

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

TRANSCRIPT OF PROCEEDINGS
REGULAR MEETING

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

Reported by: Tonya McDade, CSR, RPR, CRC
CSR Maui, Inc.
Wells Street Professional Center
2145 Wells Street, Suite 302
Wailuku, Hawaii 96793
(808)244-3376
reporters@csrmaui.com

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APPEARANCES

- Robert Tanaka, Chairperson
- Darren Lopez, Vice-Chairperson
- Nane Aluli, Commissioner
- Leon Bolosan, Commissioner
- Nicole DeRego, Commissioner
- Brenda Lee, Commissioner
- Roy Umeno, Commissioner
- STAFF PRESENT:
- Edward Kushi, Jr., First Deputy Corporation Counsel
- Glenn Mukai, Director
- Mark Honda, Deputy Director
- Layne Silva, Acting Liquor Control Officer IV
- Sharon Ito, Private Secretary

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

2 * * *

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

5 MS. ITO: Sharon Ito, Liquor Control.

6 COMMISSIONER LEE: Good morning. Brenda Lee.

7 COMMISSIONER UMENO: Good morning. Roy Umeno.

8 COMMISSIONER DEREGO: Nicole DeRego.

9 MR. KUSHI: Ed Kushi.

10 CHAIR TANAKA: Good morning. Bob Tanaka.

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

12 COMMISSIONER ALULI: Aloha. Nane Aluli.

13 COMMISSIONER BOLOSAN: Aloha. Leon Bolosan.

14 DIRECTOR MUKAI: Glenn Mukai, Liquor Control.

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

17 MR. SILVA: Layne Silva, Liquor Control.

18 CHAIR TANAKA: Okay. Thank you. You have your
19 agenda for October 11, 2017. We got one change on the
20 agenda, so make a note of it. Public hearing Application
21 Number 23 will be deferred. So with that change, if
22 there's no questions, may I have a motion for approval?

23 COMMISSIONER ALULI: So moved.

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. You, also, have
6 your Liquor Commission Minutes of September 13, 2017. If
7 there's no comments or questions, may I have a motion for
8 approval?

9 COMMISSIONER ALULI: So moved.

10 COMMISSIONER UMENO: Second.

11 COMMISSIONER BOLOSAN: Second.

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

14 (Response.)

15 CHAIR TANAKA: Opposed, "no."

16 (No response.)

17 CHAIR TANAKA: You have your Executive Session
18 Summary I, II and III for September 13, 2017. If there's
19 no comments or questions, may I have a motion for
20 approval?

21 COMMISSIONER ALULI: So moved.

22 VICE-CHAIR LOPEZ: Second.

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

25 (Response.)

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1 CHAIR TANAKA: Opposed, "no."

2 (No response.)

3 CHAIR TANAKA: Motion carried. Let's go on to
4 General Licensing Matters, Item A through V. If there's
5 no comments or questions, may I have a motion for
6 confirmation?

7 VICE-CHAIR LOPEZ: I move to confirm License A
8 through V.

9 COMMISSIONER ALULI: Second.

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

12 (Response.)

13 CHAIR TANAKA: Opposed, "no."

14 (No response.)

15 CHAIR TANAKA: Motion carried. Let's go on to
16 Licensing matters, Public Hearing. Application Number 29,
17 Miko's Cuisine.

18 MR. SAMESHIMA: Morning. Douglas Sameshima
19 making a special appearance for Paul Horikawa who is the
20 counsel of record on this application on behalf of Miko's
21 Cuisine LLC. And I'm here with Kwi Hwang and Miko Israel.

22 CHAIR TANAKA: Thank you. Before we go on to
23 this item, the Chair will recuse himself from voting on
24 this item because of conflict of interest. Okay. Layne.

25 MR. SILVA: Application Number 29, the applicant

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1 is Miko's Cuisine LLC doing business as Miko's Cuisine.
2 The proposed premises is located at 1764 Wili Pa Loop,
3 Wailuku, Maui, Hawaii. This is a public hearing for a
4 Dispenser General License, Category C(ii).

5 The documents necessary for completing the
6 remaining application requirements for a liquor license
7 are listed in the summary report.

8 Notice of public hearing was published in "The
9 Maui News" on August 16 and 23rd, 2017. There are a total
10 of 156 owners and lessees situated within 500 feet of the
11 proposed premises. The Department received no protests.

12 CHAIR TANAKA: Thank you. Douglas, you have
13 anything else to add?

14 MR. SAMESHIMA: Only that, on October 9th, the
15 establishment did receive its food establishment permit
16 and sanitation clearance. So those two items were just
17 taken care of.

18 CHAIR TANAKA: Thank you.

19 MR. SAMESHIMA: Thank you.

20 CHAIR TANAKA: Okay. Since this is a public
21 hearing item, I'm gonna open it to the public. Anybody
22 for or against this application? Okay. Seeing none,
23 public hearing closed for this item. Any questions by the
24 Commissioners?

25 COMMISSIONER UMENO: What are the hours for live

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1 entertainment?

2 MR. SAMESHIMA: Currently, it's my
3 understanding, there is no live entertainment.

4 MS. ISRAEL: Yes. What happened was we was
5 thinking to put it in, but we have too many customer,
6 actually local customer. We have no place to put
7 entertainment right now. So -- so we have a lot of
8 waiting still, so -- for the customers. So we decide not
9 to put it in.

10 VICE-CHAIR LOPEZ: So are you -- oh, sorry. Are
11 you deleting that out of your agreement?

12 MS. ISRAEL: Yes.

13 VICE-CHAIR LOPEZ: Condition?

14 MS. ISRAEL: Yes. It's -- actually, we open for
15 the local people, so we don't have to play music for them.
16 So --

17 VICE-CHAIR LOPEZ: Oh, wow.

18 MS. ISRAEL: Actually, for food. So we thought
19 maybe food is not good for them, but everybody loves it.
20 So we don't have to put any entertainment because, anyway,
21 they waiting for the food. So --

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

24 COMMISSIONER UMENO: I move to accept
25 Application Number 29 with the deletion of that live

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1 entertainment item.

2 COMMISSIONER ALULI: Second.

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

5 (Response.)

6 CHAIR TANAKA: Opposed, "no."

7 (No response.)

8 CHAIR TANAKA: Motion carried. Thank you.

9 MR. SAMESHIMA: Thank you very much.

10 MS. ISRAEL: Thank you so much.

11 MS. HWANG: Thank you.

12 CHAIR TANAKA: Application Number 30, Nabee Inc.

13 MS. CALHAU: Hi. My name is Julie Calhau,
14 President of Nabee Inc. doing business of Poni.

15 CHAIR TANAKA: Thank you. Layne.

16 MR. SILVA: Application Number 30, the applicant
17 is Nabee Inc. doing business as Poni. The proposed
18 premises is located at 1063 Lower Main Street, Wailuku,
19 Maui, Hawaii. This is a public hearing for a Dispenser
20 General License, Category C(ii)/D.

21 The documents necessary for completing the
22 remaining application requirements for a liquor license
23 are listed in the summary report.

24 Notice of public hearing was published in "The
25 Maui News" on August 16th and 23rd, 2017. There are a

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1 total of 425 owners and lessees situated within 500 feet
2 of the proposed premises. The Department received one
3 protest.

4 CHAIR TANAKA: Thank you. Any -- do you have
5 anything else to add?

6 MS. CALHAU: No, nothing.

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

13 COMMISSIONER UMENO: I move to approve
14 Application Number 30 with the -- with the applicant
15 completing the remaining application requirements to the
16 satisfaction of the Department of Liquor Control.

17 COMMISSIONER ALULI: Second.

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

20 (Response.)

21 CHAIR TANAKA: Opposed, "no."

22 (No response.)

23 CHAIR TANAKA: Motion carried. Thank you.

24 MS. CALHAU: Thank you.

25 CHAIR TANAKA: Application Number 9 -- 01, Clark

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1 Enterprises.

2 MR. PRESTAGE: Hi. I'm Don Prestage from Clark
3 Enterprises.

4 CHAIR TANAKA: Thank you. Layne.

5 MR. SILVA: Application Number 01, Clark
6 Enterprises, Inc. doing business as Paragon Sailing
7 Charters, Maui (Paragon) applying for a Tour or Cruise
8 Vessel License, Category 2.

9 The officers, director and stockholder of the
10 corporation is listed in the investigator's report.

11 Applicant has submitted a U.S. Coast Guard
12 Certificate of Documentation dated August 26, 2016.

13 Applicant has submitted a copy of a Management
14 Agreement by and between Alihilani Yacht Charters, Inc., a
15 Hawaii corporation, known as the Company, and Clark
16 Enterprises, Inc., Manager, dated December 17, 2014.

17 The proposed premises is a 47-foot John Conser
18 Sailing Catamaran authorized to carry 49 passengers, one
19 master, one deckhand. Total persons allowed is 51. The
20 vessel will be moored at Lahaina Roadstead Offshore Area,
21 B, Number 12, Lahaina, Maui, Hawaii.

22 The men's and women's toilet facilities are
23 located on either side of the vessel within the hulls.

24 Beverages will be dispensed from within the
25 cabin area, the galley, located on the cabin level of the

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1 vessel.

2 There are 34 licenses of this class and kind
3 currently issued within Maui County.

4 Applicant initially plans to be open seven days
5 a week from 8:00 a.m. to 12:00 midnight.

6 Chester Peter Aldridge was an officer and
7 director and Donald Richard Prestage was an officer of
8 Clark Enterprises, Inc. doing business as Paragon Sailing
9 Charters, Paragon, License Number 210, Tour or Cruise
10 Vessel, Category 2. Original license issued on March
11 18th, 1994. License expired on June 30th, 2017.

12 On May 5th, 2009, Clark Enterprises, Inc. doing
13 business as Paragon Sailing Charters Maui, Paragon,
14 License Number 210, licensee did fail to have an on-duty
15 employee duly approved by the Director in active charge of
16 the premises during all times that such premises was open
17 for business, contrary to Section 08-101-70(a) of the
18 Rules of the Liquor Commission.

19 On January 7, 2010, Clark Enterprises, Inc.
20 doing business as Paragon Sailing Charters Maui, Paragon,
21 License Number 210, had been found guilty and had received
22 a fine of \$2,000 with 1,000 suspended one year provided no
23 same violation.

24 Chester Peter Aldridge was an officer and
25 director, and Donald Richard Prestage was an officer of

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1 Clark Enterprises, Inc. doing business as Paragon Sailing
2 Charters, Paragon II, License Number 358, Tour or Cruise
3 Vessel, Category 2. Original license issued on June 13,
4 2011. License expired on June 30th, 2017.

5 There were no reports of liquor law violations
6 at this location.

7 Copies of their past histories are attached.

8 A site inspection was conducted of the proposed
9 premises on July 13, 2017. The investigator found that
10 the floor plan submitted was inconsistent with the floor
11 plan submitted within the application. The applicant has
12 since submitted an accurate floor plan.

13 Information contained within the DLC-006 Form
14 submitted by Chester Peter Aldridge and Donald Richard
15 Prestage indicated that they had been convicted for
16 violations of law. Chester Peter Aldridge and Donald
17 Richard Prestage have submitted letters of explanation.

18 All documents necessary for the issuance of a
19 liquor license have not been submitted. Those items are
20 listed in the investigator's report.

21 CHAIR TANAKA: Thank you. Anything else to add?

22 MR. PRESTAGE: No thanks.

23 CHAIR TANAKA: Okay. Since this is a public
24 hearing item, I'm gonna open it to the public. Anybody
25 for or against this application? Okay. Seeing none,

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1 public hearing closed for this item. Any questions by the
2 Commissioners? Okay. If there's no questions, may I have
3 a motion?

4 COMMISSIONER UMENO: I move to approve
5 Application 01 on the condition -- condition of the
6 applicant completing the remaining application
7 requirements to the satisfaction of the Liquor Control.

8 COMMISSIONER ALULI: 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: Motion carried. Thank you.

15 MR. PRESTAGE: Thank you.

16 CHAIR TANAKA: Okay. Let's go on to Preliminary
17 Hearings. Application Number 22, JAS Restaurants.

18 MR. NAKAMURA: Good morning, Mr. Chair, Members
19 of the Commission. Craig Nakamura, attorney on behalf of
20 the applicant. With me is Mr. Aaron Placourakis who is
21 representing the applicant. And I'll let Aaron spell out
22 his name.

23 MR. PLACOURAKIS: P-L-A-C-O-U-R-A-K-I-S.

24 MR. NAKAMURA: Thank you.

25 CHAIR TANAKA: Thank you. Layne.

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1 MR. SILVA: Application Number 22, JAS
2 Restaurants II LLC, the Hawaii -- a Hawaii limited
3 liability company doing business as Son'z Steakhouse, Maui
4 applying for a Dispenser General License, Category C(ii).

5 Manager and members of the manager-managed LLC
6 is listed in the investigator's report.

7 The applicant has submitted a Third Amendment to
8 Lease by and between Hyatt Corporation as agent of CCHH
9 Maui LLC, a Delaware limited liability company, doing
10 business as Hyatt Regency Maui as the lessor and JAS
11 Restaurants II, LLC, a Hawaii limited liability company,
12 doing business as Son'z Steakhouse Maui as the lessee,
13 effective May 3rd, 2017.

14 The term of this lease, the term, shall commence
15 on the date, the commencement date, that is the second
16 business day after the date the County of Maui Department
17 of Liquor issues the liquor license and shall terminate on
18 the last day, expiration date, of the 120th day -- full
19 month following the commencement date.

20 The hours of operation, which are identified
21 within the second amendment to lease, are restricted to
22 the hours of 2:01 p.m. to 2:00 a.m. daily as the maximum
23 hours.

24 The proposed premises, containing approximately
25 6,096 square feet of floor space, is located within the

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1 Hyatt Regency Maui hotel, located at 200 Nohea Kai Drive,
2 Kaanapali, Maui, Hawaii.

3 There are no schools, churches or licensees of
4 the same class and kind located within a radius of 500
5 feet.

6 There is one Hotel and two Retail General
7 licenses located within a radius of 500 feet.

8 There are 110 licenses of this class and kind
9 currently issued within Maui County.

10 A site inspection was conducted of the proposed
11 premises on March 10th, 2017. The investigator found that
12 the floor plan was inconsistent with the floor plan
13 submitted with the application. The applicant has since
14 submitted an accurate floor plan.

15 Applicant initially plans to be open seven days
16 a week from 2:01 p.m. to 2:00 a.m., and share the use of
17 the restaurant floor space, with the exception of the wine
18 room and designated kitchen area with Hyatt Corporation
19 doing business as Hyatt Regency Maui.

20 JAS Restaurants II LLC doing business as Son'z
21 Steakhouse, Maui will maintain exclusive control of their
22 kitchen and wine room 24 hours a day, seven days a week.

23 All the liquor from the bar will be stored in
24 the securely locked wine room between the hours of 2:01
25 a.m. until 2:00 p.m. daily.

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1 Additional information: The Liquor Commission,
2 at its January 13, 2016 meeting, approved a request made
3 by the Hyatt Corporation doing business as Hyatt Regency
4 Maui to allow for the dual usage of the restaurant floor
5 space and conditions to be placed on their license to
6 allow for JAS Restaurants II LLC doing business as Son'z
7 Steakhouse, Maui to apply for a separate liquor license
8 within the restaurant floor space, approximately 6,096
9 square feet.

10 Hyatt Corporation doing business as Hyatt
11 Regency Maui has submitted a request for their licensed
12 premises to be reduced by excluding the restaurant floor
13 space, approximately 6,096 square feet, during the hours
14 of 2:01 p.m. and 2:00 a.m., seven days a week, upon the
15 issuance of a liquor license to JAS Restaurants II LLC
16 doing business as Son'z Steakhouse, Maui.

17 The Liquor Commission would need to place
18 specific conditions on the liquor licenses for JAS
19 Restaurants II LLC doing business as Son'z Steakhouse,
20 Maui and Hyatt Corporation doing business as Hyatt Regency
21 Maui to allow both to share a restaurant floor space as
22 both will not have exclusive control of the entire
23 licensed premises at all times as required by the Rules of
24 the Liquor Commission. Currently, there are no other
25 liquor licensed premises that do not have exclusive

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1 control of their licensed premises at all times.

2 Rules of the Liquor Commission: Section
3 08-101-97, Exclusive Control:

4 (a), Licensee must have and maintain exclusive
5 control of the premises and shall be subject to all State
6 laws and rules of the Commission at all times. Licensee
7 must conduct, maintain and operate all its business,
8 including the payment of all taxes and all related monies
9 due under the license issued.

10 (b), All licensed premises shall be considered
11 open for business whenever there is a private party,
12 business meeting or its like.

13 (c), Licensee may not discriminate or exclude
14 anyone due to race, gender, or any other discriminating
15 classification.

16 Summary: Information contained within the
17 DLC-008 Form submitted by Donald Leslie Abernathy, Jr.
18 indicated that he had been convicted for violation of law
19 other than minor traffic violation. Information received
20 during the criminal history background check revealed that
21 Donald Leslie Abernathy, Jr. had been convicted for a
22 violation of law. Donald Leslie Abernathy, Jr. had
23 submitted a letter of explanation.

24 Aaron Michael Placourakis is a current member of
25 Sarento's on the Beach, LLC doing business as Sarento's on

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1 the Beach, Dispenser General C(ii), Liquor License Number
2 017. Original license issued on April 27, 2001.

3 There were no reports of liquor law violations
4 at this location. A copy of their past history is
5 attached.

6 Aaron Michael Placourakis is currently the
7 organizer of Tri-Star Restaurants Group IV, LLC doing
8 business as Nick's Fishmarket, Maui, a Dispenser General,
9 C(ii), Liquor License Number 409, and a member of Tri-Star
10 Restaurants Group, LLC, which is the member of Tri-Star
11 Restaurants Group IV, LLC. Original license issued on
12 February 20, 2001.

13 On October 15, 2011, Tri-Star Restaurants Group
14 IV, LLC doing business as Nick's Fishmarket, Maui did,
15 through its employee, sell, serve or furnish liquor to a
16 minor as defined in Section 281-1 HRS and Section
17 08-101-5, Rules of the Liquor Commission, contrary to
18 Section 281-78(b)(1)(A) and Section 08-101-60(b)(1)(A)
19 Rules of the Liquor Commission, County of Maui.

20 On January 3rd, 2013, Tri-Star Restaurants Group
21 IV, LLC doing business as Nick's Fishmarket, Maui had been
22 found guilty and had received a penalty of a \$2,000 fine.
23 A copy of their past history is attached.

24 All documents necessary for the issuance of a
25 liquor license have not been submitted. Those items are

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1 listed in the investigator's report.

2 CHAIR TANAKA: Thank you, Layne. Craig,
3 anything else to add?

4 MR. NAKAMURA: Just very briefly. I think most
5 of the Commissioners here are familiar with this
6 application. We've been here several times. This is for
7 the Son'z restaurant at the Hyatt Regency.
8 Mr. Placourakis has operated that restaurant for quite
9 some time, but now is applying for a separate
10 Restaurant -- or Dispenser license in the hotel.

11 CHAIR TANAKA: Okay. I'm gonna open it to the
12 public. Any public testimony on this item? Okay. Seeing
13 none, question, Glenn.

14 DIRECTOR MUKAI: Yes.

15 CHAIR TANAKA: According to the report, they
16 said they need specific conditions placed because each
17 licensee gotta have exclusive control.

18 DIRECTOR MUKAI: Yes.

19 CHAIR TANAKA: Okay. Is that true?

20 DIRECTOR MUKAI: Yes. I think they already
21 addressed that at the previous hearing, that
22 Mr. Placourakis will operate it from to 2:00 -- or 1:00 to
23 2:00 p.m., and the Hyatt will be operating from -- at the
24 other, 2:00 to 2:00.

25 CHAIR TANAKA: Yeah. Yeah. We -- we -- we had

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1 agreed on that. But --

2 MR. NAKAMURA: I think the qualifier there is
3 we'll have exclusive control during the period of our
4 operation.

5 CHAIR TANAKA: Okay. Then -- then -- then the
6 Chair would suggest that we put that condition in on the
7 application that each licensee to have exclusive control
8 of the entire licensed premises during their operational
9 hours. So that should satisfy the Department, right?

10 DIRECTOR MUKAI: Yes.

11 CHAIR TANAKA: And should be all right with you
12 guys --

13 MR. NAKAMURA: That's agreeable. Thank you.

14 CHAIR TANAKA: -- because you guys going be
15 there, anyway.

16 MR. NAKAMURA: Yes. That's correct. Thank you
17 very much.

18 CHAIR TANAKA: Okay. Any other questions by the
19 Commissioners? If not, may I have a motion?

20 COMMISSIONER UMENO: I move to approve
21 Application Number 22 with conditions stated.

22 COMMISSIONER ALULI: Second.

23 COMMISSIONER UMENO: For public hearing and to
24 process the application for publication.

25 COMMISSIONER ALULI: Second.

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

3 (Response.)

4 CHAIR TANAKA: Opposed, "no."

5 (No response.)

6 CHAIR TANAKA: Motion carried. Thank you.

7 MR. NAKAMURA: Thank you very much.

8 CHAIR TANAKA: Okay. Let's go on to Application
9 Number 03, Freshies Maui Corporation.

10 MR. NAKAMURA: Again, Mr. Chair, Craig Nakamura,
11 attorney on behalf of the applicant. And this is Mr. Erik
12 Ulman, spelled E-R-I-K, Ulman, U-L-M-A-N, who is the
13 President and Director of the applicant.

14 CHAIR TANAKA: Thank you. Layne.

15 MR. SILVA: Application Number 03, Freshies Maui
16 Corp. doing business as Freshies Maui applying for a
17 Dispenser Beer and Wine license, Category C(ii).

18 Officers, directors and stockholders of the
19 corporation are listed in the investigator's report.

20 Applicant has submitted a First Amendment of
21 Makawao Courtyard Restaurant Lease and Confirmation of
22 Guarantors by and between Makawao Courtyard LLC, a
23 California limited liability company as the landlord and
24 Freshies Maui Corp., a Hawaii corporation, as the tenant
25 dated August 1st, 2017. The lease term is for 59 months,

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1 beginning May 1st, 2017.

2 The proposed premises, containing approximately
3 994 square feet of floor space, is located at 3620 Baldwin
4 Avenue, Space 102-A, Makawao, Maui, Hawaii.

5 The restroom facilities are located outside of
6 the premises approximately 73 feet in the makai direction
7 of the premises. Freshies Maui will have keys to both
8 restrooms which will remain open at all times while
9 Freshies is open for business.

10 There is one Dispenser General license and one
11 Retail General license located within a radius of 500
12 feet. There are seven licenses of this class and kind
13 currently issued within Maui County.

14 Applicant initially plans to be open seven days
15 a week from 7:00 a.m. to 5:00 p.m. The applicant is aware
16 of the hours for which the sale of liquor is allowed and
17 that they will need to submit an application for permit to
18 be open outside of those hours.

19 A site inspection was conducted of the proposed
20 premises on July 25th, 2017. The investigator found that
21 the premises was inconsistent with the floor plan
22 submitted within the application. The applicant has since
23 submitted an accurate floor plan.

24 In the opinion of this investigator, the
25 applicant appears to be fit and proper, and does not

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1 appear to be disqualified by any provision as stated
2 within Section 281-56 HRS from obtaining or exercising a
3 license.

4 All documents necessary for the issuance of a
5 liquor license have not been submitted. Those items are
6 listed in the investigator's report.

7 CHAIR TANAKA: Thank you. Anything else to add,
8 Craig?

9 MR. NAKAMURA: Just very briefly. This is a new
10 restaurant up at the Makawao Courtyard up on Baldwin
11 Avenue. Right across the courtyard from the Makawao Steak
12 House.

13 COMMISSIONER UMENO: Across? Across the street?

14 MR. NAKAMURA: Yeah. As you're looking at it on
15 the left.

16 MR. ULMAN: Yeah. It would be just behind the
17 steakhouse, if you're looking at the steakhouse on the
18 right, back in the courtyard.

19 CHAIR TANAKA: Okay. I'm gonna open it to the
20 public for any public testimony. Okay. Seeing none, any
21 other questions by the Commissioners? If there's no
22 questions, may I have a motion?

23 COMMISSIONER UMENO: I move to accept
24 Application Number 03 for approval and for public hearing
25 and process the application for publication.

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1 VICE-CHAIR LOPEZ: Second.

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

4 (Response.)

5 CHAIR TANAKA: Opposed, "no."

6 (No response.)

7 CHAIR TANAKA: Motion carried. Thank you.

8 MR. NAKAMURA: Thank you very much.

9 MR. ULMAN: Thank you.

10 CHAIR TANAKA: Application Number 04, Maui Grill
11 Kaanapali.

12 MS. CURIMAO: Aloha. Stacey Curimao on behalf
13 of Maui Grill Kaanapali.

14 CHAIR TANAKA: Layne.

15 MR. SILVA: Application Number 04, Maui Grill
16 Kaanapali LLC doing business as Maui Grill Kaanapali
17 applying for a Dispenser General License, Category C(ii).

18 Member and agent of the member-managed LLC is
19 listed in the investigator's report.

20 Applicant has submitted a Sixth Addendum to the
21 Lease, assignment and assumption of lease, by and between
22 Jube Enterprises, Inc. as the assignor and Maui Grill
23 Kaanapali LLC, a Hawaii limited liability company,
24 assignee, dated July 18, 2017. The term of this lease
25 shall commence on July 18, 2017, and terminate on December

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1 31st, 2022.

2 The proposed premises is on the second floor
3 within a two-story building containing approximately 5,509
4 square feet of floor space which includes a upper west
5 lanai area, 566 square feet, and a upper south lanai area,
6 351 square feet. That is located at 2291 Kaanapali
7 Parkway, Kaanapali, Maui, Hawaii.

8 There are no schools or churches or licensees of
9 the same class and kind located within a radius of 500
10 feet. There are 100 -- 116 licenses of this class and
11 kind currently issued within Maui County.

12 The applicant plans to be open seven days a week
13 from 8:00 a.m. to 2:00 a.m.

14 A site inspection was conducted of the proposed
15 premises on July 25th, 2017. The investigator found that
16 the premises was inconsistent with the floor plan
17 submitted within the application. The applicant has since
18 submitted an accurate floor plan.

19 Information contained within the DLC-006 Form
20 submitted by Susan Diane Staley indicated that she had
21 been convicted for violations of law. Susan Diane Staley
22 has submitted a letter of explanation.

23 All documents necessary for the issuance of a
24 liquor license have not been submitted. Those items are
25 listed in the investigator's report.

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1 CHAIR TANAKA: Do you have anything else to add?

2 MS. CURIMAO: Only in reference to our bottom
3 dwelling of the structure, the downstairs part, is this
4 being included in today or is it just the top portion of
5 it?

6 MR. SILVA: This is just the top portion.

7 MS. CURIMAO: Okay. That was -- that was it.

8 CHAIR TANAKA: Thank you.

9 COMMISSIONER UMENO: What is on the bottom
10 portion?

11 MS. CURIMAO: That was where the old DJ area and
12 stuff was, the bottom bar area.

13 COMMISSIONER UMENO: And you are -- are you
14 occupying that?

15 MS. CURIMAO: We do have it, but it's not in
16 operation right now.

17 CHAIR TANAKA: Okay. I'm gonna open it to the
18 public. Any public testimony on this item? Okay. Seeing
19 none, any questions by the Commissioners?

20 COMMISSIONER ALULI: Yeah. I have a -- are you
21 gonna open up the bottom portion? That's where the
22 hamburger --

23 MS. CURIMAO: The old Johnny's Burger Joint was
24 before, yeah. We -- we are ready to, we're just needing
25 the approval from you folks.

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1 COMMISSIONER ALULI: For the liquor licenses?

2 MS. CURIMAO: Correct. Yes.

3 COMMISSIONER ALULI: Are you operating food out
4 of there at this point?

5 MS. CURIMAO: We're not operating anything --

6 COMMISSIONER ALULI: At all?

7 MS. CURIMAO: -- from downstairs. No.

8 CHAIR TANAKA: Okay. Any other questions?

9 COMMISSIONER UMEMO: Does she have to come back
10 for the bottom?

11 CHAIR TANAKA: Yeah, she would have to. Like an
12 extended premises.

13 MS. CURIMAO: Is it -- is it not considered to
14 be one entity, though, that -- that dwelling?

15 VICE-CHAIR LOPEZ: Not unless you include it in
16 your application.

17 CHAIR TANAKA: Yeah. Did you include it in your
18 application?

19 MS. CURIMAO: I'm -- to my understanding, it
20 was. I don't -- I don't have it on me, but --

21 CHAIR TANAKA: Layne.

22 MR. SILVA: It -- it was not applied for with
23 the original application. At this time, I believe we're
24 in the process of going through an extension of premises
25 permit request.

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1 COMMISSIONER ALULI: So it's only the upstairs,
2 then?

3 MR. SILVA: Yes.

4 COMMISSIONER ALULI: Yeah. Okay.

5 MS. CURIMAO: Okay.

6 VICE-CHAIR LOPEZ: And this application for the
7 bottom would be an extension of the restaurant or --

8 CHAIR TANAKA: Extension of a --

9 COMMISSIONER ALULI: Liquor license.

10 VICE-CHAIR LOPEZ: -- liquor license. Just to
11 cover the whole building?

12 MS. CURIMAO: Correct.

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

15 COMMISSIONER UMENO: I move to approve
16 Application Number 04 for public hearing and to process
17 the application for publication.

18 VICE-CHAIR LOPEZ: I second.

19 CHAIR TANAKA: 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 MS. CURIMAO: Mahalo.

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1 CHAIR TANAKA: Application Number 08, Sushi
2 Paradise Inc.

3 MR. KAWAGISHI: Chairman Tanaka and Members of
4 the Liquor Commission, Michael Kawagishi on behalf of
5 Sushi Paradise, Inc. With me today is Akira Watanabe, who
6 is the officer of the company, and Alisa Takahashi, who is
7 the manager.

8 CHAIR TANAKA: Thank you. Layne.

9 MR. SILVA: Application Number 08, Sushi
10 Paradise, Inc. doing business as Sushi Paradise applying
11 for a Dispenser General License, Category C(ii).

12 Officer, director and stockholder of the
13 corporation is listed in the investigator's report.

14 Applicant has submitted a copy of an Assignment
15 and Assumption of Lease by and between Akira Watanabe as
16 the assignor, Sushi Paradise, Inc., assignor, and Kihei
17 Maui Associates, LLC as the landlord, dated August 1st,
18 2017.

19 The proposed premises is a one-story building
20 within the Longs Drugs Kihei Center Complex, consisting of
21 approximately 750 square feet, located at 1215 South Kihei
22 Road, Unit 1, Kihei, Maui, Hawaii.

23 Restroom facilities are located outside of the
24 premises approximately 60 feet in the mauka direction.

25 There are no schools or churches or licensees of

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1 this class and kind located within a radius of 500 feet.

2 Amigo's Mexican Food, Diamond's Ice Bar & Grill,
3 Fork & Salad, Island Art Party, Miso Phat Sushi, Roasted
4 Chiles, and Shearwater Tavern are licensees of the same
5 class and kind located within a radius of 500 feet.

6 There are one Dispenser Beer and Wine, one
7 Restaurant Beer and Wine, and two Retail General licenses
8 located within a radius of 500 feet.

9 There are 116 licenses of this class and kind
10 currently issued within Maui County.

11 Applicant initially plans to be open seven days
12 a week from 8:00 a.m. to 2:00 a.m.

13 Akira Watanabe was an officer, director and
14 stockholder of Sushi Paradise, Inc. doing business as
15 Sushi Paradise, Number 325, Dispenser General, Category
16 C(ii). Original license issued on January 11, 1995,
17 license expired on June 30th, 2017.

18 On September 24, 2011, Sushi Paradise, Inc.
19 doing business as Sushi Paradise, Number 325, licensee,
20 did, through its employee, sell, serve, or furnish liquor
21 to a minor as defined in Section 281-1 HRS and Section
22 08-101-5, Rules of the Liquor Commission, contrary to
23 Section 281-78(b)(1)(A) HRS, and Section
24 08-101-60(b)(1)(A), Rules of the Liquor Commission.

25 On December 6, 2012, Sushi Paradise, Inc. doing

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1 business as Sushi Paradise, Number 325, had been found
2 guilty and had received a penalty of a \$2,000 fine with
3 1,000 suspended one year provided no same conviction.

4 On July 10, 2015, Sushi Paradise, Inc. doing
5 business as Sushi Paradise, Number 325, did, through its
6 employee, sell, serve, or furnish liquor to a minor as
7 defined in Section 281-1 HRS and Section 08-101-5, Rules
8 of the Liquor Commission, contrary to Section
9 281-78(b)(1)(A) HRS and Section 08-101-60(b)(1)(A), Rules
10 of the Liquor Commission.

11 On March 3rd, 2016, Sushi Paradise, Inc. doing
12 business as Sushi Paradise, Number 325, had been found
13 guilty and had received a penalty of a \$2,000 fine.

14 On July 10, 2015, Sushi Paradise, Inc. doing
15 business as Sushi Paradise, Number 325, did, through its
16 employee, fail to check properly the identification of a
17 minor as defined in Section 281-1 HRS and Section
18 08-101-5, Rules of the Liquor Commission, contrary to
19 Section 08-101-61(c) of the Rules of the Liquor
20 Commission.

21 On March 3rd, 2016, Sushi Paradise, Inc. doing
22 business as Sushi Paradise, Number 325, had been found
23 guilty and had received a penalty of a \$1,000 fine. A
24 copy of the past history is attached.

25 A site inspection was conducted of the proposed

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1 premises on September 11, 2017. The investigator found
2 that the floor plan submitted was inconsistent with the
3 floor plan submitted within the application. The
4 applicant has since submitted an accurate floor plan.

5 In the opinion of this investigator, the
6 applicant appears to be fit and proper, and does not
7 appear to be disqualified by any provision as stated
8 within Section 281-56 HRS from obtaining or exercising a
9 license.

10 All documents necessary for the issuance of a
11 liquor license have not been submitted. Those items are
12 listed in the investigator's report.

13 CHAIR TANAKA: Anything else to add, Michael?

14 MR. KAWAGISHI: No, nothing to add at this time.

15 CHAIR TANAKA: Okay. I'm gonna open it to the
16 public. Any public testimony? Okay. Seeing none, any
17 questions by the Commissioners?

18 VICE-CHAIR LOPEZ: Yeah, I have one. You -- you
19 got two fines within a year of the same. So my question
20 is, what is your process of identifying -- your ID
21 process? I mean, how -- how -- how you preventing it from
22 happening.

23 MS. TAKAHASHI: We are making sure that they ask
24 for the age and the proper ID at all times.

25 VICE-CHAIR LOPEZ: At the time of entry or

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1 before they get served, how does this work with your
2 restaurant?

3 MS. TAKAHASHI: Usually, it happens before we
4 serve, at the time of taking order. No ID, no liquor
5 served.

6 VICE-CHAIR LOPEZ: Okay. Yeah. I think you
7 should, though. That's my only concern.

8 MS. TAKAHASHI: Okay.

9 CHAIR TANAKA: Any other questions?

10 MR. KUSHI: Question, Mr. Chair, to our staff.
11 Is this the same premises and the same operation as the
12 previous license?

13 MR. SILVA: Yes, it is.

14 MR. KUSHI: Okay. Why did it expire?

15 MR. SILVA: They were unable to renew.

16 MR. KUSHI: Renew what, the lease?

17 MR. SILVA: The liquor license.

18 MR. KUSHI: Why?

19 MS. TAKAHASHI: On time.

20 MR. KUSHI: Taxes?

21 MR. KAWAGISHI: I believe they were a few days
22 late in submitting their -- or getting their federal tax
23 clearance.

24 CHAIR TANAKA: Is that -- is that true, the
25 federal tax clearance, they -- they couldn't get?

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1 MR. KAWAGISHI: Yes.

2 CHAIR TANAKA: Was it --

3 MR. KAWAGISHI: They were -- they were required
4 to get it by the 15, and they were a few days late.

5 CHAIR TANAKA: Yeah, but didn't -- didn't the
6 Commission give extension if they couldn't get a Federal
7 tax clearance?

8 DIRECTOR MUKAI: Not this year. It was --

9 CHAIR TANAKA: Huh?

10 DIRECTOR MUKAI: It was granted last year.

11 CHAIR TANAKA: I thought that was continuous.
12 No?

13 DIRECTOR MUKAI: Just for the previous year.

14 CHAIR TANAKA: Well, I think we should give
15 these guys extend -- if they getting hard time get a
16 Federal tax clearance, that's always been the case, huh.

17 MR. KAWAGISHI: Well, the problem with the
18 Federal tax clearance today is that their office in
19 Wailuku opens only half a day --

20 CHAIR TANAKA: Yeah, we know.

21 MR. KAWAGISHI: -- one day a week.

22 CHAIR TANAKA: We know the reason. That's why
23 we -- we gave 'em a 15-day extension, everybody. But I
24 was under the understanding that that was continuous, not
25 only for that year, you know. I think we should do it.

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1 COMMISSIONER LEE: Uh-huh.

2 CHAIR TANAKA: You know.

3 COMMISSIONER UMENO: So how do we do that?

4 CHAIR TANAKA: Well, we can -- we can make a

5 motion to that effect, but I would say let's make a --

6 let's discuss this in Administrative Affairs. Okay.

7 Any -- any other questions?

8 COMMISSIONER LEE: Excuse me, Mike. Do you know

9 when they received their Federal clearance, what date?

10 MR. KAWAGISHI: I'm not sure on the exact date.

11 COMMISSIONER LEE: Yeah, because it's usually

12 stamped, right?

13 MR. KAWAGISHI: Yeah.

14 COMMISSIONER ALULI: So at this point, they do

15 have their federal license clearance, then, is what you're

16 saying?

17 MR. KAWAGISHI: Yes.

18 COMMISSIONER ALULI: They do. Okay.

19 CHAIR TANAKA: Any other questions? Okay. If

20 not, may I have a motion?

21 COMMISSIONER UMENO: I move to accept

22 Application Number 08 and for public hearing and to

23 process the application for publication.

24 VICE-CHAIR LOPEZ: Second.

25 CHAIR TANAKA: Okay, 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.

6 MR. KAWAGISHI: Thank you.

7 MS. TAKAHASHI: Thank you.

8 CHAIR TANAKA: Question, Glenn. Right now, they
9 have a, what, temporary?

10 DIRECTOR MUKAI: Yes.

11 CHAIR TANAKA: They have a temporary, so they
12 can still --

13 COMMISSIONER ALULI: Yes.

14 CHAIR TANAKA: Okay. Fine. Thank you.

15 MS. TAKAHASHI: Thank you.

16 CHAIR TANAKA: As long as not affecting your
17 operation. Okay. Let's go on to Application 09,
18 Walgreens of Hawaii. I'm gonna take 09, 10 and 11 since
19 this is a preliminary hearing. But, Robbie --

20 MR. UEOKA: Yes.

21 CHAIR TANAKA: -- at the public hearing, I'm
22 gonna take it separately.

23 MR. UEOKA: Absolutely.

24 CHAIR TANAKA: Okay.

25 MR. UEOKA: Good morning, Mr. Chair, Members of

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1 the Commission, Mr. Mukai. Robert Ueoka on behalf of
2 Walgreens. Present to my right is Ms. Lee Donnelly, she
3 is the store manager of the Lahaina store, but she is able
4 to assist with all three matters.

5 CHAIR TANAKA: Okay. Layne.

6 MR. SILVA: Application 09, Walgreen of Hawaii,
7 LLC doing business as Walgreens applying for a Retail
8 General license.

9 Member of the member-managed limited liability
10 company is listed in the investigator's report.

11 Applicant has submitted a copy of an Assignment
12 and Assumption of Lease by and between Walgreen of Maui,
13 Inc., a Hawaii corporation, assignor, and Walgreen of
14 Hawaii, LLC, a Hawaii limited liability company, dated
15 October 1st, 2017.

16 Effective as of October 1st, 2017, the assignor
17 assigned to the assignee all of the assignor's rights and
18 interest as tenant under the certain lease dated January
19 14, 2009, the lease, with CFT-Lahaina, LLC, a Hawaii
20 limited liability company as landlord.

21 The proposed premises, containing approximately
22 23,333 square feet of floor space, is located at 342 Keawe
23 Street, Building D, Lahaina, Maui, Hawaii.

24 There are no schools or churches located within
25 a radius of 500 feet.

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1 ABC Stores, Number 317, Longs Drugs, Number 368,
2 Lahaina Farms, and Safeway, Number 399, are licenses of
3 the same class and kind located within a radius of 500
4 feet. There are no other licensed premises located within
5 a radius of 500 feet.

6 There are 142 licenses of this class and kind
7 currently issued within Maui County.

8 Applicant initially plans to be open seven days
9 a week 24 hours a day. The applicant is aware of the
10 hours for the sale of liquor for a Retail licensed
11 premises. Applicant is aware that they are required to
12 submit a permit application to request an extension of
13 hours of operation, pursuant to Section 08-101-25 of the
14 Rules of the Liquor Commission, if they plan to open
15 beyond the hours allowed for the sale of liquor.

16 A site inspection of the proposed premises was
17 conducted on September 14. The investigator found that
18 the floor plan submitted was inconsistent with the floor
19 plan submitted within the application.

20 Alan Troy Nielson and Richard Mark Ashworth are
21 officers and directors. Collin Gregory Smyser is an
22 officer, and Alexander Wallace Gourlay is a director
23 within Walgreens [sic] of Maui, Inc. doing business as
24 Walgreens, Number 384, Number 433 and Number 455.

25 Walgreens [sic] of Maui, Inc. doing business as

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1 Walgreens, Number 433, Retail General license. Original
2 license issued on April 15, 2010.

3 On October 3rd, 2016, Walgreens of Maui, Inc.
4 doing business as Walgreens, Number 433, did, through its
5 employee, sell, serve, or furnish liquor to a minor as
6 defined in Section 281-1 HRS and Section 08-101-5 of the
7 Rules of the Liquor Commission, contrary to Section
8 281-78(b)(1)(A) HRS and 08-101-60-(b)(1)(A), Rules of the
9 Liquor Commission, County of Maui.

10 On March 2nd, 2017, Walgreens of Maui, Inc.
11 doing business as Walgreens, Number 433, had been found
12 guilty and received a \$2,000 fine with \$1,000 suspended
13 provided no same conviction within one year.

14 Walgreen of Maui, Inc. doing business as
15 Walgreens, Number 455, Retail General license. Original
16 license issued on March 4, 2014.

17 On September 22nd, 2016, Walgreens of Maui, Inc.
18 doing business as Walgreens, Number 433, did, through its
19 employee, sell, serve, or furnish liquor to a minor as
20 defined in Section 281-1 HRS and Section 08-101-5 of the
21 Rules of the Liquor Commission, contrary to Section
22 281-78(b)(1)(A) HRS and Section 08-101-60(b)(1)(A), Rules
23 of the Liquor Commission, County of Maui.

24 On April 5th, 2017, Walgreens of Maui, Inc.
25 doing business as Walgreens, Number 433, had been found

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1 guilty and received a \$2,000 fine with \$1,000 suspended
2 provided no same conviction within one year.

3 Walgreen of Maui, Inc. doing business as
4 Walgreens, Number 384, Retail General license. Original
5 license issued on November 19, 2009. There have been no
6 incidents of liquor law violation at this location.

7 A copy of the past history is attached.

8 Applicant has submitted a letter on behalf of
9 Walgreen of Maui, Inc. doing business as Walgreens, Number
10 384, requesting to cancel Liquor License Number 384 as of
11 October 1st, 2017, to allow for the issuance of a new
12 liquor license and/or a temporary liquor license to
13 Walgreen of Hawaii, LLC as of October 1st, 2017.

14 In the opinion of this investigator, the
15 applicant appears to be fit and proper, and does not
16 appear to be disqualified by any provision as stated
17 within Section 281-56 HRS from obtaining or exercising a
18 license.

19 All documents necessary for the issuance of a
20 liquor license have not been submitted. Those items are
21 listed in the investigator's report.

22 CHAIR TANAKA: Thank you. Anything else to add,
23 Robbie?

24 MR. UEOKA: I just wanted to mention the reason
25 for these applications, all three applications, are due to

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1 a corporate merger on October 2nd. We are operating under
2 a temporary license. On the floor plan, there were some
3 discrepancies which were approved. We submitted revised
4 floor plans. And no changes to the operations.

5 CHAIR TANAKA: Thank you. Okay. I'm gonna open
6 it to the public. Any public testimony on this item?
7 Okay. If -- if not, any questions by the Commissioners?

8 VICE-CHAIR LOPEZ: Yeah. As I asked the
9 applicant before, you know, your violations, impose
10 stricter processing and identifying liquor sales to
11 minors.

12 MR. UEOKA: Yeah, we have a strict policy
13 against it. What happened was the employees made mistakes
14 and the employees are no longer with our company. We do
15 do internal checks, meetings, and we have a -- a computer
16 system as well. We, also, have managers train as well,
17 just to make sure that we get additional training. But
18 we've made some corporate -- employee changes as well.

19 VICE-CHAIR LOPEZ: Good.

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

22 COMMISSIONER UMENO: I move to approve
23 Applications 9 through 11 for public hearing and to
24 process the application for publication.

25 VICE-CHAIR LOPEZ: Second.

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

3 (Response.)

4 CHAIR TANAKA: Opposed, "no."

5 (No response.)

6 CHAIR TANAKA: Motion carried. Thank you.
7 Okay. Let's have a 10-minute recess before we go on to
8 Other Licensing Matters.

9 (Recess, 9:51 a.m. to 10:01 a.m.)

10 CHAIR TANAKA: Okay. Liquor Commission meeting
11 called back to order. Let's go into Other Licensing
12 Matters. Item A, HIE Retail, LLC.

13 MR. PROVENZA: Good morning, Commissioners,
14 Department. Gabriele Provenza on behalf of HIE Retail,
15 LLC doing business as 2 Go Tesoro presently.

16 CHAIR TANAKA: Okay. Layne.

17 MR. SILVA: HIE Retail, LLC doing business as 2
18 Go Tesoro, License Number 022, Number 347, and Number 031,
19 pursuant to the Rules of the Liquor Commission is
20 requesting Commission approval to change the existing --
21 existing trade name to nomnom.

22 Manager and member of the manager-manged LLC is
23 listed in the investigator's report.

24 Rules of the Liquor Commission: Section
25 08-101-36, Unauthorized use of trade name; - Change.

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1 (a), A new licensee or transferee shall have a
2 choice of trade name, however, such trade name must be
3 registered with the State Department of Commerce and
4 Consumer Affairs.

5 (b), Any licensee desirous of changing an
6 existing trade name shall submit to the Commission a
7 certificate of registration of trade name issued by the
8 State Department of Commerce and Consumer Affairs, showing
9 approval of such registration.

10 (c), Use of any trade name without prior
11 approval of the Commission is prohibited. Any publication
12 or advertising or sign with an unauthorized trade name
13 will be considered prima facie evidence of use of such
14 trade name.

15 CHAIR TANAKA: Thank you. You get anything else
16 to add?

17 MR. PROVENZA: Nothing no add.

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

22 COMMISSIONER UMENO: So move.

23 VICE-CHAIR LOPEZ: Second.

24 CHAIR TANAKA: Okay, moved and seconded. All in
25 favor, say aye.

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1 (Response.)

2 CHAIR TANAKA: Opposed, "no."

3 (No response.)

4 CHAIR TANAKA: Motion carried. Thank you.

5 MR. PROVENZA: Thank you for no questions about
6 what that means.

7 COMMISSIONER BOLOSAN: It's your lucky day.

8 CHAIR TANAKA: Maybe everybody confused, that's
9 why. Okay. Let's go on to Item B, MTP Operating Company.

10 MR. GRECO: Ladies and Gentlemen, Members of the
11 Commission, good morning. My name is Francesco Greco, I'm
12 the General Manager of the Maui Tropical Plantation. And
13 Mr. Roland Porgatorio.

14 MR. PORGATORIO: Thank you.

15 CHAIR TANAKA: Thank you. Layne.

16 MR. SILVA: MTP Operating Company, LLC doing
17 business as Maui Tropical Plantation, Number 338, pursuant
18 to the Rules of the Liquor Commission, is requesting
19 Commission approval to change the existing trade name to
20 The Mill House.

21 Manager and agent of the manager-managed LLC is
22 listed in the investigator's report.

23 Rules of the Liquor Commission: Section
24 08-101-36, Unauthorized use of trade name; - Change.

25 (a), A new licensee or transferee shall have a

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1 choice of trade name, however, such trade name must be
2 registered with the state Department of Commerce and
3 Consumer Affairs.

4 (b), Any licensee desirous of changing an
5 existing trade name shall submit to the Commission a
6 certificate of registration of trade name issued by the
7 State Department of Commerce and Consumer Affairs showing
8 approval of such registration.

9 (c), Use of any trade name without prior
10 approval of the Commission is prohibited. Any publication
11 or advertising or sign with an unauthorized trade name
12 will be considered prima facie evidence of use of such
13 trade name.

14 CHAIR TANAKA: Thank you. Anything else to add?

15 MR. GRECO: No, sir.

16 CHAIR TANAKA: Okay. I'm gonna open it to the
17 public. Any public testimony? Okay. Seeing none, any
18 questions by the Commissioners?

19 COMMISSIONER ALULI: Yeah. The Mill House name
20 is being used right now, right?

21 MR. GRECO: It is now, yes, sir.

22 COMMISSIONER ALULI: All right.

23 CHAIR TANAKA: Okay. Any other questions? If
24 none, may I have a motion?

25 VICE-CHAIR LOPEZ: I move to approve the -- the

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1 change of name is existing to The Mill House.

2 COMMISSIONER ALULI: Second.

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

5 (Response.)

6 CHAIR TANAKA: Opposed, "no."

7 (No response.)

8 CHAIR TANAKA: Motion carried. Thank you.

9 MR. GRECO: Thank you very much.

10 MR. PORGATORIO: Thank you very much.

11 CHAIR TANAKA: Item C, Leilani's Restaurant,
12 LLC.

13 MS. FUKAGAWA: Hi. Good morning. I'm Tammy
14 Marie Fukagawa, I'm Vice President, Assistant Secretary.
15 And with me is Lisa Davies, our Assistant Controller.

16 CHAIR TANAKA: Thank you. Layne.

17 MR. SILVA: Leilani's Restaurant, LLC doing
18 business as Leilani's on the Beach requesting Commission
19 approval for a change of stockholder within the manager, T
20 S Restaurants Management, Inc., and the member TS Aloha,
21 Inc., and notifying the Commission of a change of
22 officers, directors and stockholders within the member, TS
23 Leis, LLC, member of the member, TS Aloha, Inc., and the
24 manager, T S Restaurants Management, Inc., of the limited
25 liability company.

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1 Ross Alan Anderson and Lori Ann Roberts withdrew
2 as members of the member TS Leis LLC.

3 John Alexander Saxten, III, Patricia Ann Thibaut
4 and Jack Alexander Saxten withdrew as directors of the
5 manager, T S Restaurants Management, Inc., and within the
6 member of the member, TS Aloha, Inc.

7 Ross Alan Anderson withdrew as an officer within
8 the manager, T S Restaurants Management, Inc.

9 Katherine Gray Easter withdrew as an officer
10 within the manager, T S Restaurants Management, Inc., and
11 within the member of the member, TS Aloha, Inc.

12 William Allan Parsons withdrew as an officer and
13 director of the manager, T S Restaurants Management, Inc.,
14 and within the member of the member, TS Aloha, Inc.

15 Jacqueline Rene Reed was admitted as a member
16 within TS Leis, LLC and as an officer within the member of
17 the member, TS Aloha, Inc.

18 Susanne Lindsey Saxten and James Robert Thibaut
19 were admitted as directors of the manager, T S Restaurants
20 Management, Inc., and within the member of the member, TS
21 Aloha, Inc.

22 Susanne Lindsey Saxten was admitted as Chairman
23 of the Board within the manager, T S Restaurants
24 Management, Inc., and within the member of the member, TS
25 Aloha, Inc.

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1 Ray Spencer Burnett assumed an additional title
2 within the manager, T S Restaurants Management, Inc., and
3 within the member of the member, TS Aloha, Inc.

4 Tammy Marie Fukagawa assumed an additional title
5 within the manager, T S Restaurants Management, Inc.

6 Jacqueline Rene Reed was admitted as an officer
7 within the manager, T S Restaurants Management, Inc.

8 Rosamond Dana Saxten was admitted as an officer
9 within the member of the member, TS Aloha, Inc.

10 Patricia A. Thibaut previously owned 33 percent
11 of the outstanding capital stock of T S Restaurants
12 Management, Inc., who is the manager, and TS Aloha, Inc.,
13 member of the member, which, upon the approval of the
14 Liquor Commission, shall be distributed as to cause no one
15 person or entity to obtain at least 25 percent of the
16 outstanding capital stock.

17 John A. Saxten, III previously owned 65 percent
18 of the outstanding capital stock of the T S Restaurants
19 Management, Inc., manager, and TS Aloha, Inc., member of
20 the member. Effective upon the approval of the Liquor
21 Commission, 65 percent of the outstanding capital stock of
22 T S Restaurants Management, Inc., manager, and TS Aloha,
23 Inc., member of the member, will be transferred to the
24 Survivor's Trust with Rosamond Dana Saxten as trustee.

25 Members -- members, manager, agent and organizer

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1 of the manager-managed LLC is listed in the investigator's
2 report.

3 Applicant has submitted a Certification of
4 Changes in Leilani's Restaurant, LLC dated May 11, 2017,
5 which reflects the changes.

6 In the opinion of this investigator, the
7 applicant appears to be fit and proper, and does not
8 appear to be disqualified by any provision as stated
9 within Section 281-56 HRS from obtaining or exercising a
10 license.

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

13 MS. FUKAGAWA: Nothing further.

14 CHAIR TANAKA: Okay. I'm gonna open it to the
15 public for any public testimony. Okay. Seeing none, any
16 questions by the Commissioners?

17 COMMISSIONER ALULI: Yeah, I've got a -- just a
18 question about the structure of T S Restaurants. This
19 does not apply to the T S Restaurants as an entity, as a
20 company, right? Just -- you're talking about just
21 Leilani's at this point, right?

22 MS. FUKAGAWA: Specifically Leilani's.

23 COMMISSIONER ALULI: Yeah. Okay.

24 CHAIR TANAKA: Okay. Any other questions? If
25 there's no questions, may I have a motion?

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1 COMMISSIONER UMENO: So moved.

2 COMMISSIONER ALULI: Second.

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

5 (Response.)

6 CHAIR TANAKA: Opposed, "no."

7 (No response.)

8 CHAIR TANAKA: Motion carried. Thank you.

9 MS. FUKAGAWA: Thank you.

10 CHAIR TANAKA: Item D, Young's Market.

11 MR. HEEN: Good morning, Commissioners. I'm
12 Keli`i Heen, Vice President and General Sales Manager with
13 Young's Market Hawaii.

14 CHAIR TANAKA: Thank you. Layne.

15 MR. SILVA: Young's Market Company, LLC doing
16 business as Young's Market Company of Hawaii requesting
17 Commission approval for a change of stockholders within
18 the manager and member, Young's Holdings Inc., and
19 notifying the Commission of the removal of an officer of
20 the limited liability company, the removal of a director
21 within the manager, Young's Holdings, Inc., and a merger
22 of the member, Young's Interco, Inc., into the manager,
23 Young's Holdings, Inc., of the limited liability company.

24 John Harvey Erickson, II withdrew as an officer
25 of Young's Market Company, LLC.

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1 George Williams Smith withdrew as a director of
2 the manager, Young's Holdings, Inc.

3 Young's Interco, Inc. merged with Young's
4 Holdings, Inc., effective December 29, 2016.

5 The Smith Family Trust withdrew as the 48.48
6 percent stockholder of the company effective August 19,
7 2016, and Vernon Oliver Underwood, as Trustee of Vernon O.
8 Underwood Living Trust withdrew as the 36.14 percent
9 stockholder, effective February 28, 2017.

10 Christopher C. Underwood, as Trustee of The
11 Chris and Piper Underwood Family Trust assumed 100 percent
12 of the voting stock, effective February 28, 2017.

13 Manager, members and officers of the
14 manager-managed LLC is listed in the investigator's
15 report.

16 Applicant has submitted a Certificate of Officer
17 Young's Market Company, LLC, dated June 15, 2017, which
18 reflects the above changes.

19 In the opinion of this investigator, the
20 applicant appears to be fit and proper, and does not
21 appear to be disqualified by any provision as stated
22 within Section 281-56 HRS from obtaining or exercising a
23 license.

24 CHAIR TANAKA: You have anything else to add?

25 MR. HEEN: I do not.

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1 CHAIR TANAKA: Okay. Okay. I'm gonna open to
2 the public. Any public testimony? Okay. Seeing none,
3 any questions by the Commissioners? If there's no
4 questions, may I have a motion?

5 COMMISSIONER UMENO: I move to approve changes.

6 COMMISSIONER ALULI: Second.

7 CHAIR TANAKA: Okay. All in favor, say "aye."

8 (Response.)

9 CHAIR TANAKA: Opposed, "no."

10 (No response.)

11 CHAIR TANAKA: Motion carried. Thank you.

12 MR. HEEN: Thank you very much. Have a good
13 day.

14 CHAIR TANAKA: Paia Bay Coffee, Inc. Paia Bay
15 Coffee, Inc. They're not here?

16 MR. NAKAMURA: Sorry. Mr. Chair, Members of the
17 Commission, Craig Nakamura, attorney on behalf of the
18 applicant. With me is Mr. Daniel Keevil -- K-E-E-V-I-L --
19 who is the present operator on behalf of the company. And
20 this is Mr. Liam Grist -- that's L-I-A-M, Grist is spelled
21 G-R-I-S-T -- who is going to be the new stockholder,
22 officer and director.

23 CHAIR TANAKA: Okay. Layne.

24 MR. SILVA: Paia Bay Coffee, Inc. doing business
25 as Paia Bay Coffee requesting Commission approval for a

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1 change of stockholder and notifying the Commission of a
2 change of officer and director within the corporation.
3 John Noel Waite was removed as an officer and director
4 within the corporation. James Liam Grist was admitted as
5 an officer and director within the corporation.

6 Upon the approval of the Liquor Commission, John
7 Noel Waite will withdraw as 50 percent stockholder and
8 James Liam Grist will be admitted as the 50 percent
9 stockholder of the corporation.

10 Officers, directors and stockholders of the
11 corporation are listed in the investigator's report.

12 Applicant has submitted a copy of a
13 Certification of Paia Bay Coffee, Inc., dated June 30th,
14 2017, which reflects the changes.

15 Information contained within the DLC-006 Form
16 submitted by James Liam Grist indicated that he had been
17 convicted for violations of law. Information received
18 during the criminal history background check revealed that
19 James Liam Grist had been convicted for violations of law.
20 James Liam Grist has submitted a letter of explanation.

21 CHAIR TANAKA: Thank you. Anything else to add?

22 MR. NAKAMURA: Nothing further at this time,
23 Mr. Chair.

24 CHAIR TANAKA: Okay. Are there anybody in the
25 public testimony on this item? Okay. Seeing none, any

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1 questions by the Commissioners? Okay. If there's no
2 questions, may I have a motion?

3 COMMISSIONER UMEMO: I move to accept the
4 changes in officers.

5 COMMISSIONER ALULI: Second.

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

8 (Response.)

9 CHAIR TANAKA: Opposed, "no."

10 (No response.)

11 CHAIR TANAKA: Motion carried. Thank you.

12 MR. NAKAMURA: Thank you very much.

13 MR. GRIST: Thank you.

14 CHAIR TANAKA: Easy Street, LLC.

15 MR. JORGENSEN: Good morning, Chairman Tanaka,
16 Members of the Commission and staff. My name's Dave
17 Jorgensen, I'm the attorney for applicant Easy Street, LLC
18 dba McGrath's Hang Loose Lounge. With me this morning is
19 Robert Bradley McGrath who is member-manager of the LLC.

20 CHAIR TANAKA: Okay. Layne.

21 MR. SILVA: Easy Street, LLC doing business as
22 McGrath's Hang Loose Lounge, Dispenser General license,
23 Category C(ii).

24 Members and agent of the member-managed LLC is
25 listed in the investigator's report.

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1 Background information: Original application
2 for a Dispenser General, Category C(ii), which was filed
3 on April 9, 2009, for a premises located at 333 Dairy
4 Road, Suite Number 105, Kahului, Maui, Hawaii. The
5 current premises, Suite Number 105, consists of
6 approximately 960 square feet. Original floor plan is
7 attached.

8 A public hearing for this application took place
9 on October 14, 2009. There were no protests.

10 Nature of request: Licensee is requesting
11 approval to extend the existing premises approximately 960
12 square feet in the makai direction to include the
13 neighboring suite, Suite Number 106.

14 Licensee requesting approval to modify the
15 existing premises, Suite Number 105, by removing a portion
16 of an existing wall on the makai side of the licensed
17 premises to connect to Suite 106, 680 square feet, as
18 plans submitted.

19 A standard lease by and between Akaku Holdings
20 LLC, landlord, and Easy Street, LLC doing business as
21 McGrath's Hang Loose Lounge, tenant, dated October 3rd,
22 2010, indicates that the licensee has the use and
23 exclusive control of the area, Suite 105 at 960 square
24 feet and Suite 106 at 680 square feet, for a term of four
25 years, 11 months, to expire in September 30th, 2021.

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1 Section 08-101-46, Reduction or increase in area
2 of licensed premises: The Commission may, in its
3 discretion, permit the reduction or the increase in the
4 area of the licensed premises of any licensee without
5 publication of notice at a public hearing; provided that,
6 where an increase in premises may significant --
7 significantly impact the public, the Commission may
8 require hearings pursuant to Sections 281-39.5 and 281-57
9 to 281-60 HRS. The licensee shall be subject to notice
10 requirements of Sections 281-57 and 58 and 59 HRS,
11 whenever there is substantial increase of the licensed
12 premises and there are any owners or lessees of real
13 estate of record or owners of record of shares in a
14 cooperative apartment or individuals on the list of owners
15 as provided by the managing agent or governing body of the
16 shareholders association situated within a distance of 500
17 feet from the nearest point of the premises for which the
18 extension is asked to the nearest point of such real
19 estate or cooperative apartment that were not previously
20 notified. Whenever any reduction or increase is
21 permitted, the same shall be endorsed in some appropriate
22 manner upon the license.

23 08-101-98, Modification or extension of licensed
24 premises.

25 (a), Modification to the licensed premises other

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1 than what was submitted to the Commission at the time of
2 application is strictly prohibited.

3 Extension of premises shall not be granted
4 unless such area requested is adjacent to and connected to
5 the licensed premises and meet all governmental
6 requirements.

7 Investigation: During my investigation, I
8 reviewed the original list of owners and lessees within
9 the 100 foot and 500-foot radius and compared them to the
10 new list of owners and lessees. It was found that there
11 were no significant changes to the owners and lessees
12 within the 100-foot and 500-foot radius.

13 Recommendation: The Department is recommending
14 approval of this request with the condition that the
15 licensee submit all necessary clearances from other
16 governmental agencies.

17 CHAIR TANAKA: Thank you. Anything else to add,
18 Dave?

19 MR. JORGENSEN: Just kind of, I guess,
20 rephrasing what is in here, but this is in the Akaku
21 shopping center over on Dairy Road. And all of the -- I
22 believe all of the owners or lessees are all commercial
23 landlords. And so they're pretty much all the same.
24 Tenants may have come and go, but we normally don't notify
25 tenants unless they're lessees of record. And so as

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1 stated in here, the -- really, the list is really not any
2 different than it was before.

3 And in addition this was, also -- it's just,
4 basically, knocking out a hole in an adjoining wall.
5 Amigo's is, you know, 50 feet away. We -- we did the same
6 thing with Amigo's couple years ago when they expanded
7 their space into the adjoining premises.

8 So other than that, you know, we appreciate the
9 Department's efforts in -- in looking into this, and we're
10 available for any questions.

11 CHAIR TANAKA: Thank you. I'm gonna open it to
12 the public. Any public testimony? Okay. Seeing none,
13 any questions by the Commissioners? If there's no
14 questions, may I have a motion?

15 COMMISSIONER UMEMO: I move to extend -- approve
16 the extension of premises and operations.

17 COMMISSIONER ALULI: Second.

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

20 (Response.)

21 CHAIR TANAKA: Opposed, "no."

22 (No response.)

23 CHAIR TANAKA: Motion carried. Thank you.

24 MR. JORGENSEN: Thank you very much.

25 MR. McGRATH: Thank you.

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1 CHAIR TANAKA: Okay. Let's go on to next item.
2 I'm gonna take G, H, I and J together. Safeway.

3 MR. PROVENZA: Good morning, Gabriele Provenza
4 on behalf of Lahaina Beverage Management, Inc., for
5 license Numbers 399 and 140, and on behalf of Safeway
6 Inc., License Number 070 and 134.

7 CHAIR TANAKA: Okay. Layne.

8 MR. SILVA: Lahaina Beverage Management, Inc.
9 doing business as Safeway, Number 399 and 140, as well as
10 Safeway Inc. doing business as Safeway, License Number 070
11 and License Number 134.

12 Officers, directors and stockholders of the
13 corporation are listed in the investigator's report.

14 Requesting Commission approval to extend their
15 hours of operation from 6:00 a.m. to 11:00 p.m. to 24
16 hours, limiting the sale of liquor during the allowable
17 hours pursuant to the Rules of the Liquor Commission,
18 Section 08-101-25.

19 Rules of the Liquor Commission: Section
20 08-101-25, Hours for sale, service and consumption of
21 liquor in licensed premises.

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

24 Retailers: Any hour of the day from 6:00 a.m.
25 to 11:00 p.m.

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1 (c), There shall be no sale, service or
2 consumption of liquor on or within any licensed premises
3 before or after the hours prescribed by the Commission.

4 (e), Licensee may operate or be open for
5 business for other than the sale, service or consumption
6 of liquor prior to or beyond the hours prescribed by the
7 Commission, upon submitting an application and obtaining
8 prior approval from the Commission.

9 CHAIR TANAKA: Thank you. You get anything else
10 add?

11 MR. PROVENZA: Nothing to add.

12 CHAIR TANAKA: Okay. I'm gonna open it to the
13 public. Any public testimony? Okay. Seeing none, any
14 questions by the Commissioners? J-R?

15 MR. KUSHI: Mr. Chair, for clarification, this
16 is directed to staff and the applicant. The previous
17 meeting, I understand we approved a whole bunch of these
18 extensions. I understand the purpose, they wanna open
19 24/7, but they're still subject to the sale of liquor up
20 to 11:00.

21 DIRECTOR MUKAI: Yes.

22 MR. KUSHI: However, your rules state that as
23 long as they're open for business, they need an employee
24 with a blue card. Are you guys gonna enforce these 24/7
25 issues?

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1 DIRECTOR MUKAI: I believe we are -- we asked
2 Corp Counsel for an opinion, still waiting for Corp
3 Counsel opinion.

4 MR. KUSHI: Okay. So like at 4:00 in the
5 morning, you know, they not selling liquor, but you
6 still -- you're still saying they might be cited for not
7 having somebody with a blue card?

8 DIRECTOR MUKAI: Well, at this point, the only
9 opinion we have from Corp Counsel is, regarding the
10 hotels, that doesn't require it.

11 MR. KUSHI: You understand the question?

12 MR. PROVENZA: I understand the question.

13 MR. KUSHI: I don't want you to fall into a
14 self-made trap now.

15 MR. PROVENZA: Yeah, I appreciate you raising
16 it.

17 CHAIR TANAKA: Does -- does the -- does the
18 Commission has the authority to set this thing or are we
19 in violation of our rules?

20 MR. KUSHI: You would have to -- to be clear --
21 to be clear, you would have -- I suggest you amend your
22 rules. And, secondly, if the issue hits the fan, it won't
23 come to you, it will come to the Liquor Board because
24 they'll be cited for a violation. At that point in time,
25 the -- the applicant can -- licensee can argue that it's

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1 not the intent of the rule to have a blue card employee
2 when they're not selling liquor. But that's their --
3 their kuleana. But I just wanted to make sure that the
4 Commission understands the issues -- the issue and the
5 applicant understands -- understands the issue, as well as
6 the attorneys in the crowd.

7 CHAIR TANAKA: I don't see no attorney in the
8 crowd. What -- what -- what I'm getting at is why should
9 the store need a manager with a blue card if you're not
10 selling alcohol? Then you don't -- then you don't have to
11 have inves -- investigators on duty, eh, within that
12 hours?

13 DIRECTOR MUKAI: Yes, but they still would have
14 to check to make sure they don't sell during those hours.

15 CHAIR TANAKA: That's right. Yeah. Still get
16 other --

17 COMMISSIONER ALULI: Other issues.

18 CHAIR TANAKA: -- activities. Yeah.

19 COMMISSIONER UMENO: So why is only hotels
20 allowable to not have a blue card?

21 DIRECTOR MUKAI: No. That was based on the
22 circumstances when the premises are all closed and all the
23 restaurants, you know, all the outlets are closed.

24 COMMISSIONER ALULI: No liquor dispensing
25 outlets.

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1 DIRECTOR MUKAI: And nothing is -- so Corp
2 Counsel said, at that point, they don't need.

3 CHAIR TANAKA: Can we push 'em to you guys?

4 MR. KUSHI: Well, apparently, there's a request
5 in my office which I don't know about, so --

6 CHAIR TANAKA: Okay. Well, we'll leave it to
7 the Corp Counsel, then. Any other question? Okay. If
8 not, may I have a motion?

9 COMMISSIONER UMENO: I move to approve the
10 extension of hours to 24 hours.

11 COMMISSIONER ALULI: Second.

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

14 (Response.)

15 CHAIR TANAKA: Opposed, "no."

16 (No response.)

17 CHAIR TANAKA: Motion carried. Okay. Let's go
18 on, Wal-Mart Stores, Inc.

19 MS. LARA: Good morning. Venus Lara, Manager
20 and authorized agent of Wal-Mart, 3290, Kahului, Maui.

21 CHAIR TANAKA: Thank you. Layne.

22 MR. SILVA: Wal-Mart Stores, Inc. doing business
23 as Walmart, Number 343, Retail General license.

24 Officers and director of the corporation is
25 listed in the investigator's report.

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1 Requesting Commission approval to extend their
2 hours of operation from 6:00 a.m. to 11:00 p.m. to 6:00
3 a.m. to midnight, limiting the sale of liquor during the
4 allowable hours pursuant to the Rules of the Liquor
5 Commission, Section 08-101-25.

6 Rules of the Liquor Commission: Section
7 08-101-25, Hours for the sale, service and consumption of
8 liquor in licensed premises.

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

11 (4), Retailers: Any hour of the day from 6:00
12 a.m. to 11:00 p.m.

13 (c), There shall be no sale, service or
14 consumption of liquor on or within any licensed premises
15 before or after the hours prescribed by the Commission.

16 (e), Licensee may operate or be open for
17 business for other than the sale, service or consumption
18 of liquor prior to or beyond the hours prescribed by the
19 Commission, upon submitting an application and obtaining
20 prior approval from the Commission.

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

23 MS. LARA: No, sir. Thank you.

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

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1 questions by the Commissioners? Okay. There's no
2 questions. May I have a motion?

3 COMMISSIONER UMENO: I move to accept the
4 approval and move to approve the hour change to 12:00.

5 COMMISSIONER ALULI: Second.

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

8 (Response.)

9 CHAIR TANAKA: Opposed, "no."

10 (No response.)

11 CHAIR TANAKA: Motion carried. Thank you.

12 MS. LARA: Thank you so much.

13 CHAIR TANAKA: Okay. Let's go on to Item L,
14 Lahaina Sushi Ko.

15 MR. EGAN: My name is Christopher Egan, Lahaina
16 Sushi Ko.

17 CHAIR TANAKA: Thank you. Layne.

18 MR. SILVA: Lahaina Sushi Ko LLC doing business
19 as Lahaina Sushi Ko, Dispenser General License, Category
20 C(ii), at 844 Front Street, Unit 156, Lahaina, Maui,
21 Hawaii, requesting an extension to exercise the liquor
22 license pursuant to Section 08-101-34(c) of the Rules of
23 the Liquor Commission, County of Maui. License granted by
24 Commission on November 12th, 2015; request for an
25 extension approved by the Commission on May 11, 2016;

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1 extension expired on May 10th, 2017.

2 CHAIR TANAKA: Thank you. Before I ask you any
3 questions, I gonna open it to the public. Any public
4 testimony on this item? Okay. Seeing none, can you
5 explain to the Commission why --

6 MR. SILVA: Excuse me, Mr. Chair.

7 CHAIR TANAKA: Why this thing happened?

8 MR. SILVA: There's a letter, also, attached.

9 CHAIR TANAKA: Yeah, I seen the letter. But I
10 like for him to --

11 MR. EGAN: So when I got the original extension
12 for keeping my license going, I was waiting for a CO on
13 the property. And at the time I didn't have a CO, so we
14 got the, I think it was, 180-day extension on it. So I
15 had been working with Liquor Control to finalize all the
16 paperwork that they needed to be in compliance with Liquor
17 Commission, I believe. And so it went on -- it's been --
18 every time that I -- I get what they need, I submit the
19 new paperwork, and it's just kind of seemed to go on and
20 on.

21 I was unaware that working with Liquor
22 Commission and Liquor Control are two different things.
23 And I didn't realize that, since I had been working since
24 January with -- with Liquor Control, that I had to get
25 another extension. So I had been working very closely

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1 with Liquor Control, did everything that I needed to get
2 open, but I didn't know that I had to get another
3 extension at the time.

4 CHAIR TANAKA: Question, staff. Was he
5 operating under temporary?

6 DIRECTOR MUKAI: No.

7 MR. EGAN: No, we were not.

8 MR. SILVA: There was no license issued.

9 CHAIR TANAKA: There was no temporary, so,
10 basically, the extension is issuance of the license?

11 DIRECTOR MUKAI: Yes.

12 CHAIR TANAKA: When did you get your CO?
13 According to your letter, you said you have your CO, you
14 ready to get your license.

15 MR. EGAN: We had the C -- we had a temporary CO
16 as of January -- about January 1st of this year. So
17 that's when I started working with Gene Silva to finalize
18 everything. He came out and did a final inspection on the
19 property and he said, well, we need a couple other things
20 and it's just kind of gone on and on. So we had a
21 temporary CO.

22 The building owners of the property, they put in
23 countless amounts of money to upgrade the property to get
24 it up to code -- up to code so they can get a permanent CO
25 on the property. So as of right now, I can get another

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1 temporary CO until the -- the final CO is good. So --

2 CHAIR TANAKA: Will you guys issue a license
3 under a temporary CO?

4 DIRECTOR MUKAI: Yes, providing they meet other
5 requirements -- all the requirements -- other
6 requirements.

7 CHAIR TANAKA: He says he has a temporary CO, he
8 cannot get the permanent CO. Because you got to do
9 something else?

10 MR. EGAN: They're up for the final inspection
11 with the Maui County Planning Department right now to get
12 the final CO. From what I understand with the landlords,
13 they say that everything has been met, so I should have a
14 final CO any day now. The temporary, it's not a problem
15 because there's a restaurant upstairs, The Dirty Monkey,
16 they've gotten their second or third temporary CO, which
17 they should be in line with the same time we get our
18 permanent CO, too, for the building. So that's what's
19 been the big holdup on everything.

20 But as I said, I was just unaware that I had to
21 get another extension while I was still -- while I was
22 working with Liquor Control and with the Commission.

23 CHAIR TANAKA: So -- so you're telling me now
24 that you can get the CO now and the Department can issue
25 you your license immediately?

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1 MR. EGAN: I believe so, yeah. I -- I've --

2 CHAIR TANAKA: Is that correct, Layne?

3 MR. EGAN: -- complied with everything that's
4 needed.

5 MR. SILVA: Well, of course upon completing all
6 whatever other requirements may be outstanding. I don't
7 have a listing in front of me, so I couldn't say.

8 CHAIR TANAKA: Well, he's saying that -- oh, the
9 requirements of the Department or the requirements to the
10 County?

11 MR. EGAN: No. Requirements to the County with
12 the Planning Commission, that's all been taken care of.
13 So we're just waiting on the inspector with the Planning
14 Commission -- Planning Department to come out, re-inspect
15 the building, make sure everything has been complied with
16 for the final CO. With Liquor Control, I've gone through
17 everything that we've needed to do with Gene. He's,
18 basically -- I was down to the last thing, and then he
19 said, "Well, there's a problem, your extension had
20 expired." And I was like, "Oh, no." I didn't -- I had no
21 clue. And I apologized that I did not come to make
22 another extension for it, but --

23 CHAIR TANAKA: So -- so you're saying that you
24 met all the requirements of the Department?

25 MR. EGAN: Yes. Correct.

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1 CHAIR TANAKA: Okay. You can't get your
2 permanent CO because you still have some issues with --

3 MR. EGAN: There shouldn't be.

4 CHAIR TANAKA: -- the -- the other department?

5 MR. EGAN: I can get a -- I can get a temporary
6 as of today, if I wanted to, but I'm just waiting for
7 the -- the final CO on the property right now.

8 CHAIR TANAKA: Okay. Can you guys issue the
9 license with that temporary CO from the other departments,
10 because he claims all the requirements for the Department
11 is completed?

12 DIRECTOR MUKAI: If he meets all requirements.

13 CHAIR TANAKA: As long as he meet all your
14 requirements?

15 DIRECTOR MUKAI: Yes, but the Commission have to
16 extend their --

17 CHAIR TANAKA: Yeah.

18 DIRECTOR MUKAI: -- to exercise the license.

19 CHAIR TANAKA: That's what I'm saying. So --

20 DIRECTOR MUKAI: That way, you have a --

21 CHAIR TANAKA: Okay. And you -- you saying that
22 you meet all the Department's requirements?

23 MR. EGAN: Oh, yes, everything's been met.

24 CHAIR TANAKA: I wonder if the Commission
25 understand what's happening?

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1 VICE-CHAIR LOPEZ: Yeah.

2 COMMISSIONER ALULI: Yeah.

3 COMMISSIONER UMENO: Yeah.

4 COMMISSIONER LEE: Mr. Chair, what I don't
5 understand is the amount of time that has elapsed from all
6 of this occurring.

7 MR. EGAN: So --

8 CHAIR TANAKA: I can -- well, go ahead.

9 MR. EGAN: The original -- the original
10 business -- we had opened up the business, it was in 2015,
11 and the business did not survive because we could not get
12 the liquor permit. So we did not serve any liquor. It
13 was Lahaina Sushi Ko. We had good crowds of people, but
14 people would walk away because we couldn't serve sake or
15 beer or whatever with their meals. We ended up closing it
16 and, basically, waiting to get -- waiting for the CO to
17 come in.

18 The CO -- the building -- the owners of the
19 building, at Mariner's Alley, 844 Front Street, they've
20 had to do tons of work with the building. They had to put
21 in backflow valves. They had to redo all kinds of stuff
22 through -- throughout the whole property to meet the
23 requirements with the County Planning Commission. So it's
24 been a long time. So that's why I got the extension after
25 the restaurant had closed, but we want to reopen again.

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1 COMMISSIONER LEE: So were you operating under a
2 temporary CO at this point?

3 MR. EGAN: No. At the time, I didn't even have
4 a CO that --

5 COMMISSIONER LEE: So you weren't open?

6 MR. EGAN: We were open, but at the time I
7 didn't realize that you had to have a CO to run a
8 restaurant, a permanent CO to run a restaurant. So that's
9 where we ran into problems with having a liquor permit.

10 CHAIR TANAKA: I can see where he's coming from.

11 COMMISSIONER LEE: Yeah.

12 CHAIR TANAKA: You know, the -- and that's where
13 the problem is. For him to get a CO, the County going
14 require the whole building to meet --

15 COMMISSIONER ALULI: Yes, to be compliant.

16 CHAIR TANAKA: -- meet the code.

17 MR. EGAN: Exactly.

18 CHAIR TANAKA: And -- and they throwing the
19 responsibility on him. You know, that's why I can see the
20 delay involved. So --

21 MR. EGAN: Exactly. And the guys upstairs, they
22 had the same problem, with The Dirty Monkey. It took them
23 a long time to go through the process. And they're still
24 waiting for their permanent CO. They're operating under a
25 temporary right now.

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1 CHAIR TANAKA: Yeah. Because if you -- if your
2 landlord refuse to comply with their requirements, you're
3 not gonna get it.

4 MR. EGAN: Oh, yeah.

5 CHAIR TANAKA: Yeah.

6 MR. KUSHI: Have you been paying rent all this
7 time?

8 MR. EGAN: Oh, yeah. I've been paying rent on
9 this space for -- for years. So I'm just trying to get it
10 open so I stop losing money. I'm just --

11 MR. KUSHI: So did you say the operations
12 upstairs is Dirty Monkey? I kind of remember that.

13 MR. EGAN: Yes.

14 MR. KUSHI: Are they open?

15 MR. EGAN: Yes, they are open.

16 MR. KUSHI: They serving liquor?

17 MR. EGAN: Yes, they are.

18 MR. KUSHI: And they're -- they're doing it on a
19 temporary CO basis?

20 MR. EGAN: They're doing it on a temporary CO,
21 but I think he said he's only got about a month left on
22 his temporary. And he -- he had the inspector with the
23 Maui Planning Commission, he came out last week, and he
24 said, well, there's one of the art galleries in the front
25 that, they have a -- they have a sign out front, so that's

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1 the only reason that they did not issue them the permanent
2 CO, because the guy with the gallery up in front had a
3 sign. And they say that's in violation with the County.
4 It's --

5 MR. KUSHI: Not my department.

6 MR. EGAN: So it's been a very painstaking
7 process.

8 CHAIR TANAKA: Okay. I can see where that's not
9 all your fault. The request is now to give him an
10 extension.

11 DIRECTOR MUKAI: To exercise the license.

12 CHAIR TANAKA: To issue his license. And if you
13 tell me you met all the Department requirement and you
14 have a temporary CO, I don't see any problem. The Chair
15 recommend that we grant him that extension.

16 COMMISSIONER LEE: Okay.

17 CHAIR TANAKA: You know, and get your license
18 and get your -- work for your permanent CO.

19 MR. EGAN: Oh, thank you so much. I really
20 appreciate it.

21 VICE-CHAIR LOPEZ: What kind of extension we
22 talking about?

23 COMMISSIONER ALULI: What would the extension
24 be?

25 MR. KUSHI: Mr. Chair, I think, tech --

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1 technically, the extension should be retroactive to the
2 date --

3 COMMISSIONER ALULI: Yeah. Yeah.

4 MR. KUSHI: Day before it expired and give him
5 another 60 days or whatever.

6 VICE-CHAIR LOPEZ: Oh. Okay. Okay.

7 CHAIR TANAKA: Okay. So may I have a motion to
8 that effect?

9 COMMISSIONER UMENO: I move to grant the
10 extension.

11 COMMISSIONER BOLOSAN: Second.

12 CHAIR TANAKA: Retroactive to --

13 COMMISSIONER UMENO: Retroactive to the day
14 before.

15 CHAIR TANAKA: It expires.

16 COMMISSIONER DEREGO: And how many days.

17 MR. KUSHI: Extension.

18 CHAIR TANAKA: An extension for another 60 days.

19 MR. EGAN: That should be fine.

20 COMMISSIONER UMENO: Extension for another 60
21 days --

22 CHAIR TANAKA: But, make sure, now, if you can't
23 meet it, get back here before then.

24 MR. EGAN: Absolutely. So if I did have to get
25 another extension, if I can't get that CO in time, what do

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1 I do? Do I --

2 CHAIR TANAKA: You make that request.

3 MR. EGAN: Make a request through --

4 COMMISSIONER UMENO: Can we extend it for beyond
5 60 days?

6 CHAIR TANAKA: Well, he -- he said that he has a
7 temporary CO and --

8 MR. EGAN: Yeah, I can get the temporary.

9 CHAIR TANAKA: -- he met all the Department
10 requirements.

11 VICE-CHAIR LOPEZ: He can get it. What is the
12 retro date from we talking about?

13 DIRECTOR MUKAI: Yeah. It's -- you have to give
14 more than 60 days because it expired, I believe, in May.

15 COMMISSIONER ALULI: Oh, the 60 day --

16 COMMISSIONER UMENO: Oh.

17 CHAIR TANAKA: What we saying is retroactive
18 back and 60 days from today.

19 DIRECTOR MUKAI: Oh, okay.

20 COMMISSIONER LEE: Plus 60 days.

21 VICE-CHAIR LOPEZ: Oh, okay. Okay. Okay.

22 Okay.

23 CHAIR TANAKA: Okay. So you get 'til the end of
24 the year, basically.

25 MR. EGAN: That should be enough because the

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1 guys upstairs they said they should have it, they should
2 have the permanent any day now. So --

3 CHAIR TANAKA: Better work hard and get it.

4 MR. EGAN: I hope so.

5 CHAIR TANAKA: Okay. There's a motion on the
6 floor. Any second?

7 COMMISSIONER LEE: Second.

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

10 (Response.)

11 CHAIR TANAKA: Opposed, "no."

12 (No response.)

13 CHAIR TANAKA: Motion carried.

14 MR. EGAN: Thank you very much, everybody.

15 CHAIR TANAKA: Okay. Let's go on to OSI [sic],
16 Times Super Market.

17 VICE-CHAIR LOPEZ: QSI.

18 MR. NAKAMURA: Good morning, Mr. Chair.

19 CHAIR TANAKA: You, again.

20 MR. NAKAMURA: Me, again. Sorry. Craig
21 Nakamura, attorney on behalf of the applicant. And this
22 is Mr. Reid Matsumoto appearing on behalf of the licensee.

23 CHAIR TANAKA: Thank you. Layne. Times Super
24 Market, Layne.

25 MR. SILVA: QSI, Inc. doing business as Times

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1 Super Market, Number 345 and 367, requesting Commission
2 approval for the change of officers, directors, and the
3 transfer of outstanding capital stock of the corporation.

4 Contingent upon the approval of the Commission
5 and the closing of the stock transfer transaction, John
6 Francis Quinn, Glenn Lester Evans, and Patricia Lynch
7 Quinn will be removed as officers and directors within the
8 corporation. William Oliver Cote will be removed as an
9 officer within the corporation. Naoki Yoshida will be
10 appointed as an officer and director of the corporation.

11 The Quinn Family Trust currently owns 69.5
12 percent of the outstanding capital stock of the
13 corporation. Contingent upon the approval of the
14 Commission and the closing of the stock transfer
15 transaction, Pan Pacific International & Co. will own 100
16 percent of the outstanding capital stock of the
17 corporation.

18 Officer, director and stockholder of the
19 corporation is listed in the investigator's report.

20 Applicant has submitted a copy of the
21 certification of QSI, Inc., dated August 11, 2017, which
22 reflects the changes.

23 In the opinion of this investigator, the
24 applicant appears to be fit and proper, and does not
25 appear to be disqualified by any provision as stated

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1 within Section 281-56 HRS from obtaining or exercising a
2 license.

3 CHAIR TANAKA: Anything else to add, Craig?

4 MR. NAKAMURA: Just one very small correction.
5 Pan Pacific International & CO. Actually, it's C, capital
6 O -- capital C, capital O and no period. It's just a
7 technical correction. Other than that, nothing further to
8 add, Mr. Chair.

9 CHAIR TANAKA: Okay. I'm gonna open it to
10 public. Any public testimony? Okay. Seeing none, any
11 questions by the Commissioners? If not, may I have a
12 motion?

13 COMMISSIONER UMENO: I move to approve the
14 change in officers.

15 COMMISSIONER ALULI: Second.

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

18 (Response.)

19 CHAIR TANAKA: Opposed, "no."

20 (No response.)

21 CHAIR TANAKA: Motion carried. Thank you.

22 MR. NAKAMURA: Thank you very much.

23 CHAIR TANAKA: Okay. Let's go on to
24 Communication. Letter dated September 21st, from Small
25 Business. Glenn, is that the one we made the change on

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1 the --

2 DIRECTOR MUKAI: Special license. On the
3 special license.

4 CHAIR TANAKA: Special license.

5 DIRECTOR MUKAI: Yes.

6 CHAIR TANAKA: Any questions by the
7 Commissioners? The thing went up to the Mayor already?

8 DIRECTOR MUKAI: Yes. He's already signed it.

9 CHAIR TANAKA: Oh, okay. So this is -- okay.
10 Let's go on to Administrative Affairs now.

11 Item A, Annual review and evaluation performance
12 of the Director of the Department of Liquor Control.
13 Okay. Since this item will affect privacy and we need to
14 discuss it with our attorney here, I want a motion to go
15 into exec session.

16 VICE-CHAIR LOPEZ: So moved.

17 COMMISSIONER UMENO: Second.

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

20 (Response.)

21 CHAIR TANAKA: Let's go into exec session.

22 Let's have a shishi break.

23 (Recess, Executive Session, 10:29 to 11:13 a.m.)

24 CHAIR TANAKA: Call back to order. Okay.

25 Administrative -- Director's Monthly Report.

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1 DIRECTOR MUKAI: Okay. On Item 1, House Bill
2 165, Act 64, 2017, is relating to public meeting. It is
3 all kinda new requirements on Sunshine Law where, you
4 know, you have to post by six days prior to, if you don't
5 post. Now you have to post on the internet and
6 everything. If you don't, you can't hold a meeting. So
7 it's gonna be a very challenging thing that all agencies
8 that have boards and commission is under that requirement.
9 And it will be effective in 2018, July 1st. So we have
10 time. So everybody will be working with ITS so we can set
11 up the computer system for the posting and work on the
12 details.

13 Item 2, State Liquor Administrator Quarter
14 Meeting. We had a meeting in Honolulu with all the
15 administrators from Liquor Control. And the highlight was
16 that we had the Hawaii Compliance Express representative
17 present. And we trying to streamline the online
18 clearances for State and Federal. First, the Federal was
19 not really on board, but now we heard that they're on
20 board.

21 Like currently how the Hawaii Compliance Express
22 works is that they can go online and they can get their
23 tax clearances. Very simple. But now -- but how it's set
24 up currently, you have to like check off State tax
25 clearance, Federal tax clearance, DLNR and all these other

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1 state agencies. So, at times, they get stuck in the
2 system because they really need the rest of the
3 clearances, all they care about is State and Federal tax
4 clearance for the liquor license.

5 So the representatives agreed that they will set
6 up a separate page just for liquor applicants and
7 licensees to get their tax clearance, just State and
8 Federal. And they also agreed on Maui requests that the
9 tax clearance will be good for 90 days. Because one of
10 our proposed rules is to extend our tax clearance is valid
11 for 90 days. So they will adopt that in -- in their
12 system.

13 And, also, they will adopt what Maui requested,
14 in lieu of tax clearances, if they are contesting any tax
15 clearance, State or federal, the Commission still can
16 issue a license. The same like if they on a prepayment
17 plan. We wanted it on that website so if they are
18 contesting or they're on prepayment, it'll automatically
19 kick out that they are contesting from the State and
20 Federal. So all they have to do, bring that instead of a
21 tax clearance and we can renew the license or we can issue
22 a new license.

23 CHAIR TANAKA: We no can eliminate the tax
24 clearance?

25 DIRECTOR MUKAI: We tried.

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1 COMMISSIONER LEE: I think it's a State --

2 CHAIR TANAKA: The bugga only making it humbug
3 for everybody.

4 VICE-CHAIR LOPEZ: Yeah, boy.

5 DIRECTOR MUKAI: And you know the -- the
6 interesting part that --

7 CHAIR TANAKA: State law.

8 DIRECTOR MUKAI: -- we learned at that meeting
9 was only Hawaii requires Federal tax clearance, which
10 surprised us. The rest of the states don't require it for
11 a liquor license.

12 CHAIR TANAKA: Maybe we should eliminate. Let
13 the IRS go after them guys; not the Liquor Department.

14 COMMISSIONER ALULI: Not the Liquor Department.

15 DIRECTOR MUKAI: That's why -- Number 3,
16 Personnel. The Liquor Control Auditor position, the
17 Department did receive the list of eligibles from the
18 Department of Personnel Services. So now we are going
19 through the process of qualifying them. We have to do
20 background check, criminal background check, also do they
21 fingerprints. So once we qualify them, we'll do the
22 Interview Board.

23 And the fourth item, which I don't have it on,
24 is the minor decoy operation. We did it couple a days
25 ago, October 9. They checked 10 premises with the police,

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1 Liquor Control officer and minor decoy. And no violation.

2 VICE-CHAIR LOPEZ: Oh, good.

3 DIRECTOR MUKAI: Which is great.

4 VICE-CHAIR LOPEZ: Good, good, good.

5 DIRECTOR MUKAI: That's all we have for

6 Director's report. And the Liquor Control Adjudication

7 Board, there were no October meeting.

8 CHAIR TANAKA: Okay. If there's no other
9 questions, comments, may I have a motion for adjournment?

10 VICE-CHAIR LOPEZ: So moved.

11 COMMISSIONER ALULI: Second.

12 CHAIR TANAKA: Meeting adjourned. (Gavel.)

13 (Meeting adjourned, 11:18 a.m.)

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CERTIFICATE

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

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

DATED this 30th day of October, 2017.

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