

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, December 13, 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

December 13, 2017

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

APPEARANCES

Robert Tanaka, Chairperson

Darren Lopez, Vice-Chairperson

Dawn Bicoy, Commissioner

Leon Bolosan, Commissioner

Roy Umeno, Commissioner

STAFF PRESENT:

Edward Kushi, Jr., First Deputy Corporation Counsel

Glenn Mukai, Director

Karilee Yoshizawa, Liquor Control Officer IV

Gene Silva, Liquor Control Officer III

Sandra Kobayashi, Liquor Control Officer III

Sharon Ito, Private Secretary

December 13, 2017

1 (Wednesday, December 13, 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 MS. YOSHIKAWA: Kari Yoshizawa, Liquor Control.

7 COMMISSIONER BICOY: Happy holidays. Dawn  
8 Bicoy.

9 COMMISSIONER UMENO: Roy Umeno.

10 MR. KUSHI: Ed Kushi.

11 CHAIR TANAKA: Good morning. Bob Tanaka.

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

13 COMMISSIONER BOLOSAN: Aloha. Leon Bolosan.

14 DIRECTOR MUKAI: Glenn Mukai, Liquor Control.

15 MS. KOBAYASHI: Sandra Kobayashi, Liquor  
16 Control.

17 MR. SILVA: Gene Silva, Liquor Control.

18 CHAIR TANAKA: Okay. Thank you. You have your  
19 agenda for December 13, 2017. If there's no questions or  
20 comments, may I have a motion for approval?

21 VICE-CHAIR LOPEZ: So moved.

22 COMMISSIONER UMENO: Second.

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

25 (Response.)

December 13, 2017

1 CHAIR TANAKA: Opposed, "no."

2 (No response.)

3 CHAIR TANAKA: Motion carried.

4 Before we go into the agenda, at 10:00, we have  
5 a public hearing for rule amendment. So what I'm gonna do  
6 is we'll go through the agenda, and, just before 10:00,  
7 I'm gonna recess at that point and then go into the public  
8 hearing. Okay?

9 You, also, have your Liquor Commission meeting  
10 minutes of November 8, 2017. If there's no questions or  
11 comments, may I have a motion for approval?

12 VICE-CHAIR LOPEZ: So move.

13 COMMISSIONER UMENO: Second.

14 CHAIR TANAKA: Moved and seconded. All in  
15 favor, say "aye."

16 (Response.)

17 CHAIR TANAKA: Opposed, "no."

18 (No response.)

19 CHAIR TANAKA: Motion carried.

20 General Licensing Matters, Item A through O. If  
21 there's no comments or questions, may I have a motion for  
22 confirmation?

23 VICE-CHAIR LOPEZ: Move to confirm General  
24 Licensing Matter A through --

25 CHAIR TANAKA: A through O.

December 13, 2017

1 VICE-CHAIR LOPEZ: O.

2 COMMISSIONER UMENO: 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. Okay. Let's go  
9 on to Licensing matters. Public Hearing, Application  
10 Number 23. Staff. Application Number 23, Hawaiian  
11 Paradise Cocktails. State your name, please.

12 MS. VOLK: Maria Volk.

13 CHAIR TANAKA: You're the owner?

14 MS. VOLK: I -- yes.

15 CHAIR TANAKA: Staff.

16 MR. SILVA: Application Number 23, Hawaiian  
17 Paradise Cocktails LLC doing business as Hawaiian Paradise  
18 Cocktails. The proposed premises is located at 142  
19 Kupuohi Street, Unit F6, Lahaina, Maui, Hawaii. This is a  
20 public hearing for a new Manufacturer Other Specified  
21 Liquor.

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

25 Notice of public hearing was published in "The

December 13, 2017

1 Maui News" on October 26, 2017, and November 1st, 2017.

2 There are a total of 95 owners and lessees situated within  
3 500 feet of the proposed premises. The Department did not  
4 receive any protests.

5 CHAIR TANAKA: Thank you. Do you have anything  
6 else to add?

7 MS. VOLK: I don't. Thanks.

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

14 VICE-CHAIR LOPEZ: Move to approve Application  
15 Number 23 conditioned upon the applicant completing the  
16 remaining application requirements to the satisfaction of  
17 the Department.

18 COMMISSIONER UMENO: 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. VOLK: Thanks.

December 13, 2017

1 CHAIR TANAKA: Application Number 22, JAS  
2 Restaurants.

3 MR. NAKAMURA: Good morning, Mr. Chair, Members  
4 of the Commission. Merry Christmas. Craig Nakamura,  
5 attorney on behalf of the applicant. And with me is  
6 Mr. Aaron Placourakis representing the licensee.

7 CHAIR TANAKA: Thank you. Gene.

8 MR. SILVA: Application Number 22, JAS  
9 Restaurants LLC doing business as Son'z Steakhouse Maui.  
10 The proposed premises is located at 200 Nohea Kai Drive,  
11 Kaanapali, Maui, Hawaii. This is a public hearing for a  
12 new Dispenser General License, Category C(ii).

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

16 Notice of public hearing was published in "The  
17 Maui News" on October 18th and 25th, 2017. There are a  
18 total of three owners and lessees situated within 500 feet  
19 of the proposed premises. The Department did not receive  
20 any protests.

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

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

25 CHAIR TANAKA: Okay. Since this is a public

December 13, 2017

1 hearing, I'm -- open it to the public. Anybody for or  
2 against this application? Okay. Seeing none, public  
3 hearing closed for this item. Any questions by the  
4 Commissioners? Okay. If there's no questions, may I have  
5 a motion?

6 MR. SILVA: Excuse me, Chair.

7 CHAIR TANAKA: Yeah.

8 MR. SILVA: The Department would request that we  
9 impose conditions on the license for the time.

10 CHAIR TANAKA: What's -- yeah. I thought we  
11 already set the time on that, from that 2:00 to 2:00.

12 MR. SILVA: Well, it's from, I believe, 2:01  
13 p.m. to 2:00 a.m.

14 CHAIR TANAKA: Yeah.

15 MR. SILVA: And I know that the condition  
16 already exists on the Hyatt license.

17 CHAIR TANAKA: Right.

18 MR. SILVA: So we was thinking maybe we could do  
19 a similar -- the same conditions on top of the JAS  
20 license.

21 MR. NAKAMURA: That's fine, Mr. Chair.

22 CHAIR TANAKA: You get no objection?

23 MR. NAKAMURA: No objection, Mr. Chair.

24 CHAIR TANAKA: We -- we discussed that at the  
25 preliminary --



December 13, 2017

1 MR. NAKAMURA: That's right.

2 CHAIR TANAKA: -- hearing, anyway. So -- okay.  
3 Any question by the Commissioners? If not, may I have a  
4 motion?

5 VICE-CHAIR LOPEZ: I move to approve Application  
6 Number 22 conditioned upon the applicant completing the  
7 remaining application requirements to the satisfaction of  
8 the Department.

9 COMMISSIONER UMENO: 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. Thank you.

16 MR. NAKAMURA: Thank you very much.

17 MR. PLACOURAKIS: Thank you.

18 CHAIR TANAKA: Application Number 03, Freshies  
19 Maui Corporation [sic].

20 MR. NAKAMURA: Good morning, again, Mr. Chair.  
21 Craig Nakamura on behalf of the licensee applicant.

22 CHAIR TANAKA: Thank you. Gene.

23 MR. SILVA: Application Number 03, Freshies Maui  
24 Corp. doing business as Freshies Maui. The proposed  
25 premises is located at 3620 Baldwin Avenue, Space 102-A,

December 13, 2017

1 Makawao, Maui, Hawaii. This is a public hearing for a new  
2 Dispenser Beer and Wine License, Category C(ii).

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

6 Notice of public hearing was published in "The  
7 Maui News" on October 18th and 25th of 2017. There are a  
8 total of 104 owners and lessees situated within 500 feet  
9 of the proposed premises. The Department received one  
10 letter of protest.

11 CHAIR TANAKA: Thank you. Anything to add,  
12 Craig?

13 MR. NAKAMURA: Mr. Chair, just to address that  
14 protest letter, which we did receive a copy of, you know,  
15 this is a Dispenser license for a -- application for a  
16 Dispenser license. We're required to file a application  
17 for a Dispenser license because we cannot file an  
18 application for a Restaurant license unless we've been in  
19 business for one year. So the notice goes out and it says  
20 this is a application for a Dispenser license. And as  
21 most people know, that's like a standard bar license, it's  
22 a premises that can be opened up 'til 2:00 in the morning,  
23 can have live music and entertainment until late hours.  
24 And so when people get that notice, the public hearing  
25 notice gets out, I think there's a misconception as to the

December 13, 2017

1 type of operation that this business might be having.

2           You know, this is a new business, it's in a  
3 small premises. And, really, it's not a nightclub, it's  
4 not a bar; it's a standard restaurant. I think the --  
5 the -- I apologize, Mr. Ulmann was supposed to be here  
6 today, but he must have got delayed. But my understanding  
7 is his operation is he's gonna be -- it's -- you know,  
8 he's going to be closed by 5:00 or 6:00 in the evening.  
9 So it's not a late club or anything like that, again. So  
10 there should be no concern with that loud music as  
11 expressed in the letter of protest.

12           I'd be happy to answer any questions.

13           CHAIR TANAKA: Yeah, I think -- I think he  
14 reiterated that thing at the preliminary hearing, anyway.

15           MR. NAKAMURA: Yes.

16           CHAIR TANAKA: Yeah. Any other questions by the  
17 Commissioners? If not, may I have a motion?

18           VICE-CHAIR LOPEZ: Okay. I move to approve  
19 Application Number 03.

20           CHAIR TANAKA: Oh, sorry. Okay. Yes. Since  
21 this is a public hearing, I'm gonna open it to the public.  
22 Anybody for or against this application? Okay. Public  
23 hearing closed for this item. Motion.

24           VICE-CHAIR LOPEZ: Okay. Move to approve  
25 Application Number 03 conditioned upon the applicant

December 13, 2017

1 completing the remaining application requirements to the  
2 satisfaction of the Department.

3 COMMISSIONER UMENO: Second.

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

6 (Response.)

7 CHAIR TANAKA: Opposed, "no."

8 (No response.)

9 CHAIR TANAKA: Motion carried.

10 MR. NAKAMURA: Thank you very much.

11 CHAIR TANAKA: Application Number 08, Sushi  
12 Paradise, Inc.

13 MS. TAKAHASHI: Good morning.

14 MR. KAWAGISHI: Good morning, Chairman Tanaka  
15 and Members of the Liquor Commission. Michael Kawagishi  
16 on behalf of Sushi Paradise, Inc. And with me today is  
17 Alyssa Takahashi, who is the manager of the premises.

18 CHAIR TANAKA: Thank you.

19 MS. KOBAYASHI: Application 08, the applicant is  
20 Sushi Paradise, Inc. doing business as Sushi Paradise.  
21 The proposed premises is located at 1215 South Kihei Road,  
22 Unit 1, Kihei, Maui, Hawaii. This is a public hearing for  
23 a new Dispenser General License, Category C(ii).

24 The documents necessary for completing the  
25 remaining application requirements for a liquor license

December 13, 2017

1 are listed in the summary report.

2 Notice of public hearing was published in "The  
3 Maui News" on October 18 and 25, 2017. There are a total  
4 of 12 owners and lessees situated within 500 feet of the  
5 proposed premises. The Department did not receive any  
6 protests.

7 CHAIR TANAKA: Anything else to add, Mike?

8 MR. KAWAGISHI: Nothing to add.

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

15 VICE-CHAIR LOPEZ: Yeah. I move to approve  
16 Application Number 08 conditioned upon the applicant  
17 completing the remaining application requirements to the  
18 satisfaction of the Department.

19 COMMISSIONER UMENO: Second.

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

22 (Response.)

23 CHAIR TANAKA: Opposed, "no."

24 (No response.)

25 CHAIR TANAKA: Motion carried. Thank you.

December 13, 2017

1 MR. KAWAGISHI: Thank you and Merry Christmas.

2 MS. TAKAHASHI: Happy holidays.

3 CHAIR TANAKA: Application Number 09, Walgreens  
4 of Hawaii.

5 MR. UEOKA: Good morning Mr. Chair and Members  
6 of the Commission, Mr. Mukai. Robert Ueoka on behalf of  
7 Walgreens. This is for the Lahaina store. Present to my  
8 right is Lee Donnelly, the store manager. Last name  
9 spelled D-O-N-N-E-L-L-Y.

10 CHAIR TANAKA: Thank you.

11 MS. KOBAYASHI: Application 09, the applicant is  
12 Walgreen of Hawaii, LLC doing business as Walgreens. The  
13 proposed premises is located at 342 Keawe Street, Building  
14 D, Lahaina, Maui, Hawaii. This is a public hearing for a  
15 new Retail General License.

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

19 Notice of public hearing was published in "The  
20 Maui News" on October 18 and 25, 2017. There are a total  
21 of 361 owners and lessees situated within 500 feet of the  
22 proposed premises. The Department did not receive any  
23 protests.

24 CHAIR TANAKA: Anything else to add, Robbie?

25 MR. UEOKA: Nothing to add.

December 13, 2017

1 CHAIR TANAKA: Okay. Since this is a public  
2 hearing item, I'm gonna open it to the public. Anybody  
3 for or against this application? Okay. Seeing none,  
4 public hearing application closed. Any questions by the  
5 Commissioners? If there's no questions, may I have a  
6 motion?

7 VICE-CHAIR LOPEZ: Yeah. I move to approve  
8 Application Number 09 conditioned upon the applicant  
9 completing the remaining application requirements to the  
10 satisfaction of the Department.

11 COMMISSIONER UMENO: 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.

18 MR. UEOKA: Thank you so much.

19 CHAIR TANAKA: Okay. Let's go on to Application  
20 Number 10, Walgreens again.

21 MR. UEOKA: Robert Ueoka on behalf of the  
22 Walgreens. To my right, Mr. Eric Donnelly, store manager  
23 of the Kahului store.

24 CHAIR TANAKA: Thank you. Sandy.

25 MS. KOBAYASHI: Application Number 10, the

December 13, 2017

1 applicant is Walgreen of Hawaii, LLC doing business as  
2 Walgreens. The proposed premises is located at 10 East  
3 Kamehameha Avenue, Kahului, Maui, Hawaii. This is a  
4 public hearing for a new Retail General License.

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 October 18 and 25, 2017. There are a total  
10 of 95 owners and lessees situated within 500 feet of the  
11 proposed premises. The Department did not receive any  
12 protests.

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

15 MR. UEOKA: Nothing to add.

16 CHAIR TANAKA: Okay. Since this is a public  
17 hearing, I'm gonna open it to the public. Anybody for or  
18 against this application? Okay. Seeing none, public  
19 hearing closed for this item. Any questions by the  
20 Commissioners? If there's no questions, may I have a  
21 motion?

22 VICE-CHAIR LOPEZ: I move to approve Application  
23 Number 10 conditioned upon the applicant completing the  
24 remaining application requirements to the satisfaction of  
25 the Department.



December 13, 2017

1 COMMISSIONER UMENO: Second.

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

4 (Response.)

5 CHAIR TANAKA: Opposed, "no."

6 (No response.)

7 CHAIR TANAKA: Motion carried. Okay, let's go  
8 on. Application Number 11, Walgreens again.

9 MR. UEOKA: Robert Ueoka on behalf of the  
10 Walgreens. This is for the Wailuku store. Present to my  
11 right, Mr. Perry Chapman, he is the store manager.

12 CHAIR TANAKA: Thank you. Sandy.

13 MS. KOBAYASHI: Application Number 11, the  
14 applicant is Walgreen of Hawaii, LLC doing business as  
15 Walgreens. The proposed premises is located at 700 Waiale  
16 Road, Wailuku, Maui, Hawaii. This is a public hearing for  
17 a new Retail General license.

18 The documents necessary for completing the  
19 remaining application requirements for a liquor license  
20 are listed in the summary report.

21 Notice of public hearing was published in "The  
22 Maui News" on October 18 and 25, 2017. There are a total  
23 of 37 owners and lessees situated within 500 feet of the  
24 proposed premises. The Department did not receive any  
25 protests.

December 13, 2017

1 CHAIR TANAKA: Anything else to add, Robbie?

2 MR. UEOKA: Nothing to add, Mr. Chair.

3 CHAIR TANAKA: Okay. I'm gonna open it to the  
4 public. Anybody for or against this application? Okay.  
5 Seeing none, public hearing closed for this item. Any  
6 questions by the Commissioners? If there's no questions,  
7 may I have a motion?

8 VICE-CHAIR LOPEZ: Yeah. I move to approve  
9 Application Number 11 conditioned upon the applicant  
10 completing the remaining application requirements to the  
11 satisfaction of the Department.

12 COMMISSIONER UMENO: Second.

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

15 (Response.)

16 CHAIR TANAKA: Opposed, "no."

17 (No response.)

18 CHAIR TANAKA: Motion carried. Thank you.

19 MR. UEOKA: Thank you so much.

20 CHAIR TANAKA: Application Number 17, Mist  
21 Marine Inc.

22 MS. MEHLING: Good morning, Mr. Chairperson,  
23 Commissioners. Keri Mehling on behalf of the applicant  
24 Mist Marine Inc. With me is Mr. Donald Kidder. He is the  
25 President.

December 13, 2017

1 CHAIR TANAKA: Thank you. Gene.

2 MR. SILVA: Application Number 17, Mist Marine  
3 Inc. doing business as Scotch Mist Charters (Scotch Mist  
4 II) applying for a Tour or Cruise Vessel, Category A.

5 Officers, director and stockholder of the  
6 corporation are listed in the investigator's report.

7 Applicant has submitted a U.S. Coast Guard  
8 Certificate of Documentation dated July 11, 2017.

9 Applicant has submitted a U.S. Coast Guard Certificate of  
10 Documentation which identifies Mist Marine Inc. as the  
11 owner of the vessel.

12 The proposed premises is a 48.5-foot auxiliary  
13 sailing vessel authorized to carry 25 passengers, one  
14 master, one deckhands and one person in addition to the  
15 crew. Total persons allowed is 28.

16 The vessel will be berthed at Slip 2, Lahaina  
17 Small Boat Harbor, Lahaina, Hawaii.

18 The men's and women's toilet facility are  
19 located on the port side of the vessel within the hull.  
20 Beverages will be dispensed from within the cabin located  
21 on the cabin level of the vessel.

22 There are 35 licenses of this class and kind  
23 currently issued within Maui County.

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

December 13, 2017

1 Donald Lee Kidder was an officer and director  
2 and Maehkyne Noelani Bernadine Mason was an officer of  
3 Mist Marine Inc. doing business as Scotch Mist II, Number  
4 234, Tour or Cruise Vessel, Category 2. Original license  
5 issued on August 17, 1988; license expired on June 30th,  
6 2017.

7 A site inspection was conducted of the proposed  
8 premises on November 15, 2017. The investigator found  
9 that the floor plan submitted was inconsistent with the  
10 floor plan submitted within the application. The  
11 applicant has since submitted an accurate floor plan.

12 Information contained within the DLC-006 Form  
13 submitted by Donald Lee Kidder indicated that he had been  
14 convicted for violation of laws. Donald Lee Kidder had  
15 submitted a letter of explanation. Information received  
16 from the criminal history background check revealed that  
17 Donald Lee Kidder had not been convicted for violation of  
18 laws.

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. Do you have anything  
23 else to add?

24 MS. MEHLING: We do not.

25 CHAIR TANAKA: Okay. Since this is a public

December 13, 2017

1 hearing item, and a cruise vessel, I'm gonna open it to  
2 the public. Anybody for or against this application?  
3 Okay. Seeing none, public hearing item closed for this.  
4 Any questions by the Commissioners? If there's no  
5 questions, may I have a motion?

6 VICE-CHAIR LOPEZ: I move to approve Application  
7 Number 17 conditioned upon the applicant completing the  
8 remaining application requirement to the satisfaction of  
9 the Department.

10 COMMISSIONER UMENO: Second.

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

13 (Response.)

14 CHAIR TANAKA: Opposed, "no."

15 (No response.)

16 CHAIR TANAKA: Motion carried. Thank you.

17 MS. MEHLING: Thank you.

18 MR. KIDDER: Thank you.

19 CHAIR TANAKA: Okay. Let's go on to Preliminary  
20 Hearings. Application Number 16, Aumakua Holdings.

21 MR. MARRERO: Aloha. Garret Marrero, General  
22 Manager, Aumakua Holdings. And Melanie Oxley, President.

23 CHAIR TANAKA: Thank you. Sandy.

24 MS. KOBAYASHI: Application 16, Aumakua Holdings  
25 Inc. doing business as Maui Brewing Co. applying for a

December 13, 2017

1 Small Craft Producer Pub License, Category B.

2 The officers, director and stockholder of the  
3 corporation are listed in the investigator's report.

4 Applicant has submitted a commercial lease  
5 between Kahu Ohana Inc., landlord, and Aumakua Holdings  
6 Inc., tenant, effective January 1, 2013. The term of this  
7 lease shall commence on January 1, 2013, and terminate on  
8 December 31, 2023.

9 The proposed premises is a two-story structure  
10 consisting of approximately 42,000 square feet, including  
11 an outdoor lanai dining area and an outdoor events lawn,  
12 located at 605 Lipoa Parkway, Kihei, Maui, Hawaii.

13 There are no schools, churches or licenses of  
14 the same class and kind located within a radius of 500  
15 feet.

16 There is one Dispenser General License within a  
17 radius of 500 feet. There is one license of this class  
18 and kind currently issued within Maui County.

19 Applicant initially plans to be open seven days  
20 a week from 6:00 a.m. to 2:00 a.m.

21 Aumakua Holdings Inc. doing business as Maui  
22 Brewing Co. plans to exercise the full rights provided  
23 under HRS 281 with regards to Class 18 Small Craft  
24 Producer Pub License. This includes producing beer, wine  
25 and spirits. The applicant has obtained and submitted a

December 13, 2017

1 Federal TTB Clearance for beer (Brewers Notice) as well as  
2 a DSP Clearance for distilled spirits.

3 As of the time of this report, the applicant has  
4 not submitted any Federal clearances to allow for the  
5 production of wine. The applicant has indicated the  
6 intention to produce local craft beer as well as whiskey,  
7 gin and other spirits using local agricultural influence  
8 including ready-to-drink cocktails and wine.

9 The applicant is aware that they will need to  
10 submit a Federal clearance for the production of wine and  
11 receive approval from the Liquor Commission in order to  
12 produce wine.

13 A site inspection was conducted of the proposed  
14 premises on November 14, 2017. The investigator found  
15 that the floor plan submitted was inconsistent with the  
16 floor plan submitted within the application. The premises  
17 is currently undergoing construction.

18 Melanie Marie Oxley is an officer, director and  
19 stockholder and Russell Hugh Adkins is an officer of  
20 Aumakua Holdings Inc. doing business as Maui Brewing Co.,  
21 Number 431, Brewpub, Category B(ii). Original license  
22 issued on March 12, 2014. On August 12, 2015, the  
23 following conditions were imposed by the Liquor  
24 Commission: Number 1, minors shall be allowed within the  
25 premises, except for special events; 2, all patrons 21

December 13, 2017

1 years and older shall be visibly identified by issued  
2 wristbands and are required to be visibly identified at  
3 all times while within the premises; 3, these conditions  
4 shall terminate upon the opening of the premises  
5 restaurant.

6           On June 20, 2015, Aumakua Holdings Inc. doing  
7 business as Maui Brewing Co., Number 431, between the  
8 times of 12:00 p.m. and 5:00 p.m., licensee did, through  
9 its employee, sell, serve or furnish liquor to, or allow  
10 the consumption of liquor by a patron, who was at the time  
11 under the influence of liquor, drugs or any combination  
12 thereof, as defined in Section 281-1, HRS, and Section  
13 08-101-5, Rules of the Liquor Commission, contrary to  
14 Section 281-78(b)(1)(B), HRS, and Section  
15 08-101-60(b)(1)(B), Rules of the Liquor Commission.

16           On December 1, 2016, Aumakua Holdings Inc. doing  
17 business as Maui Brewing Co., Number 431, had been found  
18 guilty and had received a penalty of two thousand -- of a  
19 \$2,000 fine with \$1,000 suspended one year provided no  
20 same conviction.

21           Fish and Game Sports Bar, Inc. doing business as  
22 Fish and Game Brewing Co. and Rotisserie transferred a  
23 Brewpub, Category B(ii) to Aumakua Holdings Inc. doing  
24 business as Co., Number 027, on November 7, 2005.

25           Melanie Marie Oxley is an officer, director and



December 13, 2017

1 stockholder and Russell Hugh Adkins is an officer of  
2 Amakua Holdings Inc. doing business as Maui Brewing Co.,  
3 Number 027, Brewpub, Category B(ii). Original license  
4 issued on November 7, 2005.

5 On December 9, 2005, Amakua Holdings Inc. doing  
6 business as Maui Brewing Co., Number 027, between the  
7 approximate times of 5:00 p.m. and 7:30 p.m., licensee  
8 did, through its employees, sell, serve or furnish liquor  
9 to, or allow the consumption of liquor by a patron who was  
10 at the time under the influence of liquor as defined in  
11 Section 281-1, HRS, and Section 08-101-5, Rules of the  
12 Liquor Commission, contrary to Section 281-78(b)(1)(B),  
13 HRS, and Section 08-101-60(b)(1)(B), Rules of the Liquor  
14 Commission.

15 On September 7, 2006, Amakua Holdings Inc. doing  
16 business as Maui Brewing Co., Number 027, had been found  
17 guilty and had received a penalty of \$2,000 fine with  
18 \$1,000 suspended one year provided no same conviction.

19 Copies of their past histories are attached.

20 Information contained within the DLC-006 Form  
21 submitted by Melanie Marie Oxley and Russell Hugh Adkins  
22 indicated that they had been convicted for a violation of  
23 law.

24 Information received from criminal background  
25 checks revealed that Melanie Marie Oxley and Russell Hugh

December 13, 2017

1 Adkins had not been convicted for violations of law.

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

5 CHAIR TANAKA: Thank you. Do you have anything  
6 else to add?

7 MR. MARRERO: Yes. On the documents necessary  
8 for issuance, number one, Department of Public Works  
9 miscellaneous inspections, that was submitted on October  
10 18th, 2017. I have a copy here as well as the email  
11 confirming with one of the agents here that it was indeed  
12 dropped off. So the only thing outstanding should be the  
13 fee on Items 2 and 3, so --

14 CHAIR TANAKA: Thank you. I'm gonna open it to  
15 the public. Any public testimony on this item? Okay.  
16 Seeing none, I have a question. When do you expect the  
17 Federal clearance on your wine production?

18 MR. MARRERO: We've not applied for that. I  
19 think there's an error. We did not actually say wine.  
20 Cider is considered wine. It's something that we plan to  
21 do in the future. So we understand that we cannot do that  
22 until we do a wine permit.

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

December 13, 2017

1 COMMISSIONER UMENO: I move to approve  
2 Application Number 18 --

3 CHAIR TANAKA: 16.

4 COMMISSIONER UMENO: -- 16 for public hearing  
5 and to process the application for publication.

6 VICE-CHAIR LOPEZ: Second.

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

9 (Response.)

10 CHAIR TANAKA: Opposed, no.

11 (No response.)

12 CHAIR TANAKA: Thank you.

13 MR. MARRERO: Thank you.

14 MS. OXLEY: Thank you. Have a good day.

15 CHAIR TANAKA: Application Number 18, Shaka  
16 Sushi Maui.

17 MR. KAWAGISHI: Chairman Tanaka, Members of the  
18 Liquor Commission, Michael Kawagishi on behalf of Shaka  
19 Sushi Maui, Inc. And with me today is Panompon Jares who  
20 is the officer of the company.

21 CHAIR TANAKA: Thank you. Gene.

22 MR. SILVA: Application Number 18, Shaka Sushi  
23 Maui, Inc. doing business as Shaka Sushi Maui applying for  
24 a Dispenser Beer and Wine license, Category C(ii).

25 Officer, director and stockholder of the

December 13, 2017

1 corporation are listed in the investigator's report.

2 Applicant has submitted a copy of The Wharf  
3 Lease by and between Whaler's Wharf LLC, lessor, and Shaka  
4 Sushi Maui, Inc. doing business as Shaka Sushi Maui,  
5 lessee, dated June 15, 2016.

6 The proposed premises is on the first floor of  
7 the multilevel commercial complex consisting of  
8 approximately 650 square feet. It's located at Wharf  
9 Cinema Center, 658 Front Street, Number 140, Lahaina,  
10 Maui, Hawaii.

11 Restroom facilities are located outside of the  
12 premises, on the second floor, approximately 75 feet in  
13 the mauka direction.

14 King Kamehameha III Elementary School is located  
15 within a radius of 500 feet. Lahaina Shingon Mission,  
16 Wainee Church and the Lahaina Seventh Day Adventist Church  
17 are located within a radius of 500 feet.

18 Tiki Tiki Thai Cuisine II is a license of the  
19 same class and kind located within a radius of 500 feet.

20 There are one Hotel license, three Restaurant  
21 General, four Dispenser General and two Retail General  
22 licenses located within a radius of 500 feet.

23 There are six licenses of this class and kind  
24 currently issued within Maui County.

25 Applicant initially plans to be open seven days

December 13, 2017

1 a week from 8:00 a.m. to 2:00 a.m.

2 A site inspection was conducted of the proposed  
3 premises on November 17, 2017.

4 Panompon Jares is currently an officer and  
5 director of Tiki Tiki Thai Cuisine Inc. doing business as  
6 Tiki Tiki Thai Cuisine, Number 252, Dispenser Beer and  
7 Wine, Category C(ii).

8 Liquor License 258 was transferred from MK  
9 Group, Inc. doing business as Bangkok Cuisine on April  
10 20th, 2015.

11 Panompon Jares is currently a member of Tiki  
12 Tiki Thai Cuisine 2 LLC doing business as Tiki Tiki Thai  
13 Cuisine, Number 085, Dispenser General, Category C(ii).  
14 Original license issued on September 16th, 2016.

15 There have been no incidents of liquor law  
16 violations at both locations.

17 A copy of their past history is attached.

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: Anything else to add, Mike?

22 MR. KAWAGISHI: Nothing to add at this time.

23 CHAIR TANAKA: Okay. I'm gonna open it to the  
24 public. Any public testimony on this item? Okay. Seeing  
25 none, any questions by the Commissioners? Okay. If

December 13, 2017

1 there's no questions, may I have a motion?

2 COMMISSIONER UMENO: Move to approve Application  
3 Number 18 for public hearing and process the application  
4 for publication.

5 VICE-CHAIR LOPEZ: 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. KAWAGISHI: Thank you. Merry Christmas.

13 CHAIR TANAKA: Okay. Let's go on to Other  
14 Licensing Matters. Glenn.

15 DIRECTOR MUKAI: Yes.

16 CHAIR TANAKA: Item A, B and C are same da kine  
17 but different location, they're asking for the same thing.  
18 If the Commissioners have no objections, I'm going to take  
19 A, B and C together, yeah. Okay. Lahaina Petroleum, LLC.

20 MR. CHENTNIK: Descoe Chentnik, Director of  
21 Operations for Lahaina Petroleum, LLC --

22 CHAIR TANAKA: Okay.

23 MR. CHENTNIK: -- dba Lahaina Texaco, Pukalani  
24 Texaco and Port Town Texaco.

25 CHAIR TANAKA: Thank you. Okay.

December 13, 2017

1 MS. KOBAYASHI: Lahaina Petroleum, LLC doing  
2 business as Lahaina Chevron, pursuant to the Rules of the  
3 Liquor Commission, is requesting Commission approval to  
4 change the existing trade name from Lahaina Chevron to  
5 Lahaina Texaco.

6 The manager, member and agents of the  
7 manager-managed LLC are listed in the investigator's  
8 report.

9 Rules of the Liquor Commission: Section  
10 08-101-36, Unauthorized use of trade name; change. (a) A  
11 new licensee or transferee shall have a choice of trade  
12 name, however such trade name must be registered with the  
13 State Department of Commerce and Consumer Affairs; (b) Any  
14 licensee desirous of changing an existing trade name shall  
15 submit to the Commission a certificate of registration of  
16 trade name issued by the State Department of Commerce and  
17 Consumer Affairs, showing approval of such registration;  
18 (c) Use of any trade name without prior approval of the  
19 Commission is prohibited. Any publication or advertising  
20 or sign with an unauthorized trade name will be considered  
21 prima facie evidence of use of such trade name.

22 CHAIR TANAKA: Thank you. Go on to the next  
23 one.

24 MS. KOBAYASHI: Lahaina Petroleum LLC doing  
25 business as Port Town Chevron, pursuant to the Rules of

December 13, 2017

1 the Liquor Commission, is requesting Commission approval  
2 to change the existing trade name from Port Town Chevron  
3 to Port Town Texaco.

4 The manager, member and agents of the  
5 manager-managed LLC are listed in the investigator's  
6 report.

7 CHAIR TANAKA: Okay. Thank you.

8 MS. KOBAYASHI: Lahaina Petroleum, LLC doing  
9 business as Pukalani Chevron, pursuant to the Rules of the  
10 Liquor Commission, is requesting Commission approval to  
11 change the existing trade name from Pukalani Chevron to  
12 Pukalani Texaco.

13 The manager, member and agents of the  
14 manager-managed LLC are listed in the investigator's  
15 report.

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

18 MR. CHENTNIK: No, sir.

19 CHAIR TANAKA: Okay. Anybody in the public have  
20 any testimony to this application? Okay. Seeing none,  
21 any questions by the Commissioners? Basically, you're  
22 just changing your name?

23 MR. CHENTNIK: Yes, sir.

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



December 13, 2017

1 VICE-CHAIR LOPEZ: I move to approve the changes  
2 on three licenses.

3 COMMISSIONER UMENO: Second.

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

6 (Response.)

7 CHAIR TANAKA: Opposed, "no."

8 (No response.)

9 CHAIR TANAKA: Motion carried. Thank you.

10 MR. CHENTNIK: Thank you.

11 CHAIR TANAKA: Let's go on to Item D, Lahaina  
12 Sushi Ko.

13 MR. EGAN: Christopher Egan.

14 CHAIR TANAKA: You're the manager?

15 MR. EGAN: Yes.

16 CHAIR TANAKA: Okay. Gene.

17 MR. SILVA: Lahaina Sushi Ko, LLC doing business  
18 as Lahaina Sushi Ko requesting Commission approval to  
19 change the trade name from Lahaina Sushi Ko to Maui Dog  
20 House, and notifying the Commission that the licensee name  
21 has changed from Lahaina Sushi Ko LLC to Lahaina Sushi Ko,  
22 LLC, effective February 21st, 2017.

23 CHAIR TANAKA: Thank you. Got anything else to  
24 add?

25 MR. EGAN: No.

December 13, 2017

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

5 VICE-CHAIR LOPEZ: I move to change -- accept  
6 the change in the licensee.

7 COMMISSIONER UMENO: Second.

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

10 (Response.)

11 CHAIR TANAKA: Opposed, "no."

12 (No response.)

13 CHAIR TANAKA: Motion carried. Thank you.

14 MR. EGAN: Thank you.

15 CHAIR TANAKA: Friendly Market Center.

16 MS. TSUKIYAMA: Good morning, everyone.

17 Kristine Tsukiyama representing Friendly Market Center.

18 CHAIR TANAKA: Thank you. Sandy.

19 MS. KOBAYASHI: Friendly Market Center, Ltd.

20 doing business as Friendly Market Center, Ltd. requesting

21 Commission's approval for the transfer of the outstanding

22 capital stock of the corporation. Previously, Okimoto

23 Corp. owned 100 percent of the outstanding capital stock.

24 Effective October 1, 2017, Okimoto Holdings, Inc. owns 100

25 percent of the outstanding capital stock.

December 13, 2017

1           Officers, directors and stockholder of the  
2 corporation are listed in the investigator's report.

3           Section 281-41, HRS provides, in part, if the  
4 licensee is a corporation, a change on ownership of any  
5 outstanding capital stock shall not be deemed a transfer  
6 of a license, provided that in the case of change in  
7 ownership of any number of 25 percent or more of the stock  
8 or in the case of change of ownership of any number of  
9 shares of the stock that result in the transferee thereof  
10 becoming the owner of 25 percent or more of the  
11 outstanding capital stock, the corporate licensee shall,  
12 prior to the date of the transfer, apply for and secure  
13 the approval of the transfer from the Commission in  
14 writing.

15           An applicant -- the applicant has submitted a  
16 copy of a Corporate Certification dated October 1, 2017,  
17 which reflects the changes.

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

23           CHAIR TANAKA: Thank you. Do you have anything  
24 else to add?

25           MS. TSUKIYAMA: No.

December 13, 2017

1 CHAIR TANAKA: Okay. Any public testimony on  
2 this item? Okay. Any questions by the Commissioners?

3 MR. KUSHI: Mr. Chairman, is this -- is this  
4 applicant on Lanai?

5 COMMISSIONER BICOY: Molokai.

6 MR. KUSHI: Oh, Molokai. Okay.

7 CHAIR TANAKA: If there's no questions, may I  
8 have a motion?

9 COMMISSIONER BICOY: I'll make the motion.  
10 Since -- I move to approve the transfer from Okimoto Corp.  
11 to Okimoto Holdings, Inc.

12 COMMISSIONER UMENO: Second.

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

15 (Response.)

16 CHAIR TANAKA: Motion carried. Thank you.

17 MS. TSUKIYAMA: Thank you very much.

18 CHAIR TANAKA: Lily's Ma`alaea Kitchen.

19 MR. JORGENSEN: Good morning, Chairman Tanaka,  
20 Members of the Commission and staff. My name is Dave  
21 Jorgensen, I'm the attorney for the applicant, Lily's  
22 Ma`alaea Kitchen LLC dba Maalaea General Store and Cafe.  
23 With me this morning is Christine Peterson, the manager of  
24 the LLC.

25 CHAIR TANAKA: Okay. Gene.

December 13, 2017

1 MR. SILVA: Lily's Ma`alaea Kitchen LLC doing  
2 business as Ma`alaea General Store and Cafe, Dispenser  
3 General License, Category C(ii), at 132 Maalaea Road,  
4 Maalaea, Maui, Hawaii, requesting extension to exercise  
5 the liquor license pursuant to Section 08-101-34(c) of the  
6 Rules of the Liquor Commission, County of Maui.

7 License granted by the Commission on August 10,  
8 2016. Request for extension approved by the Commission on  
9 January 11, 2017. Extension to expire on February 6,  
10 2018. Applicant is requesting extension of one year to  
11 exercise their license.

12 CHAIR TANAKA: Thank you. Anything else to add,  
13 Dave?

14 MR. JORGENSEN: No. The bottom line is it has  
15 to do with -- we had to -- my client had a liquor license  
16 for retail store, wanted to switch to a Dispenser General,  
17 C(ii). That kicked in a requirement to have a greater  
18 sewer system capacity. And so we're dealing with the  
19 Harbors Division and/or Maalaea Triangle to try and make  
20 that happen. So we're hoping we'll have positive movement  
21 soon, but we are requesting a one-year extension.

22 CHAIR TANAKA: Basically, this is for getting  
23 your CO?

24 MR. JORGENSEN: Yes, getting -- getting all the  
25 sign-offs from County and State. But my client had a

December 13, 2017

1 Retail license and surrendered that, gave that up, and is  
2 applying for a Dispenser General. But because of the  
3 change in use, where there would be consumption on  
4 premises, that kicked in this extra requirement. It's  
5 hard to figure out quite why, but it did.

6 CHAIR TANAKA: You gotta talk to the County.

7 MR. JORGENSEN: Well, the County says the  
8 Department needs a sign-off from the State. And the State  
9 won't give it until we straighten it out with the State.

10 CHAIR TANAKA: Okay. We trying to do something  
11 about it.

12 MR. JORGENSEN: I appreciate. Can you do it  
13 fast?

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

17 MR. KUSHI: Mr. Chair, one-year extension from  
18 when?

19 MR. JORGENSEN: From the February --

20 CHAIR TANAKA: 6.

21 MR. JORGENSEN: -- 6, 2018 date.

22 CHAIR TANAKA: Just to let you know, the  
23 Director and I had a meeting with the Public Works, trying  
24 to resolve all these small issues. Hopefully, we can get  
25 something done in the near future. It may not help you,

December 13, 2017

1 but it may help some other people. Any -- any other  
2 questions?

3 MR. JORGENSEN: Thanks for that, sir. We  
4 appreciate your effort.

5 COMMISSIONER BICOY: There's hope.

6 CHAIR TANAKA: Okay. If not, may I have a  
7 motion?

8 VICE-CHAIR LOPEZ: Yeah. I move to approve the  
9 extension on this license.

10 COMMISSIONER UMENO: Second.

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

13 (Response.)

14 CHAIR TANAKA: Opposed, "no."

15 (No response.)

16 CHAIR TANAKA: Motion carried.

17 MR. JORGENSEN: Thank you very much.

18 MS. PETERSON: Thank you.

19 MR. JORGENSEN: Happy holidays.

20 COMMISSIONER BICOY: Happy holidays.

21 MS. PETERSON: Good to see you.

22 CHAIR TANAKA: Okay. Let's go on. Cool Cat  
23 Cafe.

24 MR. CORPUDEL: Good morning. I'm Sean Corpuel,  
25 member of Cool Cat Cafe.

December 13, 2017

1 CHAIR TANAKA: Thank you. Sandy.

2 MS. KOBAYASHI: Cool Cat Cafe LLC doing business  
3 as Cool Cat Cafe, Dispenser General License, Category  
4 C(ii):

5 Members, manager, organizer and agent are listed  
6 in the investigator's report.

7 Original application for a Dispenser General,  
8 Category C(ii), which was filed on October 24, 2002, for a  
9 premises located at 658 Front Street, Number 160, Lahaina,  
10 Maui, Hawaii. The current premises, Number 160, consists  
11 of approximately 4,160 square feet. Original floor plan  
12 is attached.

13 A public hearing for this application took place  
14 on March 12, 2003. There were no protests.

15 Licensee is requesting approval to extend the  
16 existing premises approximately 1,710 square feet in the  
17 mauka direction for food preparation and storage areas.  
18 Licensee requesting approval to modify the existing  
19 premises, Number 160, by removing a portion of an existing  
20 wall on the mauka side of the licensed premises to extend  
21 Number 160 1,710 square feet, as plans submitted.

22 Licensee -- licensee has submitted a Fourth  
23 Amendment of Lease by and between Whaler's Wharf LLC,  
24 lessor, and Cool Cat Cafe LLC doing business as Cool Cat  
25 Cafe, lessee, dated June 4, 2015, indicates that the



December 13, 2017

1 licensee has the use and exclusive control of the area,  
2 Number 160, at 4,160 square feet, to include extension of  
3 Number 160, at 1,710 square feet, for a term of 20 years,  
4 six months, to expire in December 31, 2035.

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

December 13, 2017

1 manner upon the license.

2 Section 08-101-98, Modification or extension of  
3 licensed premises. (a) Modification to the licensed  
4 premises other than what was submitted to the Commission  
5 at the time of application is strictly prohibited; (b)  
6 Extension of premises shall not be granted unless such  
7 area requested is adjacent to and connected to the  
8 licensed premises and meet all governmental requirements.

9 During the investigation, the investigator  
10 reviewed the original list of owners and lessees from --  
11 lessees within the 100-foot and 500-foot radius and  
12 compared them to the new list of owners and lessees. It  
13 was found that there are no -- there were no significant  
14 changes to the owners and lessees within the 100-feet and  
15 one -- 500-foot radius.

16 A site inspection was conducted of the proposed  
17 premises on November 6, 2017. The investigator found that  
18 the premises was inconsistent with the floor plan  
19 submitted within the application. The application has  
20 since submitted an accurate floor plan.

21 The Department is recommending approval of this  
22 request with the condition that the licensee submit all  
23 necessary clearances from other governmental agencies.

24 CHAIR TANAKA: Thank you. Do you have anything  
25 else to add?

December 13, 2017

1 MR. CORPUDEL: No.

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

6 VICE-CHAIR LOPEZ: Yeah. I move to approve this  
7 extension providing that he meets the condition submitting  
8 all the necessary clearances of the governmental agencies.

9 COMMISSIONER UMENO: Second.

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

12 (Response.)

13 CHAIR TANAKA: Opposed, "no."

14 (No response.)

15 CHAIR TANAKA: Motion carried. Thank you.

16 MR. CORPUDEL: Thank you.

17 CHAIR TANAKA: Mid Pac Petroleum, LLC.

18 MR. ICHIKAWA: Good morning, Mr. Chair, Members  
19 of the Commission, Mr. Mukai. Robert Ichikawa  
20 representing Mid Pac Petroleum, LLC doing business as  
21 Mako's Mart.

22 CHAIR TANAKA: Thank you. Sandy.

23 MS. KOBAYASHI: Mid Pac Petroleum, LLC doing  
24 business as Mako's Mart, Number 107 and 340, requesting  
25 Commission approval for the merger of entities.

December 13, 2017

1 Mid Pac Petroleum, LLC will merge into Par  
2 Hawaii, Inc. effective January 1, 2018, upon the approval  
3 of the Liquor Commission, resulting in Par Hawaii, Inc.  
4 becoming the owner of 100 percent of the outstanding  
5 capital stock of Mid Pac Petroleum, LLC.

6 The officer, director and stockholder of the  
7 corporation is listed in the investigator's report.

8 Section 281-41(k) states, "The conversion of an  
9 entity into any other form of entity or the merger of any  
10 entity with any other entity shall not be deemed a  
11 transfer of the license; provided that the licensee, prior  
12 to the date of the conversion or merger, shall apply for  
13 and secure the approval of the Commission without any  
14 requirement for publication of notice.

15 Application -- applicant has submitted a copy of  
16 a Certification of Par Hawaii, Inc. dated November 2,  
17 2017, which reflects the changes.

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

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

24 MR. ICHIKAWA: I have one update. We were  
25 targeting to have the merger effective January 1, 2018,

December 13, 2017

1 but it will be slightly delayed beyond that. So like to  
2 proceed to get approval for the merger, since it has to be  
3 prior to the merger, and then we'll inform the Department  
4 when it's effective and provide the necessary documents.

5 CHAIR TANAKA: Okay. I'm gonna open it to the  
6 public for any public testimony on this item. Okay.  
7 Seeing none, any questions by the Commissioners? Okay.  
8 If there's no questions, may I have a motion?

9 COMMISSIONER UMENO: I move to approve the  
10 merger into Par Hawaii, Inc.

11 VICE-CHAIR LOPEZ: 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. Thank you.

18 MR. ICHIKAWA: Thank you.

19 CHAIR TANAKA: HIE Retail, LLC.

20 MR. ICHIKAWA: Robert Ichikawa representing HIE  
21 Retail, LLC doing business as Nomnom.

22 CHAIR TANAKA: Okay. Sandy.

23 MS. KOBAYASHI: HIE Retail, LLC doing business  
24 as Nomnom, Number 022, 031 and 347, requesting Commission  
25 approval for the merger of entities.

December 13, 2017

1 HIE Retail, LLC will merge into Par Hawaii, Inc.  
2 effective January 1, 2018, upon the approval of the Liquor  
3 Commission, resulting in Par Hawaii, Inc. becoming the  
4 owner of 100 percent of the outstanding capital stock of  
5 HIE Retail, LLC. Officers, director and stockholder of  
6 the corporation is listed in the investigator's report.

7 Applicant has submitted a copy of a  
8 certificate -- Certification of Par Hawaii, Inc., dated  
9 November 2, 2017, which reflects the changes.

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

15 CHAIR TANAKA: Any other questions, Robert?

16 MR. ICHIKAWA: Yes. The entire date for the  
17 merger was to be January 1st.

18 CHAIR TANAKA: Same as the other one.

19 MR. ICHIKAWA: Yes. But it will be delayed, so  
20 we'll provide the information of when the effective date  
21 will be requested prior approval to the merger.

22 CHAIR TANAKA: Okay. Thank you. Any public  
23 testimony on this item? Okay. Seeing none, any questions  
24 by the Commissioners? If there's no questions, may I have  
25 a motion?

December 13, 2017

1 COMMISSIONER UMENO: I move to approve the  
2 merger of HIE Retail into Par Hawaii, Inc.

3 VICE-CHAIR LOPEZ: Second.

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

6 (Response.)

7 CHAIR TANAKA: Opposed, "no."

8 (No response.)

9 CHAIR TANAKA: Motion carried. Thank you.

10 MR. ICHIKAWA: Thank you very much.

11 CHAIR TANAKA: Okay. Let's go on to Hyatt  
12 Corporation.

13 MR. NAKAMURA: Good morning, Mr. Chair, Members  
14 of the Commission. Craig Nakamura, attorney on behalf of  
15 the licensee. And this is Mr. Jeremy Ryan, who is the  
16 Food and Beverage Manager for Umalu and the Grotto Bar at  
17 the hotel. That's the premises that we're specifically  
18 talking about. And I would like to, also, introduce  
19 Mr. Fred Finland, on the right, who is the General Manager  
20 of the Hyatt Regency Hotel, and Michael Steinwinder, who  
21 is the Director of Food and Beverage.

22 CHAIR TANAKA: Thank you. Gene.

23 MR. SILVA: Hyatt Corp -- Corporation doing  
24 business as Hyatt Regency Maui, Hotel License.

25 Officers, directors and stockholder of the

December 13, 2017

1 corporation are listed in the investigator's report.

2 Licensee is requesting approval for an extension  
3 of hours to allow minors to remain on premises and dance  
4 from 10:00 p.m. on December 31st, 2017 to 12:15 a.m. on  
5 January 1, 2018. Licensee is also requesting to utilize  
6 one area for music, entertainment, 16 by 24 by 24, and two  
7 areas for dancing; one area, 10 by 20, for patrons over  
8 the age of 21 years old, one area, 10 by 20, for patrons  
9 under the age of 21 years old, and a designated  
10 nonconsumption area, 15 by 50, for minors to remain in.  
11 The function is to take place at the Umalu Restaurant and  
12 adjacent pool deck.

13 Rules and laws: Section 08-101-61, Minors:

14 (a) A minor is any individual under the age of  
15 21 years of age;

16 (b) the sale or service of liquor to a minor or  
17 the consumption of liquor by a minor on any licensed  
18 premises is prohibited;

19 (c) For the purpose of determining whether  
20 someone is 21 years of age or older, licensee are  
21 responsible for the proper checking of personal  
22 identification. Documents acceptable as personal  
23 identification shall be limited to: (1) A valid federal  
24 or state identification card; or, (2) A passport; or (3) A  
25 valid state or international driver's license.



December 13, 2017

1 (d) Such documents shall contain a photograph  
2 and premises;

3 (e) No licensee shall employ or permit any minor  
4 to entertain in any licensed premises upon which liquor is  
5 consumed without first registering such minor in  
6 accordance with the procedure prescribed by the  
7 Commission.

8 (f) No license shall permit any minor to remain  
9 in or about any portion of the licensed premises used or  
10 set aside for the sale or consumption of liquor, except as  
11 provided by law or under the following circumstances:

12 (1) When the licensee establishes, at a hearing  
13 on an alleged violation, that the appearance of the minor  
14 and the attending circumstances would cause a reasonable  
15 belief that such minor was of legal age; or

16 (2) When all of the following apply:

17 (A) The minor is waiting to order or be served,  
18 or is consuming food;

19 (B) Which shall be consumed before 12:00  
20 midnight;

21 (C) In a licensed premises which: (i) the  
22 licensee has on file at the Department a current approved  
23 financial report that shows at least 30 percent of the  
24 establishment's gross revenue is derived from the sale of  
25 food that is prepared and cooked within its kitchen

December 13, 2017

1 facilities and served to patrons within the premises; (ii)  
2 has kitchen facilities within the licensed premises which  
3 require Department of Health and Department of Fire  
4 Control approval; and (iii) is offering at the time the  
5 minor is present, meals composed of protein, carbohydrate,  
6 and fruit or vegetable, which are prepared and cooked  
7 within its kitchen facilities at the time of ordering; or.

8 (3) When, except as provided by law, and under  
9 all of the following:

10 (A) In a licensed premises -- in a licensed  
11 premises which the licensee has on file with the  
12 Department a current yearly approved financial report that  
13 shows at least 30 percent of the establishments's gross  
14 revenue is derived from the sale of food that is prepared  
15 and cooked at the time of ordering within its Department  
16 of Health and Department of Fire Control approved kitchen  
17 facilities and served for consumption by patrons within  
18 its premises, except as provided by law;

19 (B) The minor is accompanied by his or her  
20 parent, legal guardian, or person authorized by the parent  
21 or legal guardian, 21 years of age or older;

22 (C) Food service, music or entertainment are  
23 being provided;

24 (D) The minor may not be within the premises  
25 after 12:00 midnight; and

December 13, 2017

1 (E) It shall be incumbent upon the licensee to  
2 prove that the person accompanying the minor is the legal  
3 guardian of the minor or person authorized by the parent  
4 or legal guardian.

5 (g) Public dancing by minors in licensed  
6 premises shall be permitted only when: (1) Accompanied by  
7 a legal, responsible adult; and, (2) Food service, music  
8 and entertainment are being provided; and, (3) An approved  
9 area is set aside and designated a nonconsumption area  
10 where minors shall remain; and (4) The dancing concludes  
11 by 10:00 p.m.

12 (h) The Commission may authorize an extension of  
13 hours for special occasions, events or circumstances upon  
14 application by the licensee for minors to dance or remain,  
15 or both, within the premises.

16 If approved by the Commission, the Department  
17 staff would recommend that the minimum conditions be: The  
18 function shall be cleared of all minors by 12:15 a.m.; and,  
19 (b), Curfew ordinances shall be strictly adhered to and  
20 enforced.

21 CHAIR TANAKA: Thank you. Craig, you got  
22 anything to add?

23 MR. NAKAMURA: Just very briefly. So,  
24 Mr. Chair, this is with respect to the New Year's Eve  
25 celebration at the Hyatt Regency Maui hotel. And we're

December 13, 2017

1 asking the Commission to approve a permit to allow us to  
2 have minors to remain until 12:15, until just after  
3 midnight. So there will be a separate dancing area and  
4 separate area set aside for the minors, but they were  
5 asking that they be allowed to remain until midnight on  
6 New Year's Eve.

7 CHAIR TANAKA: Thank you. I'm gonna open it to  
8 the public. Any public testimony on this item? Okay.  
9 Seeing none, any questions by the Commissioners?

10 COMMISSIONER BICOY: I do, Chair.

11 CHAIR TANAKA: Okay, Dawn.

12 COMMISSIONER BICOY: So these two separate areas  
13 that you're gonna segregate the minors from the  
14 non-minors, now, is there a physical barrier or is this  
15 just kind of another area that -- where they can still  
16 mingle with the adults?

17 MR. RYAN: There will be rope and stanchion  
18 designating these specific areas.

19 COMMISSIONER BICOY: And then how are you guys  
20 going to easily identify these minors? Will you have like  
21 a bracelet or something that will kind of identify who  
22 they are?

23 MR. RYAN: We have wristbands set aside to  
24 easily identify patrons above the age of 21.

25 COMMISSIONER BICOY: Oh, above the age.

December 13, 2017

1 MR. RYAN: Above the age of 21 will receive  
2 wristbands.

3 COMMISSIONER BICOY: Okay. Thank you.

4 CHAIR TANAKA: Yeah.

5 MR. KUSHI: Question, Mr. Chair. Craig --

6 MR. NAKAMURA: Yes.

7 MR. KUSHI: -- separate dance areas. What if a  
8 adult dances with a minor, which place would they go?

9 MR. NAKAMURA: I don't know if there's any  
10 prohibition about the adult being in the minors' area. I  
11 think the prohibition is about the minor being in the  
12 adult area. So I don't think that would be a problem.

13 MR. KUSHI: Okay.

14 MR. NAKAMURA: As long as the adult is not  
15 drinking in that area, of course.

16 MR. KUSHI: Okay. 12:15 a.m., isn't that too  
17 restrictive, or is that -- is that what you want, request?

18 MR. NAKAMURA: I think that was the  
19 recommendation of the staff, so we were willing to abide  
20 by that.

21 MR. KUSHI: Okay. For our rules, minors are  
22 defined as anyone under 21. Can you refresh the  
23 Commission what the curfew laws are that apply?

24 MR. NAKAMURA: I believe the curfew law is if a  
25 minor is in a public place or on the roads or anything

December 13, 2017

1 like that after 10:00 p.m., he's supposed to be  
2 accompanied by an adult or supervised by an adult.

3 MR. KUSHI: Even a 20-year-old?

4 CHAIR TANAKA: Well, I think you're looking  
5 minors, the Federal law, what is minor and the liquor law  
6 what is a minor.

7 MR. NAKAMURA: Yeah, I think the --

8 CHAIR TANAKA: It's two different.

9 MR. NAKAMURA: I think the state law is -- is  
10 18, but --

11 CHAIR TANAKA: Yeah.

12 MR. NAKAMURA: -- I'm not certain on that.

13 MR. KUSHI: So the staff is recommending you  
14 abide by curfew laws?

15 MR. NAKAMURA: For -- well, I mean, yeah. I  
16 think they're recommending that we apply by curfew laws,  
17 but, in any event, we're going to comply with the curfew  
18 laws, anyway. I mean, we don't need to violate any law.  
19 So we don't necessarily feel that's a problem.

20 MR. KUSHI: So if a group of 19-year-olds come  
21 in, unaccompanied by a adult, will you allow them in  
22 there?

23 MR. NAKAMURA: No. They would have to be  
24 accompanied by an adult.

25 MR. KUSHI: Even 19 --

December 13, 2017

1 MR. NAKAMURA: The minors.

2 MR. KUSHI: 19, 20-year-olds?

3 MR. NAKAMURA: Right. Well, they're minors  
4 under the -- I mean, I guess we -- I'd have to go back and  
5 look at what the definition of a minor as referenced by  
6 the Department was.

7 CHAIR TANAKA: Minor is -- according to the  
8 Department is under 21.

9 MR. NAKAMURA: Yeah. So that would be the rule.

10 CHAIR TANAKA: Yeah. Your state law, I think  
11 Federal law --

12 MR. KUSHI: Okay. I just -- for the record, I  
13 just want to make it clear that you understand what  
14 they're -- they're asking for.

15 MR. NAKAMURA: I understand. Yeah.

16 MR. KUSHI: I think it's ridiculous, but --

17 CHAIR TANAKA: Well, you gotta -- you gotta --  
18 well, main thing you got to realize, that if you guys  
19 violate this thing, you gonna be fined, anyway.

20 MR. NAKAMURA: That's correct.

21 CHAIR TANAKA: Okay. I don't think the  
22 Commission have any objections. This is gonna be a family  
23 affair, I assume.

24 MR. NAKAMURA: Yes.

25 MR. RYAN: Absolutely.

December 13, 2017

1 CHAIR TANAKA: Okay. So any other questions by  
2 the Commissioners? If not, may I have a motion?

3 COMMISSIONER UMENO: I move to approve the  
4 extension of hours.

5 VICE-CHAIR LOPEZ: 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 CHAIR TANAKA: Okay. Let's go -- before the  
14 public hearing item, let's have a 10-minute recess.

15 (Recess, 10:00 a.m. to 10:10 a.m.)

16 CHAIR TANAKA: Okay. Liquor Commission meeting  
17 called back to order. Let's go on to our public hearing,  
18 rule -- rule amendments. Okay. Sandy, please read the  
19 summary of our rule amendments.

20 MS. KOBAYASHI: The Liquor Commission will  
21 conduct a public hearing to hear and receive testimony on  
22 proposed amendments to certain sections of its Rules  
23 Governing the Manufacture and Sale of Intoxicating Liquor  
24 of the County of Maui, the "Rules".

25 The entire text of the proposed rule amendments



December 13, 2017

1 is listed and is -- below and is further summarized as  
2 follows:

3           Number 1, Section 08-101-5, Definitions. Adds  
4 and amends definition of establishment gross revenues,  
5 industry member.

6           2, Section 08-101-25(a)(3) and (a)(5), Hours for  
7 the sale, service and consumption of liquor in licensed  
8 premises. For hotel and condominiums, amends hours to  
9 6:00 a.m. to 4:00 a.m., the following day, and any hour of  
10 the day for room service. For manufacturers and  
11 wholesalers, amends hours from 5:00 a.m. to 9:00 p.m.

12           3, Section 08-101-30(b), Application. Amends  
13 the acceptance of state and federal tax clearances from 60  
14 days to 90 days.

15           4, Section 08-101-33(a), Renewal of license.  
16 Amends the acceptance of state and federal tax clearances  
17 from 60 days to 90 days.

18           5, Section 08-101-41(a) and (f), Criminal  
19 history record check. For publicly-traded companies,  
20 requires criminal history record checks only of designated  
21 primary decision-makers. Provides licensees the option of  
22 using the Department's electronic Livescan fingerprinting  
23 service or the Field Print Hawaii services.

24           6, Section 08-101-50(c)(7) and (8), (f), Fees  
25 for liquor license, temporary license, duplicate license,

December 13, 2017

1 solicitors' and representatives' permits; certificate for  
2 registration of employee approved by the director, minor,  
3 employee of Class 5, Category D, or any duplicate thereof;  
4 and other -- and others and terms. Requires new fee for a  
5 rule book or list of licensees. Requires new fee for  
6 permit for direct shipment of wine by wineries. Provides  
7 that the filing fee deposited with an application be  
8 credited towards the license fee.

9           7, Section 08-101-73(i) and (j), Employment and  
10 registration of minors. Establishes new subsections to  
11 expedite processing of minors engaged in charitable  
12 entertainment.

13           8, Section 08-101-107, Manufacturer or  
14 wholesaler; special license exception. Amends title to  
15 industry member.

16           CHAIR TANAKA: Thank you. Okay. I'm gonna open  
17 the floor to public testimony on the proposed rule  
18 amendments. So you have three minutes. If you represent  
19 an organization, please state your name and who you  
20 represent. Okay? First --

21           MR. SILVA: First up for testimony is Richard  
22 Moss.

23           MR. MOSS: Good morning, Commissioners and  
24 staff. My name is Richard Moss. I'm the Quartermaster  
25 for VFW Post 3850.

December 13, 2017

1 I'm not here to testify on any of the specific  
2 rule changes that are on your agendas, but I wanted to  
3 talk about rule changes as they apply to nonprofits,  
4 organizations obtaining liquor licenses.

5 As I said, I represent VFW Post 3850 here on  
6 Maui. We have about 300 members. We're located -- our  
7 post is located on Uluniu Road in Kihei. We hold three  
8 fundraising events annually where we've sold alcohol; two  
9 luaus, one in November and one in March, and a steak fry  
10 in January. At these events, which we've been holding now  
11 for 19 years, we sell alcohol for about four hours in the  
12 evening during these events.

13 We've never had any issues with Liquor Control  
14 in those 19 years. Your -- your inspectors come and check  
15 out our operation. We've had no incidents.

16 And State law, apparently, gives the counties  
17 discretion to set their own liquor control rules as it  
18 relates to nonprofits. It's my understanding that other  
19 counties in the state are not requiring their nonprofits  
20 to comply to the rules that you are -- recently imposed on  
21 nonprofits here on -- on Maui.

22 In the past, we have submitted one application  
23 for our three events each year. We paid three fees, one  
24 for each event, but we submitted one application that  
25 covers all three events. We are now being required to

December 13, 2017

1 submit a separate application with all the attached  
2 documentation for each of our events separately, which is,  
3 you know, additional requirement on us.

4 Our biggest problem has been obtaining the tax  
5 clearances from the IRS and the State. We've never --  
6 this is a new requirement on nonprofits. We haven't been  
7 required to do this in the past. We do not pay Federal  
8 income taxes. We're a 501(c)(19) nonprofit organization.

9 I brought in our -- a letter from the IRS  
10 confirming that we are, in fact, registered with the IRS  
11 as a 501(c)(19), and have been for many years.  
12 Apparently, that wasn't satisfactory. They said that we  
13 had to submit a tax clearance even though we don't pay  
14 taxes.

15 The only thing we do submit to the IRS annually  
16 is our 990. It's a annual tax form that we submit in  
17 January every year. All it does is -- is we record our --  
18 for the past year, our income and expenses during the  
19 year.

20 But, again, as I said, we do not pay any Federal  
21 taxes.

22 I submitted -- let's see. I submitted a copy of  
23 our 990. That wasn't satisfactory. They said we -- I had  
24 to have this tax exemption or tax clearance form from the  
25 IRS.

December 13, 2017

1           As you may know, the IRS office here in Maui is  
2 only open one day a week. And you have to call to make an  
3 appointment. It takes about six weeks to get an  
4 appointment with the IRS office. And so I've done that  
5 and I still have not received my tax clearance for the  
6 past year in order to submit it.

7           We were denied a liquor license for our  
8 number 4 -- for our November 4th luau because we could not  
9 produce the actual letter from the IRS for our tax  
10 clearance.

11           I don't understand why Liquor Control is  
12 interested in -- you know, when we deal with the IRS, if  
13 we're not complying with IRS requirements, we're gonna be  
14 fined by the IRS. I'm not sure -- I don't understand why  
15 Liquor Control has to insert itself in that process.

16           CHAIR TANAKA: Excuse me. Please finish up.

17           MR. MOSS: Okay. Same with the State, the State  
18 tax requirements. We -- we pay our GET taxes and I'm able  
19 to get a clearance from the State.

20           I guess we're requesting two things. One is  
21 we -- we would like to see the Liquor Control revert to  
22 its previous requirements for nonprofits, and you  
23 eliminate -- to eliminate the State and Federal tax  
24 clearance requirements. And only allow us -- or require  
25 us to submit a single application instead of submitting

December 13, 2017

1 separate applications for each of our different events.

2 CHAIR TANAKA: Thank you.

3 MR. MOSS: Thank you very much.

4 CHAIR TANAKA: Okay. Changes are being made  
5 right now. So you'll -- you'll get -- you'll find out  
6 because we're making changes to that application in  
7 effect.

8 MR. MOSS: Okay. Thank you very much.  
9 Appreciate that.

10 CHAIR TANAKA: Next.

11 MR. SILVA: Next up for testimony, Kristine  
12 Tsukiyama.

13 MS. TSUKIYAMA: Good morning. My name is  
14 Kristine Tsukiyama. I'm, actually, testifying on behalf  
15 of Peter Horovitz and the written testimony that he  
16 provided to the Commission dated November 27th. So I hope  
17 you folks have a copy of that in your packet.

18 He wanted to thank you for taking on these rule  
19 changes, because I know it is important to the community  
20 and to you folks as well.

21 We wanted to provide testimony on Section  
22 08-101-73(j) specifically because it addresses, for the  
23 special licenses, registration of minors that are -- are  
24 going to be employed or entertaining at these events. And  
25 there needs to be taken into consideration that there are

December 13, 2017

1 minors who participate in other ways, kind of like the  
2 Boys and Girls Club when they did the Big Chef Little  
3 Chef, that they're not really entertaining the audience  
4 or -- they bring sometimes minors who testify about the  
5 services that they received. And so they're not really  
6 employed or entertainers, but they might be providing  
7 other kinds of testimony or exhibits of the services that  
8 they receive. And so that might be one consideration, to  
9 loosen that language and not make it so specific, or at  
10 least exempt minors who are offering testimony or exhibit  
11 the services or programs that they're doing with the  
12 nonprofit.

13           The second issue we wanted to raise was the  
14 restriction that minors can only be employed or entertain  
15 in Class 2, 12 or 15 premises. And that, we were  
16 thinking, is a little bit restrictive because we  
17 understand the Commission wants to prevent minors from,  
18 you know, being in brewpubs or bars. So instead of saying  
19 that minors can only be in the Class 2 -- Class 2, 12 or  
20 15, which are hotels and restaurants, a lot of times these  
21 nonprofits hold their events at a school like Haleakala  
22 Waldorf or Seabury, they have events there. This wouldn't  
23 allow, basically, minors to be at those types of events.  
24 So instead of saying that they can only be at hotels or  
25 restaurants, you might want to consider limiting it to

December 13, 2017

1 where they can't be. So they can't be in, you know, Class  
2 5, 6 or 11, like brewpubs, cabarets.

3 That way, instead of saying they only can be  
4 here, there's always gonna be these kind of other  
5 situations which don't quite fit that model, especially  
6 with nonprofits because, you know, they're really trying  
7 to save money and they might have it at someone's home or  
8 a donor's estate. And so then you run into this issue of  
9 how do we get Commission approval. And given the timeline  
10 of, you know, when meetings are and when things need to be  
11 turned into the Department, it kind of, you know, makes  
12 things a lot more difficult for nonprofits.

13 So just those two considerations, but you can  
14 refer to Peter's letter dated November 27th. Thank you.

15 CHAIR TANAKA: Okay. Next.

16 MR. SILVA: Next up for testimony, Charles  
17 Spence.

18 MR. SPENCE: Thank you for the opportunity to  
19 speak about nonprofits and the requirements for us to get  
20 our liquor licenses for events, special events. I'm -- I  
21 am Charles Spence and serve on the board of about six  
22 different nonprofits. I'm retired and have chosen to take  
23 the time to do as best as I can for the community by  
24 serving on these. Today, I'm here specifically on behalf  
25 of the Trinity Episcopal Church By the Sea, and a Cup of



December 13, 2017

1 Cold Water, which is a homeless outreach charity.

2 Our church is very expensive to operate. We do  
3 have State Hawaiian historic land that is the Lehui  
4 Cemetery that dates back to 1832. We, also, have the  
5 first David Malo Church that was built. And our -- our  
6 task is to -- to preserve and maintain that. To do that  
7 is very, very expensive. And we try to have an event --  
8 we're trying to have an event once a year to raise funds  
9 to do both of these things as well as raise funds for our  
10 homeless outreach which is the Cup of Cold Water, which is  
11 Episcopal Diocese (inaudible) on Maui that we operate.

12 I went just a couple weeks ago and tried to get  
13 a license for an event that we were trying to hold at the  
14 end of January, thinking that that would be more than  
15 enough time, two months. But it turns out that everything  
16 has to be submitted within -- by -- by six weeks in  
17 advance. And if anything is not approved or -- or  
18 acceptable, it can be denied, which would really devastate  
19 our -- our fundraising capability.

20 You know, we are Episcopalians. Episcopalians  
21 drink. So it's -- it's something that -- that -- that you  
22 really do need to -- to benefit for the -- for the events.

23 I think specifically, you know, what -- what  
24 we're -- what -- what I'm hearing, what -- what it sounds  
25 like, is that the Commission considers us to be an -- an

December 13, 2017

1 organization that is somewhere in between all of these  
2 different classifications of a permanent licensed  
3 establishment and a -- a company that does event catering  
4 and -- and bar hosting regularly.

5           And -- and -- and the -- the requirements, when  
6 I went in, I ended up getting a four-page document that  
7 actually listed tons of stuff that -- that just are  
8 physically impossible to get. For instance, having to go  
9 to Zo Ad, the -- the Planning Department, and get a permit  
10 from them for -- that states that our -- the zoning allows  
11 us to have alcohol on our premises. That takes two weeks  
12 alone. I don't know if anybody has gone to Zo Ad, but the  
13 turnaround time there is not very quick.

14           Having to -- I was told that -- that even though  
15 we were hiring Bars Are Us, which is a licensed bar master  
16 serving company, that even if we were hiring them,  
17 somebody in the organization needed to be certified for a  
18 liquor license, to -- for serve -- for serving. That  
19 takes -- an examine that has to study 330 pages that are  
20 on your website, then take a three-hour exam and get  
21 certified for a onetime event per year for us. And to  
22 study for all that -- we're all volunteers on the board  
23 and -- and good -- good people that are trying to just do  
24 good for the community and -- and do our job as our  
25 mission as -- as Christians. And we're having difficulty

December 13, 2017

1 just trying to meet those requirements.

2 My suggestion would be just that -- you know,  
3 that the Commission look to put more onus on the bar  
4 master and serving companies to being in compliance with  
5 the requirements of the laws and rely on them and their  
6 licensing more so than the nonprofit.

7 So with that, I say thank you.

8 CHAIR TANAKA: Thank you. Next.

9 COMMISSIONER BICOY: I have a question.

10 CHAIR TANAKA: Oh, sure.

11 COMMISSIONER BICOY: Did you -- did your church  
12 submit any testimony to -- to us, to the Department or to  
13 the Commission?

14 MR. SPENCE: No. We -- actually, I just went  
15 to -- to get the licensing earlier this month. And we  
16 didn't have time to turn it around because we'd have to  
17 have it all reviewed and approved by the board before we  
18 could -- we could submit. So --

19 COMMISSIONER BICOY: No. Did anybody submit  
20 testimony pertaining to this, for this?

21 MR. SPENCE: Not that I'm aware of. The Mayor's  
22 Office may have because one of our board members from A  
23 Cup of Cold Water went to the Mayor's Office and it may  
24 have been submitted that route.

25 COMMISSIONER BICOY: Okay. Thank you.

December 13, 2017

1 CHAIR TANAKA: Next.

2 MR. SILVA: Next up for testimony Sherri Dotson.

3 MS. DOTSON: Good morning. My first suggestion  
4 is, it's so cold in here, I might be shivering a little  
5 bit. I'm from Kihei. I'm Sherri Dotson. I'm the  
6 secretary -- I'm the treasurer for Maui Nonprofit  
7 Directors. I'm, also, the Executive Director for Habitat  
8 for Humanity. But I'm testifying today as my capacity  
9 with Maui Nonprofit.

10 First, I wanted to thank the Commission and the  
11 Liquor Department for your continued -- continued  
12 commitment to working out all these issues. We know that  
13 you guys have put a lot of effort into it. And so we're  
14 just kind of here to run over some highlights. I won't be  
15 over three minutes.

16 First, applications and instructions should be  
17 available, possibly, on the Department website with  
18 samples of how to complete the -- the list of the  
19 application and a list of required supporting documents.  
20 Applications should not be required to come -- applicants  
21 should not be able to come down to the Department. A lot  
22 of the nonprofits are in Hana or Upcountry or Kihei. And  
23 having to take time out of the day to come down here is  
24 kind of onerous.

25 When completed applications are submitted, the

December 13, 2017

1 applicant should receive a written document stating that  
2 the application is complete or a document stating what is  
3 incomplete with the deadline to submit the amended  
4 application and supporting documents. This should be  
5 consistently applied. And the same standard should be  
6 enforced by every Liquor Department employee.

7           The Liquor Department should not concern  
8 themselves with the applicant complying with other  
9 Department rules and regulations, i.e. Fire, Health, et  
10 cetera. If the Liquor Department is concerned, they can  
11 report their concerns to the identified department. And  
12 that County department could decide what action, if any,  
13 needs to be taken.

14           We request that the system be simple and  
15 transparent. We do not have any resources to spend -- we  
16 do not have enough resources to spend numerous days and  
17 hours securing an alcohol permit for a three to four-hour  
18 charity event.

19           We are opposed to any provisions that would  
20 prohibit anybody under 21 from participating in a  
21 fundraising event when alcohol is being sold. We  
22 understand that youth cannot sell or serve alcohol, but to  
23 not allow them to attend without obtaining the  
24 Commission's prior approval is unnecessary. We ask that  
25 this provision be removed.

December 13, 2017

1 And that's it. Thank you.

2 CHAIR TANAKA: Thank you. Next.

3 MR. SILVA: Next up for testimony, Greg  
4 Cabanting.

5 MR. CABANTING: Aloha. My name is Greg  
6 Cabanting. I'm the Branch Manager at Anheuser-Busch here  
7 in Maui.

8 And the proposed amendment that we're putting  
9 out there is to change the delivery time of alcohol to the  
10 retail accounts starting at 5:00 a.m. We don't sell  
11 directly to the consumer; we just service the industry.

12 This rule, to me, is just, you know, just -- it  
13 benefits our industry, but the general at large -- the  
14 general public at large. The benefit to the -- to us,  
15 it's our efficiency, getting an earlier start time,  
16 getting to the first account and starting to deliver. It  
17 really snowballs throughout the day. So if we can get our  
18 guys out of the -- out of the market and back to the  
19 warehouse earlier in the day, it improves our efficiency  
20 there.

21 Number two, for the retailer, nobody likes  
22 delivery people in their accounts when customers are in  
23 there. So for us to get an earlier start, getting in  
24 there, getting our people putting beers on the shelves  
25 before most people wake up, that improves their

December 13, 2017

1 efficiency, and, also, their customer -- customer  
2 experience.

3 And, finally, for the general public at large,  
4 traffic. We get our people out on the roads earlier, the  
5 trucks out there earlier, avoid the traffic time. And  
6 that just makes everybody much more efficient and actually  
7 helps alleviate traffic out there.

8 That's it.

9 CHAIR TANAKA: Thank you. Okay. Next.

10 MR. SILVA: Next up for testimony, Cassandra  
11 Abdul, I believe.

12 MS. ABDUL: Good morning. I'm Cassandra Abdul.  
13 I'm the Executive Director of Na Hale O Maui. We are a  
14 nonprofit who does affordable housing in perpetuity. I'm,  
15 also, Director of the Maui Nonprofit Directors  
16 Association. And I am here this morning in the second  
17 capacity.

18 First of all, again, we would like to thank you  
19 for your ongoing revisions and improvements that you have  
20 been making to your rules and regulations. We appreciate  
21 the thoughtfulness and the work that's gone into it.

22 We did want to submit some comments to the  
23 proposal that's currently before you. And much of this  
24 has been already mentioned by Sherri Dodson. We'd like  
25 the forms to be on the website. I think it would help

December 13, 2017

1 everybody if applicants didn't have to physically come  
2 into your office. It takes a lot of time and effort. And  
3 not just on the applicant's part, but, also, on your  
4 staff. I'm sure they could be doing other things. And we  
5 just think it would save the resources for everyone, save  
6 time and energy for all parties.

7 We, also, believe that when an applicant submits  
8 their application, they should be able to get a real quick  
9 cursory review and be able to know whether it's  
10 sufficient, it's acceptable, or, if it is not, what else  
11 they need to provide and the timeframe that they need to  
12 provide that in.

13 And, again, we believed that you should focus on  
14 the requirements that are directly under your purview. If  
15 you have concerns about regulations and rules set are the  
16 responsibility of other departments, like Fire or  
17 permitting or health and safety, that if you feel  
18 compelled to do so, you can certainly bring it to their  
19 attention. But let the departments that are responsible  
20 for that take care of it.

21 And, again, all applicants should be treated  
22 equally and consistently no matter who they speak to in  
23 the Department.

24 We do oppose any provisions that prohibit anyone  
25 under 21 from participating in nonprofit fundraising



December 13, 2017

1 events only where alcohol is being sold. We agree,  
2 absolutely agree, that they shouldn't be able to sell,  
3 serve or drink alcohol. However, forcing parents,  
4 guardians and minors to go through the process that's  
5 suggested, including interviews with investigators, to get  
6 the prior written consent is invasive, it's cumbersome.  
7 And I think it's unnecessary. We respectfully request  
8 that this provision is removed. I don't think that  
9 anybody wants to protect their children more than the  
10 parents and the nonprofits that are working with them.

11 We believe that the staff, as well as nonprofits  
12 seeking a Class 10 license, should not have to expend all  
13 the time and resources they have had to in order to get  
14 permits that help them raise the funds that they need to  
15 serve the public. These are services that our government  
16 cannot provide.

17 So we ask your support and your continued  
18 revisions so that we end up with laws that are clear,  
19 simple to understand, that we can easily comply with.  
20 Thank you very much.

21 CHAIR TANAKA: Thank you. Anybody else?

22 MR. SILVA: No one else for testimony.

23 CHAIR TANAKA: Anybody in the public wanting  
24 to -- wanna testify? Okay. Public hearing is closed.

25 The Chair recommends that the Commission go into

December 13, 2017

1 Executive Session to discuss our rule amendments with our  
2 attorney. May I have a motion?

3 VICE-CHAIR LOPEZ: So moved.

4 COMMISSIONER UMENO: Second.

5 MR. KUSHI: Yeah. Mr. Chair, before you get  
6 into that, you know, in open session, I can -- I'd like to  
7 ask this question of staff. Mr. Horovitz' letter, have  
8 you read that?

9 DIRECTOR MUKAI: Yes.

10 MR. KUSHI: And the testimony from Kristine. I  
11 think I understand what they're saying, and -- but I,  
12 also, understand the proposed rule. The -- I think  
13 what -- the points that Horowitz brings up is covered by  
14 the previous case we had in Hyatt Regency, the presence of  
15 minors at these functions. They're not entertaining,  
16 they're not being employed, but they're present to receive  
17 an award or such. That covers -- be covered under Rule  
18 08-101-61, which the Hyatt Regency brought forth. Is  
19 that -- is that what I'm seeing?

20 DIRECTOR MUKAI: Well, like -- in the last  
21 instance with the Boys and Girls Club --

22 MR. KUSHI: Correct.

23 DIRECTOR MUKAI: -- after the testimony we  
24 received, we, also, met with the Executive Director. And  
25 we told him, you know, the testimonies and everything and

December 13, 2017

1 such things is allowable by our laws, they're not working,  
2 they're not entertaining or anything else. And, plus,  
3 this proposed rules to the Commission now will allow  
4 minors to be registered, but not -- no longer come here to  
5 be photographed, interviewed and everything else. All  
6 they have to do, put it on the form, list the minors,  
7 their ages, who's the chaperones, they complying with all  
8 curfew laws, and send it in seven days prior. And if  
9 there's any change after seven days, just send us an  
10 amendment. And that's all they have to do.

11 MR. KUSHI: That's -- that's in terms of if  
12 they're gonna provide entertainment?

13 DIRECTOR MUKAI: Or even working, employment.

14 MR. KUSHI: Oh, right. Right.

15 DIRECTOR MUKAI: Right. So that covers.

16 MR. KUSHI: But their point is that just the  
17 presence of minors to receive testimonials at a non --

18 DIRECTOR MUKAI: It's allowable.

19 CHAIR TANAKA: It's allowable.

20 DIRECTOR MUKAI: There's nothing --

21 CHAIR TANAKA: Yeah. There's no restriction on  
22 minors being in that facilities. Whatever Don Couch said  
23 in the newspaper, I don't know where he got his  
24 information from, but, you know, they're not -- they're  
25 not restricted from being in the facilities according to

December 13, 2017

1 our rules.

2 Go ahead. Come up.

3 MS. TSUKIYAMA: Just to clarify, then. If  
4 there's a nonprofit event and minors are coming who are  
5 not entertaining or working, there's no restriction  
6 whatever, we don't need to provide a list, they don't need  
7 to -- the Department doesn't need anything from them?

8 CHAIR TANAKA: That's right. That's right.

9 MS. TSUKIYAMA: Okay.

10 CHAIR TANAKA: There's nothing in the rule --

11 COMMISSIONER UMENO: They can work.

12 CHAIR TANAKA: -- restricted -- restricting.

13 MS. TSUKIYAMA: Or if they're working.

14 CHAIR TANAKA: If they're employed, then they  
15 want the list of all employees. And that's the -- that's  
16 the simplest way that, you know, we can look at that.  
17 Just give the Department their names and who they -- who's  
18 responsible for them. Fine, that's all we want. We're  
19 not gonna vet them or do any more on that. And I think  
20 the rule changes now that we -- we're looking at today  
21 going reflect all of this.

22 MS. TSUKIYAMA: Wait. To clarify again, we do  
23 have to give them a list, the Department a list?

24 COMMISSIONER UMENO: Only if they're working.

25 CHAIR TANAKA: Yeah.

December 13, 2017

1 MS. TSUKIYAMA: Oh. But if they're just  
2 showing --

3 COMMISSIONER UMENO: That's fine.

4 MS. TSUKIYAMA: -- up because they're part of  
5 the --

6 CHAIR TANAKA: Yeah.

7 MS. TSUKIYAMA: -- nonprofit, nothing?

8 CHAIR TANAKA: Non-restricted.

9 MS. TSUKIYAMA: Okay. Thank you for clarifying.

10 DIRECTOR MUKAI: Yeah. Many of these rules,  
11 even this minor registration, employment was discussed  
12 with the nonprofits. And Attorney Nakamura and Jorgensen,  
13 also, gave their input on this rule, who complies. I  
14 think they do serve on nonprofit boards.

15 CHAIR TANAKA: Yeah.

16 DIRECTOR MUKAI: And for your information, also,  
17 which I'll give at the Director's Report, that Debbie  
18 Cabebe is, also, now on our Small Business Review and  
19 Advisory Committee. So she will be able to put out word  
20 with all the nonprofits on what is happening on the rules  
21 and the changes.

22 CHAIR TANAKA: We're trying to make it easy as  
23 possible for everybody.

24 MS. TSUKIYAMA: Thank you.

25 CHAIR TANAKA: So you guys don't have to come to

December 13, 2017

1 us.

2 Okay. We have a motion on the floor to go into  
3 exec session. Do I have a second?

4 COMMISSIONER UMENO: Yes.

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

7 (Response.)

8 CHAIR TANAKA: Thank you. Go into Executive  
9 Session.

10 (Executive Session, 10:40 a.m. to 11:08 a.m.)

11 CHAIR TANAKA: Okay. Liquor Commission meeting  
12 called back to order. Okay. We had our discussion with  
13 our attorney on the proposed rules. Commission has any  
14 questions or comments? If not, may I have a motion for  
15 the proposed rules -- approval for the proposed rules?

16 VICE-CHAIR LOPEZ: I move to approve the  
17 proposed rules.

18 COMMISSIONER UMENO: Second.

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

21 (Response.)

22 CHAIR TANAKA: Opposed, "no."

23 (No response.)

24 CHAIR TANAKA: Motion carried.

25 Okay. Let's go on to Item B of the

December 13, 2017

1 Administrative Affairs, presentation of Department of Corp  
2 Counsel regarding personnel investigation.

3 MR. KUSHI: Kristi, how long are you going to  
4 take?

5 MS. TARNSTROM: Which Kristi?

6 MR. KUSHI: Huh?

7 MS. TARNSTROM: CT or KT?

8 MR. KUSHI: No. Yours.

9 MS. TARNSTROM: Me.

10 MR. KUSHI: The Schaefer one.

11 MS. TARNSTROM: Oh. The Schaefer one will take  
12 about two minutes -- three or five minutes.

13 CHAIR TANAKA: We going into that first?

14 MR. KUSHI: Yeah. Do you need to go into  
15 Executive Session?

16 MS. TARNSTROM: Very briefly, if the -- if the  
17 Commission has questions.

18 MR. KUSHI: It's up to you to ask.

19 MS. TARNSTROM: Okay. I was going to recommend  
20 it, but --

21 MR. KUSHI: Okay.

22 CHAIR TANAKA: Okay. Let's go into Executive  
23 Session. May I have a motion to go into exec session?

24 VICE-CHAIR LOPEZ: So moved.

25 COMMISSIONER UMENO: Second.

December 13, 2017

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

2 (Response.)

3 (Executive Session, 11:10 a.m. to 11:13 a.m.)

4 CHAIR TANAKA: We are back into open session.

5 And can I have a motion?

6 VICE-CHAIR LOPEZ: So moved.

7 COMMISSIONER UMENO: Second.

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

9 (Response.)

10 CHAIR TANAKA: Okay. Back into open session.

11 Okay. Let's go on to Item B, presentation of Department  
12 of Corp Counsel's personnel investigation. Motion to go  
13 into exec?

14 VICE-CHAIR LOPEZ: Move.

15 COMMISSIONER UMENO: Second.

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

18 (Response.)

19 (Executive Session, 11:14 a.m. to 11:58 p.m.)

20 CHAIR TANAKA: Okay. Let's go back into regular  
21 session. We going on to our next item, but before we  
22 continue with our next item, annual review and evaluation  
23 performance of the Director, let's take a five-minute  
24 recess.

25 (Recess, 11:58 a.m. to 12:02 p.m.)



December 13, 2017

1 CHAIR TANAKA: Liquor Commission meeting called  
2 back to order.

3 COMMISSIONER BICOY: Where's Roy?

4 CHAIR TANAKA: Roy had to leave. So we don't  
5 have a quorum. So our next item we're going to defer to  
6 our next meeting. And --

7 MR. KUSHI: That would be Item C, Mr. Chair.

8 CHAIR TANAKA: Item C, annual review and  
9 evaluation of the performance of the Director of the  
10 Department of Liquor Control, it will be deferred to our  
11 next meeting.

12 Also, while am at it, Item E, Approval of Forms,  
13 Unfinished Business, we're gonna defer that to our next  
14 meeting, also, because we don't have a quorum for any  
15 action.

16 But let's go on to Director's Monthly Report.

17 DIRECTOR MUKAI: Director's Monthly Report.

18 Small Business Review and Advisory Committee, we  
19 added Debbie Cabebe from MEO. And she's, also, the  
20 Chairman for the Nonprofit Executive Board, which is  
21 comprised of all the nonprofits on Maui. So she will be  
22 reviewing the rules with our committee and giving her  
23 input.

24 That's all we have.

25 And Item F, Liquor Control Adjudication Board,

December 13, 2017

1 you all have the summary. And that was a result of a  
2 minor decoy operation.

3 CHAIR TANAKA: Okay. Any questions by the  
4 Commissioners? Okay. If not, may I have a motion for  
5 adjournment?

6 VICE-CHAIR LOPEZ: Move to adjourn.

7 COMMISSIONER BICOY: I second.

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

10 (Response.)

11 CHAIR TANAKA: Meeting adjourned. (Gavel.)

12 (Meeting adjourned, 12:04 p.m.)

13

14

15

16

17

18

19

20

21

22

23

24

25

December 13, 2017

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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 3rd day of January, 2018.

/s/ Tonya McDade

---

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