, for our purposes, before we
2 can issue a license as a Department, we always conduct the
3 final inspection. And that's required by rules.

4 CHAIR TANAKA: Yeah.

5 MS. YOSHIZAWA: And if the floor plan does not
6 meet the requirements which is matching what was submitted
7 by the applicant, the only way to correct it after the
8 public hearing is via permit.

9 CHAIR TANAKA: But the public hearing is not
10 finalized yet.

11 MS. YOSHIZAWA: No. After the public hearing,
12 because we wouldn't go to our site inspection. They're
13 not scheduled for a site inspection until Thursday at
14 1:00. By that time, this meeting would have adjourned
15 already.

16 CHAIR TANAKA: So -- so let's say the Commission
17 approves the -- you know, their license application, they
18 have this plan now before us, so when you go out there to
19 inspect and they see that these changes have been made
20 based on this plan --

21 MS. YOSHIZAWA: If we go out --

22 CHAIR TANAKA: -- why do they need a permit
23 to --

24 MS. YOSHIZAWA: Because, historically, we've had
25 people that came into the Department saying that they made

LIQUOR COMMISSION - APRIL 12, 2017

1 changes before the license was issued. That's fine. We
2 still need to do a final inspection. For example, this
3 last time, we just went out for a final inspection
4 yesterday, and based on what the applicant had said that
5 were the changes were completely wrong. So now we have to
6 work with them going further to --

7 CHAIR TANAKA: Yeah, I -- I -- I understand what
8 you're saying here, but why would they need a permit?

9 MS. YOSHIZAWA: Because it's a modification of
10 licensed premises, it's per rule that any modification
11 other than what was approved by Commission needs to be
12 approved, technically, by Commission.

13 DIRECTOR MUKAI: So, in essence -- may I
14 clarify?

15 CHAIR TANAKA: Yeah.

16 DIRECTOR MUKAI: If the Commission accept the
17 floor plan as part of the public hearing, it still will
18 have to go out to do a final inspection to make sure this
19 submittal is correct.

20 CHAIR TANAKA: That, I understand.

21 DIRECTOR MUKAI: And if there's any changes --

22 CHAIR TANAKA: Right. Why would they need a
23 permit, then?

24 DIRECTOR MUKAI: No. At that point, they don't
25 need if it's -- you guys accept it.

LIQUOR COMMISSION - APRIL 12, 2017

1 CHAIR TANAKA: So --

2 COMMISSIONER BICOY: We accept it.

3 DIRECTOR MUKAI: But if there is some -- other
4 than what they submitted, then they would need a permit.

5 CHAIR TANAKA: Oh, okay. Yeah.

6 MR. HOROVITZ: And we're -- we're fine, you
7 know, with that. I appreciate the question. I think that
8 clarifies a lot. So if -- I mean, if the Commission
9 adopts these -- this revised floor plan, we say thank you
10 very much. Of course, if the Department comes out and
11 sees something differently, we will work with the
12 Department and permit any change, but what we don't want
13 is that to hold up the actual issuance of a license.

14 CHAIR TANAKA: If you submit something like
15 this, Peter, for the Commission to approve and we approve
16 it --

17 MR. HOROVITZ: Yes, sir.

18 CHAIR TANAKA: -- we assume that everything
19 should be correct.

20 MR. HOROVITZ: And as --

21 CHAIR TANAKA: Unless -- unless you guys doing
22 something else besides what you -- otherwise, the --

23 MR. HOROVITZ: Chris is saying, no, we're not
24 doing any different. No, the --

25 CHAIR TANAKA: So your -- your comment you just

LIQUOR COMMISSION - APRIL 12, 2017

1 made --

2 MR. HOROVITZ: Yeah.

3 CHAIR TANAKA: -- shouldn't be made.

4 MR. HOROVITZ: No.

5 CHAIR TANAKA: What I'm saying, because --

6 MR. HOROVITZ: Well, I don't want to -- I mean,
7 look, we -- we are confident that it is accurate.

8 CHAIR TANAKA: Okay.

9 MR. HOROVITZ: But --

10 CHAIR TANAKA: Because I'm --

11 MR. HOROVITZ: But --

12 CHAIR TANAKA: -- getting confused myself.

13 MR. HOROVITZ: But the -- the -- you know, the
14 Department will do their inspection. And if they feel we
15 have said something inaccurately, we'll work with them to
16 correct it. We feel it's entirely accurate, but I'm not
17 gonna to presume what they are going to say.

18 CHAIR TANAKA: If the Commission accepts this --

19 MR. HOROVITZ: Yes, sir.

20 CHAIR TANAKA: -- revision, when the inspector
21 goes out, it should be exactly what it shows here.

22 MR. HOROVITZ: Chris will make sure it looks
23 exactly like that.

24 CHAIR TANAKA: That's what I'm -- so then the
25 permit is not necessary.

LIQUOR COMMISSION - APRIL 12, 2017

1 MR. HOROVITZ: That would be beautiful for us.

2 Thank you.

3 CHAIR TANAKA: Yeah. Right, Kari?

4 MS. YOSHIZAWA: Correct.

5 CHAIR TANAKA: Okay. That's what I was --

6 MR. HOROVITZ: Thank you. I appreciate that.

7 Thank you.

8 CHAIR TANAKA: Okay. Kari, you get anything
9 else to add to this item?

10 MS. YOSHIZAWA: We're still on the retail
11 premises, so not at this time. When we hit the hotel, on
12 the next item, then we're gonna be re -- addressing the
13 reduction of licensed premises that they're requesting.

14 CHAIR TANAKA: Okay. So before we get off this,
15 you people have no objections on this revisions and
16 additions?

17 MS. YOSHIZAWA: Not until we go out to actually
18 see the premises. I mean, if --

19 CHAIR TANAKA: Well --

20 MS. YOSHIZAWA: If the Commission would like to
21 adopt that as their floor plans, you know, we have no
22 problem with that.

23 CHAIR TANAKA: Okay. Any other questions by the
24 Commissioners? Before I close it, any public testimony on
25 this item? Nobody for or against it? You guys scheduled

LIQUOR COMMISSION - APRIL 12, 2017

1 to go Thursday?

2 MS. YOSHIZAWA: Yes, we're scheduled at 1:00 on
3 Thursday. I'm sending two investigators out because it is
4 a larger property.

5 CHAIR TANAKA: Okay.

6 COMMISSIONER BICOY: And this will be for, then,
7 the new --

8 MS. YOSHIZAWA: Both the Kauhale Market and the
9 Hotel license.

10 COMMISSIONER BICOY: But for this new adopted --
11 I mean, accepted, if we -- if we were to accept this?

12 MS. YOSHIZAWA: So what the investigator will be
13 going out with is this new floor plan that you folks are
14 adopting.

15 COMMISSIONER BICOY: Okay.

16 MS. YOSHIZAWA: And based on that floor plan, if
17 there's any modifications or changes that we find, then,
18 yes, we would be requiring them to submit a permit to --
19 to address those changes.

20 COMMISSIONER SOUZA: I have a question.

21 CHAIR TANAKA: Question.

22 COMMISSIONER SOUZA: So, tomorrow, can you send
23 someone out earlier so we have more time if there's
24 something --

25 MS. YOSHIZAWA: We wish, but we were scheduled.

LIQUOR COMMISSION - APRIL 12, 2017

1 We actually did a courtesy and penciled them in ahead of
2 time before they had submitted all their clearances. We
3 do have applicants actually submitted and then waiting for
4 their license before this. And we also have the Maui
5 Beach Hotel that we're working on.

6 COMMISSIONER SOUZA: My concern is if something
7 is not correct, it can be one foot off or whatever, you
8 will not be able to change anything, right?

9 MR. HOROVITZ: We'll be able to -- I mean, if
10 someone calls us, we can submit something. I don't think
11 it can be processed is the problem.

12 COMMISSIONER SOUZA: Just a warning, Lahaina, at
13 1:00 --

14 MR. HOROVITZ: That was exactly our concern,
15 too.

16 COMMISSIONER SOUZA: That's crazy, trying to get
17 back here.

18 MR. HOROVITZ: It's really nuts. And, I mean, I
19 don't know what can be done -- if any of this can be done
20 out of the Lahaina office. Like I said, years ago, the
21 inspectors would actually have the license in hand and, if
22 they were satisfied, hand over. Now, the Department's
23 changed policy, okay, that's fine, which is why we tried
24 to work, you know, for a long, long time to try to get
25 scheduled. And that's where we are. And, you know, as

LIQUOR COMMISSION - APRIL 12, 2017

1 soon as we heard 1:00 Thursday, we had the exact same
2 concern you did. And we raised it, and we continue to
3 raise it.

4 CHAIR TANAKA: Okay.

5 MR. HOROVITZ: Which is why you know, my --
6 again, which is why I'm requesting that the Commission
7 consider a little bit of a modification to its standard
8 language and order that it actually be issued. And if we
9 have a minor permit change, which would happen in the
10 normal course -- again, we're gonna make sure that it's
11 looking like this, but if there is minor things, oh, we
12 would like this as well, no problem, we'll -- we'll permit
13 that in the normal course and -- and work with them. And
14 we don't want to jump any line. We're not trying to jump
15 line now, but it is what it is.

16 So, again, we're asking for a little --
17 something a little bit different than the normal -- the
18 normal motion that you might make.

19 CHAIR TANAKA: Okay. Any other questions? If
20 not, may I have a motion?

21 COMMISSIONER SOUZA: So the first motion it is
22 that we, as a Commission, we approve the revised floor
23 plan.

24 CHAIR TANAKA: Your motion will be that
25 Application Number 20 is approved.

LIQUOR COMMISSION - APRIL 12, 2017

1 COMMISSIONER SOUZA: Just approve.

2 CHAIR TANAKA: Approved. And we're gonna accept
3 the floor plan --

4 COMMISSIONER SOUZA: Okay.

5 CHAIR TANAKA: -- that has been submitted.

6 COMMISSIONER SOUZA: Okay. So I move to approve
7 Application Number 20 with the Commission accepting the
8 revised floor plan.

9 COMMISSIONER ALULI: Second.

10 CHAIR TANAKA: Okay. Moved and second. All in
11 favor, say "aye."

12 (Response.)

13 CHAIR TANAKA: Opposed, "no."

14 (No response.)

15 CHAIR TANAKA: Peter, make sure this is correct.

16 MR. RABANG: That's me.

17 MR. HOROVITZ: Absolutely. I will have words
18 with my client if it's not. Again, we -- we would request
19 consideration about the -- our request that the license
20 actually issuing by 4:30. I'm really just concerned about
21 traffic.

22 CHAIR TANAKA: We'll address that issue after
23 the next.

24 MR. HOROVITZ: Okay. Thank you, sir. Thank
25 you.

LIQUOR COMMISSION - APRIL 12, 2017

1 CHAIR TANAKA: Application Number 21. All
2 right, Peter, please.

3 MR. HOROVITZ: Sorry. Peter Horovitz on behalf
4 of the applicant. Chris Rabang, General Manager, and
5 Brandon Maeda, Food and Beverage Operations Manager.

6 CHAIR TANAKA: Okay, Kari.

7 MS. YOSHIZAWA: Application Number 21, the
8 applicant is FOH Hospitality, LLC doing business as The
9 Westin Nanea Ocean Villas. The proposed premises is
10 located at 45 Kai Malina Parkway, Lahaina, Maui, Hawaii.
11 This is a public hearing for a new Hotel license.

12 The documents necessary for completing the
13 remaining application requirements for a liquor license
14 are listed in the summary report.

15 Notice of public hearing was published in "The
16 Maui News" on February 15th and 22nd, 2017. There are a
17 total of 1,309 owners and lessees situated within 500 feet
18 of the proposed premises. The Department did not receive
19 any protests.

20 CHAIR TANAKA: Peter.

21 MS. YOSHIZAWA: Chair, sorry. In addition,
22 Chair, included in your packet is the request from the
23 applicant FOH Hospitality, LLC. The applicant is now
24 reporting that Wings 6 through 8 of the hotel will not be
25 ready and they're now asking to reduce their licensed

LIQUOR COMMISSION - APRIL 12, 2017

1 premises to exclude those wings.

2 CHAIR TANAKA: Peter.

3 MR. HOROVITZ: Thank you, Chair.

4 CHAIR TANAKA: Explain -- explain your position
5 now.

6 MR. HOROVITZ: Absolutely. Two things.

7 One, again, there are some minor changes that
8 we've noted on the subsequent pages in what is in front of
9 you. We would ask the same consideration as the prior
10 license would be -- that those be included.

11 In terms of the reduction of premises, again,
12 Wings 6, 7 and 8, as Kari just pointed out, are not -- not
13 yet open. Those are fully blocked off. They are locked,
14 there are fire doors and fire walls. To the extent
15 necessary, the back areas are fenced off. So no one goes
16 there.

17 And, again, this is a bit of change in
18 Department policy, which we're absolutely fine with.
19 Years past what might have occurred would be the license
20 was issued, then subsequently followed by an immediate
21 reduction -- request to reduce premises or take some area
22 out. The Department requested that that process be
23 reversed, and that we simply request that the -- that
24 those areas be excluded from our license, and, as those
25 wings come on, we come back and request to expand our

LIQUOR COMMISSION - APRIL 12, 2017

1 premises. We're absolutely fine with that. We have no --
2 no problem with -- with that at all. Again, our -- our
3 concerns are the same. We'd request that the license
4 actually issue by 4:30 on -- on Friday -- or, I'm sorry,
5 4:30 on Thursday because Friday is a holiday. And we'll
6 work with the Department in the normal course on the rest.

7 The other question I have, we have -- with
8 the -- we're working with the Department -- as I
9 mentioned, there's a blessing on Friday that will have a
10 couple of -- couple of musicians and, you know, some small
11 entertainment, or that's scheduled to, currently. And
12 then I understand, on Saturday, there might be a similar
13 small event in the same location with, you know, the same
14 type of musicians.

15 We had been working with the Department on sort
16 of the normal permit packet which you normally submit for
17 a property like this, which includes temporary bar
18 locations where you might have musicians and all of that.
19 The Department requested that we kind of focus on what we
20 needed immediately. And so we had submitted a -- that
21 would come after this, a permit application for the event
22 on the 14th, which is Friday. And that's, obviously, not
23 been processed because we don't have a license yet.

24 Our request to -- to the Commission or to the
25 Department is that we would also like to extend that

LIQUOR COMMISSION - APRIL 12, 2017

1 temporary one to Saturday because we would like to host
2 another event for the same small gathering, same location.

3 The question I have, just procedurally, you
4 know, we noted that, on the agenda, you're considering
5 adopting new permit forms. We've just got a copy of
6 those, I think, yesterday or so, to see what they are.
7 Very minor changes. And, you know, we generally don't
8 have an issue with them. We do note that it says you have
9 to submit the -- the permit application, make an
10 appointment to get the permit application to submit it and
11 submit it seven to 10 days in advance. I just would like
12 some clarification with the application we have in. One,
13 can we include the event on the 15th. And then the second
14 thing is if the Commission adopts the new permit form
15 today, is our old one grandfathered in or do we have to
16 use the new -- new form and wait seven to 10 days or make
17 an appointment? I just don't know. If we have it, we can
18 fill it out and use the new form, but, obviously, we don't
19 have time to make a new appointment to -- to submit it. I
20 just don't know. So, you know, I'd like some
21 clarification on that.

22 But the -- the major -- of major importance, we
23 would like, you know, the Commission to consider the
24 revisions that we submitted, and to consider requiring
25 that the license issue based on those by 4:30 on Thursday.

LIQUOR COMMISSION - APRIL 12, 2017

1 CHAIR TANAKA: Thank you. Kari.

2 MS. YOSHIZAWA: Chair, we have been working with
3 Horowitz' office regarding their special function on
4 Saturday and Sunday, and we have worked with them for the
5 entertainment area.

6 MR. HOROVITZ: Friday, Saturday.

7 MS. YOSHIZAWA: So you would just need to submit
8 the backup documents for your additional day as well or
9 to --

10 MR. HOROVITZ: We can have that --

11 MS. YOSHIZAWA: -- extend it. Yeah.

12 MR. HOROVITZ: We can have that to you today.

13 MS. YOSHIZAWA: And that would be fine with us.

14 MR. HOROVITZ: Okay. Great. Thank you.

15 CHAIR TANAKA: Kari.

16 MS. YOSHIZAWA: Yes, Chair.

17 CHAIR TANAKA: What's the staff's position on
18 this changes, reduction and additions?

19 MS. YOSHIZAWA: So with the reduction of
20 licensed premises, since they're removing a significant
21 part of the premises, which is Building 6, 7 and 8, our
22 only concern is to make sure that the premises or the
23 licensed premises is clearly defined for the health,
24 safety and welfare of the public that's on the property,
25 that they're not entering the unauthorized areas because I

LIQUOR COMMISSION - APRIL 12, 2017

1 am understanding it is still under construction at this
2 time. So as long as they can clearly define it, fence it
3 off or somehow -- you know, so people don't enter into the
4 construction areas, we would be okay with that.

5 CHAIR TANAKA: Okay. We can -- we can add -- we
6 can add this attachments as part of the license
7 application?

8 MS. YOSHIZAWA: Yes, you would adopt this floor
9 plan also because the previous was just for Kauhale
10 Market.

11 CHAIR TANAKA: Same like Kauhale Market. Since
12 this is a public hearing, I'm gonna open it to the public.
13 Anybody for or against this application? Okay. Seeing
14 none, any questions by the Commissioners?

15 MR. KUSHI: Mr. Chair, if I may? This is to
16 staff. This is the Hotel license, right?

17 MS. YOSHIZAWA: Correct.

18 MR. KUSHI: The previous one was retail?

19 CHAIR TANAKA: Retail.

20 MR. KUSHI: On your status of -- summary status,
21 on the retail, you only had two conditions to be met. On
22 this one, you have six.

23 MS. YOSHIZAWA: Yes, because Commission didn't
24 approve the reduction of premises. So, technically, the
25 application still consists of Buildings 6, 7 and 8.

LIQUOR COMMISSION - APRIL 12, 2017

1 Buildings 6, 7 and 8 still have outstanding clearances,
2 which is why they're asking for the reduction. Once the
3 reduction is approved, if approved by Commission, then
4 those clearances would be removed and all they would be
5 required is the final inspection and the license fee.

6 MR. KUSHI: For the hotel?

7 MS. YOSHIZAWA: Yes.

8 MR. KUSHI: Okay. It shouldn't be -- they have
9 the first four? The COs and --

10 MS. YOSHIZAWA: Yes.

11 CHAIR TANAKA: Peter, I know this is --

12 MR. HOROVITZ: Yes, sir.

13 CHAIR TANAKA: -- repetitive, but, Molokai, you
14 told me everything gonna be completed.

15 MR. HOROVITZ: That was three months ago.

16 CHAIR TANAKA: What happened?

17 MR. HOROVITZ: They were pushing for it.

18 Obviously, you know, we would prefer to have all -- all
19 wings open, but they're not. You know, construction
20 projects slow down for a gazillion and-a-half reasons. I
21 would love to be in the home I'm building right now, I'm
22 not. But we do have wings, you know, everything but Wings
23 6, 7 and 8. We have, you know, motivation beyond liquor
24 reasons to ensure that no one -- no unauthorized person is
25 in there. You know, again, there's fencing around --

LIQUOR COMMISSION - APRIL 12, 2017

1 there will be fencing around the back side so no one can
2 access that side. That's the back side of the property.
3 So you have to secure it, anyway. And then there are fire
4 rated doors and walls that have been approved that are --
5 that are blocking off those wings. So that no one -- you
6 know, no guest can simply wander into any -- any space at
7 all.

8 CHAIR TANAKA: Okay. Any questions by the
9 Commissioners? If there's no questions, may I have a
10 motion?

11 COMMISSIONER SOUZA: Since, again --

12 COMMISSIONER BICOY: Yeah.

13 CHAIR TANAKA: The motion -- let me explain.
14 The motion shall include approval of the application,
15 reduction in size and accepting this as part of the new
16 floor plan and whatever. Am I correct, Kari?

17 MS. YOSHIZAWA: Correct.

18 CHAIR TANAKA: Okay. So that's -- that's a
19 motion.

20 COMMISSIONER SOUZA: So moved.

21 COMMISSIONER UMENO: Second.

22 CHAIR TANAKA: Okay. If everybody understand
23 what I said, all in favor, say "aye."

24 (Response.)

25 CHAIR TANAKA: Opposed, "no."

LIQUOR COMMISSION - APRIL 12, 2017

1 (No response.)

2 CHAIR TANAKA: Motion carried. Peter, going
3 back to your request --

4 MR. HOROVITZ: Yes, sir.

5 DEPUTY DIRECTOR HONDA: Excuse me, Mr. Chair,
6 just for clarification for the Department, can we have the
7 motion stated that it takes out Building 6, 7 and 8 as per
8 the floor plan so it would be easier for the Department to
9 process, just for clarification?

10 CHAIR TANAKA: Sure.

11 DEPUTY DIRECTOR HONDA: Thank you.

12 CHAIR TANAKA: Okay. Got that down? Oh, you
13 want it repeated again?

14 DEPUTY DIRECTOR HONDA: Technically, I defer to
15 Counsel Junior Kushi.

16 MR. KUSHI: Somebody say, "so moved as amended."

17 COMMISSIONER SOUZA: So moved as amended.

18 DEPUTY DIRECTOR HONDA: Thank you.

19 COMMISSIONER UMENO: Second.

20 CHAIR TANAKA: All in favor, say "aye."

21 (Response.)

22 CHAIR TANAKA: Opposed, no.

23 (No response.)

24 CHAIR TANAKA: Motion carried. Peter, on your
25 next request --

LIQUOR COMMISSION - APRIL 12, 2017

1 MR. HOROVITZ: Yes, sir.

2 CHAIR TANAKA: -- about issuing the license
3 prior, I would suggest that you work with staff and try
4 and get that thing done. I don't think the Commission
5 should override the staff's policies and procedures in
6 issuance because it may affect other license -- license
7 applications.

8 MR. HOROVITZ: I'm just -- I'm sorry.

9 CHAIR TANAKA: And I saw this, maybe get a
10 police escort to bring you back.

11 MR. HOROVITZ: What are you guys doing tomorrow?

12 DETECTIVE KRAU: Not that.

13 MR. HOROVITZ: We tried.

14 CHAIR TANAKA: Maybe be da kine.

15 MR. HOROVITZ: I guess my -- my -- and I
16 appreciate that, Chair. We, of course, are working with
17 the Department and staff. My hope is that -- again, that
18 the inspectors might be able to bring the licenses with
19 them. If they're not satisfied, they can take them back,
20 you know. The Department, you know, they -- they have --
21 I'm not gonna tell them what they need to do, I'm gonna
22 suggest what I would like to do, you know. I don't know
23 what can be processed out of the Lahaina office. We're
24 available, I mean, we could go right after close of this
25 hearing, you know, if there's any window in time.

LIQUOR COMMISSION - APRIL 12, 2017

1 CHAIR TANAKA: I would -- I would suggest that
2 you discuss it with the -- with the staff to see what you
3 guys can do, how you guys can help to expedite this thing.
4 And that would be my only suggestion.

5 MR. HOROVITZ: So I understand you won't order
6 them, but it's the suggestion that -- that the Commission
7 that they expedite?

8 CHAIR TANAKA: It's a suggestion; it's not an
9 order.

10 MR. HOROVITZ: Okay.

11 CHAIR TANAKA: Okay?

12 MR. HOROVITZ: Thank you.

13 CHAIR TANAKA: Okay. Before we go to Other
14 Licensing Matters, there's an item on our General
15 Licensing Matters, Item H, TEM-06A, Drink Enterprises,
16 LLC, we have a request for testimony on Drink Enterprises
17 doing business as Spanky's. Sarah, who is that person?

18 MS. YOSHIKAWA: Chair, we have signed up to
19 testify first up Tory Brown.

20 CHAIR TANAKA: Please state your name, if you
21 represent anybody. You have three minutes.

22 TORY BROWN: My name is Tory Brown. I
23 represent -- a homeowner -- I'm a homeowner of 408 Front
24 Street. And I was unable to make the March 8th meeting
25 due to a surprise birthday that I had set up for my wife.

LIQUOR COMMISSION - APRIL 12, 2017

1 Her birthday was on the 8th, so we were off island. I had
2 someone come and kind of represent and they kind of gave
3 me some info on what the decision was made on Spanky's.
4 And this is just from her here to me, so you guys correct
5 me if anything, any information she gave me was wrong.

6 Basically, what she said is they got granted a
7 license to open 'til 12:30, which is after so many
8 homeowner within the 500-foot testimony. It's kind of
9 like a slap on all of our homeowners' wrists, like we
10 don't care about you guys.

11 So I ask you to consider Spanky's closing hour,
12 instead of 10:00, the hour that I've been kind of
13 stressing, stressing, stressing, consider 11:00 now. So
14 at least, by the time that all the bottles are done
15 crashing and echoing through the town and the revving of
16 the motorcycles and cars are all done, the yelling of the
17 drunk people walking home, even walking to the next bar,
18 will be all calmed down by 12:00 a.m. And us homeowners
19 that have to get up early to take care of our families, we
20 start work at 6:00 a.m. and we finish at 9:45. With the
21 hours of closing at 12:30, that gives us five hours of
22 sleep, not necessarily comfort sleep, but enough to work
23 another 16-hour shift the next day and so forth. It's
24 kind of hard to provide for my family that way.

25 I understand Spanky's might be losing some

LIQUOR COMMISSION - APRIL 12, 2017

1 money, but they chose to come into this homey area of
2 town. When they open to 12:30, the homeowners is the one
3 that's losing.

4 How -- like I said, due to less sleep, the
5 nuisance noise that we gotta get up to, we gotta call the
6 Liquor Commission, we gotta bother them, we gotta take off
7 on every Wednesday that there's an agenda meeting, I
8 losing income for my family and for my life that I built.

9 That also leads to less productivity for the job
10 and personal life, less income due to needing to take days
11 off, or nights, because I do a day and night job, just to
12 get rested up and to keep things going. I cannot pay my
13 bills if I take days off and lose income. Then I lose the
14 life I live, I lose the life I built and worked so hard
15 for, all because of a bar wants to open late until the
16 early a.m. hours it make an extra dollar. We all really
17 trying to make that extra dollar.

18 The operation hours that they have now, the
19 10:00, man, all our homeowners is happy. Welcome to our
20 neighborhood, Dana Souza. Good neighborhood, yeah. With
21 them opening to 2:00, I don't think you gonna like that
22 neighborhood. We getting restful sleep now, we getting --
23 being able to take care of our families, we being able to
24 wake up and not being so just pissed off because of all
25 the stuff we have to go through, 1:00, if this happens,

LIQUOR COMMISSION - APRIL 12, 2017

1 12:30.

2 I get the chance to open up my house, my
3 windows, I get to breathe some fresh air now. I get some
4 car noise, but it's okay. I get less utility bill because
5 of them closing at 10:00.

6 All in all, I think they just need to fit in.
7 Nothing stays open past 11:30, anyway, in that area of
8 town. Please consider our homeowners' decision.

9 If I could, I stress how humbly I ask these
10 questions because these questions might be kind of
11 hitting. When Spanky's had their prehearing a while back,
12 they got granted operation hours to 10:00 p.m. That was
13 with two people speaking up. Thank you so much for that.
14 That's what created the harmonious feeling that we have
15 now. At their public hearing, I forget the date, more
16 than eight written requests came in. It was late, so they
17 put the meeting -- or their license postponed until the
18 3rd -- or the 8th of March, which was the day I was
19 unavailable to attend the meeting.

20 Come to find out, the first two meetings, the
21 owner never showed up. The Commission asked for the owner
22 to show up, the Liquor Control asked for the owner to show
23 up. Two times, he never show up. If I read the rules
24 correctly, if a owner don't show up, license is not
25 granted.

LIQUOR COMMISSION - APRIL 12, 2017

1 I also heard that the owner was here yelling
2 about his loss of money. And, boom, I heard he got
3 granted his 12:30 closing time. Does that make any sense
4 that we had more than eight written testimonies of concern
5 within the 500-foot radius and they get the 12:30 from
6 10:00?

7 I also ask for you guys to look at my safety. I
8 work at The Feast at Lele five nights a week which
9 finishes around 9:45. I know you guys know already that
10 the manager had told me that she going tell all her
11 customers and employees that I'm the guy that complains.
12 What does that kind of tell you? That people gonna get
13 upset. I fear for my safety every night I walk home
14 because I could get jumped because of my concerns that I
15 have for my peace of unity, my family and so forth, being
16 on that area.

17 So please think about every decision on making
18 their license. And please, please, please make the right
19 decision. This might not pertain to them, due to them not
20 being a store or in a hotel, but if they are requesting
21 24-hour services, please, please no. Please, please no.

22 CHAIR TANAKA: Thank you.

23 TORY BROWN: I know you guys gonna make the
24 right decision. Thank you for your time.

25 CHAIR TANAKA: Finish up. Thank you.

LIQUOR COMMISSION - APRIL 12, 2017

1 TORY BROWN: Any questions?

2 CHAIR TANAKA: Do us a favor, if you feel that
3 there's some kind of violation, call the Department.

4 So --

5 TORY BROWN: I called them plenty times, sir.

6 CHAIR TANAKA: -- we can go out there and check.
7 Because the Commission has a right to call them back in
8 and put conditions on their license if they don't abide by
9 the rules.

10 TORY BROWN: Uh-huh.

11 CHAIR TANAKA: Okay?

12 TORY BROWN: So what is the outcome of their
13 license today that no one is here representing Drink
14 Enterprises and they're on the agenda for a liquor
15 dispenser?

16 CHAIR TANAKA: What is that now?

17 TORY BROWN: There's no one here representing
18 Spanky's. So does that fall under what kind of rules
19 pertains to --

20 CHAIR TANAKA: They're not required to be here.

21 TORY BROWN: Okay.

22 CHAIR TANAKA: But if you have any complaints,
23 let us know.

24 TORY BROWN: Yeah, my complaint is the 12:30
25 closing time.

LIQUOR COMMISSION - APRIL 12, 2017

1 CHAIR TANAKA: Yeah.

2 TORY BROWN: And how that was granted with all
3 the testimonies --

4 CHAIR TANAKA: Yeah, if --

5 TORY BROWN: -- delivered to you folks.

6 CHAIR TANAKA: If you have noise complaints or
7 intoxicated person or whatever the complaint is, let us
8 know so that we can investigate it. And if we find that,
9 you know, they are breaking the rules --

10 TORY BROWN: Okay.

11 CHAIR TANAKA: -- we'll call them back, we'll
12 call them back to the meeting and put conditions on their
13 license.

14 TORY BROWN: Haven't the Liquor Commission
15 shared all of the complaints, calls and concerns that I
16 have previously made? I worked a lot with Kari, so she
17 could probably --

18 CHAIR TANAKA: Yeah, we have. We have. We
19 have.

20 TORY BROWN: -- vouch for me. Okay. So why do
21 I need to keep making more?

22 CHAIR TANAKA: Well, before, they closed at
23 10:00.

24 TORY BROWN: Okay.

25 CHAIR TANAKA: Until now. Now, because their

LIQUOR COMMISSION - APRIL 12, 2017

1 hours were extended, we want to know if they're --

2 TORY BROWN: Their hours was extended with
3 testimony from the community asking you guys to consider
4 us homeowners that they --

5 CHAIR TANAKA: That's right.

6 TORY BROWN: -- are a nuisance in our town. And
7 you guys gave them a two-and-a-half-hour opening period.
8 That gives us five hours to complete a 16-hour workday.
9 How can we be productive?

10 CHAIR TANAKA: Well, you know, right now --

11 COMMISSIONER BICOY: Chair?

12 CHAIR TANAKA: -- that's what it is.

13 TORY BROWN: Do you care about the community?

14 COMMISSIONER BICOY: Chair, if I may?

15 CHAIR TANAKA: Go ahead.

16 COMMISSIONER BICOY: I do remember. And being a
17 Commissioner, you know, it's hard if you're not there,
18 yeah. But I do remember there were a lot of favorable
19 testimonies for Spanky's at that meeting as well. So you
20 have to take that into account as well. I just wanna
21 mention that. It's not that we're not hearing you, but
22 it's hard as a Commissioner to sit here and hear a lot of
23 testimony in favor of them as well. So I think that's
24 part of why the Chair's --

25 TORY BROWN: I was here for the --

LIQUOR COMMISSION - APRIL 12, 2017

1 COMMISSIONER BICOY: -- suggestion --

2 TORY BROWN: -- public testimony when there was,
3 I guess you say, acceptance for them. And kind of a few
4 of them were out of the 500 radius when they were asked
5 that question. So how does that pertain to how I was
6 stated, you need to be 500-foot radius and a registered
7 voter. I did my diligence, and they get granted
8 positiveness and the community has to kind of suffer?

9 COMMISSIONER BICOY: I guess there were
10 testimonies that were within the 500 feet, too.

11 TORY BROWN: Okay.

12 CHAIR TANAKA: Yeah. We'll take all what you're
13 saying into consideration. So, anyway, thank you for --

14 TORY BROWN: And I've called the Liquor
15 Commission --

16 CHAIR TANAKA: Thank you.

17 TORY BROWN: -- many times that I don't think
18 they wanna hear from me anymore. So --

19 CHAIR TANAKA: Okay.

20 TORY BROWN: -- what can you do for us
21 homeowners?

22 CHAIR TANAKA: Thank you. No. We'll take that
23 under -- into consideration. Thank you.

24 TORY BROWN: Thank you. I think my wife would
25 like to speak, too.

LIQUOR COMMISSION - APRIL 12, 2017

1 MS. YOSHIZAWA: Chair, we do have Marlene Brown,
2 his wife, signed up to testify.

3 MARLENE BRONW: Good morning.

4 CHAIR TANAKA: Please state your name. You have
5 three minutes.

6 MARLENE BRONW: My name is Marlene Brown, the
7 wife of Taurean that just testified.

8 So, again, we do live on the corner of Front
9 Street. I know his frustration, we live in the same
10 frustration, but in order for these people to feel -- to
11 be held accountable, now I understand you had mentioned,
12 anytime we have complaints, to tell the Commission. But
13 to what extent are they really gonna be held accountable.
14 We can continue to send complaints, but we've -- there's
15 been times where we actually called the Lahaina Police
16 Department. And they always said this is a Commission
17 thing. And then the Commission will say, well, get the
18 Police Department involved. So, really, it's like we are
19 just really frustrated. I mean, we've lived with this for
20 about five years. And, of course, we got a bunch of the
21 neighborhood involved.

22 At the moment, they're closing at 10:00, right,
23 at the temporary. And they're getting a 12:30. I don't
24 know when that goes into effect and for how long. And for
25 people to have to take off to testify, to tell you guys

LIQUOR COMMISSION - APRIL 12, 2017

1 that it's serious, because, I mean, this is, I think, the
2 third or fourth time me and my husband has taken off to
3 come and attend and testify on behalf of our neighbors.
4 Now, a lot of them aren't here, but they're all kind of on
5 our side of the bandwagon, so to speak, because -- but
6 it's just such a late notification as far as when you guys
7 are gonna have these meetings and for people to actually
8 make changes to the schedule to come.

9 Now, again, it's much better that they're still
10 closed at 10:00, but they are granted 12:30. I get that.
11 But it's been years, a stack of this much papers, which I
12 have a copy of, of their entire file. And I don't think
13 any of you guys, or even us, have to continuously talk
14 about the same place, same place all the time, or for us
15 to come or for you guys to always hear what we have to
16 say, or read all the complaints.

17 So if you guys want the complaints to be sent,
18 that's fine. I don't mind. I just really want you guys
19 to consider coming out there. I know you guys are
20 short-staffed -- Commission is short-staffed, and they
21 can't come and do noise meter, you know, readings and
22 stuff, but it's definitely important to us because they're
23 one of the problematic ones. Not right now because it
24 ends at 10:00, but, usually, they are.

25 So I'm just asking, are they gonna be held

LIQUOR COMMISSION - APRIL 12, 2017

1 accountable? We're gonna continue to go on and on and on.

2 Are they really gonna be held accountable?

3 CHAIR TANAKA: They will be.

4 MARLENE BRONW: Okay. And I trust you guys.

5 It's just really frustrating. And that's all I have to

6 say. It's hard. It's really hard.

7 CHAIR TANAKA: Thank you. Thank you for your --

8 MARLENE BRONW: Thank you.

9 CHAIR TANAKA: -- comment.

10 VICE-CHAIR LOPEZ: I have a question. I got a

11 question for you.

12 MARLENE BROWN: Uh-huh.

13 VICE-CHAIR LOPEZ: In that last meeting, the

14 testifier, she complained about the parking lot being very

15 noisy and unsanitary and --

16 MARLENE BROWN: Right.

17 VICE-CHAIR LOPEZ: -- a lot of the noise was

18 coming from that parking lot. So it's conflicting because

19 it's a public parking lot. So you have people coming from

20 all establishments in Lahaina town coming to this one

21 place, getting in their car, making a lot of noise. Now,

22 are you specifically saying that this establishment is

23 creating all this or including the parking and the noise

24 that goes on in the parking lot?

25 MARLENE BROWN: You know, that is actually the

LIQUOR COMMISSION - APRIL 12, 2017

1 only establishment in the 505 shops complex that serves
2 later. Like there's The Feast at Lele, of course Tory
3 works there, it's done at 10:00. There's a Pacific'O,
4 they're done at 10:30. So that is the only, so to speak,
5 serving alcohol at that particular time.

6 Now, trust me, I wouldn't make it up, but people
7 will end their party, it's like local style, you know,
8 people go and get drinks, it closes, the parking lot is
9 where they're parked, they'll park there and turn up their
10 music, you know, because they're already intoxicated, and
11 they'll continue their party in the parking lot. And it's
12 just -- that, again, it's in addition to already them
13 closing, in example, 12:30. So it will carry on right in
14 the parking lot. And that's where Vidella Nagasaki had
15 said she lives right there, right across the street from
16 us, that we deal with it. So the later they stay open --
17 just because they close at 12:30 does not mean the party
18 is over. They're gonna continue it right there. No more
19 restroom for use the lua. So they going shishi any kine
20 place. And they're always right there. They're -- people
21 would just go, motorcycles, leaving 12:30 at night,
22 revving. You know, it's like this place, before the shops
23 at 505, it was a residential area. Now it feels like the
24 business is running the community.

25 CHAIR TANAKA: Okay. Thank you.

LIQUOR COMMISSION - APRIL 12, 2017

1 MARLENE BROWN: Thank you.

2 CHAIR TANAKA: Okay. Let's continue with our
3 agenda. Other Licensing Matters, clarification item for
4 Hyatt Corporation.

5 MR. NAKAMURA: Good morning, Mr. Chair, Member
6 of the Commission. Craig Nakamura, attorney on behalf of
7 the Hyatt Regency Hotel.

8 CHAIR TANAKA: Thank you. Kari.

9 MS. YOSHIZAWA: Chair and Commission Members,
10 the Department is requesting clarification of the Liquor
11 Commission's ruling regarding Hyatt Corporation doing
12 business as Hyatt Regency Maui's request to utilize a
13 single restaurant dining area at separate and specific
14 times while operating other individual liquor licenses.
15 The request was heard at the January 13th, 2016 Commission
16 meeting.

17 Provided to the Commissioners in your packets is
18 a copy of the minutes of the January 13, 2016 meeting.
19 May the Department refer you to Page 25 as to the motion
20 made. Line 8, then Commissioner Kennison moved to approve
21 the de-licensing, but Chair had stated that it was not a
22 de-licensing matter. Former Deputy Director Villarosa
23 then stated that it is the Commission approving this type
24 of arrangement. Former Commission Member Kennison then
25 made the motion to approve this type of arrangement.

LIQUOR COMMISSION - APRIL 12, 2017

1 After it was seconded and voted on, there was additional
2 discussion amongst Commission Members regarding times and
3 when each would be responsible for. There was then
4 discussion between Commission Members and a representative
5 from Jas Restaurant's hours being 2:00 to 2:00 and 5:00 to
6 10:00. Then Son'z would take it from 2:00 to 2:00 a.m.,
7 and Hyatt takes it from 2:00 a.m. to -- but it is not in
8 the motion requiring that the applicant and current
9 licensee would need to come before Commission to request
10 the condition to be placed on their license. The
11 Department did not see an application from Jas Restaurants
12 until late last year. Since then, staff has been working
13 and reviewing this application to determine how to address
14 the shared premises.

15 Currently, there are no liquor licensees
16 operating without exclusive control of their premises
17 24/7. Being that there are no other licensees operating
18 in this matter and that the Commission is now granting an
19 exemption to the Rules of the Liquor Commission to allow
20 for this type of shared premises, in order for the
21 Department to better assist the applicant and licensee on
22 the requirements, we ask the Commission clarify the motion
23 that was made.

24 CHAIR TANAKA: Craig, you get anything to add?

25 MR. NAKAMURA: You know, I'm not even quite sure

LIQUOR COMMISSION - APRIL 12, 2017

1 what the question is. You know, we were not informed or
2 asked to attend this meeting. I just saw it on the agenda
3 and that's why I'm here. No question has been brought to
4 my attention, as far as I know, regarding what the
5 specific issue is, but, you know, we've been trying to get
6 this done, as you can see, for almost a year and-a-half.
7 So whatever -- you know, and we've been, basically, trying
8 to comply with whatever the staff is requesting. So I'm
9 not quite sure what the specific issue is.

10 CHAIR TANAKA: Well, as I remember, you first
11 came to us to divide the premises, then you came back and
12 said, reneg, you didn't want that to happen.

13 MR. NAKAMURA: Well, what happened was, I think,
14 if I recall correctly, because the two applications
15 weren't done simultaneously. Right? I mean, so we had to
16 actually have one to -- for the Son'z application and then
17 we had to de-license the hotel application, because they
18 weren't done simultaneously. That's why we changed. But,
19 you know, both -- I believe, you know, everything else is
20 fine. I'm not -- maybe we can ask the Department
21 specifically what the issue is that they want
22 clarification of and we're willing to comply with
23 whatever. We're just wanting to get this done.

24 CHAIR TANAKA: My understanding is that Hyatt
25 wants to operate from 2:00 a.m. to 2:00 p.m.; and Son'z to

LIQUOR COMMISSION - APRIL 12, 2017

1 take over from 2:00 p.m. to 2:00 a.m.

2 MR. NAKAMURA: I believe that's correct.

3 CHAIR TANAKA: Okay. But because Hyatt has the
4 Hotel license, in order for Son'z to take over between
5 that 12-hour period, they would have to de-license that
6 premises.

7 MR. NAKAMURA: I believe that's correct.

8 CHAIR TANAKA: Am I correct, Kari? And Son'z
9 gotta come in -- gonna come in for Dispenser General
10 license for that period.

11 MS. YOSHIZAWA: For the restaurant dining space.
12 So what wasn't clear in the last meeting was it was
13 mentioned that it's not a de-licensing matter. So that's
14 why there's confusion among staff on how we can address
15 the shared premises without the reduction of premises and
16 the increase of premises. And specifically for Jas
17 application, there's a kitchen and wine room that's -- the
18 wine room is located within the dining space and that,
19 they're reporting, is going to be in their exclusive
20 control 24/7 for the Jas application. So I guess
21 Department just asking for clarification, is this a
22 reduction of the Hyatt's premises and then Jas being
23 allowed to apply for the Dispenser license for the dining
24 area and the kitchen area and the wine room, and then they
25 reduce their premises during these specific times and then

LIQUOR COMMISSION - APRIL 12, 2017

1 Hyatt asked to extend their premises during those specific
2 times that they wanna operate, or is this something that's
3 not gonna be done via permit and just approved by
4 Commission to allow them to operate, you know, 2:01 p.m.
5 to 2:00 a.m. and 2:01 a.m. to -- you know, that kind of
6 times. So we don't want to keep going back and forth with
7 the applicant because we want to make sure that we can do
8 this as quickly as possible to help them out. But we just
9 asking for clarification.

10 CHAIR TANAKA: Yeah. My understanding is that
11 they gonna -- instead of changing -- changing the floor
12 plan. My understanding was they're gonna de-license that
13 premises within that period.

14 MS. YOSHIZAWA: That was the confusion, was
15 that in the minutes --

16 CHAIR TANAKA: Hyatt will de-license the
17 premises within the 12-hour period.

18 MS. YOSHIZAWA: And that's what we wanted
19 clarification in.

20 CHAIR TANAKA: Yeah.

21 MS. YOSHIZAWA: Because before the motion was
22 made, it was stated that it wasn't a de-licensing. So if
23 it is a de-licensing matter, if we could have it clear to
24 us so we would be able to address it properly with the
25 applicant.

LIQUOR COMMISSION - APRIL 12, 2017

1 CHAIR TANAKA: So de-licensing, that will
2 resolve all his problems?

3 MS. YOSHIZAWA: Yes. So at least the Department
4 would know what direction that we would need to go to help
5 the applicant and the current licensee to fulfill the
6 requirements.

7 CHAIR TANAKA: Yeah. And the storage -- the
8 storage and kitchen, they have their own, yeah, both of
9 them? Because they gotta be controlled like that 24/7.

10 MS. YOSHIZAWA: They should be. Currently, we
11 don't have a lease that reflects the kitchen area for
12 the -- and that's what I brought up with Jessica a couple
13 weeks ago, regarding the lease, that it wasn't meeting the
14 requirements for what we thought it might be.

15 MR. NAKAMURA: Yeah. I thought that was
16 addressed. If not, we'll address it. We just want to get
17 this done. I mean, it seems to be a relatively --

18 CHAIR TANAKA: Yeah.

19 MR. NAKAMURA: -- straightforward --

20 CHAIR TANAKA: Well, address the lease. And
21 I'll ask the Commission to make a motion to de-license the
22 premises so that Son'z can come in with they application.

23 MS. YOSHIZAWA: So for clarification, would the
24 Commission be requesting the applicant and licensee to put
25 a condition on their license for the specific times of

LIQUOR COMMISSION - APRIL 12, 2017

1 operation?

2 CHAIR TANAKA: I would think so. I will think
3 so.

4 MS. YOSHIZAWA: Are you okay with --

5 MR. NAKAMURA: Yeah, I thought that was done
6 already. I mean, the license application is only for --
7 for those particular hours, anyway, as the Commission
8 directed. So --

9 CHAIR TANAKA: Yeah. That was our understanding
10 unless the Commissioners --

11 VICE-CHAIR LOPEZ: No. That was our
12 understanding.

13 COMMISSIONER ALULI: Yeah.

14 CHAIR TANAKA: Okay. Can I have a motion that
15 the Hyatt will de-license the premises between 2:00 a --
16 2:00 p.m. to 2:00 a.m.?

17 MR. NAKAMURA: It was what Kari said, because we
18 can't have it the exact same minutes, right.

19 COMMISSIONER SOUZA: 2:01.

20 MR. NAKAMURA: 2:01.

21 CHAIR TANAKA: Oh, okay, 2:01.

22 MR. NAKAMURA: 1:59 or whatever.

23 CHAIR TANAKA: 1:59.

24 MS. YOSHIZAWA: Hyatt was requesting originally
25 2:01 a.m. to 2:00 p.m. and Son'z would take over from 2:01

LIQUOR COMMISSION - APRIL 12, 2017

1 p.m. to 2:00 a.m.

2 CHAIR TANAKA: Okay. And that's fine.

3 VICE-CHAIR LOPEZ: That's fine.

4 CHAIR TANAKA: Okay. May I have a motion to
5 that effect?

6 VICE-CHAIR LOPEZ: So moved.

7 COMMISSIONER UMENO: Second.

8 VICE-CHAIR LOPEZ: To repeat all of that is
9 going to be too confusing.

10 CHAIR TANAKA: Okay. Kari, you understand?

11 MS. YOSHIZAWA: Okay.

12 CHAIR TANAKA: Basically, it's just a
13 de-licensing.

14 VICE-CHAIR LOPEZ: De-licensing between --

15 MS. YOSHIZAWA: So clarification. We're just
16 reducing the premises for a permit for this licensee and
17 the applicant regarding the hours of operation and that
18 the applicant would need to come in to put a condition on
19 their license to request those times of operation as well?

20 CHAIR TANAKA: No. We can just set -- set the
21 hours of operation on the application.

22 DIRECTOR MUKAI: Yeah.

23 CHAIR TANAKA: No problem, yeah?

24 DIRECTOR MUKAI: Yeah, but we place it on the
25 license as a condition that --

LIQUOR COMMISSION - APRIL 12, 2017

1 VICE-CHAIR LOPEZ: Yes, yes, yes.

2 MS. YOSHIZAWA: Also for Hyatt as well, though.
3 Hyatt is an existing, so they would have to come in, also,
4 to request the condition.

5 CHAIR TANAKA: Yeah.

6 MR. KUSHI: Mr. Chair, for the record --

7 MR. NAKAMURA: Wait, wait, wait. Didn't we just
8 say that we were gonna de-license for a certain period of
9 time by permit for Hyatt?

10 CHAIR TANAKA: No. We didn't say that.

11 MR. NAKAMURA: Yeah, I thought that's what Kari
12 was saying.

13 CHAIR TANAKA: Can we go through a permit
14 process instead of the whole application?

15 MS. YOSHIZAWA: We can go through a permit
16 process, but it would be more clear if there was a
17 condition placed on the license to --

18 CHAIR TANAKA: Oh. Can we just place --

19 MS. YOSHIZAWA: -- designate times.

20 CHAIR TANAKA: -- condition on the license --

21 MS. YOSHIZAWA: You can put a --

22 CHAIR TANAKA: -- without going through the
23 application process?

24 DIRECTOR MUKAI: I believe the only -- the
25 condition on the license is much cleaner. And that way,

LIQUOR COMMISSION - APRIL 12, 2017

1 they don't have to come back and de-license the premises
2 and --

3 CHAIR TANAKA: But without going through the
4 application, we just put a condition on the license.

5 MS. YOSHIZAWA: For the Hyatt, yes, you can just
6 put a condition on the license.

7 MR. NAKAMURA: So what would be the application
8 process for that?

9 MS. YOSHIZAWA: For the Hyatt?

10 MR. NAKAMURA: Yes.

11 MS. YOSHIZAWA: They would just request to come
12 before Commission to put the condition on their license.

13 MR. NAKAMURA: Okay. So we don't have to
14 re-submit an application?

15 CHAIR TANAKA: Yeah. Yeah.

16 MS. YOSHIZAWA: No, no, no. Not for Hyatt.

17 CHAIR TANAKA: We don't want to redo the
18 application process.

19 DIRECTOR MUKAI: No. It's the same thing that
20 you did last time.

21 MR. NAKAMURA: There have been so many changes
22 on this over the last year and-a-half, Glenn, I don't even
23 remember what we did the last time, seriously.

24 MS. YOSHIZAWA: Initially, when you had to come
25 in for the approval to reduce the premises between

LIQUOR COMMISSION - APRIL 12, 2017

1 specific times, but you had later rescinded that request
2 before the Commission because there was no application yet
3 submitted for Jas.

4 MR. NAKAMURA: Right.

5 MS. YOSHIZAWA: So they weren't technically
6 allowed to operate the Son'z during that time.

7 MR. NAKAMURA: Okay.

8 CHAIR TANAKA: Doing business as Son'z. And
9 then don't forget about the lease.

10 MR. NAKAMURA: Yes. Thank you.

11 MR. KUSHI: Mr. Chair, for the record, Craig, do
12 you represent Son'z?

13 MR. NAKAMURA: Both.

14 MR. KUSHI: Oh, you represent both?

15 MR. NAKAMURA: Yes.

16 MR. KUSHI: Oh, okay.

17 CHAIR TANAKA: Okay. Any other questions?

18 MR. NAKAMURA: Thank you very much.

19 CHAIR TANAKA: Okay. I have a motion.

20 COMMISSIONER UMENO: It was seconded.

21 VICE-CHAIR LOPEZ: Second it. I made the
22 motion.

23 CHAIR TANAKA: Yeah, the motion was made, there
24 was no second.

25 COMMISSIONER UMENO: I seconded.

LIQUOR COMMISSION - APRIL 12, 2017

1 CHAIR TANAKA: Oh, you seconded, okay. All in
2 favor, say "aye."

3 (Response.)

4 CHAIR TANAKA: Opposed, "no."

5 (No response.)

6 CHAIR TANAKA: Motion carried.

7 MR. NAKAMURA: Thank you.

8 CHAIR TANAKA: Let's have a five-minute recess.

9 (Recess, 10:10 a.m. to 10:20 a.m.)

10 CHAIR TANAKA: Okay, Liquor Commission meeting
11 back to order. Okay. Let's go into Administrative
12 Affairs. Director's Monthly Report, Glenn.

13 DIRECTOR MUKAI: Yes. Chair, I wanna announce
14 that State Conference, the Big Island -- will be on the
15 Big Island this year. And the dates are October 22nd
16 through the 25th.

17 MR. KUSHI: What part the Big Island?

18 DIRECTOR MUKAI: And it will be in Kona.

19 VICE-CHAIR LOPEZ: October what?

20 DIRECTOR MUKAI: 22 to 25.

21 CHAIR TANAKA: I heard it's gonna be at King K.

22 DIRECTOR MUKAI: He's trying to negotiate with
23 several other places.

24 VICE-CHAIR LOPEZ: Not the King K, eh? For
25 real?

LIQUOR COMMISSION - APRIL 12, 2017

1 DIRECTOR MUKAI: On the personnel matters,
2 Liquor Control Trainee Eric Jeter tendered his resignation
3 effective March 26, 2017. He was employed approximately
4 almost two months. He was trainee.

5 And Department is scheduled to appear before the
6 County Council for Department 2017-2018 budget on March
7 19, 2017, from 9:00 a.m. to 11:00 a.m.

8 MR. KUSHI: April.

9 COMMISSIONER BICOY: March?

10 DIRECTOR MUKAI: Yeah, I mean, April.
11 Basically, our budget, as Commission approved, is very
12 simple. It's practically flat budget. In fact, Mayor
13 reduced our operation budget by \$1,000. And the rest of
14 the budget was by -- on the A Account they added on the
15 pay raises and anticipated pay raises by collective
16 bargaining. And as you know, the Department is required
17 by the court settlement, we pay 70 percent of the A budget
18 to the overhead charges to pay for all the fringes and
19 everything else. So that's why it looks like we have a
20 increase of budget, but, actually, not really.

21 And on the C Account, the Equipment Account, we
22 asking for, I believe, five cars. Initially we asked for
23 four, but we had an accident recently which a car was
24 considered totaled. So we added that on.

25 And we asked for two fingerprint -- electronic

LIQUOR COMMISSION - APRIL 12, 2017

1 fingerprint machine, one for Lahaina and one is a spare.
2 Because the one we have now, we have the equipment, but it
3 still have to be hooked up because they're working between
4 Hawaii Criminal Justice Center, our ITS trying to get the
5 secure line and, you know, all the clearances. And Kari
6 knew more about that, but she's working on it. She,
7 hopefully, will be online in about three weeks, if
8 everything works out. They are coming, I guess, tomorrow
9 or the next day to test the secure line and bring in --
10 Criminal Justice Center has our laptop, the laptop
11 that's -- they're putting security and everything else and
12 bring it over once the line is secure.

13 And going on to the next subject, minor decoy
14 operation was conducted on Lanai, March 31st, 2017. It
15 was a good day to go because, also, that's the Fifth
16 Friday. And we're very happy to report no violations.
17 This is the second one --

18 VICE-CHAIR LOPEZ: Wow. Good job.

19 DIRECTOR MUKAI: -- in a row that there were no
20 violations.

21 VICE-CHAIR LOPEZ: Good job.

22 COMMISSIONER SOUZA: That's pretty good.

23 DIRECTOR MUKAI: On special license, the
24 Department requiring criminal history check pursuant to
25 281-45 HRS, personal history statement and other required

LIQUOR COMMISSION - APRIL 12, 2017

1 documents for applicant of special license. And all the
2 former applicants that we have on file we notify of the
3 change.

4 And we had an Adjudication Board hearing on
5 April 6, 2017. And the results are in your packet.

6 That's all we have for the Director's Monthly
7 Report.

8 Kari, approval of forms.

9 COMMISSIONER BICOY: Did you skip over new
10 Commission and Board Members? Did you say something on
11 that?

12 DIRECTOR MUKAI: Oh, yeah. The new members of
13 Board and Commission, Nicole DeRego and Leon Bolosan were
14 appointed to the Liquor Commission. And Lehala [sic]
15 Aiwohi and Jason Williams were appointed to serve on the
16 Liquor Adjudication Board.

17 COMMISSIONER BICOY: One quick question. Is
18 Brenda Lee still on the Commission?

19 DIRECTOR MUKAI: Yes, she is. She's excused
20 today.

21 COMMISSIONER BICOY: Okay.

22 DIRECTOR MUKAI: Kari.

23 CHAIR TANAKA: Kari, the forms.

24 MS. YOSHIZAWA: Thank you, Chair, Members.

25 CHAIR TANAKA: Changes.

LIQUOR COMMISSION - APRIL 12, 2017

1 MS. YOSHIZAWA: We're asking for approval to two
2 of our licensing forms. It should be in your packet. The
3 first form is the DLC-022, which is the application for
4 permit. We're just asking the applicant and we're
5 indicating it, it was never indicated before on the
6 application for permit. The previous application looked
7 like this. There are check boxes at the top, you would
8 check something. If it didn't apply to you, then you
9 would fill it out. We had a lot of licensees not either
10 checking the right box or filling out something incorrect.
11 So we're removing those check boxes. And we're just
12 asking the applicants to now just type in or just write in
13 their request. And then we can go by that. And that's
14 gonna help to expedite a lot of their requests.

15 We're also asking the applicant, and we're
16 stating it on the application for permit, that we please
17 ask them to contact the Licensing Section for instructions
18 on how to complete an application permit for their
19 specific request, because each request is different, the
20 requirements may be different. What a lot of the
21 applicants are doing now is they're just getting hold of a
22 permit form, they're filling it out and they are just
23 dropping it off at the front counter without even making
24 contact with the Licensing staff or anything on what would
25 be required. So it causes a delay in processing their

LIQUOR COMMISSION - APRIL 12, 2017

1 application. Now we have to find out who dropped it off,
2 contact them, let them know what is being required, then
3 they would re-submit, and it would take them a while to
4 re-submit, and then we could process from there. If they
5 get it incorrect, then we would have to go back and track
6 them down and talk to them again. We're hoping, by
7 clarifying a lot of these things, that we can help to
8 expedite their requests going forward.

9 The next form that we're asking for approval is
10 the DLC-016. This is the application for special liquor
11 license. We have been getting a lot of feedback. Our
12 form was old. It was back from 2010. It was just,
13 basically, a two-page application that didn't include a
14 lot of information or didn't let the applicant know what
15 was being required. So what we're doing is we're taking
16 some of the feedback from the special license applicants
17 that they always come in to do, and we're including it now
18 in the application. So it's clear on what's the
19 Department's asking for and what the requirements are
20 gonna be. So, like, we can now determine from the
21 questions that's being asked on the applicant, you know,
22 if there's a -- minors that's gonna be working there, if
23 there's gonna be minors on premises.

24 You know, a lot of times, they don't have --
25 when they start submitting the applications, they don't

LIQUOR COMMISSION - APRIL 12, 2017

1 realize they need to have somebody, an employee approved
2 by the Director, certified working in the function. So
3 they've been submitting their applications without that
4 type of information or meeting the requirements.

5 So at least, this way, we're a little bit more
6 detailed as a Department. And the feedback that I have
7 been getting from the applicants, when I've been
8 mentioning the changes that we're doing in our
9 application, it's been positive. So they're kind of
10 looking forward because it's gonna help to expedite their
11 applications as well.

12 CHAIR TANAKA: Okay. Any questions for Kari?
13 If not, may I have a motion for approval?

14 COMMISSIONER ALULI: So moved.

15 COMMISSIONER SOUZA: Second.

16 CHAIR TANAKA: Moved and seconded. All
17 information favor, say "aye."

18 (Response.)

19 CHAIR TANAKA: Opposed, "no."

20 (No response.)

21 CHAIR TANAKA: Motion carried. Okay, forms
22 approved. Distribution of policies.

23 DIRECTOR MUKAI: The Commission have in their
24 packet a distribution policy, the County of Maui policy on
25 discrimination, Violence in the Workplace Action Plan and

LIQUOR COMMISSION - APRIL 12, 2017

1 ethics. I believe all of you -- all the Commission did go
2 through the class. And this is just a refresher instead
3 of having -- holding classes over and over on the same
4 thing. Just refresh yourself, that should be sufficient.
5 But that's what the County does for the employees.

6 CHAIR TANAKA: Okay.

7 DIRECTOR MUKAI: And the Liquor Control
8 Adjudication Board, I already went over the summaries
9 within your packet.

10 That's all the Department has.

11 CHAIR TANAKA: Okay. Any questions or comments
12 by the Commissioners? One comment. Sarah, did everybody
13 turn in they ethical -- you're smiling. Somebody never
14 turn in?

15 MS. CORDEIRO: No. I think most everyone has.

16 CHAIR TANAKA: Everybody did.

17 MS. CORDEIRO: Let me just double-check because
18 I did receive some today.

19 CHAIR TANAKA: Just a reminder that you got to
20 turn it in by today, yeah?

21 MS. CORDEIRO: By today, yes.

22 COMMISSIONER UMENO: You mean the financial?

23 MS. CORDEIRO: So we have coffee and doughnuts,
24 if you haven't yet filled yours out. And I have a nice
25 blank form here.

LIQUOR COMMISSION - APRIL 12, 2017

1 CHAIR TANAKA: Okay. So --
2 MS. CORDEIRO: I think everyone is covered.
3 CHAIR TANAKA: Okay. Thank you.
4 MS. CORDEIRO: Thank you for asking.
5 CHAIR TANAKA: Okay. No other questions or
6 comments, may I have a motion for adjournment?
7 VICE-CHAIR LOPEZ: So moved.
8 COMMISSIONER SOUZA: Second.
9 CHAIR TANAKA: Meeting adjourned. Thank you.
10 (Gavel.)
11 (Meeting adjourned, 10:30 a.m.)

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LIQUOR COMMISSION - APRIL 12, 2017

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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 1st day of May, 2017.

/s/ Tonya McDade

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