

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, May 10, 2017.

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APPEARANCES

- Robert Tanaka, Chairperson
 - Nane Aluli, Commissioner
 - Dawn Bicoy, Commissioner
 - Leon Bolosan, Commissioner
 - Nicole DeRego, Commissioner
 - Brenda Lee, Commissioner
 - Dana Souza, Commissioner
 - Roy Umeno, Commissioner
- STAFF PRESENT:
- Edward Kushi, Jr., First Deputy Corporation Counsel
 - Glenn Mukai, Director
 - Mark Honda, Deputy Director
 - Kari Yoshizawa, Supervising Investigator
 - Sarah Cordeiro, Secretary to Boards/Commissions II

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(Wednesday, May 10, 2017, 9:00 a.m.)

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

MS. CORDEIRO: Sarah Cordeiro, Liquor Control.

COMMISSIONER BICOY: Good morning. Dawn Bicoy.

COMMISSIONER ALULI: Aloha. Nane Aluli.

COMMISSIONER LEE: Brenda Lee.

COMMISSIONER DEREGO: Good morning. Nicole DeRego.

MR. KUSHI: Ed Kushi.

CHAIR TANAKA: Good morning. Bob Tanaka.

COMMISSIONER SOUZA: Dana Souza.

COMMISSIONER UMENO: Good morning. Roy Umeno.

COMMISSIONER BOLOSAN: Good morning. Leon Bolosan.

DIRECTOR MUKAI: Glenn Mukai, Liquor Control.

DEPUTY DIRECTOR HONDA: Mark Honda, Liquor Control.

MS. YOSHIZAWA: Kari Yoshizawa, Liquor Control.

CHAIR TANAKA: Thank you. You have your agenda for May 10, 2017. If no questions, may I have a motion for approval?

COMMISSIONER SOUZA: So moved.

COMMISSIONER UMENO: Second.

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1 CHAIR TANAKA: Moved and seconded. All in
2 favor, say "aye."

3 (Response.)

4 CHAIR TANAKA: You also have your Commission
5 minutes of April 12, 2017. If there's no comments or
6 questions, may I have a motion for approval?

7 COMMISSIONER SOUZA: So moved.

8 COMMISSIONER UMENO: Second.

9 CHAIR TANAKA: Moved and seconded. All in
10 favor, say "aye."

11 (Response.)

12 CHAIR TANAKA: Opposed, "no."

13 (No response.)

14 CHAIR TANAKA: Thank you. Let's go on to
15 General Licensing Matters, A through F. If there's no
16 comments or questions, may I have a motion for
17 confirmation?

18 COMMISSIONER SOUZA: So moved.

19 COMMISSIONER UMENO: Second.

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

22 (Response.)

23 CHAIR TANAKA: Opposed, "no."

24 (No response.)

25 CHAIR TANAKA: Motion carried. Okay, let's go

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1 on to Public Hearings. Application Number 17, Lava Rock
2 Bar & Grill.

3 MR. SARRAUDE: Here.

4 CHAIR TANAKA: Please come forward, state your
5 name.

6 MR. SARRAUDE: Good morning. My name is Gabriel
7 Sarraude. I'm a member of PGP Entertainment LLC dba Lava
8 Rock Bar & Grill. I'm a proud member of this community
9 since 2000. I have a family of wife and two boys, born
10 and raised here.

11 CHAIR TANAKA: Thank you. Sir?

12 MR. FRATE: My name is Pablo Frate, I'm the
13 Project Manager for Lava Rock Bar & Grill. Member of this
14 community since 2000.

15 And I have brought a list of improvements and --
16 to address some of the known concerns of the community
17 about this specific building based on its known past
18 history. So is this a good time for me to read the list
19 of concerns?

20 CHAIR TANAKA: No. Why don't you wait until
21 we --

22 MR. FRATE: You bet.

23 CHAIR TANAKA: -- go through the process of --

24 MR. FRATE: Sounds good.

25 CHAIR TANAKA: -- describing it. Kari.

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1 MS. YOSHIZAWA: Application Number 17, the
2 applicant is PGP Entertainment Limited Liability Company
3 doing business as Lava Rock Bar & Grill. The proposed
4 premises is located at 1945 South Kihei Road, Suite H,
5 Kihei, Maui, Hawaii. This is a public hearing for a new
6 Dispenser General License, Category C(ii).

7 The documents necessary for completing the
8 remaining application requirement for a liquor license are
9 listed in the summary report.

10 Notice of public hearing was published in "The
11 Maui News" on March 15th and 22nd, 2017. There are a
12 total of 137 owners and lessees situated within 500 feet
13 of the proposed premises.

14 The Department did receive two letters of
15 concerns from property owners residing from the 500-foot
16 radius of the proposed premises. One letter was signed by
17 31 persons identified to be living within the identified
18 property. 12 of the 31 were confirmed to be owners. The
19 letters are not protesting the issuance of a liquor
20 license, but, based on the location of the venue, concerns
21 over past licensees at the same location and noise
22 complaints even with conditions placed on the previous
23 licenses, those owners are asking for the Commission to
24 require the licensee to enclose and soundproof their
25 premises.

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1 In addition, the Department did meet recently
2 with the Commander of Maui Police Department, Kihei
3 Station, regarding their concerns of disorderly persons,
4 assaults and reports of overservice type cases in the
5 Kihei Kalama Village area. MPD reported this morning that
6 they did not have a representative available to attend
7 today's public hearing, but they had asked that I inform
8 the Commission of their ongoing concerns and problems in
9 the Kihei Kalama Village area.

10 CHAIR TANAKA: Thank you. Do you have anything
11 else to add?

12 MR. FRATE: Well, yeah. We -- we surveyed some
13 of the neighbors and we gathered a list of concerns. And
14 we have made a few improvements to the property I would
15 like to mention.

16 CHAIR TANAKA: Sure. Go ahead.

17 MR. FRATE: So as far as the enclosure of the
18 building that has been done, it's not complete, but we
19 completely soundproofed the second floor of the building.
20 And the soundproofing consisted in insulation, plywood
21 main frame and drywall. We're confident the soundproofing
22 and enclosing the second floor of the building will help
23 to restrain and contain the sound issues that we've had in
24 the past.

25 In addition to that, there was other concerns

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1 about glass breakage during late hours, after the
2 restaurant closed. And what we did is we built a storage
3 facility that allows us to store the glass and cans that
4 are used at our location and transported by Malama Maui
5 Nui, which will be helping us take all the recyclables.
6 So we -- we will be recycling all of our used glass and
7 cans. And so there will be no transferring of any sort.
8 There will be just carrying out the containers onto the
9 truck. So no dumping noises anymore.

10 We're also encouraging other businesses, and we
11 invited them to participate in this program, which is good
12 for the community. And our storage facility that we built
13 should be able to accommodate at least two other
14 businesses that are open late adjacent to us.

15 We, also, have committed to a 10:00 p.m. patio
16 enclosure. So now the building has an outside patio area
17 which is the restaurant. We're gonna be doing breakfast,
18 lunch and dinner. And so we are going to be enclosing
19 that patio in order to be able to operate after hours and
20 keep our sound levels within the allowed decibels.

21 We, also, purchased a self -- self-regulated --
22 it's a self-regulated sound system that controls the
23 master volume. So that if we have a deejay or a live
24 band, the system is able to -- using microphones around
25 the property, is able to self-adjust to make sure that we

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1 don't exceed, even for a moment, the preset allowed
2 decibel levels.

3 We have purchased and we will provide our
4 security personnel as well with handheld sound meter and
5 devices that will help make sure that our self-leveling
6 and sound system is working properly.

7 Our security protocol, which is state of the
8 art, will, also, include security -- in-house security
9 will make sure that customers leaving the property don't
10 stay in the perimeter of our building, don't hang out, and
11 people will be encouraged to move on to go home. Because
12 we have had several concerns from neighbors saying that,
13 even though we are closed down, sometimes customers might
14 stay in the parking lot. And Azeka security can't keep up
15 with the demand when all the other stores close down. And
16 so we're providing and keeping our security after hours to
17 make sure that that does not happen.

18 We also created, in our website, which isn't
19 live yet, but our website has a link for neighbors. And
20 if you click on the "Neighbor" tab, it allows neighbors to
21 efficiently communicate with us. It's a special "contact
22 us" form that they fill out that copies all the owners and
23 managers of the restaurant. We believe that this will
24 help us address any concerns very efficiently while --
25 while they're happening. This is going to literally copy

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1 everyone. So there will be no instance for
2 miscommunication or "I did not know." Essentially, this
3 will allow neighbors to talk to us directly.

4 And, finally, there won't be any live events
5 after 10:00 p.m. 10:00 p.m. is our cutoff time for live
6 events. If we're doing a special event, we might bring
7 live, but it will be done in a matter in which is
8 monitored closely, monitored by managers. But there won't
9 be any schedule or weekly or Fridays and Saturdays live
10 events after 10:00 p.m.

11 MR. SARRAUDE: Just to add for that, we brought
12 some pictures of the constructions that's been done. I'm
13 not sure you guys want to see it or --

14 MR. FRATE: See it.

15 MR. SARRAUDE: (Inaudible) might like to see
16 what we've done so far. We really, before we start this
17 project, to do all this concerns first and then ask for an
18 opening after.

19 MR. FRATE: Yeah. We're aware that some -- that
20 this was brought up in the past in some other owners or
21 tenants at Kalama Village had promised to do this. And it
22 wasn't done. So we decided to delay and get all this, you
23 know, addressed with -- all these concerns addressed
24 before the hearing so that we could just, you know, prove
25 that we mean what we say.

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1 The -- the footage that we brought, it's
2 essentially pictures with brief description. It's raw
3 data. It doesn't look pretty, but it shows exactly what
4 was done to soundproof the second floor of the -- of the
5 building.

6 CHAIR TANAKA: Thank you. Okay. Before we go
7 on, before you can show us the pictures, I'm gonna open it
8 to the public.

9 MS. YOSHIZAWA: Chair?

10 CHAIR TANAKA: Because this is a public hearing,
11 anybody for this application?

12 MS. YOSHIZAWA: We have three people signed up
13 to testify --

14 CHAIR TANAKA: Okay.

15 MS. YOSHIZAWA: -- on this matter. The first
16 would be Marian Hansen.

17 CHAIR TANAKA: Please state your name, if you
18 represent an organization, and you have three minutes.

19 MS. HANSEN: Thank you. My name's Marian
20 Hansen. And I have a rental property which is in very
21 close proximity to the restaurant that's proposed. And I
22 really am very pleased with the fact that these guys are
23 being proactive in addressing the concerns that I actually
24 had to bring to the Liquor Board a few years ago about a
25 past tenant who -- even though it was after 10:00 and it

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1 wasn't live music, it was karaoke and it was just as loud.
2 And the fact that the top second story was not enclosed,
3 the sound carries right into the bedroom units of our
4 condo building.

5 The other concern is that when people are
6 leaving, it's -- if something could be done to address as
7 they're walking away. People have been listening to loud
8 music and they start talking in very, very loud tones
9 because they don't realize that -- how loud they're
10 talking. So as they exit, if you have somebody there who
11 is making sure that they're leaving the parking area, that
12 they say, you know, keep the noise to a minimum, respect
13 the neighbors.

14 Thank you.

15 CHAIR TANAKA: Thank you. Next.

16 MS. YOSHIZAWA: Larry Armstrong.

17 MR. ARMSTRONG: Yes. My name is Larry
18 Armstrong. I'm at 1993 South Kihei Road.

19 And I also want to express that if these fellows
20 do what they said they were gonna do, they basically
21 addressed all of the concerns that I had. So you could
22 change me from being against to in favor if they want to
23 operate like that.

24 Thank you.

25 MS. YOSHIZAWA: Debbie Montalvo.

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1 MS. MONTALVO: Debbie Montalvo. I'm the
2 President of the Board at Island Surf Condominium
3 Association. And we submitted the letter with the 39
4 signatures of both owners and tenants in the building with
5 the primary concerns regarding the noise and the breaking
6 glass and the loud patrons leaving the premises.

7 So I'm very pleased to hear that we're going to
8 finally soundproof that. It was an open -- completely
9 open deck. And there is nothing between the restaurant
10 location and our bedroom windows. So the sound travels,
11 you can hear -- you can lay in bed at night and hear
12 people's conversations. So if that entire patio is
13 enclosed and it's soundproofed, I think that will go a
14 long way to helping them become a good neighbor and
15 welcome in the community.

16 The other concern, with the breaking glass, it
17 seems that we've addressed that as well, so that, at 3:00
18 in the morning, when you finally get to sleep, you don't
19 have all this crashing breaking glass waking you up.

20 But the other thing is a lack of parking in the
21 Triangle area. So many people find that they have to park
22 a few streets away on the Auhana -- on the Auhana Street.
23 We have parking in front of the building. And the lack of
24 parking in the Triangle area, when the bars close, people
25 are happy or angry or whatever impacts them from alcohol,

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1 and they become very loud, and sometimes you have some
2 very vulgar language happening and fighting in the
3 streets. So I don't know if there's anything that can be
4 done about parking in that area or maybe having more
5 patrols in the area for people that have to park on side
6 streets and in residential areas to accommodate the
7 overflow of people who are not only at this property, but
8 all of the restaurants and bars in the Triangle.

9 CHAIR TANAKA: Thank you. Anybody else?

10 MR. JORGENSEN: Good morning. Dave -- my name's
11 Dave Jorgensen. I'm an attorney that appears before you
12 quite often.

13 I've known Mr. Sarraude for 10 or 12 years now.
14 And I had spoken to him previously, prior to them moving
15 forward, about a lot of these concerns. And from the
16 beginning -- everything you've heard, from the beginning,
17 he and his partners have said, you know, we're going to
18 take care of that, coming up with working with recycling
19 companies.

20 The main thing, I know Chairman Tanaka was
21 involved in discussions a few years ago with prior
22 licensees there with the noise, and the suggestion of
23 enclosing portions of the upstairs, and other licensees
24 have said they would do it, and nobody ever did. So the
25 fact that they're moving ahead is commendable.

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1 I, also, work a lot with the property manager,
2 with Jeff Gerard and Evelyn Long. And I know from what
3 had happened previously that they really were proactive in
4 getting association guidelines and having rules, internal
5 rules to help address these issues.

6 And it's really good to hear the neighbors
7 coming out and being positive. I mean, the proof is in
8 the pudding, we'll see what happens, but I would suggest
9 that these guys be given a chance because they're doing
10 everything that needs to be done so far to address these
11 concerns.

12 Thank you.

13 CHAIR TANAKA: Anybody else wanna testify for or
14 against this application? Okay. Seeing none, public
15 hearing closed for this item.

16 Can you show us the pictures?

17 MR. SARRAUDE: Sure. I don't know how you would
18 like to do it. Pass it around.

19 COMMISSIONER SOUZA: There's one more testifier.

20 CHAIR TANAKA: Just a minute.

21 MR. JORGENSEN: Did you want to speak?

22 MS. DOOLEY: Yes, if you don't mind.

23 CHAIR TANAKA: Please go up there, state your
24 name, if you represent any organization, you have three
25 minutes.

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1 MS. DOOLEY: Thank you. Good morning. I'm
2 sorry I'm late. I wanted to oppose the liquor license for
3 live entertainment for Lava Rock Bar & Grill. I am an
4 owner in the neighborhood, been there 22 years.

5 My only opposition is the noise. We can't
6 sleep. It comes right into our building. And even late
7 at night, when they are cleaning the place, all the liquor
8 bottles smashing in the trash and breaking wakes you up,
9 as well as their vacuum cleaner, after they're closed, we
10 can hear it. There's not a tree between us and them. I
11 don't know how they could totally enclose the room to keep
12 it off, but they have wide open spaces there, which is
13 what people love in a bar.

14 And the only other thing that I don't like about
15 it is the parking at the Triangle is -- there's never
16 enough. So the people going there, come over to Auhana
17 Road where I live, at the Island Surf Building, and they
18 park on Auhana Road. And there's bedrooms right along the
19 road. And they make a lot of noise coming, but they make
20 a hell of a lot of noise at 2:00 in the morning when
21 they're leaving.

22 And it's -- you know, there's always -- it's --
23 that's my opposition, the noise and the people parking in
24 our building. Thank you, though.

25 CHAIR TANAKA: Thank you. Anybody else?

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1 MR. KUSHI: Mr. Chair -- ma'am -- ma'am, for the
2 record, give your name and where do you live.

3 MS. DOOLEY: Oh. I didn't do that? I'm sorry.

4 MR. KUSHI: Are you within -- is she within 500
5 feet?

6 MS. DOOLEY: My name is Diane Dooley, and I live
7 at Island Surf building at 1993 South Kihei Road.

8 MR. KUSHI: You live in the condo?

9 MS. DOOLEY: Yes, I do.

10 CHAIR TANAKA: Thank you.

11 MS. DOOLEY: Thank you.

12 CHAIR TANAKA: Anybody else? Okay. Can we see
13 those pictures?

14 MR. SARRAUDE: Sure. Do you want me to pass it
15 around to you guys?

16 CHAIR TANAKA: Yes, just pass it over so we can
17 see it.

18 COMMISSIONER BICOY: Okay. All of the pictures?

19 MR. SARRAUDE: (Inaudible).

20 COMMISSIONER BICOY: Okay.

21 MR. SARRAUDE: (Inaudible).

22 COMMISSIONER BICOY: Okay. Thank you.

23 CHAIR TANAKA: I have one question for you
24 people.

25 MR. FRATE: Yes, sir.

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1 CHAIR TANAKA: The music stops at 10:00?

2 MR. FRATE: The --

3 CHAIR TANAKA: Are you saying the music gonna
4 stop at 10:00?

5 MR. SARRAUDE: Live music.

6 MR. FRATE: The live music will stop at 10:00.
7 So we'll continue to have indoor music, but the music will
8 be --

9 CHAIR TANAKA: The enclosure will be enclosed?

10 MR. FRATE: -- within the enclosed area. So
11 the sealed off --

12 MR. SARRAUDE: The patio will be shut down.

13 MR. FRATE: The upper floor was divided in two
14 sections, there's a fully enclosed area and there's a
15 dining and patio area. That will be shut down at 10:00
16 p.m. So there won't be no access to it. It will
17 become -- the only access to it will be through an
18 emergency door. If there was an emergency, people could
19 push those doors open and exit the building. But the area
20 will be shut down for service.

21 CHAIR TANAKA: So when the house music is going
22 to be after 10:00 --

23 MR. FRATE: It's --

24 CHAIR TANAKA: -- it's enclosed?

25 MR. FRATE: It's -- it's enclosed and contained

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1 by -- not only -- because it's also soundproofed. The
2 windows that we purchased for the building have special
3 tempered glass that is able to contain sound.

4 CHAIR TANAKA: Okay.

5 MR. FRATE: There is also additional layers of
6 soundboard that can be added to the building easily and
7 very efficiently. The soundproofing was done in a way in
8 which it can be added onto if it was necessary. We're
9 confident that we can keep the sound within the enclosed
10 area, but if it became an issue or if we see that we're
11 exceeding levels, even if it's intermittently, we would --
12 we would immediately add additional layers. But the
13 technicians that are helping us with the sound are pretty
14 confident that we'll be able to continue within the walls.

15 CHAIR TANAKA: Thank you.

16 COMMISSIONER SOUZA: I have a question. So the
17 second floor is completely enclosed at this point? Not
18 yet, that's part of the patio?

19 MR. FRATE: The second -- yeah, the second floor
20 consists of an enclosed area and a patio outside.

21 COMMISSIONER SOUZA: I see. Okay.

22 MR. FRATE: The patio is what will be shut down
23 at 10:00 p.m. The enclosed area will remain open for
24 business, but there won't be any traffic onto the patio.
25 Patio will remain -- remain closed.

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1 CHAIR TANAKA: Okay. Any questions by the
2 Commissioners to the applicant?

3 COMMISSIONER SOUZA: I have another question for
4 Ms. Montalvo.

5 MS. MONTALVO: Yes, sir.

6 COMMISSIONER SOUZA: So with this coming in from
7 all of your people --

8 MS. MONTALVO: Yeah.

9 COMMISSIONER SOUZA: -- are you guys willing to
10 give these guys a shot?

11 MS. MONTALVO: I think so. The question is the
12 open patio.

13 COMMISSIONER SOUZA: Okay.

14 MS. MONTALVO: I mean, are people going to be
15 going out there to smoke, you know, after hours, is it
16 going to be open in the morning? A lot of times we'll
17 have -- you know, hear the sporting events on the
18 weekends. Football starts very early. And sometimes
19 7:00, 8:00 in the morning, you hear all the cheering and
20 the loud. Will that be going on, on Sunday morning as
21 well?

22 MR. FRATE: So -- so we have --

23 MS. MONTALVO: Or will it be just like
24 breakfast?

25 MR. FRATE: Yeah. No. Outside patio is just

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1 gonna be breakfast. If there is --

2 MS. MONTALVO: So no sporting events, no loud --

3 MR. FRATE: Well --

4 MR. SARRAUDE: The TVs will be inside.

5 MR. KUSHI: One at a time.

6 MR. SARRAUDE: Yeah. Pretty much.

7 MR. FRATE: So, essentially, what will happen
8 is -- I'm sorry about that -- essentially what would
9 happen is if -- if there is -- if there's an event and
10 we're having a football game, then the outside patio area
11 will be limited specifically for breakfast. We're not
12 going to open -- or leave the patio doors open if there is
13 an event. So --

14 CHAIR TANAKA: The event will be inside enclosed
15 area?

16 MR. FRATE: Yes, sir. That is correct.

17 COMMISSIONER SOUZA: One more question. Have
18 you been there to see the improvements?

19 MS. MONTALVO: I have not. I was aware of what
20 it was when it was all open. And when they say it's an
21 enclosed area, there really never was a totally enclosed
22 area. There was an area that had walls and then there was
23 an area that didn't. But there were always windows open.
24 And, of course, the sound -- the front wall was always
25 open, so the sound always came out. And in the past,

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1 other tenants there have said, oh, well, we'll close the
2 windows. But, of course, when you close the windows,
3 people get hot, stay up late at night, they open the
4 windows, and it's very hard to control. So if that's
5 totally enclosed, that will go a long way. I think the
6 access to owners via the website is also positive.
7 Obviously, if they're cleaning at night and they're in the
8 enclosed area, we're not going to hear the vacuum cleaner
9 because that's gonna be at a much lower level than the
10 music. You know, if we don't have the breaking glass. I
11 think all of the concerns that we addressed in our
12 letter -- or that we identified in our letter, they've
13 made a very good attempt to accommodate those concerns.
14 So I think if they follow through with all of those, we
15 would be happy to have them as a good neighbor.

16 COMMISSIONER SOUZA: Thank you.

17 CHAIR TANAKA: Any other questions?

18 COMMISSIONER BOLOSAN: I have a question to this
19 gentleman over here.

20 MR. FRATE: Yes, sir.

21 COMMISSIONER BOLOSAN: You talk about
22 soundproof. What kind of glass do you have? Are those
23 double-pane glasses?

24 MR. FRATE: They are. And they include a -- I
25 believe it's an inch-and-a-quarter vacuum space in

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1 between.

2 COMMISSIONER BOLOSAN: Okay.

3 MR. FRATE: That will prevent the sound waves
4 from falling -- flowing through the windows.

5 COMMISSIONER BOLOSAN: Okay. Double-pane.

6 COMMISSIONER ALULI: I have a question. You
7 won't have any TV sets out on the lanais, either, will
8 you?

9 MR. FRATE: We're planning on having two TV sets
10 on the lanai, but we won't play any games. We're thinking
11 about similar to Channel 7, the Visitor Channel, something
12 that we can play that goes along with the peaceful
13 enjoyment of lunch, breakfast, lunch or dinner.

14 COMMISSIONER ALULI: Okay. So if -- if a guest
15 comes and is eating and says, hey, I want to see what, I
16 want to watch this football game --

17 MR. FRATE: They'll have to walk --

18 COMMISSIONER ALULI: On the TV set.

19 MR. SARRAUDE: It can be without sound.

20 MR. FRATE: Yeah, it can be without sound, but
21 they'll have to walk inside. There won't be any games on
22 the outside patio.

23 MR. SARRAUDE: Can show it on mute, the game, if
24 they want to see it.

25 MR. FRATE: If -- if they want to see it, but

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1 we've made arrangements to have all of our events indoors.
2 So, essentially, what we're trying to do is we're trying
3 to find a happy medium ground in between a family of four
4 that wants to enjoy breakfast and a beautiful ocean view
5 and a party of four people that may potentially come to
6 the restaurant to watch a football game. Those are two
7 different crowds that --

8 COMMISSIONER ALULI: Right.

9 MR. FRATE: -- don't go along with each other
10 very well. So what we're trying to do is we're trying to
11 assign --

12 MR. SARRAUDE: Yeah, yeah.

13 MR. FRATE: -- or create an area in this open
14 patio for peaceful enjoyment of breakfast, lunch and
15 dinner, while, inside, if there is an event or if there is
16 a game, people can be watching the game in an enclosed
17 environment that minimizes the noises.

18 COMMISSIONER ALULI: Okay. Thanks.

19 CHAIR TANAKA: Any other questions?

20 COMMISSIONER DEREGO: Who would be monitoring
21 that website and what would be your guys' response time to
22 the outside community should they have a complaint?

23 MR. FRATE: Right. So the website, if you go to
24 the regular "Contact Us" page, that would essentially go
25 to our general email, and the response time can change or

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1 can variate. When you click on the "Neighbor" tab, it
2 sends emails to all of us and it goes to all of our
3 private emails. So what we're trying to do is we're
4 essentially wanting to make sure that this gets addressed
5 there and then. And not only that, that we're also
6 eliminating the chance of miscommunication. So if -- if
7 there is an instance in which something is going on, I
8 presume that the response time will be pretty close to
9 immediate, we're going to wanna be addressing that issue
10 right away from the owner's point of view as well as the
11 managers is concerned. So you'll have anywhere from six
12 to eight people receiving that message immediately onto
13 their private emails which essentially forwards to their
14 phone and whatnot. So I suspect that they will be able to
15 address that concern rather quickly.

16 COMMISSIONER DEREGO: Okay. Thank you.

17 CHAIR TANAKA: Any other questions?

18 MR. KUSHI: Mr. Chair, if I may, question for
19 staff. So, for the record, as far as meeting the protest
20 threshold, you don't consider the March 28, 2017 letter
21 from Lahaina Surf as a protest?

22 MS. YOSHIZAWA: No.

23 MR. KUSHI: As well as the April 3rd, 2017
24 letter from one Andrea Butter?

25 MS. YOSHIZAWA: No.

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1 MR. KUSHI: But what about the last testifier?
2 I forget her name, madam.

3 MS. YOSHIZAWA: Yes. She would be -- but we
4 would have to confirm that she is a owner and not a
5 tenant.

6 MR. KUSHI: But it doesn't meet the threshold?

7 MS. YOSHIZAWA: It doesn't meet the threshold.

8 MR. KUSHI: The other question for staff, the
9 Commission has heard a lot of concerns about parking. Is
10 that within the Liquor Department's jurisdiction as to
11 where, when, how many spaces parking lots are?

12 MS. YOSHIZAWA: No, it's not within --

13 MR. KUSHI: Who controls that?

14 MS. YOSHIZAWA: Public Works.

15 CHAIR TANAKA: Planning.

16 MR. JORGENSEN: Planning.

17 MR. KUSHI: Because that's part of a CO, right,
18 process?

19 MS. YOSHIZAWA: They would make sure, yeah,
20 there's adequate --

21 MR. KUSHI: Mr. Chair, my last question, to the
22 applicant, I'm assuming your unit is part of this Island
23 Surf condo, is it part of the condo?

24 MS. MONTALVO: Yes, it is.

25 MR. KUSHI: I'm not asking you; I'm asking --

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1 MR. FRATE: You're asking me. No, sir. It's
2 part of the --

3 MR. KUSHI: Ms. Montalvo --

4 MR. FRATE: Kihei Kalama. I'm sorry. Kihei
5 Kalama Partners

6 MR. KUSHI: Don't you have house rules about
7 trash collections, when and where?

8 MR. FRATE: Yes.

9 MR. KUSHI: Because I'm assuming the trash bin
10 is on your property.

11 MR. FRATE: Yes, sir.

12 MR. KUSHI: Wouldn't the owner's association
13 have jurisdiction as far as telling you don't come in 3:00
14 in the morning.

15 MR. FRATE: Of course. And -- of course, they
16 do. And -- and so I'm not sure what the previous tenants
17 or the employees were doing. I've heard some horror
18 stories of people throwing garbage bags out the window.

19 MR. KUSHI: Oh. They blaming the problem on
20 you, though.

21 MR. FRATE: I'm sorry?

22 MR. KUSHI: They're blaming the problem on you.

23 MR. FRATE: Well, we're the new tenants and
24 we're trying to address all the past concerns with
25 mechanisms that will prevent this from happening in the

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1 future. And so recycling our glass and cans is part of --
2 is part of the process. So there will be no transferring
3 of empty bottles from one container to another.

4 Another thing that we're doing is we've had
5 neighbors concerned about the oil pickup. And we're
6 getting Biodiesel to pick it up. And so we're trying
7 to -- not only for ourself, but, also, for the property,
8 to make improvements so that the operation -- the business
9 operation in the property is done in a manner in which it
10 doesn't affect anybody's quality of life.

11 MR. KUSHI: Okay. But my -- my situation or
12 concern is that --

13 MR. FRATE: Yes, sir.

14 MR. KUSHI: Maybe it's not your problem. Maybe
15 it's the association's problem of allowing a private trash
16 pickup to come in that early in the morning on their
17 property.

18 MR. FRATE: I think -- I think --

19 MR. KUSHI: Unless -- unless the contract
20 between the trash hauler is only with you.

21 MR. FRATE: I think the -- the -- the glass
22 pickup is in our particular case. I'm not sure about the
23 other restaurants, but, in our case, the trash pickup will
24 be arranged by us. And we volunteered to do that.

25 MR. KUSHI: At what time?

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1 MR. FRATE: The trash pickup is going to be
2 between 9:00 a.m. in the morning and 1:00 p.m. And the
3 pickup is going to be done in a way in which the
4 containers that we've purchased that are going to be
5 stored in our storage facility have wheels. And they can
6 be safely moved into a truck that's -- has a lift.

7 MR. KUSHI: That's enough. That's enough.

8 MR. SARRAUDE: And we don't control -- just for
9 add something to that, we don't control the pickup from
10 the County (inaudible) or (inaudible).

11 MR. FRATE: No. That's not County, that's --

12 COMMISSIONER ALULI: Private.

13 MR. FRATE: Aloha Waste. Aloha Waste.

14 MR. SARRAUDE: We don't control those times.

15 COMMISSIONER ALULI: So --

16 MR. FRATE: Those pickup times.

17 COMMISSIONER ALULI: Yeah. So your -- the
18 noise, the glass noise is a transferring of bottles from
19 your establishment into the dumpster, not the pickup from
20 Aloha Waste dumping?

21 MR. FRATE: Actually, it's both.

22 COMMISSIONER ALULI: Aloha Waste doesn't dump at
23 3:00 in the morning, I know that for a fact.

24 MR. FRATE: No, no.

25 MR. SARRAUDE: No, they don't.

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1 COMMISSIONER ALULI: So it's the transfer of the
2 bottles from the establishment into the dumpster, that's
3 the noise that's irritating to the owners?

4 MR. FRATE: Of course.

5 COMMISSIONER ALULI: Yeah.

6 CHAIR TANAKA: Any other questions? If not, may
7 I have a motion?

8 COMMISSIONER SOUZA: I move to approve
9 Application Number 17 conditioned upon the applicant
10 completing the remaining application requirements to the
11 satisfaction of the Department of Liquor Control.

12 COMMISSIONER UMENO: 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: Thank you. Motion carried.

19 MR. SARRAUDE: Thank you so much.

20 MR. FRATE: Thank you so much.

21 CHAIR TANAKA: Application Number 18, Hoku Nui
22 Restaurant.

23 MR. JORGENSEN: Good morning, Chairman Tanaka,
24 Members of the Commission, and staff. My name is Dave
25 Jorgensen. I'm the attorney for applicant Hoku Nui

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1 Restaurant LLC dba Makawao Steak House. And with me this
2 morning is Erik Frost who is the Manager of the LLC. Also
3 with me is Josh Chavez who is Operations Manager for the
4 restaurant.

5 CHAIR TANAKA: Thank you. Kari.

6 MS. YOSHIZAWA: Application Number 18, the
7 applicant is Hoku Nui Restaurant LLC doing business as
8 Makawao Steak House. The proposed premises is located at
9 3612 Baldwin Avenue, Makawao, Maui, Hawaii. This is a
10 public hearing for a new Dispenser General License,
11 Category C(ii).

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 March 15th and 22nd, 2017. There are a
17 total of 136 owners and lessees situated within 500 feet
18 of the proposed premises.

19 The Department did receive one letter of
20 protest.

21 CHAIR TANAKA: Thank you. Dave, you get
22 anything else to add?

23 MR. JORGENSEN: Just on the letter of protest,
24 we did receive it. My client made very clear to me that,
25 you know, they're going to be fully cognizant of concerns

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1 of the neighbors. It's a restaurant. The requested hours
2 of operation are until 11:00. They're generally going to
3 be closing by 9:00 or 10:00, at the latest. And if there
4 are any -- any issues with any neighbors, Mr. Frost has
5 been very clear they'll -- they'll address them
6 immediately.

7 We are having a little bit of issue with the
8 County, but it's really more the -- the project within
9 which Makawao Steak House is located is having some issues
10 with having to convert to septic system. I mean, it's --
11 it's dragging out the process a bit on the getting the
12 certificate of occupancy, the permanent, and miscellaneous
13 inspection report. But we're hoping to be able to get
14 that resolved shortly.

15 But to that -- to that end -- let me step back.
16 My client is operating under a temporary liquor license
17 right now. And that only lasts so long. But as far as
18 being able to get all the approvals from the County, we
19 may ask for a one-year time period instead of six months
20 just because we're not sure what the project is going to
21 do about these County requirements that are being imposed.

22 CHAIR TANAKA: So you're amending your
23 application for one year?

24 MR. JORGENSEN: No, no. Just instead of six
25 months to get the license issued, I would ask that it be

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1 one year, that we be given one year.

2 CHAIR TANAKA: Okay. I'm gonna open it to the
3 public.

4 MS. YOSHIZAWA: Chair, we have Harry Matsuura
5 signed up to testify.

6 CHAIR TANAKA: Please state your name, you have
7 three minutes.

8 MR. MATSUURA: Okay. Harry Matsuura, Sr. I
9 been a resident -- not resident, but I'm a owner of my
10 home in Makawao for over 40 years now.

11 I am very well aware of the problems in Makawao
12 town. It's a very small town. It's extremely busy from
13 morning to late at night. There is absolutely zero
14 parking most all of the day, from the morning to late at
15 night.

16 And I'm pretty sure you've eaten at Makawao
17 Steak House. I've eaten there quite a bit. The biggest
18 problem is where are you gonna park. And I'm positive
19 whosoever eaten there have drove around looking for a spot
20 to park because there is zero amount of parking for that
21 place. The parking lot in the back is very small. But
22 then now you have the art gallery, they built a glass shop
23 in the back, another small restaurant there, now there's
24 shops across the street. There is no parking for people.

25 And our biggest problem right now, too, along

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1 with everything else, is Third Friday, because there's no
2 parking, so they invade our subdivision. I've had to put
3 cones out in front of my home and I've had to call the
4 police and had cars towed away because they'll park
5 anywhere, block your driveway, block our cars.

6 And now we gonna get a added problem of live
7 music. It's gonna attract more people, it's gonna come
8 like a bar scene.

9 And if anybody knows about bar scenes, I do. I
10 retired from the Department of Liquor. I know all the ins
11 and outs of the problems of running a big bar.

12 And the fact of the matter is there is not
13 enough parking for any kind of business increase that
14 gonna attract more people. Right now, it's a mess. You
15 go any given day and look at the entrance to my
16 subdivision and it's double-parked on the entryway.

17 And this is a fact I'm gonna tell you that's
18 kind -- it was disturbing me for years. I would come home
19 from work at 4:00 in the morning. And I'm pretty sure
20 it's owners in the area. They pull out the "no parking"
21 signs, toss it behind the hibiscus plants on both side the
22 road. So I would get out of my car and I replant the
23 signs. I done it over a dozen times 'til I got disgusted.
24 And 4:00 in the morning, I pick up my wheelbarrow, my
25 shovel, my pick, bricks, and cement. And I went there and

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1 dug a hole and I planted the signs back inside. And I
2 cement it in place. And I can see where they tried to
3 wrestle the thing out and couldn't get it out of the
4 ground. They were arrogant enough to put bricks in the
5 planters so they could go up on the sidewalk and park
6 right around the curb.

7 And I have too many head-on -- near head-on
8 collisions trying to get in and out of my subdivision
9 because there's five feet left on this side of the road,
10 middle line strip and another five feet on the other.

11 So if we gonna put in nightclub venue kind of
12 stuff, it's not gonna work at all. And it's just gonna be
13 miserable for us. And it's -- right now is miserable. It
14 starts from the morning because we have Makawao School,
15 there's over 200 cars drive through my subdivision in the
16 morning, flying through there every day. We had to put
17 speed bumps. So, right now, with the school, Third
18 Friday, the Steak House, Casanova's busy, they got a big
19 band, there's no parking in Makawao town. Everything is
20 taken.

21 I'm pretty sure a bunch of you have driven
22 through there in the evening and you see what I'm talking
23 about. And it's only parallel most of the way up through
24 Baldwin Avenue. There is no parking. And if you gonna
25 increase this, it's gonna be a nightmare for us and a

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1 liability.

2 Now, I put this in front of you guys so, if we
3 do have a problem, we get accidents, somebody's gonna sue
4 someone. And right now, it is a problem that needs to be
5 addressed.

6 CHAIR TANAKA: Okay. Harry, try finish up.

7 MR. MATSUURA: Okay. I'm pretty much done with
8 that because that's the basic concerns of the people
9 inside of our subdivision. We have been invaded, period.
10 And we -- it's a ongoing problem.

11 Thank you.

12 CHAIR TANAKA: Okay. I guess -- I guess, Dave,
13 you know that the parking -- parking situation problem
14 will be part of your CO, anyway, the Planning gonna look
15 at that --

16 MR. JORGENSEN: Correct.

17 CHAIR TANAKA: -- when you go in for your
18 miscellaneous inspection.

19 MR. JORGENSEN: And that's something that I
20 know --

21 CHAIR TANAKA: If they feel that the parking is
22 not enough, then they're gonna require you guys do it.

23 MR. JORGENSEN: Right. And the Pastulas were
24 dealing with that who sold to -- sold the business to my
25 client. And before that -- I mean, anybody that goes up

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1 there knows parking is an issue. And my client doesn't
2 really have control over that other than working with the
3 landlord to try and -- try and address that situation.

4 As far as the music, just to address
5 Mr. Matsuura and Ms. Ogata's concerns, I mean, as with the
6 last applicant, it's easy to say, but this is a
7 restaurant. It's -- it's -- it's not gonna be a
8 nightclub, in any stretch of the imagination. The concept
9 is kind of farm to table. My clients have some ag land on
10 the island that they're gonna be growing a lot of what
11 they'll be serving there. So the music will be dinner
12 music. There may be an occasion when there's a wedding,
13 somebody wants to have some -- a couple live performers,
14 but it will be contained, it's inside. And as I said, my
15 client is very cognizant of working with the neighbors.
16 And if Mr. Matsuura or anybody else has concerns, they
17 have pledged to address them immediately.

18 CHAIR TANAKA: You had mentioned you gonna close
19 by 10:00 or something?

20 MR. JORGENSEN: They -- well, they -- in
21 general, their plan is to close at 9:00 or 10:00. But,
22 again, there may be times when there's an event going on
23 or a big crowd, and that's why they're asking for hours
24 until 11:00, but they plan to be closed before that. And
25 the music will end by 10:00, if there is any music.

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1 CHAIR TANAKA: Okay. Thank you. Any -- any
2 other people want to testify? Okay. So the public
3 hearing for this item is closed. Any questions by the
4 Commissioners?

5 COMMISSIONER ALULI: I do have a question. So
6 are you planning to have regular live music or is it gonna
7 be primarily piped music over an intercom system?

8 MR. FROST: Recorded.

9 COMMISSIONER ALULI: Recorded music?

10 MR. JORGENSEN: Is there going to be regular
11 live music?

12 MR. FROST: I don't -- I don't think that we
13 fully have plans. I don't think that we would be every
14 night. In fact, it would be probably not wise to have it
15 on the weekends, for example. It takes up space.

16 COMMISSIONER ALULI: Right.

17 MR. FROST: But the idea would be periodic --
18 the kind of music that you could enjoy having dinner with.

19 COMMISSIONER ALULI: So maybe an ukulele or a
20 guitar player or --

21 MR. FROST: Precisely.

22 COMMISSIONER ALULI: Soft music, something like
23 that? No drums, bass and that kind of music?

24 MR. FROST: No. I mean, that -- that would
25 drive people away, I think, if it were me.

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1 COMMISSIONER ALULI: Okay. Thank you.

2 CHAIR TANAKA: Any other questions?

3 COMMISSIONER SOUZA: I had a question for
4 Mr. Kushi. So in this situation, like the last case we
5 had, is the parking our concern or that is, again, not our
6 concern, but what we have before us? So if there's a
7 parking problem, we're not gonna deny the application
8 because of the problem there, that's when they get their
9 CO and the County will see if the parking is sufficient?

10 MR. KUSHI: Well, as I understand it, and maybe
11 Mr. Honda can clarify, the -- the parking, as to how many
12 spaces and where, is up to the Public Works Department.
13 And based on its -- it's based on the maximum occupation
14 level of the premises. So it's not part of the Liquor
15 Commission's checklist. But the impact of where the
16 parking is and how close to the neighbors and -- it would
17 be a, you know, related concern for the issuance of the
18 license because if the County says, Public Works says,
19 okay, you can park there right next to somebody's house,
20 and the only -- only tenants -- only people who would park
21 there are people leaving the -- the liquor place, it has a
22 related impact, but not a mandatory impact in terms of how
23 many spaces and where. I hope I didn't confuse you more,
24 Dana, but it has a -- it has a -- it would be a concern,
25 but it's not a requirement for the Commission.

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1 CHAIR TANAKA: Okay. It has an indirect
2 effect --

3 MR. KUSHI: Correct.

4 CHAIR TANAKA: -- basically.

5 MR. KUSHI: No. I need to say this, too, you
6 know, some establishments, maybe not this one, have valet
7 parking where they park off premises, down the road, and
8 just have a shuttle van. Maybe that's a solution.

9 CHAIR TANAKA: Yeah. That's one of the solution
10 I think they can use.

11 MR. KUSHI: Rent out Harry's house?

12 COMMISSIONER ALULI: Oh, no, no.

13 COMMISSIONER BICOY: He didn't look happy about
14 that.

15 MR. KUSHI: No, he didn't

16 CHAIR TANAKA: Lot of restaurants do that to
17 satisfy the County, you know, those -- those kind of
18 situations. And, basically, if the County -- under my
19 experience, if the Planning feels that you don't have
20 enough parking, then it's gonna be part of your CO,
21 anyway.

22 COMMISSIONER ALULI: Right.

23 CHAIR TANAKA: Your requirements for the CO.

24 MR. JORGENSEN: When we get -- when we have to
25 apply for zoning confirmation as part of this process and

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1 when the Planning Department goes through and analyzes the
2 project, to issue that, that's, a lot of times, when the
3 parking issue will be brought up, if there is one. It
4 happens a lot in Lahaina when people are going for
5 restaurants in Lahaina. You have to come up with a
6 contract with a parking lot saying you have a right to
7 have people park in that lot or --

8 COMMISSIONER ALULI: Chair, can I also make a
9 comment? It's been a while since I've been up to Makawao
10 Steak House, but one of the things that I did notice is a
11 lots of the shops on Baldwin Avenue, for instance, are
12 closed in the evening when dinner is being served. So
13 when we went up there for dinner, there were eight or nine
14 of us, we honestly didn't have any problem finding parking
15 on Baldwin Avenue because a lot of the shops are closed.
16 And so, you know, I -- I don't know if parking will -- in
17 the evening be a problem except when First Fridays come.
18 First Fridays are ridiculous, anyway, in terms of the
19 crowd, so that gets really out of hand. But we didn't
20 have any trouble finding parking on Baldwin Avenue in the
21 evening. Just a point to make.

22 MR. FROST: May I?

23 MR. JORGENSEN: Sure.

24 MR. FROST: It's been a little while since
25 you tried? It has gotten a bit worse.

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1 COMMISSIONER ALULI: Oh, okay.

2 MR. FROST: But I haven't, as of yet, found it
3 impossible to find a parking spot. But it has gotten -- I
4 mean, Makawao town has now -- I don't know if there was an
5 article in some paper, but it's -- it's busy. And I would
6 fully agree with the testifier.

7 COMMISSIONER ALULI: Okay.

8 MR. FROST: Parking in town in general is an
9 issue. But you're right, there are many, many fewer
10 businesses open in the evening. So the -- the conflict
11 for parking spaces is a little bit easier.

12 COMMISSIONER ALULI: Not as great as during the
13 day, yeah, okay. Thank you.

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

16 COMMISSIONER SOUZA: I move to approve
17 Application Number 18 conditioned upon the applicant
18 completing the remaining application requirements to the
19 satisfaction of the Department of Liquor Control with
20 licensee understanding that parking is a problem.

21 COMMISSIONER ALULI: Second.

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

24 (Response.)

25 CHAIR TANAKA: Opposed, no.

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1 (No response.)

2 CHAIR TANAKA: Motion carried. Thank you.

3 MR. JORGENSEN: Thank you very much.

4 COMMISSIONER SOUZA: Hang on one second. Sarah.

5 MS. CORDEIRO: Sorry. I don't know if you meant
6 to address in the motion the request for one year to
7 activate the license.

8 MR. JORGENSEN: Oh, I'm sorry. Yes. Thank you.
9 I would again just restate the request that my client have
10 one year to get the license issued instead of the normal
11 six months, just in the anticipation of, hopefully, what
12 won't happen, but there being a bit of a delay with
13 getting miscellaneous inspection report.

14 MR. KUSHI: Mr. Chair, any concerns from the
15 staff about that?

16 MS. YOSHIZAWA: No concerns.

17 CHAIR TANAKA: Okay. Can you amend your motion
18 to add that one-year issuance?

19 COMMISSIONER SOUZA: So moved.

20 COMMISSIONER ALULI: Second.

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

23 (Response.)

24 CHAIR TANAKA: Opposed, "no."

25 (No response.)

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1 MR. JORGENSEN: Thank you very much.

2 CHAIR TANAKA: Motion carried. Application
3 Number 19, Umami Corporation.

4 MR. KAWAGISHI: Chairman Tanaka, Members of the
5 Liquor Commission, Michael Kawagishi on behalf of the
6 Umami Corporation. And with me is Kyoko Sakugawa who is
7 an officer of the company.

8 CHAIR TANAKA: Thank you. Kari.

9 MS. YOSHIZAWA: Application Number 19, the
10 applicant is Umami Corporation doing business Izakaya
11 Genbe. The proposed premises is located at 1280 South
12 Kihei Road, Suite Number 120, Kihei, Maui, Hawaii. This
13 is a public hearing for a new Dispenser General license,
14 Category C(ii).

15 The documents necessary for completing the
16 remaining application requirements for a liquor license
17 are listed in the summary report.

18 Notice of public hearing was published in "The
19 Maui News" on March 15 and 22nd, 2017. There are a total
20 of 267 owners and lessees situated within 500 feet of the
21 proposed premises.

22 The Department did not receive any protests.

23 CHAIR TANAKA: Thank you. Michael, you get
24 anything else to add?

25 MR. KAWAGISHI: No. This -- well, the

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1 restaurant replaces the previous Izakaya Matsu in the
2 Azeka Makai shopping complex.

3 CHAIR TANAKA: Thank you.

4 MR. KUSHI: You got enough parking?

5 MR. KAWAGISHI: I been there numerous times in
6 the evening and I've always been able to find parking.

7 CHAIR TANAKA: (inaudible). Okay. Since this
8 is a public hearing I'm gonna open it to the public.
9 Anybody for or against this application? Okay. Seeing
10 none, public hearing closed for this item. Any questions
11 by the Commissioners? They said they have a lot of
12 parking, so no problem. Okay. No questions, may I have a
13 motion?

14 COMMISSIONER SOUZA: I move to approve
15 Application Number 19 conditioned upon the applicant
16 completing the remaining application requirements to the
17 satisfaction of the Department of Liquor Control.

18 COMMISSIONER ALULI: Second.

19 CHAIR TANAKA: Okay, moved and seconded. All in
20 favor, say "aye."

21 (Response.)

22 CHAIR TANAKA: Opposed, no.

23 (No response.)

24 CHAIR TANAKA: Motion carried. Thank you.

25 MR. KAWAGISHI: Thank you very much.

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1 MS. SAKUGAWA: Thank you.

2 CHAIR TANAKA: Okay. Let's go on to Other
3 Licensing Matters, Happy Makes Company.

4 MR. FUDERER: Good morning. My name is Adam
5 Fuderer. I'm here representing Happy Makes Company.

6 MS. ISABELLE: And Alison Isabelle, I'm the
7 Manager of Happy Makes Company.

8 CHAIR TANAKA: Thank you. Kari.

9 MS. YOSHIZAWA: Happy Makes Company doing
10 business as Slappy Cakes, Dispenser General, Category
11 C(ii) license, at 3350 Honoapiilani Road, Unit Number 701,
12 Honokowai, Maui, Hawaii, requesting an extension to
13 exercise the liquor license pursuant to Section
14 08-101-34(c) of the Rules of the Liquor Commission, County
15 of Maui. License granted by the Commission on December
16 14, 2016; to expire on June 12, 2017. The applicant is
17 asking for a six-month extension.

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

20 MR. FUDERER: Just that, you know, we're cutting
21 it close and we're just finishing up our inspections. We
22 got our fire inspection yesterday finally approved, so
23 we're about ready. But just wanted to be safe and make
24 sure we had enough time.

25 CHAIR TANAKA: To finish up.

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1 MR. FUDERER: Yes.

2 CHAIR TANAKA: Hopefully, you get it in time.

3 MR. FUDERER: Yes. Yeah.

4 CHAIR TANAKA: I'm gonna open it to the public.

5 Any public testimony for this request? Okay. Seeing

6 none, any questions by the Commissioners?

7 COMMISSIONER LEE: Yeah, I have a question.

8 What do you have remaining to satisfy?

9 MR. FUDERER: Well, it was the fire inspection.

10 And that just got completed yesterday. We're picking up

11 the paperwork today. Then we just have to submit that and

12 get the Liquor Department final inspection. That's all we

13 have remaining.

14 COMMISSIONER LEE: Okay. Thank you.

15 COMMISSIONER ALULI: I've got one other

16 question. Is your operation at this location going to be

17 similar to the operation you have down in Honokowai or is

18 it gonna be completely different? Is it a restaurant and

19 bar operation or is it --

20 MR. FUDERER: This is the same location. We

21 restructured our entity and that triggered the new liquor

22 license.

23 COMMISSIONER ALULI: I see. Okay. So it's the

24 one in the Times Super Market complex?

25 MR. FUDERER: Yes. Yeah.

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1 COMMISSIONER ALULI: Okay. Thank you.

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

4 DIRECTOR MUKAI: Chairman, could they determine
5 what -- how long of a time they asking for the extension?

6 COMMISSIONER ALULI: Six months.

7 CHAIR TANAKA: Six months. Is it six months?

8 MR. FUDERER: Yes. We're asking for six months.

9 CHAIR TANAKA: Okay. Is the -- the request for
10 six months?

11 MS. YOSHIZAWA: Yes, Chair.

12 CHAIR TANAKA: Okay.

13 COMMISSIONER LEE: Is that reasonable for
14 something that they feel is going to be completed shortly?

15 MS. YOSHIZAWA: The applicant did feel that was
16 reasonable. They're just trying to cover their bases just
17 in case they weren't able to obtain the clearance. This
18 was submitted prior to them obtaining the fire clearance.

19 COMMISSIONER LEE: Oh. Got it. Thank you.

20 CHAIR TANAKA: Okay. No questions. May I have
21 a motion?

22 COMMISSIONER SOUZA: I move to approve the
23 six-month extension.

24 COMMISSIONER UMENO: Second.

25 CHAIR TANAKA: Moved and seconded. All in

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1 favor, say "aye."

2 (Response.)

3 CHAIR TANAKA: Opposed, "no."

4 (No response.)

5 CHAIR TANAKA: Motion carried. Thank you.

6 MR. FUDERER: Thank you.

7 MS. ISABELLE: Thank you.

8 CHAIR TANAKA: Okay. Before we go to
9 Administrative Affairs, let's have a 10-minute recess.

10 (Recess, 9:54 a.m. to 10:04 a.m.)

11 CHAIR TANAKA: Okay. Liquor Commission meeting
12 called back to order. Administrative Affairs. Okay.
13 Let's continue discussion on letters from Mahina Martin
14 and her petition. Mahina, are you here?

15 UNIDENTIFIED SPEAKER: No.

16 UNIDENTIFIED SPEAKER: No, sir.

17 UNIDENTIFIED SPEAKER: Not yet.

18 CHAIR TANAKA: She's not here.

19 UNIDENTIFIED SPEAKER: She should be here
20 shortly.

21 MS. SCHAEFER: Her husband is hospitalized and
22 I'm -- I'm presuming she's going to be here because I did
23 hear from her this morning. So if you could give her a
24 few minutes, it would be appreciated.

25 CHAIR TANAKA: Okay. Should we go into

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1 Executive Session to discuss the legal (inaudible)?

2 MR. KUSHI: Ask for public testimony.

3 CHAIR TANAKA: Okay. While we're waiting, do we
4 have any public testimony? Everybody said their peace
5 already?

6 UNIDENTIFIED SPEAKER: Yes, sir.

7 MR. KUSHI: Did you check with Mr. Silva
8 outside?

9 MS. YOSHIZAWA: There's no one signed up to
10 testify.

11 CHAIR TANAKA: Okay. Nobody outside, right,
12 Sarah?

13 MS. CORDEIRO: I can go make another
14 announcement.

15 CHAIR TANAKA: Can you double-check one more
16 time and --

17 MS. CORDEIRO: I think it was just --

18 CHAIR TANAKA: -- close it, yeah.

19 MS. CORDEIRO: She was the last one.

20 COMMISSIONER SOUZA: None?

21 MS. CORDEIRO: Nobody.

22 CHAIR TANAKA: Okay. Let's have another
23 10-minute recess and let's wait for Mahina to get here.

24 UNIDENTIFIED SPEAKER: Thank you very much,
25 Chair Tanaka. Thank you. We appreciate that.

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1 (Recess, 10:05 a.m. to 10:17 a.m.)

2 CHAIR TANAKA: Okay. Liquor Commission meeting
3 called back to order. Mahina, are you here? Can you come
4 forward?

5 MR. MARTIN: I'm so short, I -- you know.
6 Sorry, Chair.

7 Good morning, Commissioners.

8 CHAIR TANAKA: Administrative Affairs. Okay.
9 We're gonna discuss Mahina's letter and petition.

10 Mahina, you have anything else to add in your
11 letter and your petition?

12 MS. MARTIN: Outside of what I said yesterday,
13 I'm -- you know, still stand by that. I, I mean, still
14 remain concerned that any further prolonging of the
15 situation only further aggravates the public. And so I
16 ask you, as I did yesterday, and as others have, to
17 expedite in any reasonable and legal way that you can to
18 address it. So I thank you for that consideration and
19 encourage you to do so.

20 CHAIR TANAKA: Okay. Our counsel here has asked
21 us to go into exec session because he has some kind of
22 legal matters that came up after all this things have been
23 happening. So he wanna explain the consequences of these
24 legal matters with what we plan to do today. So I'm gonna
25 ask the Commission for a motion to go into Executive

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1 Session to discuss this legal matters. Then we'll come
2 back and discuss Mahina's petition and letter. So can I
3 have a motion to go into exec session?

4 COMMISSIONER ALULI: I'll make the motion to
5 move into Executive Session.

6 COMMISSIONER BICOY: Second.

7 CHAIR TANAKA: Okay. Moved and seconded. All
8 in favor, say "aye."

9 (Response.)

10 CHAIR TANAKA: Okay. Motion carried. Thank
11 you. We'll go into Executive Session. Then, after
12 Executive Session, we'll come back in Regular Session.

13 (Executive Session, 10:19 a.m. to 10:43 a.m.)

14 CHAIR TANAKA: Okay, Liquor Commission Regular
15 Session back in order. The attorney -- attorney gave us
16 some legality as to what Commissioners plan to do. So,
17 Mahina, you have any other comments you want to make
18 before the Commission decides what we're gonna do with
19 your petition?

20 MS. MARTIN: Sure. I want to make it really
21 clear that should the Commission decide for -- and
22 unbeknownst to me, I don't know, of course, what occurred
23 in your Executive Session, but if there's a -- if the
24 outcome is to disregard the public's concerns that were
25 brought up yesterday, I cannot begin to tell you how

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1 difficult a situation that would be. You know, you heard
2 firsthand all the emotional concerns, all the personal
3 stories that came forward. And that came at a 9:00 a.m.
4 weekday meeting with people taking time off. And the
5 feeling that I got from that meeting, after that meeting,
6 and even this morning and last night, the calls, the
7 texts, the feedback from fellow Coalition members and
8 folks in this battle is that should the Commission each
9 personally decide to disregard the public's requests and,
10 quite frankly, expectation that you take this seriously
11 and repeal it or do whatever amendments you need to, that
12 it is just the level of frustration and the level of
13 disrespect that they will feel will be unheard of in this
14 County. It's -- it would be not just devastating, but it
15 would be a clear, clear signal, clear message that the
16 public's stories, their personal experiences, their
17 tragedies, their -- their work and their time and effort
18 are secondary to something we're not sure was happening.

19 And from the get-go -- I want to be really clear
20 about this. From the get-go, I have been reasonably
21 asking for what are the reasons behind the amendments, and
22 more than willing to understand. I mean, more than
23 willing to understand. Are sales down, is that what's
24 pushing it? Are businesses negatively impacted? Is the
25 visitor industry telling us that tourism will decline

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1 because our visitors cannot get alcohol in the late hours?
2 Are there a number of hotel employees that have done what
3 I have done and petitioned you, asking for amendments to
4 the rules? Are there hostess bar owners -- even though
5 there's no cap being reached of 12 and no waiting list, as
6 I'm told from the 1980s, is there a special interest
7 within the hostess bar industry that has a need greater,
8 greater than all the stories of the parents who bury their
9 children, of therapists who work with the addicted, of
10 people in recovery in our community? Who exactly and what
11 exactly drove the amendments?

12 And I am not alone in trying, just -- just truly
13 genuinely trying to understand this. So while you may
14 have some legal requirements, because I'm sure, you know,
15 as you went into Executive Session -- and I'm not privy to
16 what that might sway, but I am concerned. And I want to
17 mirror the concern from others that there cannot be an
18 imbalance of what the community is telling you and what
19 the desire is, including law enforcement, who, as you
20 know, was not consulted in the beginning.

21 So if there is a wall of secrecy that the public
22 is not allowed to understand or if the Department and the
23 Commission feels that we are just not smart enough to get
24 it, then I ask you to share that because I will tell you
25 that the community is -- is so hungry for understanding

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1 why. And if there was a reasonable why and if each of you
2 behind your own personal name can stand by that, then
3 these are your neighbors, these are your friends and
4 family.

5 We were talking about July, in a few months,
6 being the anniversary of the death of the young boy that
7 Ms. Maniago talked about yesterday. It is our hope that
8 if this was postponed as far back as July that we are not
9 celebrating that anniversary of the death of that young
10 teenager as a result of a drunk driving incident to be
11 before you again. If we need to share more information,
12 if we need to bring in more, if you need to hear from
13 businesses themselves who are concerned, we're more than
14 happy to go get them. They are out there. If they are
15 concerned, and we just need to ask, we'll do that for you.
16 If your Department or your own advisory group is unable to
17 identify them, we'll find them. Because they've come to
18 us.

19 So I cannot begin to tell you how vitally
20 critical today's juncture is. It really, really is. And
21 I'm not saying it just because it's a simple procedure.
22 It is a signal to the community, it's a sign to the public
23 of whether or not their interests are being looked out
24 for. It tells law enforcement that their work is valued,
25 it tells law enforcement that they are part of the -- the

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1 discussion, they're at the table, so that they can do
2 their job.

3 And yesterday, you know, I didn't want to -- you
4 saw -- I asked everyone to be as respectful as possible.
5 And I still respect you as volunteers in doing it. But
6 what you carry on your shoulders today is an opportunity
7 to correct the course and make it right from the public's
8 perspective. If you choose, as individual -- a
9 nine-member Commission, to disregard that, then we would
10 like to understand why. And we would like to understand
11 not just as a body, but under what recommendations are
12 these made.

13 Because, again, I have to tell you, there is --
14 is a void of information that the public deserves to know.
15 And we're smart enough that we would back off if we
16 understood and it was reasonable. But if it continues to
17 be a very, very coded, vague, you know, wall of
18 information that we just have no window to, it does not
19 help. And we've come to you for help.

20 Yesterday was all about coming to each of you
21 and all of you collectively for help. So I, you know,
22 don't know any more to say. I did not want everybody to
23 take a second day off from work yesterday to come back
24 again today. I trusted that you heard them and I trust
25 that you will do your best because you are here

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1 representing, you know, us, the community. And I want you
2 to sincerely look at that, yeah. Because it's nine of
3 you. And I'm assuming it's a majority vote or whichever
4 way it falls, and I'm gonna ask each of you to really,
5 really think about the people that spoke yesterday. And
6 if you support that, then you have our sincere
7 appreciation.

8 Thank you, Chair.

9 CHAIR TANAKA: Thank you. Does the
10 Commissioners have any comments?

11 COMMISSIONER ALULI: Yeah, I have a comment,
12 Chair. I think, Mahina, that we've heard your voice very
13 loud and very clear. And I think we've heard all of the
14 people that spoke who passionately expressed their
15 concerns. I also hope you realize that we as
16 Commissioners have a responsibility on the one hand to
17 make decisions that are wise for the greater community,
18 but I also think that we have had personal experiences,
19 some of us, that were liquor related that had severe
20 impacts on our own personal lives. So I just want to
21 reassure you and those who came to testify that, yes, we
22 did hear your voice, we heard it loud and clear, and we
23 shared tears with some of you when you expressed what
24 happened. So rest assured we have heard very loud and
25 very clear.

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1 MS. MARTIN: Thank you, Commissioner Aluli. I
2 appreciate hearing that. I do. Thank you.

3 CHAIR TANAKA: Any other comments? If not, may
4 I have the motion?

5 COMMISSIONER SOUZA: Mr. Chair, pursuant to
6 Section 08-102-11(3) of our rules, I move that the Liquor
7 Commission initiate proceedings in accordance with section
8 93-3 HRS for the amendment to our rules as stated in
9 Ms. Mahina Martin's petition filed with the Liquor
10 Commission on May 2nd, 2017.

11 COMMISSIONER ALULI: I second.

12 CHAIR TANAKA: Okay. Moved and second. Any
13 discussion? All in favor, say "aye."

14 (Response.)

15 CHAIR TANAKA: Opposed, "no."

16 (No response.)

17 CHAIR TANAKA: Motion carried. Okay.

18 MS. MARTIN: So with that action, the rules have
19 been amended without any further --

20 CHAIR TANAKA: No. We will have to go
21 through -- have a public hearing again --

22 MS. MARTIN: Okay.

23 CHAIR TANAKA: -- for the process to amend those
24 specific items you mentioned in your petition. So --

25 MS. MARTIN: Okay.

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1 CHAIR TANAKA: So, basically, that's what we
2 doing.

3 MS. MARTIN: Okay. So I have one -- oh, can I
4 comment? So I have one request. If the 30-day -- I think
5 I asked this, I'm still not clear, you meet on the second
6 Wednesday of every month, customarily, is that a
7 requirement or is that by practice? Or, in other words,
8 because the 30 days falls after the next -- correct me if
9 I'm calendar is wrong, but the 30 days falls after the
10 June meeting, which would then make it July. So I'm
11 asking if there could be a way to do it right at the 30
12 days, sometime in June. Either, you know, move your
13 monthly business meeting to when we hit that, like the
14 following week, or a special meeting or -- I'm not sure
15 how you can make that work.

16 CHAIR TANAKA: Maybe -- maybe legal counsel can
17 explain. I think that 30 days is to respond to your
18 petition and letter.

19 MS. MARTIN: Okay.

20 CHAIR TANAKA: The HRS requires a response
21 within 30 days on your petition. But now what we're doing
22 here is we have to go through the process of amending the
23 rules because, right now, the rules are there.

24 MS. MARTIN: Right.

25 CHAIR TANAKA: It was passed. Now we going back

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1 and amend those sections within your petition. So we
2 going to have to go through the same way we did back in
3 February.

4 MS. MARTIN: Okay.

5 CHAIR TANAKA: Go through the rulemaking
6 procedure again.

7 MS. MARTIN: Okay.

8 CHAIR TANAKA: Amend those three sections.

9 MS. MARTIN: Okay. So it would be the June --
10 July meeting? I just kind of want to have a better
11 timeframe. 'Cause this is the question that --

12 CHAIR TANAKA: Well, it all depends. They are
13 going to have to come up, submit it to the small business
14 for review, then publicize it, we gonna have to have 30
15 days to publicize the public hearing.

16 MR. KUSHI: Mr. Chair, let me say this.
17 Procedurally, I think the earliest would be the next July
18 meeting.

19 MS. MARTIN: Okay.

20 MR. KUSHI: Which is scheduled right now for
21 July 12th, because we need to publish in the paper, 30
22 days in advance. Then, also, we need to submit the
23 proposed rules to the state agency. That's still
24 questionable whether we have to wait for their decision.
25 My advice to this board at this time is just proceed, go

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1 on ahead. If they don't like it, they could always send
2 something back.

3 MS. MARTIN: Okay.

4 MR. KUSHI: But, anyway, so --

5 MS. MARTIN: Is that the small business
6 regulatory review board?

7 MR. KUSHI: Correct.

8 MS. MARTIN: Okay. And I received a copy of
9 their request that it go back to public -- for public
10 input. So I know that that's something that they support.
11 If it's just scheduling and I -- I totally get the
12 scheduling difficulty, but sooner is better than later. I
13 think, again, if there's a sense of urgency, it will show
14 the public that -- you know, that no one is going to sit
15 on it because it's been in effect since February already.
16 So it's been in effect since February, and, on one hand,
17 it might be no big deal, you know, let's just, what's one
18 more month. Then on the flip side, it is a big deal
19 because it's been since February. So sooner is better
20 than later because there is such a tremendous amount of,
21 you know, anxiety out there and because everything was so
22 personal yesterday, folks are just real antsy.

23 So, you know, Mr. Kushi, if there's a way that
24 the Department and Director Mukai, that the scheduling can
25 accommodate something sooner, I -- I highly, highly

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1 encourage that. It would do a wealth of good for good
2 will to the public.

3 Aside from your vote today, which I do say thank
4 you. I mean, I -- I appreciate it. You know, I -- I want
5 you to know that it's -- you know, like you, Mr. Aluli, I
6 was really brought to tears listening to -- listening to
7 people tell -- tell us about burying their kids. And we
8 should not ever, ever get to that point where we ask
9 parents to come out to share their stories. We shouldn't.
10 And I -- I tell everybody this all the time, when you sit
11 on a Commission or anything, myself included as a former
12 commissioner of other organizations, it -- it's -- you
13 know, we have to think for everyone. So I felt really
14 bad, you know, they had to come and relive all of that.
15 So I don't want to do it again. And I wanna be able to
16 tell them. They really heard you and we appreciate that
17 you heard them and so -- so much so that they're gonna try
18 to expedite it as best as they can because it's been in
19 effect since February. So that -- that just goes a
20 tremendous way. So if you can find a way, find a way, you
21 know, rather than getting stuck on the -- the standard.

22 But, Chair Tanaka, you know, I appreciate that.
23 And I appreciate that -- everything you folks have done to
24 listen to everyone, and myself included, and the guidance
25 for that.

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1 So, anyway, so if you can, which sometimes can
2 move mountains, so, you know. I don't want it to be a big
3 mountain, that's why.

4 CHAIR TANAKA: Yeah, we'll try -- we try our
5 best what we can do.

6 MS. MARTIN: Okay.

7 CHAIR TANAKA: We get -- lot of times you're
8 limited to rules and regulations --

9 MS. MARTIN: I know.

10 CHAIR TANAKA: -- and those kind of things. So
11 let's say we have a problem with even the small business
12 or publications or whatever, we have timelines which we
13 gotta follow.

14 MS. MARTIN: Sure.

15 CHAIR TANAKA: And like I told the
16 Commissioners, if we can't meet the July 12 deadline,
17 we'll call a special meeting.

18 MS. MARTIN: Okay. And if there are reasons,
19 then just tell people that, you know, there's a law that
20 requires this, that puts us at this date, or because of
21 difficulties with traveling or quorum, you know,
22 availability from Commissioners it ended up this day --
23 just tell people so that the anxiety level and they
24 don't -- you know, folks don't have to make up their
25 reasons and come out. Because we have worked -- quite

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1 frankly, the Coalition has worked really hard to temper,
2 you know, folks. Because Maui, as you -- well, you live
3 here, so you know. Maui County, we have a very dynamic
4 and active community. They can go from zero to 50 like I
5 don't know what. You know, all I did was read the paper,
6 say something, and then here we are. It just had legs
7 like you have no idea because it was so personal. So I
8 want to prevent that because I think it could be
9 unnecessary. So share what you can, do what you can.

10 From me to you, I really say mahalo. You know,
11 we were counting on your own personal experiences and your
12 own insight into what folks were giving.

13 And for the new Commissioners, well, sorry,
14 yeah. Welcome.

15 Chair Tanaka, thank you. Again, for each of
16 you. Appreciate it.

17 CHAIR TANAKA: Thank you very much. Okay.
18 Let's go back on to our agenda, Director's Monthly Report.

19 DIRECTOR MUKAI: Director's Monthly Report. The
20 County Council Budget and Finance Committee reviewed our
21 Department request and they deleted the Department Chief
22 Liquor Control Officer position that was vacant for
23 approximately 13 years. Deleted expansion position
24 request for the Account Clerk III, deleted \$50,000 for
25 vacation pay, reduced the 150,000 request for -- to

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1 replace five vehicles for the Enforcement staff to
2 \$50,000. Regarding the Chief LCO position, and another
3 position, the Department of Personnel Service would not
4 honor our request to fill because those position was --
5 they felt that we had to reorganize the Department to fill
6 those positions. So we were working with the Personnel
7 Department for about three or four months and was about to
8 send in all the documents they requested, but the Council
9 decided to delete that position. And the monies for the
10 cars, like when we presented the budget to the Commission,
11 we requested four cars initially. Two was inoperable, one
12 was because it's so old, parts are no longer available.
13 So we couldn't pass the safety inspection. The other one
14 is a van that electric problems from the day one,
15 inoperable. And in the meantime, we asked for another car
16 because it was involved in a car crash and was declared
17 totaled. So beside that, you know, they decided not to
18 give us the monies, only \$50,000, probably we can get two
19 cars out of five.

20 Okay. Going to personnel matters, Liquor
21 Control Officer II Cullen Kawano was promoted to Liquor
22 Control Officer III in our Enforcement Division. The
23 Department is conducting background check for the
24 applicants for two vacant Liquor Control Trainee position.

25 The State Department of Health Noise and

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1 Radiation Division conducted an annual mandatory
2 certification class for the Enforcement and Licensing
3 staff for the sound level meters on April 20, 21, 27, 28,
4 which include a class as well as field practicum. All
5 staff members successfully passed the exam and were issued
6 certification card.

7 The licensing staff will conduct a workshop on
8 Special license applicants on May 24, 2017. Apparently,
9 we are having problems with the special license applicant.
10 Although we requiring them to drop off the -- they
11 application and, also, make an appointment with the staff
12 to review the application to make sure it's complete,
13 they, apparently, just either mailing it in or just
14 dropping it in our front office. So what would happen,
15 the staff would have to review it, look at what's wrong,
16 send a letter to the applicant, then the applicant would
17 respond by dropping it off again, and the staff would have
18 to again review it, send another letter that they have --
19 instead of coming and just sitting and getting everything
20 correct the first time, you know. That's the problems we
21 are running into. So workshop will, hopefully, clarify.
22 So we -- we are contacting every applicant and licensee
23 that formerly held a special license so they know exactly
24 what to do.

25 COMMISSIONER LEE: Glenn, I have a question.

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1 Who on staff processes those? Who processes those
2 Special --

3 DIRECTOR MUKAI: The Licensing staff.

4 COMMISSIONER LEE: The Special -- the Licensing
5 staff?

6 DIRECTOR MUKAI: Yes.

7 COMMISSIONER LEE: Because I know in prior
8 years, when we came in for a Special, we would have
9 somebody look at it right there.

10 DIRECTOR MUKAI: Yes. That's what we require,
11 but they are not doing it, the applicants. And they also
12 bringing it on the last day of the deadline.

13 COMMISSIONER LEE: Okay.

14 DIRECTOR MUKAI: And they just drop it off and
15 expect us to issue a license even though it's not complete
16 or they don't meet the requirements.

17 COMMISSIONER LEE: So nobody is taking it from
18 them, they're just dropping --

19 DIRECTOR MUKAI: Dropping it off. Very few come
20 in and actually sit down, review and know exactly what
21 wrong. So staff can tell them, you know, you go to this
22 department, get that clearance, you go he to here, and in
23 fact our staff would in fact sometime call the department,
24 tell 'em we have this problem, this person is coming, so
25 they -- they aware.

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1 COMMISSIONER LEE: So do you get complaints from
2 them because their application hasn't been processed?

3 DIRECTOR MUKAI: Yes. We get a lot of
4 complaints.

5 COMMISSIONER LEE: Well, kind of shared
6 responsibility, I think.

7 COMMISSIONER BICOY: Is there a way that you
8 can, when you're giving out, distributing the application,
9 that you let them know that they should meet with the --
10 some staff member?

11 DIRECTOR MUKAI: It's right on the --

12 COMMISSIONER BICOY: Okay.

13 DIRECTOR MUKAI: -- application.

14 COMMISSIONER BICOY: Don't confuse people with
15 facts.

16 DIRECTOR MUKAI: Okay. The Department
17 Enforcement staff conducted a joint operation with the
18 Maui Police Department on May 5th, the Cinco de Mayo, at
19 the Kihei Kalama Village because of the concern of the
20 police. And, also, we have some other concerns from --
21 for other licensed premises, so we are conducting joint
22 operations.

23 And electronic fingerprint scanner, the Hawaii
24 Criminal Justice Center -- Data Center, will be slated to
25 arrive on May 12th to install and train our Licensing

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1 staff on the use of the electronic fingerprint scanner.
2 So, hopefully, by May 12, the fingerprints scanner will be
3 up and running. So instead of that 30-day delay of roll
4 and print and send to the Hawaii Criminal Justice Center.

5 COMMISSIONER LEE: That's Friday.

6 DIRECTOR MUKAI: It will be almost
7 instantaneously.

8 COMMISSIONER SOUZA: Wow.

9 DIRECTOR MUKAI: Plus, according to the fee
10 schedule they send, it will be \$5 cheaper for them to use
11 the electronic scanner instead of roll and print.

12 CHAIR TANAKA: What cost now?

13 MS. YOSHIZAWA: It's \$47 right now.

14 CHAIR TANAKA: Oh.

15 COMMISSIONER LEE: That's expensive.

16 DIRECTOR MUKAI: The last thing was the Liquor
17 Control Adjudication Board hearing was held on May 4th,
18 2017, and the results are in your packet.

19 That's all the Department has.

20 CHAIR TANAKA: Okay. Any other questions,
21 comments by the Commissioners?

22 COMMISSIONER SOUZA: Nane, thank you for, also,
23 giving her that fact that we are human, also.

24 COMMISSIONER ALULI: Yeah.

25 COMMISSIONER SOUZA: We're not monsters.

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1 CHAIR TANAKA: I didn't appreciate her lecture.

2 COMMISSIONER LEE: Well, thank you, because I
3 didn't appreciate not knowing how we felt. I felt like I
4 was being scolded. Like, hello.

5 CHAIR TANAKA: Okay. So any other comments? If
6 not, may I have a motion for adjournment?

7 COMMISSIONER SOUZA: So moved.

8 COMMISSIONER ALULI: Second.

9 CHAIR TANAKA: Moved and seconded. All in
10 favor, say "aye."

11 (Response.)

12 CHAIR TANAKA: Meeting adjourned.

13 (Meeting adjourned, 11:07 a.m.)

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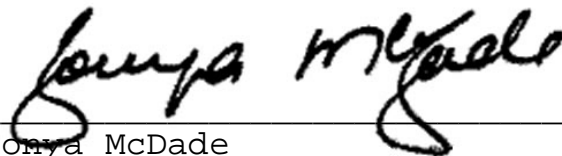
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CERTIFICATE

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 25th day of May, 2017.



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