

A G E N D A  
LIQUOR COMMISSION  
DEPARTMENT OF LIQUOR CONTROL  
COUNTY OF MAUI

DATE & TIME: JULY 12, 2017, AT 9:00 A.M.

PLACE: DEPARTMENT OF LIQUOR CONTROL CONFERENCE ROOM  
DAVID K. TRASK, JR. OFFICE BUILDING  
2145 KAOHU STREET, ROOM 108  
WAILUKU, MAUI, HAWAII 96793

**I. CALL TO ORDER**

**II. AGENDA:**

- A. Approval of Agenda for July 12, 2017

**III. MINUTES:**

- A. Approval of Liquor Commission minutes of June 7, 2017

**IV. PUBLIC TESTIMONY**

**V. GENERAL LICENSING MATTERS:** [For Confirmation of Transient Vessel Licenses, Special Licenses, Temporary Licenses, Cancellation of License, Change in Officers and Directors, Change in Licensee Name or Trade Name]

- A. **TV-01**, NCL America LLC dba Pride of America effective July 1, 2017 up to and including June 30, 2018 at Kahului Harbor, Kahului, Maui, Hawaii.
- B. **TV-02**, NCL (Bahamas) Ltd. dba Norwegian Jewel effective October 11 & 12, 2017 at Kahului Harbor, Kahului, Maui, Hawaii.
- C. **SP-53**, Maui Food Bank, Inc. dba Taste of Wailea effective June 24, 2017 at Wailea Gold & Emerald Driving Range, 100 Wailea Golf Club Drive, Wailea, Maui, Hawaii.
- D. **TEM-07A**, Hoku Nui Restaurant LLC dba Makawao Steak House for a Dispenser General, Category C(ii) License, effective June 1, 2017 up to and including September 28, 2017 at 3612 Baldwin Avenue, Makawao, Maui, Hawaii.
- E. ITJSK, Inc. dba Watercress Sports Bar & Grill notifying the

- commission of the change of licensee name to Tenari Inc.
- F. Everyday Restaurant Group LLC dba Kolea Kitchen notifying the commission of the cancellation of liquor license.
  - G. Ambrosia LLC dba Ambrosia Martini Lounge notifying the commission of the change of member and agent within the limited liability company.
  - H. Champagne, Inc. dba Hana Gas (#407), Hana Ranch Restaurant (#406) and Travaasa Hotel Hana (#413) notifying the commission of the change of officers and directors of the corporation.
  - I. Tommy Bahama Beverages, LLC dba Tommy Bahama's Tropical Cafe notifying the commission of the removal of an agent within the limited liability company and the change of officers and title within the member.
  - J. Saigon Palace, Inc. dba Saigon Palace notifying the commission of the change of titles within the corporation.
  - K. Maui Wine, Ltd. dba Mauiwine notifying the commission of a change of officer and director within the corporation.
  - L. Paia Fishmarket Southside, Inc. dba Paia Fishmarket Southside notifying the commission of the change of titles within the corporation.
  - M. Oyster & Seafood Specialty's, Inc. dba Maui Prime Fine Foods notifying the commission of the change of director and titles of the corporation.
  - N. Safeway Inc. dba Safeway (#070 & #134) notifying the commission of a change of officers and director of the corporation.
  - O. Casanova, Ltd. dba Casanova notifying the commission of the change of director of the corporation.
  - P. Bistro Casanova Inc. dba Bistro Casanova notifying the commission of the change of director of the corporation.
  - Q. Monsoon India Inc. dba Monsoon India notifying the commission of a change of director within the corporation.

- R. Maui Arts & Cultural Center dba Maui Arts & Cultural Center notifying the commission of the change of director within the corporation.
- S. Southern Glazer's Wine and Spirits, LLC notifying the commission that the trade name has been changed from Southern Wine & Spirits of Hawaii/American Wine & Spirits/Pacific Wine & Spirits to Southern Glazer's of HI/SGWS.
- T. 808 Restaurant Group LLC dba 808 Bistro notifying the commission of the change of member and agent of the limited liability company.
- U. Lumeria Maui, LLC dba The Wooden Crate at Lumeria notifying the commission of the change of members within the limited liability company.
- V. IP 1, LLC dba Monkeypod Kitchen by Merriman notifying the commission of the change of manager and member of the limited liability company.
- W. Maui-Seoul Investment, Inc. dba Maui Oriental Market notifying the commission of a change in title within the corporation.
- X. Aumakua Holdings Inc. dba Maui Brewing Co. notifying the commission of the change in title, officer and stockholder percentage within the corporation.
- Y. Amakua Holdings Inc. dba Maui Brewing Co. notifying the commission of a change in title and officer within the corporation.
- Z. Café Roseanne, LLC dba Café Roseanne notifying the commission of the removal of a member within the limited liability company.
- AA. Lahaina Seafood Company, Inc. dba Lahaina Fish Co. notifying the commission of the change of officer, director, and title of the corporation.
- BB. Lahaina Cafe LLC dba Lahaina Sports Bar notifying the commission of the removal of a member within the limited liability company.
- CC. Three Paisanos, Inc. dba Pizza Paradiso notifying the commission of a change of title within the corporation.

- DD. Walgreen of Maui, Inc. dba Walgreens (#384, #433 & #455) notifying the commission of a change of officers and directors within the corporation.
- EE. Wal-Mart Stores, Inc. dba Walmart notifying the commission of a change of officers and directors within the corporation.
- FF. WC Maui Coast LLC dba Maui Coast Hotel (hotel) and Nani Gift Shop (retail) notifying the commission of the change of managers within the limited liability company.
- GG. Kaanapali Sails, Inc. dba Teralani 3 notifying the commission of a change of titles within the corporation.
- HH. Johnson Bros. of Hawaii, Inc. dba Johnson Bros. of Hawaii, Inc. notifying the commission of the change of officers, directors, licensee name and trade name of the corporation.

## VI. LICENSING:

### Public Hearings:

- A. **APPL. NO. TA-01**, Lahaina Beverage Management, Inc. dba Safeway for a transfer of a Retail General License from Safeway Inc. dba Safeway (#134) at 277 Pi'ikea Avenue, Kihei, Maui, Hawaii.
- B. **APPL. NO. TA-02**, Lahaina Beverage Management, Inc. dba Safeway for a transfer of a Retail General License from Safeway Inc. dba Safeway (#070) at 170 E. Kamehameha Avenue, Kahului, Maui, Hawaii.

### Preliminary Hearings:

- C. **APPL. NO. 25**, D. H. Investment, Inc. dba Maui Beach Ballroom for a Dispenser General License, Category C(ii) - (premises in which live entertainment or recorded music is provided) at 170 Kaahumanu Avenue, Kahului, Maui, Hawaii.
- D. **APPL. NO. 26**, D. H. Investment, Inc. dba Rainbow Dining Room for a Dispenser General License, Category C(ii) - (premises in which live entertainment or recorded music is provided) at 170 Kaahumanu Avenue, Kahului, Maui, Hawaii.

**VII. OTHER LICENSING MATTERS:**

- A. Wai Group LLC dba Wai Bar, Dispenser General, Category C(ii) License at 45 North Market Street, Unit B, Wailuku, Maui, Hawaii, requesting an extension to exercise the liquor license pursuant to Section 08-101-34(c) of the Rules of the Liquor Commission, County of Maui. License granted by the commission on August 10, 2016; to expire on August 10, 2017.
- B. Paia Inn Cafe LLC dba Paia Inn Cafe, Dispenser General, Category C(ii) License at 93 Hana Highway, Unit #3, Paia, Maui, Hawaii, requesting an extension to exercise the liquor license pursuant to Section 08-101-34(c) of the Rules of the Liquor Commission, County of Maui. License granted by the commission on February 8, 2012; requests for extension approved by the commission on July 11, 2012, June 12, 2013, July 9, 2014, June 10, 2015, and July 13, 2016; extension to expire on August 5, 2017.

**VIII. COMMUNICATIONS:**

- A. Letter dated May 25, 2017 from Richard Yust, Executive Director for Maui Food Bank, regarding Special Liquor Licenses for Non-Profit Entities.
- B. Letter dated June 27, 2017 from Harlan Hughes regarding Special Liquor Licenses Rules for Non-Profit Entities.
- C. Letter dated June 27, 2017 from Jay Slaughter regarding Special Liquor Licenses Rules for Non-Profit Entities.

**IX. PUBLIC HEARING – 10:00 A.M.:**

The Liquor Commission will conduct a public hearing to hear and receive testimony on proposed amendments to certain sections of its Rules Governing the Manufacture and Sale of Intoxicating Liquor of the County of Maui (the "Rules").

The entire text of the proposed rule amendments is listed below, and is further summarized as follows:

**SUMMARY:**

1. Amendment to Section 08-101-22(f) of the Rules:

- Establishes a maximum number or “cap” on the number of Class 5(2)(D) (“hostess”) licenses to 12 that can be issued in the County.
2. Amendments to Section 08-101-25 of the Rules:
- Amends the hours of operation and transaction of business for the following licensees:
    - Dispensers, restaurants, clubs, transient vessels, tour or cruise vessels, and specials
    - Cabarets
    - Hotels and condominium hotels
    - Retailers
    - Manufacturers and wholesalers
    - Brewpubs
    - Small craft producer pubs
    - Caterers
    - Wineries
3. Amendment to Section 08-101-28(d) of the Rules:
- Prohibits the sale and delivery of liquor to private residences or businesses.

### **PROPOSED RULE AMENDMENTS**

#### Amendment to Title 08, Chapter 101, Rules Governing the Manufacture and Sale of Intoxicating Liquor of the County of Maui

1. Section 08-101-22, Rules Governing the Manufacture and Sale of Intoxicating Liquor of the County of Maui, is amended by amending subsection (f) to read as follows:
- “(f) Class 5. Dispenser license.
  - (1) A license under this class shall authorize the licensee to sell liquor specified in this subsection for consumption on the premises.
  - (2) A licensee under this class shall be issued a license according to the category of establishment the licensee owns or operates. The categories shall be:
    - (A) A standard bar;
    - (B) Premises in which a person performs or entertains unclothed or in attire restricted to use by entertainers pursuant to the rules of the commission;
    - (C) Premises in which live entertainment or recorded music is provided. The subcategories of this category shall be:

- (i) Premises in which recorded background music is provided;
  - (ii) Premises in which live entertainment or recorded music is provided; provided that facilities for dancing by the patrons may be permitted as provided by the rules of the commission; or
- (D) Premises in which employees or entertainers are compensated to sit with patrons, whether or not the employees or entertainers are consuming nonalcoholic beverages while in the company of the patrons, pursuant to the rules of the commission; provided that all employees, entertainers, or other persons or patrons therein shall be twenty-one [year] years of age or older[.]; and provided further that there shall be no more than twelve category D, class 5 dispenser licenses in the County.
- (3) If a licensee under class 5 desires to change the category of establishment the licensee owns or operates, the licensee shall apply for a new license applicable to the category of the licensee's establishment.
- (4) Of this class, there shall be the following kinds:
- (A) General (includes all liquor except alcohol);
  - (B) Beer and wine; and
  - (C) Beer.
- (5) Any licensee holding a different class of license and who would otherwise come within this class with the same or downgrade of kind or category of license, or both, shall not be required to apply for a new license. [Eff 7/1/00; am and comp 7/15/02; am and comp 4/22/12; am and comp 6/18/15; am and comp 3/4/17; am and comp] (Auth: HRS §§91-2, 281-17) (Imp: HRS §281-17)"

2. Section 08-101-25, Rules Governing the Manufacture and Sale of Intoxicating Liquor of the County of Maui, is amended by amending subsection (a) to read as follows:

“(a) Hours during which licensed premises may be open for the transaction of business shall be as follows:

- (1) Dispensers, restaurants, clubs, transient vessels, tour or cruise vessels, and specials: any hour of the day from [6:00] 8:00 a.m. to 2:00 a.m., the following day.
- (2) Cabarets: any hour of the day from [6:00] 8:00 a.m. to 4:00 a.m., the following day.
- (3) Hotels and condominium hotels: [any hour of the day.] from 6:00 a.m. to 4:00 a.m., the following day.
- (4) Retailers: any hour of the day[.] from 6:00 a.m. to 11:00 p.m.
- (5) Manufacturers and wholesalers: [any hour of the day.] from 6:00 a.m. to 9:00 p.m.
- (6) Brewpubs: any hour of the day from [6:00] 8:00 a.m. to 2:00 a.m., the following day for on-premises consumption liquor sales and 6:00 a.m. to 11:00 p.m. for off-premises retail liquor sales.
- (7) Small craft producer pubs: any hour of the day from [6:00] 8:00 a.m. to 2:00 a.m., the following day for on-premises consumption liquor sales, any hour of the day

for manufacture and wholesale, and 6:00 a.m. to 11:00 p.m. for off-premises retail liquor sales.

- (8) Caterers: any hour of the day from 6:00 a.m. to 2:00 a.m., the following day.
- (9) Wineries: any hour of the day for manufacture and wholesale, and from 6:00 a.m. to 11:00 p.m. for off-premises retail sales and on premises wine tasting activities. [Eff 7/1/00; am and comp 6/18/15; am and comp 3/4/17; am and comp] (Auth: HRS §§ 91-2, 281-17) (Imp: HRS §281-17)”

3. Section 08-101-28, Rules Governing the Manufacture and Sale of Intoxicating Liquor of the County of Maui, is amended by amending subsection (d) to read as follows:

“(d) This section shall not be construed to prohibit assistance to any person who is physically unable to walk, lift, or carry purchases of liquor due to a disability, or allowing the delivery of liquor product to a physically challenged person’s vehicle [or primary residence. Liquor orders may be made on the licensee’s website or by telephone call to the licensed premises. Deliveries of liquor products to private residences or businesses with a bona fide order from the purchaser] by a class 4 retail dealers' licensee [is permitted,] provided:

- (1) An employee of the licensee, who is approved by the director pursuant to section 08-101-70 of the rules of the commission, makes the delivery of the liquor product directly to the vehicle of the purchaser[;].
- (2) That the employee ensures that the person receiving the delivery is twenty-one years of age or older[, licensee produces a receipt of delivery signed by a person verified to be of legal age and the person receiving the product is] and not under the influence of liquor or drug(s) [at the point of delivery; and].
- (3) The licensee or employee is not in violation of any rules or State laws. [Eff 7/1/00; am and comp 3/4/17; am and comp] (Auth: HRS §§ 91-2, 281-17) (Imp: HRS §281-17)”

4. Material, except source notes, to be repealed is bracketed. New material is underscored.

5. Additions to update source notes to reflect these amendments are not underscored.

6. These amendments to Chapter 101, Rules Governing the Manufacture and Sale of Intoxicating Liquor of the County of Maui, shall take effect ten days after filing with the Office of the County Clerk.

Copies of the proposed amendments may be viewed or downloaded from the Department of Liquor Control web page at [www.mauicounty.gov/liquor](http://www.mauicounty.gov/liquor) and selecting the Rules/Laws tab.



Copies of the proposed amendments will be mailed to any interested person who requests a copy and pays the required fees for copying and postage. Requests for a copy may be made at the Department of Liquor Control, 2145 Kaohu Street, Room 105, Wailuku, Hawaii 96793, or by calling (808)244-4666.

Any interested person may submit oral or written testimony on the proposed amendments at the public hearing. Also, written testimony may be submitted by mail to: Liquor Commission, 2145 Kaohu Street, Room 105, Wailuku, Maui, Hawaii 96793. Written testimony must be received by the Liquor Commission before the public hearing closes on July 12, 2017.

**At the conclusion of the public hearing the Commission may take action on the proposed rule amendments, or defer and announce a future date certain when Commission action will occur.**

***The Commission anticipates that it may convene in executive session on any or all of the above items pursuant to Sections 92-4 and 92-5(a)(4), Hawaii Revised Statutes, to consult with its attorney on the Commission's powers, duties, privileges, immunities, and liabilities.***

#### **X. ADMINISTRATIVE AFFAIRS:**

- A. Corporation Counsel; status report; Committee for Responsible Liquor Control and Madge Schaefer (Plaintiffs) vs. Liquor Control Commission and County of Maui (Defendants). Civil No. 17-1-0185 (Other Civil Action), Second Circuit Court, State of Hawaii.

***The Commission anticipates that it may convene in executive session on the above item pursuant to Sections 92-4 and 92-5(a)(4), Hawaii Revised Statutes, to consult with its attorney on the Commission's powers, duties, privileges, immunities, and liabilities.***

- B. Review and discuss Departmental forms regarding applications for Special Licenses, specifically:
- Special License Application Checklist
  - Application for Special Liquor License (DLC-016; rev 04/17)

***The Commission anticipates that it may convene in executive session on the above item pursuant to Sections 92-4 and 92-***

***5(a)(4), Hawaii Revised Statutes, to consult with its attorney on the Commission's powers, duties, privileges, immunities, and liabilities.***

- C. Request commission approval for the FY 2018 Liquor Education Fund budget, pursuant to Section 281-17(a)(3), Hawaii Revised Statutes, and Section 8-13.2(1), Charter of the County of Maui (2017).
- D. Directors Monthly Report:
  - 1. Personnel
  - 2. License Renewals
  - 3. Department Reorganization
- E. Liquor Control Adjudication Board:
  - 1. No July Meeting

## **XI. ADJOURNMENT**

NEXT LIQUOR COMMISSION MEETING WILL BE HELD ON AUGUST 9, 2017, AT 9:00 A.M. AT THE DEPARTMENT OF LIQUOR CONTROL CONFERENCE ROOM, DAVID K. TRASK, JR. OFFICE BUILDING, 2145 KAOHU STREET, ROOM 108, WAILUKU, MAUI, HAWAII.

Persons interested in presenting written testimony of any agenda item shall submit the signed written testimony to the Director, Department of Liquor Control, 2145 Kaohu Street, Room 105, Wailuku, Maui, Hawaii 96793, at or prior to the time of the hearing.

If you require an auxiliary aid or accommodation due to a disability, please contact the Director three working days prior to the scheduled hearing. The request may be made by writing to the Director at: Department of Liquor Control, 2145 Kaohu Street, Room 105, Wailuku, Maui, Hawaii 96793, or by calling 243-7753.