

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

TRANSCRIPT OF PROCEEDINGS  
REGULAR MEETING

Held at the Department of Liquor Control Conference Room, David K. Trask, Jr. Office Building, 2145 Kaohu Street, Room 108, Wailuku, Maui, Hawaii, commencing at 9:00 a.m., on Wednesday, June 6, 2018.

Reported by: Tonya McDade, CSR, RPR, CRC  
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APPEARANCES

- Robert Tanaka, Chairperson
- Nane Aluli, Vice-Chairperson
- Leon Boloson, Commissioner
- Alberta de Jetley, Commissioner
- Jonathan Todd, Commissioner
- Roy Umeno, Commissioner
- STAFF PRESENT:
- Gary Murai, Deputy Corporation Counsel
- Glenn Mukai, Director
- Georgette Tyau, Deputy Director
- Layne Silva, Liquor Control Officer III
- Gene Silva, Liquor Control Officer III
- Karilee Yoshizawa, Liquor Control Officer IV
- Lianne Suzuki, Private Secretary

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1 (Wednesday, June 6, 2018, 9:00 a.m.)

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3 CHAIR TANAKA: (Gavel.) Liquor Commission  
4 meeting called to order. Okay. Let's have roll call.  
5 Kari.

6 MS. YOSHIZAWA: Kari Yoshizawa, Liquor Control.  
7 I'm just informing Commission that this is  
8 Tonya's last Commission meeting or meeting. The  
9 Department wanted to wish her safe travels, wish her the  
10 best, and her husband. Thank you, Tonya.

11 CHAIR TANAKA: Thank you.

12 MS. SUZUKI: Lianne Suzuki, Liquor Control.

13 COMMISSIONER TODD: Jonathan Todd. Excuse me.  
14 Jonathan Todd, Commissioner.

15 COMMISSIONER BOLOSAN: Aloha. Leon Bolosan.

16 MR. MURAI: Deputy Corporation Counsel, Gary  
17 Murai.

18 CHAIR TANAKA: Good morning. Bob Tanaka.

19 VICE-CHAIR ALULI: Aloha. Nane Aluli.

20 COMMISSIONER UMENO: Good morning. Roy Umeno.

21 COMMISSIONER de JETLEY: Good morning. Alberta  
22 de Jetley.

23 DIRECTOR MUKAI: Good morning. Glenn Mukai,  
24 Liquor Control.

25 MS. TYAU: Georgette Tyau, Liquor Control.

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1 MR. LAYNE SILVA: Layne Silva, Liquor Control.

2 MR. GENE SILVA: Gene Silva, Liquor Control.

3 CHAIR TANAKA: Okay. Thank you. You have your  
4 agenda for June 6, 2018. If there's no questions, may I  
5 have a motion for approval?

6 VICE-CHAIR ALULI: So moved.

7 COMMISSIONER UMENO: Second.

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

10 (Response.)

11 CHAIR TANAKA: Opposed?

12 (No response.)

13 CHAIR TANAKA: Motion carried.

14 You, also, have your minutes of May 9th, 2018.  
15 If there's no questions or comments, may I have a motion  
16 for approval?

17 VICE-CHAIR ALULI: So moved.

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.

25 Let's go on to General Licensing Matters, Item A

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1 through M.

2 COMMISSIONER de JETLEY: Mr. Chair -- Mr. Chair,  
3 I move to approve Items A through M.

4 CHAIR TANAKA: Okay. For confirmation.

5 COMMISSIONER de JETLEY: For confirmation.

6 CHAIR TANAKA: Any second?

7 COMMISSIONER UMENO: Second.

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

10 (Response.)

11 CHAIR TANAKA: Opposed, "no."

12 (No response.)

13 CHAIR TANAKA: Motion carried. Let's go on to  
14 licensing, Public Hearing item. Application 25, Catamaran  
15 Express, Inc.

16 MS. MEHLING: Good morning. My name is Keri  
17 Mehling, and I am here on behalf of the applicant. With  
18 me is Kristie Wrigglesworth, she is with Pacific Whale  
19 Foundation. We're, actually, here for the Applications  
20 25, 26, 27 and 28.

21 CHAIR TANAKA: Okay. We're taking all  
22 applications one at a time now. Layne.

23 MR. LAYNE SILVA: Application Number 25,  
24 applicant is Catamaran Express, Inc., a registered Hawaii  
25 corporation, doing business as Ocean Voyager, applying for

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1 a Tour or Cruise Vessel License, Category B.

2 Officers, directors, stockholder, past history,  
3 vessel documentation and lease agreement information are  
4 all listed in the investigator's report.

5 The proposed premises is a 64-foot double deck  
6 catamaran authorized to carry 149 passengers, three other  
7 persons in crew, one masters, two deckhands, total persons  
8 allowed is 155. The vessel is moored at Kealia-O/S,  
9 Kihei, Maui, Hawaii. Passengers will be picked up and  
10 dropped off at the North Loading Dock located at Maalaea  
11 Small Boat Harbor.

12 The men's and women's toilet facilities are  
13 located within the lower deck level of the vessel.

14 Beverages will be dispensed from within the  
15 lower deck level of the vessel.

16 There are 32 licenses of this class and kind  
17 currently issued within Maui County.

18 Plans of the applicant: Applicant initially  
19 plans to be open seven days a week from 8:00 a.m. to 2:00  
20 a.m.

21 A site inspection was conducted of the proposed  
22 premises on May 17, 2018.

23 And the summary, in the opinion of this  
24 investigator, the applicant appears to be fit and proper,  
25 and does not appear to be disqualified by any provisions

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

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

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

8 MS. MEHLING: We don't, but we're happy to  
9 answer any questions you may have.

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

16 COMMISSIONER UMENO: I move to approve  
17 Application Number 25 conditioned upon the applicant  
18 completing the remaining application requirements.

19 VICE-CHAIR ALULI: 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.

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1           Let's go on to Application 26, Sea Sport  
2 Cruises.

3           MS. MEHLING: Keri Mehling and Kristie  
4 Wrigglesworth of behalf of the applicant.

5           CHAIR TANAKA: Yeah, I want you to introduce  
6 yourself because it's a separate item, anyway. Go ahead,  
7 Layne.

8           MR. LAYNE SILVA: Application Number 26,  
9 applicant is Sea Sport Cruises, Inc., a registered Hawaii  
10 corporation, doing business as Ocean Explorer applying for  
11 a Tour or Cruise Vessel License, Category B.

12           Officers, directors and stockholder of the  
13 corporation, past history and vessel documentation are all  
14 listed in the investigator's report.

15           The proposed premises is a 54-foot single-hull  
16 engine-powered catamaran authorized to carry 49  
17 passengers, one masters, one deckhands, total persons  
18 allowed is 51. The vessel is moored at Maalaea Small Boat  
19 Harbor, Berth 48, Wailuku, Maui, Hawaii.

20           The men's and women's toilet facilities are  
21 located within the main deck of the vessel.

22           Beverages will be dispensed from within the main  
23 deck of the vessel.

24           There are 32 licenses of this class and kind  
25 currently issued within Maui County. Applicant initially



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1 plans to be open seven days a week from 8:00 a.m. to 2:00  
2 p.m.

3 Site inspection: A site inspection was  
4 conducted of the proposed premises on May 16, 2018. In  
5 the opinion of this investigator, the applicant appears to  
6 be fit and proper, and does not appear to be disqualified  
7 by any provision as stated within Section 281-56 HRS from  
8 obtaining or exercising a license.

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

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

14 MS. MEHLING: We do not.

15 CHAIR TANAKA: Okay. Since this is a public  
16 hearing, I'm gonna open it to the public. Anybody for or  
17 against this application? Okay. Seeing none, public  
18 hearing closed for this item. Any questions by the  
19 Commissioners?

20 COMMISSIONER TODD: All right. Can we get a  
21 further explanation on the May 7th letter, Counsel,  
22 regarding David Blakemore?

23 MS. MEHLING: You mean the explanation letter  
24 for his background check?

25 COMMISSIONER TODD: Yeah.

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1 MS. MEHLING: So were you in receipt of it? Do  
2 you --

3 COMMISSIONER TODD: I have just the letter, but  
4 I don't have anything else. This is an unusual kind of a  
5 circumstance.

6 MS. MEHLING: Okay. So what happened was there  
7 was a road rage incident that, unfortunately, he was the  
8 victim of. And as a result of that, the person who was  
9 the aggressor called the Police Department. Police came  
10 and talked to him about it. And because it had been  
11 called in, they went ahead and had him go to the station,  
12 make a statement and released him, and that was the end of  
13 it.

14 COMMISSIONER TODD: So nothing happened after  
15 that?

16 MS. MEHLING: Nothing happened.

17 COMMISSIONER TODD: Okay. Thank you.

18 MS. MEHLING: Uh-huh.

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

21 COMMISSIONER TODD: I move to approve Number 26.

22 VICE-CHAIR ALULI: Second.

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

25 (Response.)

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1 CHAIR TANAKA: Opposed, "no."

2 (No response.)

3 CHAIR TANAKA: Motion carried.

4 Let's go on to Application 27, Leilani  
5 Corporation. Please, again.

6 MS. MEHLING: Keri Mehling and Kristie  
7 Wrigglesworth on behalf of the applicant.

8 CHAIR TANAKA: Thank you. Gene.

9 MR. GENE SILVA: Application Number 27,  
10 applicant Leilani Corporation, a registered Hawaii  
11 corporation, doing business as Ocean Guardian applying for  
12 a Tour or Cruise Vessel License, Category B.

13 Officers, directors and stockholder of the  
14 corporation, past history, vessel documentation and lease  
15 agreement information is listed in the investigator's  
16 report.

17 The proposed premises is a 63.3-foot double-hull  
18 engine-powered catamaran authorized to carry 149  
19 passengers, three other persons in the crew, one masters,  
20 two deckhands, total persons allowed is 155. The vessel  
21 is moored at Kealia - Offshore Number 2, Kihei, Maui,  
22 Hawaii. Passengers will be picked up and dropped off at  
23 the North Loading Dock located at the Maalaea Small Boat  
24 Harbor. Men's and women's toilet facilities are located  
25 within the main cabin level. Beverages will be dispensed

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1 from within the main cabin level of the vessel.

2           There are 32 licenses of this class and kind  
3 currently issued within Maui County.

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

6           Site inspection -- a site inspection was  
7 conducted of the proposed premises on May 19, 2018. In  
8 the opinion of this investigator, the applicant appears to  
9 be fit and proper, and does not appear to be disqualified  
10 by any provisions as stated within Section 281-56 of the  
11 HRS from obtaining or exercising a license.

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

15           CHAIR TANAKA: Anything else to add?

16           MS. MEHLING: We do not have anything to add.

17           CHAIR TANAKA: Okay. I'm gonna open it to the  
18 public. Anybody for or against this application? Okay.  
19 Public hearing closed for this item. Any questions by the  
20 Commissioners?

21           COMMISSIONER TODD: I got to go again, sir. So  
22 there was a -- looks like a stipulation for adults wearing  
23 wristbands in '01. Maybe you guys can help us on that.  
24 Is that -- does that carry over to this and is that --

25           DIRECTOR MUKAI: No, it does not.

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1 MR. GENE SILVA: No, it doesn't.

2 COMMISSIONER TODD: Okay. So it's not?

3 DIRECTOR MUKAI: No.

4 COMMISSIONER TODD: Great. Thank you. I'm  
5 done.

6 CHAIR TANAKA: Okay. Any other questions?

7 Okay. If not, may I have a motion?

8 COMMISSIONER de JETLEY: Mr. Chair, I move to  
9 approve Application 27 subject to the submission of the  
10 license fee and final inspection.

11 COMMISSIONER BOLOSAN: Second.

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

14 (Response.)

15 CHAIR TANAKA: Opposed, "no."

16 (No response.)

17 CHAIR TANAKA: Motion carried. Thank you.  
18 Application 28, Unicorn Tours of Hawaii. Once more.

19 MS. MEHLING: Keri Mehling and Kristie  
20 Wigglesworth on behalf of the applicant.

21 CHAIR TANAKA: Thank you.

22 MS. MEHLING: Uh-huh.

23 CHAIR TANAKA: Gene.

24 MR. GENE SILVA: Application Number 28,  
25 applicant Unicorn Tours of Hawaii, Inc., a registered

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1 Hawaii corporation, doing business as Ocean Spirits  
2 applying for a Tour or Cruise Vessel License, Category B.

3 Officers, directors and stockholder of the  
4 corporation, past history, vessel documentation and lease  
5 agreement information is listed in the investigator's  
6 report.

7 The proposed premises is a 64.9-foot single-hull  
8 engine-powered sailing catamaran authorized to carry 49  
9 passengers, three other persons in crew, one masters, two  
10 deckhands, total persons allowed is 55. The vessel is  
11 moored at Lahaina Offshore Number 14, Lahaina, Maui,  
12 Hawaii.

13 Passengers will be picked up and dropped off at  
14 the Lahaina Loading Dock located at the Lahaina Small Boat  
15 Harbor.

16 The men's and women's toilet facility -- toilet  
17 facilities are located within the lower level inside the  
18 hull. Beverages will be dispensed from within the main  
19 cabin level of the vessel.

20 There are 32 licenses of this class and kind  
21 currently issued within Maui County.

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

24 A site inspection was conducted of the proposed  
25 premises on May 16th, 2018.

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1           In the opinion of this investigator, the  
2 applicant appears to be fit and proper, and does not  
3 appear to be disqualified by any provisions as stated  
4 within Section 281-56 of the HRS from obtaining or  
5 exercising a license.

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

9           CHAIR TANAKA: Thank you. I guess you don't  
10 have anything to add?

11           MS. MEHLING: We don't. Thank you.

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

18           COMMISSIONER UMENO: I move to approve  
19 Application Number 28 conditioned upon the applicant  
20 completing the remaining application requirements.

21           COMMISSIONER de JETLEY: I second.

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

24           (Response.)

25           CHAIR TANAKA: Opposed, no.

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1 (No response.)

2 CHAIR TANAKA: Motion carried. Thank you.

3 MS. MEHLING: Thank you.

4 COMMISSIONER TODD: Thank you.

5 CHAIR TANAKA: Okay. Let's go on to the next  
6 item, Cool Cat Cafe LLC.

7 MS. TSUKIYAMA: Good morning, Mr. Chair,  
8 Commission Members and members of the staff. Kristine  
9 Tsukiyama representing Cool Cat Cafe.

10 CHAIR TANAKA: Thank you. Gene.

11 MR. LAYNE SILVA: I will take that one.

12 CHAIR TANAKA: Oh, Layne, rather.

13 MR. LAYNE SILVA: Cool Cat Cafe LLC doing  
14 business as Cool Cat Cafe requesting Commission approval  
15 to change from a Dispenser General License, Category C(ii)  
16 to a Restaurant General License, Category B(ii) pursuant  
17 to Section 08-101-22(c)(6) of the Rules of the Liquor  
18 Commission, County of Maui.

19 CHAIR TANAKA: Thank you. I'm just looking at  
20 the financial report. Okay. Since this is a public  
21 hearing, I'm gonna open it to the public. Anybody for or  
22 against this application? Do you have anything else to  
23 add? Sorry.

24 MS. TSUKIYAMA: No, Mr. Chair.

25 CHAIR TANAKA: Okay. If not, are there any



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

3 COMMISSIONER TODD: I move to approve this  
4 application. I'll just leave it there.

5 CHAIR TANAKA: They're going from Dispenser  
6 General to a Restaurant license.

7 VICE-CHAIR ALULI: 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 MS. TSUKIYAMA: Thank you very much.

15 CHAIR TANAKA: Okay. Kailani Events, LLC.

16 MS. ANDERSON: Hi. Geralee Anderson.

17 CHAIR TANAKA: Are you --

18 MS. ANDERSON: Sole member --

19 CHAIR TANAKA: Thank you.

20 MS. ANDERSON: -- for Kailani Events.

21 CHAIR TANAKA: Gene.

22 MR. GENE SILVA: Kailani Events, LLC doing  
23 business as Sugar Beach Events requesting Commission  
24 approval to change from a Dispenser General License,  
25 Category C(ii) to a Restaurant General license, Category

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1 B(ii) pursuant to Section 08-101-22(c)(6) of the Rules of  
2 the Liquor Commission, County of Maui.

3 CHAIR TANAKA: Thank you. Do you have anything  
4 else to add?

5 MS. ANDERSON: No, sir.

6 CHAIR TANAKA: Okay. I'm going to open it to  
7 the public. Anybody for or against this application?  
8 Okay. Seeing none, any questions by the Commissioners?  
9 If not, may I have a motion?

10 VICE-CHAIR ALULI: I move for approval for this  
11 application.

12 COMMISSIONER UMENO: Second.

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

15 (Response.)

16 CHAIR TANAKA: Opposed, "no."

17 (No response.)

18 CHAIR TANAKA: Motion carried. Thank you.

19 MS. ANDERSON: Thank you.

20 COMMISSIONER TODD: Thank you.

21 CHAIR TANAKA: Okay. IP 1, LLC.

22 MS. HILL: Good morning. I'm Sarah Hill  
23 appearing on behalf of IP 1, LLC doing business as  
24 Monkeypod Kitchen by Merriman.

25 CHAIR TANAKA: Thank you. Layne.

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1 MR. LAYNE SILVA: IP 1, LLC doing business as  
2 Monkeypod Kitchen by Merriman requesting Commission  
3 approval to change from a Dispenser General License,  
4 Category C(ii) to a Restaurant General license, Category  
5 B(ii) pursuant to Section 08-101-22(c)(6) of the Rules of  
6 the Liquor Commission, County of Maui.

7 CHAIR TANAKA: Thank you. Do you have anything  
8 else to add?

9 MS. HILL: No.

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

14 VICE-CHAIR ALULI: I move for approval of this  
15 application.

16 COMMISSIONER de JETLEY: I second.

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

19 (Response.)

20 CHAIR TANAKA: Opposed, "no."

21 (No response.)

22 CHAIR TANAKA: Motion carried. Thank you.  
23 Okay, let's go on to Preliminary Hearings. Application  
24 23, Tante's Maalaea.

25 MS. MEHLING: Good morning again. Keri Mehling

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1 on behalf of the applicant Tante's Maalaea, LLC. With me  
2 is Tante Urban.

3 MR. URBAN: Good morning.

4 CHAIR TANAKA: Thank you. Layne.

5 MR. LAYNE SILVA: Application Number 23, Tante's  
6 Maalaea LLC, a registered Hawaii limited liability company  
7 doing business as Tante's Fish Market Restaurant and Bar  
8 applying for a Dispenser General License, Category C(ii).

9 Members and organizer of the member-managed LLC,  
10 past history and lease information are all included in the  
11 investigator's report.

12 The proposed premises consists of approximately  
13 5,990 square feet, which consists of 5,062 square feet of  
14 interior space and 928 square feet of under-the-roof patio  
15 space, is located within the Maui Harbor Shops and  
16 Restaurants, 300 Maalaea Road, Number 300, Maalaea, Maui,  
17 Hawaii.

18 There are no schools or churches located within  
19 a radius of 500 feet.

20 Beach Bums Bar & Grill, Seascape Maalaea and  
21 Cafe Del Vino are licenses of the same class and kind  
22 located within a radius of 500 feet.

23 There's one Retail General License located  
24 within a radius of 500 feet. There are 126 licenses of  
25 this class and kind currently issued within Maui County.

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

3           The site inspection was conducted of the  
4 proposed premises on May 15, 2018. The investigator  
5 reported that the floor plan was found to be inconsistent  
6 with the floor plan submitted with the application. The  
7 premises is currently undergoing construction.

8           Information contained within DLC-006 indicated  
9 that Alejandro Ruiz Sol had been convicted for a violation  
10 of law other than a minor traffic violation. Results from  
11 the criminal history background check revealed that  
12 Alejandro Ruiz Sol had been convicted for a violation of  
13 law.

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

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

19           MS. MEHLING: No, we do not.

20           CHAIR TANAKA: Okay. Are there anybody in the  
21 audience wanna testify on this application? Okay. Seeing  
22 none, any questions by the Commissioners?

23           COMMISSIONER de JETLEY: Mr. Chair, I must  
24 disclose that I have met Mr. Urban in a social setting a  
25 few months ago, so, in the interest of the full

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1 disclosure, he is a social acquaintance of mine.

2 CHAIR TANAKA: I don't think -- I don't think  
3 that affects your --

4 COMMISSIONER de JETLEY: All right. Thank you.

5 CHAIR TANAKA: Okay. Any other questions?

6 COMMISSIONER TODD: How social?

7 COMMISSIONER de JETLEY: We sat. He was my  
8 dinner partner at a political event.

9 CHAIR TANAKA: You're going too deep into that.

10 COMMISSIONER TODD: I'm sorry. Don't call me  
11 again, please.

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

14 COMMISSIONER TODD: I move to approve the  
15 Appli -- Number 23 for moving from a C(ii) to --

16 CHAIR TANAKA: This is a preliminary hearing.

17 COMMISSIONER TODD: Sorry.

18 CHAIR TANAKA: Don't you have that thing? The  
19 motion --

20 COMMISSIONER TODD: Tante's -- oh, my motion --  
21 my motion --

22 COMMISSIONER de JETLEY: He has a motion.

23 COMMISSIONER TODD: I move it.

24 CHAIR TANAKA: Move to approve.

25 COMMISSIONER de JETLEY: I second.

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

3 (Response.)

4 CHAIR TANAKA: Opposed, "no."

5 (No response.)

6 CHAIR TANAKA: Motion carried.

7 COMMISSIONER TODD: Thank you.

8 MS. MEHLING: Thank you.

9 CHAIR TANAKA: Application Number 24, MNS, Ltd.

10 MR. NAKAMURA: Good morning, Mr. Chair, Members  
11 of the Commission. Craig Nakamura, attorney on behalf of  
12 the applicant. And sitting to my left is Mr. Matt  
13 Godfrey, who is the General Manager of the restaurant.  
14 And to my right is Mr. Eric Nakamoto. You may recall he's  
15 the Maui District Manager for MNS.

16 COMMISSIONER TODD: Good morning.

17 MR. NAKAMURA: Thank you, John.

18 COMMISSIONER TODD: It's going to be long.

19 CHAIR TANAKA: Ready?

20 MR. NAKAMURA: Yeah. Thank you.

21 CHAIR TANAKA: Go ahead, Gene.

22 MR. GENE SILVA: Okay. Application Number 24,  
23 applicant MNS, Ltd. doing business as Lineage Restaurant,  
24 a Hawaii corporation, applying for a Dispenser General  
25 License, Category C(ii).

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1           Officers, directors and stockholder of the  
2 corporation, past history and lease agreement information  
3 is listed in the investigator's report. The proposed  
4 premises is located on the ground level of a multilevel  
5 commercial complex consisting of approximately 2,899  
6 square feet with approximately 2,008 square feet of indoor  
7 restaurant space and 891 square feet of exterior --  
8 exterior patio restaurant space located at the Shops at  
9 Wailea, 3750 Wailea Alanui Drive, Wailea, Maui, Hawaii.

10           There are no schools or churches located within  
11 a radius of 500 feet. Longhi's Wailea, Ruth's Chris Steak  
12 House and The Pint & Cork are licenses of the same class  
13 and kind located within a radius of 500 feet.

14           There are three Restaurant General and three  
15 Retail General licenses located within a radius of 500  
16 feet. There are 126 licenses of this class and kind  
17 currently issued within Maui County.

18           Applicant initially plans to be open seven days  
19 a week from 10:00 a.m. to 10:00 p.m.

20           A site inspection was conducted of the proposed  
21 premises on May 15, 2018. The floor plan submitted was  
22 found to be inconsistent with the floor plan submitted  
23 within the application. The premises is currently  
24 undergoing construction.

25           In the opinion of this investigator, the



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1 applicant appears to be fit and proper, and does not  
2 appear to be disqualified by any provisions as stated  
3 within Section 281-56 of the HRS from obtaining or  
4 exercising a license.

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

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

10 MR. NAKAMURA: As you probably saw in the  
11 investigative report, MNS, Ltd. is the company that also  
12 operates all of the ABC Stores. You may have heard that  
13 they're venturing into restaurants now. And this is at  
14 their store at the Shops of Wailea. They have got a  
15 freestanding building out there kind of in the parking  
16 lot. I don't know if you're familiar with that. But just  
17 to the side of it, there's been a separate vacant space  
18 that's a part of the building that they are going to be  
19 operating this restaurant there. So that's the purpose of  
20 this application.

21 As you can see, MNS, Ltd. is -- I'm sure you're  
22 familiar, has many officers and directors. So it's quite  
23 a chore to submit this application. We appreciate the  
24 staff's help with doing that.

25 I just want to notice -- note one typographical

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1 error in the report. Riki Shigemi Morimoto is the  
2 Executive Vice President/Treasurer/Director and CFO, Chief  
3 Financial Officer, of the corporation.

4 Be happy to answer any questions. Thank you  
5 very much.

6 CHAIR TANAKA: Okay. Thank you.

7 VICE-CHAIR ALULI: I got a question. Is this  
8 going to be their first -- this is the first venture into  
9 the restaurant business, right?

10 UNIDENTIFIED SPEAKER: Second.

11 VICE-CHAIR ALULI: Second.

12 MR. NAKAMURA: I believe they have one in  
13 Waikiki.

14 UNIDENTIFIED SPEAKER: In Waikiki. It's Basalt  
15 at Dukes Lane.

16 VICE-CHAIR ALULI: Oh, okay. Yeah, thanks.

17 CHAIR TANAKA: Okay. I'm gonna open it to the  
18 public for any public testimony. Okay. Seeing none, any  
19 other questions by the Commissioners? You're not asking  
20 for kamaaina?

21 COMMISSIONER UMENO: Discount.

22 VICE-CHAIR ALULI: Automatic at ABC Stores, man.

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

25 COMMISSIONER de JETLEY: Mr. Chair, I move to

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1 approve Applicant Number 24 subject to the filing of their  
2 outstanding requirements.

3 VICE-CHAIR ALULI: Second.

4 CHAIR TANAKA: Moved and seconded.

5 DIRECTOR MUKAI: It's approval for public  
6 hearing.

7 CHAIR TANAKA: Oh, public hearing.

8 COMMISSIONER de JETLEY: Public hearing.

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

10 (Response.)

11 CHAIR TANAKA: Opposed, "no."

12 (No response.)

13 CHAIR TANAKA: Thank you.

14 MR. NAKAMURA: Thank you very much.

15 MR. NAKAMOTO: Thank you.

16 COMMISSIONER de JETLEY: Mr. Chair, I have a  
17 question for the Director. So since it's a public  
18 hearing, will it be the next meeting? How long does it  
19 take?

20 DIRECTOR MUKAI: You have 45 days notice, so it  
21 will be two months.

22 CHAIR TANAKA: Yeah, 60 days.

23 Okay. Application 29, Paradise Properties [sic]  
24 LLC.

25 MR. SCHOOLER: Good morning. Tim Schooler.

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1 It's Paradise Prosperities LLC doing business as Sunsets  
2 Bar & Grill.

3 CHAIR TANAKA: Thank you. Layne.

4 MR. LAYNE SILVA: Application Number 29,  
5 applicant is Paradise Properties LLC, a registered Hawaii  
6 limited liability company doing business as Sunsets Bar &  
7 Grill applying for a Dispenser General License, Category  
8 C(ii).

9 The manager, member, agent and organizers of the  
10 manager-managed LLC and lease agreement are all listed in  
11 the investigator's report.

12 The proposed premises, containing approximately  
13 5,208 square feet of floor space, which includes an  
14 outdoor lanai dining area, is located at 470 Lipoa  
15 Parkway, Kihei, Maui, Hawaii.

16 Restroom facilities are located outside of the  
17 premises approximately 58.3 feet in the Lahaina direction.

18 There are no schools, churches or liquor  
19 licenses located within a radius of 500 feet.

20 There are 126 licenses of this class and kind  
21 currently issued within Maui County.

22 Plans of the applicant: Applicant initially  
23 plans to be open seven days a week from 8:00 a.m. to 2:00  
24 a.m. the following day.

25 A site inspection was conducted of the proposed

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1 premises on May 25th, 2018.

2 Information contained within DLC 006 indicated  
3 that Timothy Lee Schooler had been convicted for  
4 violations of law other than a minor traffic violation.  
5 Results from the criminal history background check  
6 revealed that Timothy Lee Schooler had been convicted for  
7 a violation of law other than a minor traffic violation.  
8 Timothy Lee Schooler has submitted a letter of  
9 explanation.

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

13 CHAIR TANAKA: Thank you. Do you have anything  
14 else to add?

15 MR. SCHOOLER: No, sir.

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

19 COMMISSIONER TODD: Yes, sir.

20 CHAIR TANAKA: Okay, Jonathan.

21 COMMISSIONER TODD: So there are three  
22 convictions of DUI here, correct?

23 MR. SCHOOLER: Yes, sir.

24 COMMISSIONER TODD: And each one is treated as a  
25 new DUI offense?

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1 MR. SCHOOLER: Because of the distance between  
2 the offenses in the state of California. The first two I  
3 only listed out of pure honesty, they're not even  
4 required, nor do they show up on my background check  
5 because of the length of time.

6 COMMISSIONER TODD: So in the interest of pure  
7 honesty, have you -- you were -- you were caught and  
8 convicted three times?

9 MR. SCHOOLER: Yes, sir.

10 COMMISSIONER TODD: Have you ever been under the  
11 influence of alcohol and not been caught?

12 MR. SCHOOLER: Yes, sir.

13 COMMISSIONER TODD: Okay. Has it continued past  
14 2008?

15 MR. SCHOOLER: No. I -- that's -- this is --  
16 this is a different me. That's a long time ago.

17 COMMISSIONER TODD: Okay. So each time before,  
18 you attended classes and -- and went forward. Did you do  
19 something -- this, to me, is a really big issue. I've got  
20 an operator who is three times convicted which means many  
21 times, in most cases, not convicted or not caught, right?  
22 So we -- our primary job is to protect the County from --  
23 from injury, incident, problem. And this is -- this is  
24 big for me. So is there something that you did that  
25 changed? I'm sorry to --

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1 MR. SCHOOLER: No. I --

2 COMMISSIONER TODD: -- put you on the spot here,  
3 but this is --

4 MR. SCHOOLER: I absolutely 100 percent  
5 understand where you're coming from. And -- and I  
6 appreciate where you're coming from. And I -- I don't  
7 know how to answer that question without sounding like I'm  
8 making excuses because it's -- it's not -- it's not a  
9 excusable matter. Okay. And I understand that. But --  
10 but -- but there were some issues -- you know, I grew up  
11 in a very small town. And this was a long time -- this  
12 was before taxis, before Ubers, before -- you know, and --  
13 and, matter of fact, it was before streetlights in this  
14 town, but it was, also, a CHP training facility. And

15 COMMISSIONER TODD: Oh.

16 MR. SCHOOLER: They're -- some of these -- I got  
17 a DUI for warming my truck up, I wasn't even in it. You  
18 didn't do anything -- you -- you were pulled over and  
19 harassed for driving late at night on a Friday.

20 COMMISSIONER TODD: Okay.

21 MR. SCHOOLER: In -- in this County and it's --  
22 it's -- it's not uncommon that many people from that same  
23 small town have -- have their share of DUIs. Like I said,  
24 I'm not -- I'm not excusing it.

25 COMMISSIONER TODD: Do you drink currently?

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1 MR. SCHOOLER: Yes.

2 COMMISSIONER TODD: Okay.

3 MR. SCHOOLER: Minor, though. I -- I really --  
4 it's -- I mean, I do. Sure. I'll have a glass of wine  
5 with dinner or something.

6 COMMISSIONER TODD: Okay. No further questions.  
7 Thank you.

8 MR. SCHOOLER: Yeah, absolutely.

9 CHAIR TANAKA: Any other questions? If not, may  
10 I have a motion?

11 COMMISSIONER UMENO: I move to approve  
12 Application Number 29 for public hearing.

13 VICE-CHAIR ALULI: Second.

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

16 (Response.)

17 CHAIR TANAKA: Opposed, "no."

18 COMMISSIONER de JETLEY: No.

19 COMMISSIONER TODD: No.

20 CHAIR TANAKA: Can I have a roll call, then?  
21 Jonathan.

22 COMMISSIONER TODD: No.

23 CHAIR TANAKA: Leon.

24 COMMISSIONER BOLOSAN: Yes.

25 VICE-CHAIR ALULI: Yes.



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1 COMMISSIONER UMENO: Yes.

2 COMMISSIONER de JETLEY: No.

3 CHAIR TANAKA: No. Okay. There's no majority,  
4 so application is denied. Is there a motion to deny  
5 application --

6 COMMISSIONER TODD: I will move to deny this  
7 application.

8 COMMISSIONER de JETLEY: Mr. -- Mr. Chair, can  
9 we discuss this further?

10 MR. SCHOOLER: Please.

11 COMMISSIONER de JETLEY: We could? Okay.

12 CHAIR TANAKA: Do you want to go into Executive  
13 Session?

14 COMMISSIONER de JETLEY: I don't -- I think in  
15 fairness to the people who are gathered here --

16 COMMISSIONER TODD: Happy to do it in public.

17 COMMISSIONER de JETLEY: -- I am happy to do it  
18 in public.

19 COMMISSIONER TODD: I think it's better.

20 COMMISSIONER de JETLEY: My main concern is we  
21 have had a number of drug-related -- drug or  
22 alcohol-related incidences in Maui County. And I would be  
23 in favor of this applicant if we could put you and your  
24 business on probation, that, if you ever have another DUI  
25 in this county, your application would automatically be

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1 terminated, your business license to sell liquor would be  
2 terminated. If you could show us that you have been in  
3 any treatment program, if -- I'm -- my concern --

4 COMMISSIONER TODD: Alberta, he's been in three  
5 treatment programs.

6 COMMISSIONER de JETLEY: Okay. But my -- my  
7 concern is if you're in an environment where liquor is  
8 being consumed, it would be automatic for you to maybe  
9 say, well, it's after hours, I'm going to have a glass of  
10 wine. It's only one glass of wine.

11 CHAIR TANAKA: Alberta, let me -- this is a  
12 preliminary hearing.

13 COMMISSIONER de JETLEY: Yes.

14 CHAIR TANAKA: You --

15 COMMISSIONER de JETLEY: So the public --

16 CHAIR TANAKA: You're looking to put a  
17 condition -- if you're gonna approve and put a condition  
18 on his application. This is not the --

19 COMMISSIONER de JETLEY: Okay.

20 CHAIR TANAKA: -- time to do it.

21 COMMISSIONER de JETLEY: If we go to public --  
22 public hearing --

23 CHAIR TANAKA: We going to public hearing --

24 COMMISSIONER de JETLEY: People can come --

25 CHAIR TANAKA: -- and have public hearing.

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1 COMMISSIONER de JETLEY: People can come and  
2 testify for or against it?

3 CHAIR TANAKA: And at public hearing, if you  
4 want to put a condition on his license, you may.

5 COMMISSIONER de JETLEY: Okay.

6 CHAIR TANAKA: Not -- not at this preliminary  
7 hearing.

8 COMMISSIONER de JETLEY: Okay. Then I -- I  
9 would be agreeable to voting yes so that we can move to a  
10 public hearing. And at that time, members of the general  
11 public want to testify, then I would be open to that. So  
12 I am willing to change my vote to a yes.

13 CHAIR TANAKA: Okay. Any other questions,  
14 Jonathan?

15 COMMISSIONER TODD: How do we, outside of the  
16 public hearing, advise the applicant of things that might  
17 be helpful to us here?

18 CHAIR TANAKA: Well, at the public hearing,  
19 you --

20 COMMISSIONER TODD: Do it at the public hearing?

21 CHAIR TANAKA: Yeah. You can put conditions on  
22 his license if you're gonna -- if you're gonna approve it.

23 MR. SCHOOLER: I have no problems with  
24 conditions. This is -- this is --

25 CHAIR TANAKA: Not at a preliminary.

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1 MR. SCHOOLER: This is -- this is a black spot  
2 on my history that's long past.

3 COMMISSIONER TODD: No. I think there are ways  
4 to get past it for you that would work. There are -- I  
5 mean, it's -- it's not DUI for me only, it's because you  
6 don't have to drive to make a bad choice behind the bar if  
7 you're an owner.

8 MR. SCHOOLER: This is my livelihood. This is  
9 my family. This is --

10 COMMISSIONER TODD: All right. So,  
11 Mr. Chairman, do you believe that the proper protocol here  
12 is to take it to the next step and then air these issues  
13 at that public --

14 CHAIR TANAKA: Yeah, I would recommend that.

15 COMMISSIONER TODD: Very good.

16 CHAIR TANAKA: And at the public hearing, you  
17 can voice your opinion. And if you want to put some  
18 conditions on his license at that time, you put the  
19 condition.

20 COMMISSIONER de JETLEY: Okay. Mr. Chair, I'll  
21 rescind my no vote.

22 COMMISSIONER TODD: Director Mukai, do you feel  
23 the same way?

24 DIRECTOR MUKAI: Yes.

25 COMMISSIONER TODD: Very good. I rescind my --

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1 my vote as well.

2 CHAIR TANAKA: Okay. Can I have a motion again?

3 COMMISSIONER UMEMO: I move to approve

4 Application Number 29.

5 COMMISSIONER de JETLEY: Mr. Chair, I second.

6 CHAIR TANAKA: Okay. Moved and seconded. All

7 in favor, say "aye."

8 (Response.)

9 CHAIR TANAKA: Opposed, "no."

10 (No response.)

11 CHAIR TANAKA: Motion carried. Thank you.

12 MR. SCHOOLER: Thank you.

13 CHAIR TANAKA: Get a good reason now when you

14 come back.

15 MR. SCHOOLER: Yes, sir.

16 COMMISSIONER TODD: Or -- or a general manager

17 with you or an attorney or some -- some solution here that

18 shows that it's not just you.

19 CHAIR TANAKA: I would -- I would suggest you

20 come in with a plan on what you intend to do and what your

21 purpose behind all this, and maybe make it more -- make

22 your convictions here where you can explain and what

23 you've been doing the past 10 years. I look at it as --

24 personally, I look at it's been over 10 years, so,

25 hopefully, you know, this thing has stopped.

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1 MR. SCHOOLER: I assure you. And that's why I  
2 have no problem with conditions.

3 COMMISSIONER TODD: Part of the problem here,  
4 and we're a little out of order, but this is -- nobody  
5 wants to deny you a liquor license on Maui. We -- we want  
6 to give you have the license. You're going to move into a  
7 public thing that maybe the press there, okay, looking at  
8 this. So for me, nothing but a additional party involved  
9 in this restaurant who is going to be a responsible party,  
10 plus conditions that are very strict for any infraction.  
11 Because we're very lenient on infractions in some ways.  
12 Those things are going to -- will be brought up on my  
13 side, at least.

14 MR. SCHOOLER: All right.

15 COMMISSIONER TODD: So anything you can do to  
16 preplan for the Director's issues, Alberta's issues, the  
17 Commissioner, and mine, would be helpful for you for the  
18 next -- next meeting.

19 MR. SCHOOLER: Fair enough. Yeah.

20 COMMISSIONER TODD: Thank you.

21 MR. SCHOOLER: Thank you.

22 CHAIR TANAKA: Okay. Let's go on to Other  
23 Licensing Matters. SIP Sommelier Services.

24 MR. ABAC: Good morning. Derrin Abac, member,  
25 SIP Sommelier Services.

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1 CHAIR TANAKA: Okay. Layne.

2 MR. LAYNE SILVA: SIP Sommelier Services LLC  
3 doing business as SIP Sommelier Services LLC, Retail  
4 General license, at 71 Baldwin Avenue, Suite C-4, Paia,  
5 Maui, Hawaii, requesting an extension to exercise the  
6 liquor license pursuant to Section 08-101-34(c) of the  
7 Rules of the Liquor Commission, County of Maui. License  
8 granted by the Commission on January 10, 2018, to expire  
9 on July 9th, 2018.

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

12 MR. ABAC: No, sir.

13 CHAIR TANAKA: Any public testimony on this  
14 item? Okay. Seeing none, any questions by the  
15 Commissioners?

16 COMMISSIONER de JETLEY: Yes, Mr. Chair, I do.  
17 We seem to get a lot of these requests for extensions and  
18 it's beyond the applicant's control. At our last meeting,  
19 we went ahead and did automatic -- not automatic, but we  
20 extended each request for a six-month extensions. Is  
21 there any way that the Director can approve this  
22 administratively and then just advise us at the next  
23 meeting that they have been received -- that they have  
24 extended so they don't have to come in? Their time is  
25 valuable. And I would like to be able to facilitate them

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1 continuing to do their business by having it.

2 COMMISSIONER TODD: Absolutely agree with  
3 Alberta.

4 COMMISSIONER de JETLEY: Done administratively.

5 CHAIR TANAKA: Commission can authorize the  
6 Director on this issue, but our rules -- we're going to be  
7 conflicting with our rules. We're going to have to change  
8 our rules accordingly. Glenn, do you feel comfortable  
9 with that?

10 DIRECTOR MUKAI: I believe that as long as it  
11 doesn't require a public hearing, the Director can  
12 approve.

13 COMMISSIONER TODD: If it is perfunctory issues  
14 of building, and that's the only thing that's changing,  
15 we're supposed to get a grease trap that isn't here yet or  
16 whatever, to bring in the applicant and make him lose half  
17 of his day and for us to go through this when we're going  
18 to approve these if it's building related, unless --  
19 unless somebody sees something different there.

20 COMMISSIONER de JETLEY: No. My feeling is it's  
21 beyond his control, it's beyond our control. We can't  
22 tell other County departments that they're working too  
23 slowly. So if we could facilitate you, we want you to be  
24 successful and we want you to get your projects done.

25 COMMISSIONER TODD: Unless you have three DUIs.



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1 MR. ABAC: No. No. I'm good. Thank you.

2 CHAIR TANAKA: Well, we been -- we been fighting  
3 these issues for years, since I been on the Commission.  
4 Problem is when they go in to get the special inspection,  
5 County looks at everything. And my -- my issue with this  
6 is we want to look at only the premises itself. And the  
7 County is looking at the whole area and they come out with  
8 you have insufficient parking, you need a grease trap,  
9 what's your sewer flow and all this kind. It's nothing to  
10 do with liquor. You know, that's my -- you know, so I  
11 been talking to Glenn about how we can change these rules.  
12 Problem is the State -- the State requires you have a CO,  
13 you know. And when the County looks at the CO, what is  
14 the CO, the CO is for the whole premises --

15 COMMISSIONER TODD: From departments.

16 CHAIR TANAKA: -- you know. Yeah, so that's  
17 where we get all these problems. And, yeah, I don't blame  
18 the applicants. It's a pain in the okole. I deal with  
19 them on a daily basis.

20 COMMISSIONER de JETLEY: I think maybe if -- if  
21 Executive Director is all right with approving it  
22 administratively, extending it administratively, but if  
23 you reach the one-year mark, then we would like to you  
24 come back so that you could tell us yourself what -- what  
25 the various holdups are for your permit before we grant

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1 another extension.

2 CHAIR TANAKA: Glenn, you have no problem with  
3 that?

4 DIRECTOR MUKAI: Yes, no problem.

5 CHAIR TANAKA: Okay.

6 COMMISSIONER de JETLEY: So do you need that  
7 made into a motion?

8 CHAIR TANAKA: We can.

9 COMMISSIONER de JETLEY: So --

10 CHAIR TANAKA: Is it proper to do it now?

11 VICE-CHAIR ALULI: At this point?

12 COMMISSIONER TODD: I think we have to approve  
13 them first or -- New Business.

14 CHAIR TANAKA: Okay. So --

15 COMMISSIONER de JETLEY: I will -- I will make a  
16 motion that --

17 COMMISSIONER TODD: Let's approve SIP.

18 CHAIR TANAKA: I recommend, because this is on  
19 our agenda, we'll look at it individually. And then, on  
20 the next -- on the next agenda meeting, we'll put that --

21 COMMISSIONER TODD: For discussion.

22 CHAIR TANAKA: -- as a item --

23 COMMISSIONER de JETLEY: To discuss.

24 CHAIR TANAKA: And we can --

25 COMMISSIONER TODD: So I move to approve the

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1 extension for SIP.

2 COMMISSIONER de JETLEY: I second that motion.

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

5 (Response.)

6 CHAIR TANAKA: Opposed, "no."

7 (No response.)

8 CHAIR TANAKA: Motion carried. Thank you.

9 MR. ABAC: Thank you very much.

10 COMMISSIONER TODD: Thank you for coming. And  
11 sorry to make you come.

12 MR. ABAC: Thank you.

13 COMMISSIONER TODD: Maybe it will help people in  
14 the future.

15 MR. ABAC: Thank you.

16 CHAIR TANAKA: Culinaria Restaurant.

17 MR. NAKAMURA: Good morning, Mr. Chairman,  
18 Members of the Commission. Craig Nakamura, attorney on  
19 behalf of the applicant. And this is Mr. Morris Levy who  
20 is the officer and director of the applicant -- or the  
21 licensee, actually.

22 COMMISSIONER TODD: Good morning.

23 CHAIR TANAKA: Go ahead, Gene.

24 MR. GENE SILVA: Culinaria Restaurant Group,  
25 Incorporated doing business as the Pour House, Kapalua, at

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1 700 Office Road, Suite A101, Kapalua, Hawaii, requesting  
2 an extension to exercise the liquor license pursuant to  
3 Section 08-101-34(c) of the Rules of the Liquor  
4 Commission, County of Maui. License granted by the  
5 Commission on January 10th, 2018, to expire on July 9th,  
6 2018. Applicant is requesting an extension of one year.

7 CHAIR TANAKA: Any other --

8 MR. NAKAMURA: We hope to get it momentarily or  
9 any day now, but we just need a final approval on the fire  
10 inspection. So -- but just because this is expiring on  
11 July 9th, we thought it prudent to ask for an extension at  
12 this time for one year.

13 CHAIR TANAKA: Okay. Are there any public  
14 testimony on this item? Okay. Seeing none, any questions  
15 by the Commissioners?

16 COMMISSIONER TODD: Move to approve the  
17 extension.

18 COMMISSIONER de JETLEY: I second.

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

21 (Response.)

22 CHAIR TANAKA: Opposed, "no."

23 (No response.)

24 CHAIR TANAKA: Motion carried.

25 MR. NAKAMURA: Thank you very much.

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1 COMMISSIONER TODD: Thank you.

2 CHAIR TANAKA: Barberi Restaurant Group.

3 COMMISSIONER TODD: Alberta, the lawyers are  
4 going to hate this rule.

5 MR. BARBERI: Good morning. I'm Javier Barberi,  
6 one of the directors of Barberi Restaurant Group.

7 MS. TSUKIYAMA: Kristine Tsukiyama representing  
8 Mr. Barberi.

9 CHAIR TANAKA: Okay. Gene.

10 MR. GENE SILVA: Barberi Restaurant Group, Inc.  
11 doing business as Down the Hatch requesting Commission  
12 approval for a conversion of the corporation to a limited  
13 liability company pursuant to Section 281-41(k) of the  
14 Hawaii Revised Statutes.

15 CHAIR TANAKA: Kristine, do you have anything  
16 else add?

17 MS. TSUKIYAMA: No.

18 CHAIR TANAKA: Okay. Are there any public  
19 testimony on this item? Okay. If not, may I have a -- if  
20 not, is there any questions by the Commissioners? If not,  
21 may I have a motion?

22 COMMISSIONER UMENO: I move to approve the  
23 conversion.

24 COMMISSIONER de JETLEY: I second.

25 CHAIR TANAKA: Moved and seconded. All in

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1 favor, say "aye."

2 (Response.)

3 CHAIR TANAKA: Opposed, "no."

4 (No response.)

5 CHAIR TANAKA: Motion carried. Thank you.

6 MS. TSUKIYAMA: Thank you very much.

7 COMMISSIONER TODD: Thank you for waiting all  
8 this time.

9 CHAIR TANAKA: Capu Maui Corporation.

10 MS. GARDE: Good morning. Melanie Garde as  
11 President of Capu Maui Corp. dba Wow-Wee Maui's Kava Bar &  
12 Grill.

13 CHAIR TANAKA: Thank you. Layne.

14 MR. LAYNE SILVA: Capu Maui Corp. doing business  
15 as Wow-Wee Maui's Kava Bar & Grill, at 333 Dairy Road,  
16 Number 101A, Kahului, Maui, Hawaii, requesting an  
17 extension to exercise the liquor license pursuant to  
18 Section 08-101-34(c) of the Rules of the Liquor  
19 Commission, County of Maui. License granted by the  
20 Commission on January 10th, 2018, to expire on July 9th,  
21 2018.

22 CHAIR TANAKA: Thank you. Do you have anything  
23 else to add? Okay. Are there any public testimony on  
24 this item? Okay. Seeing none any questions by the  
25 Commissioners?

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1           COMMISSIONER TODD: I may have a conflict  
2 because I think they make the best hamburgers on the  
3 island.

4           MS. GARDE: Thank you.

5           CHAIR TANAKA: Are you trying to get a free  
6 hamburger?

7           COMMISSIONER TODD: No, sir. That is against  
8 every rule that I believe in. County of Maui wouldn't  
9 allow. You poor owner. Sorry that you have to go through  
10 that for enclosing your lanai. Wow.

11          CHAIR TANAKA: There's --

12          COMMISSIONER TODD: We're trying to make it  
13 better.

14          CHAIR TANAKA: There's no conflict there. Okay.

15          COMMISSIONER TODD: Thank you, sir.

16          CHAIR TANAKA: No other questions, may I have a  
17 motion?

18          COMMISSIONER de JETLEY: Mr. Chair, I move to  
19 approve the extension of this license.

20          COMMISSIONER TODD: Second.

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

23                 (Response.)

24          MS. GARDE: Thank you.

25          CHAIR TANAKA: Opposed, "no."

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1 (No response.)

2 CHAIR TANAKA: Motion carried. Thank you.

3 COMMISSIONER TODD: Thank you for waiting all  
4 this time.

5 CHAIR TANAKA: Maui Chemical and Paper Products.

6 MR. KAWASAKI: Good morning. Joe Kawasaki,  
7 Executive Vice President.

8 CHAIR TANAKA: Thank you. Layne.

9 MR. LAYNE SILVA: Maui Chemical and Paper  
10 Products, Inc. doing business as Maui Chemical and Paper  
11 Products requesting Commission approval for a change in  
12 stockholder and notifying the Commission of a change of  
13 officers, directors and titles within the corporation.

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

15 MR. KAWASAKI: No, sir.

16 CHAIR TANAKA: Okay. There's no public, so no  
17 public testimony. Okay. Any questions by the Commission?  
18 If there's no questions, may I have a motion?

19 COMMISSIONER UMENO: I move to approve the  
20 change in stockholders.

21 COMMISSIONER de JETLEY: I second.

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

24 (Response.)

25 CHAIR TANAKA: Opposed, "no."



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1 (No response.)

2 CHAIR TANAKA: Motion carried. Thank you.

3 COMMISSIONER TODD: Thank you very much for  
4 waiting.

5 MR. KAWASAKI: No problem.

6 CHAIR TANAKA: Hawaiian Paradise Cocktails.  
7 Where's the representative?

8 MS. YOSHIZAWA: I just spoke to Leah. She is  
9 running about 15 minutes behind. She forgot.

10 CHAIR TANAKA: Okay.

11 DIRECTOR MUKAI: Chair, according to Rule  
12 08-102-26(b), the Commission can go forward with this  
13 application.

14 CHAIR TANAKA: Without the representative?

15 DIRECTOR MUKAI: Yes.

16 CHAIR TANAKA: Okay. Well, let's -- let's go  
17 ahead because this is strictly an extension of the  
18 licensing, anyway. So go ahead, Layne.

19 MR. LAYNE SILVA: Hawaiian Paradise Cocktails  
20 LLC doing business as Hawaiian Paradise Cocktails, at 142  
21 Kupuohi Street, Unit F6, Lahaina, Maui, Hawaii, requesting  
22 an extension to exercise the liquor license pursuant to  
23 Section 08-101-34(c) of the Rules of the Liquor  
24 Commission, County of Maui. License granted by the  
25 Commission on December 13th, 2018, to expire on June 11,

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1 2018.

2 CHAIR TANAKA: Thank you. Okay. Since  
3 applicant is not here, my policy was that if an applicant  
4 or any representative is not here, even though the rule  
5 says it's all right, they would have deferred this matter,  
6 but, under the situation, we'll let this go at this time.  
7 May I have a motion?

8 COMMISSIONER de JETLEY: Mr. Chair, I move to  
9 approve this application.

10 COMMISSIONER UMENO: Second.

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

13 (Response.)

14 CHAIR TANAKA: Opposed, "no."

15 (No response.)

16 CHAIR TANAKA: Motion carried. Okay. Shall we  
17 have a recess?

18 COMMISSIONER de JETLEY: No, Mr. Chair, because  
19 it's already -- we're running early. What -- what do --  
20 do we need to go into Executive Session if we want to  
21 discuss any other matter? How does that work?

22 CHAIR TANAKA: You can't discuss any other  
23 matter if it's not on the agenda.

24 COMMISSIONER de JETLEY: We can? Cannot?

25 COMMISSIONER TODD: Cannot if it's not on the

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1 agenda because of the sunset [sic].

2 COMMISSIONER de JETLEY: Okay. So even if we --

3 COMMISSIONER TODD: Sunshine.

4 COMMISSIONER de JETLEY: I wanted to discuss the  
5 upcoming conference.

6 MR. MURAI: You want to discuss it as Commission  
7 business?

8 COMMISSIONER de JETLEY: No. It's, mainly, I'm  
9 very concerned about the Big Island and the amount of vog  
10 that's in the air.

11 MR. MURAI: As long as it's not Commission  
12 business, you can have that discussion outside of a  
13 meeting setting. If it's something logistical or, in  
14 other words, if it's not --

15 CHAIR TANAKA: Yeah, as long as --

16 MR. MURAI: -- a matter over which the  
17 Commission has under its control or jurisdiction. Just  
18 like talking about things like transportation,  
19 accommodations, that kind of thing, that's all right to  
20 discuss.

21 COMMISSIONER de JETLEY: I'm just concerned  
22 because if -- if the volcano continues to erupt, which it  
23 is, and if the wind shifts, and the Kona and Waikoloa area  
24 is going to be covered with vog.

25 MR. MURAI: That's not something that

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1 requires --

2 COMMISSIONER de JETLEY: Oh, okay.

3 MR. MURAI: That needs to be discussed in a  
4 meeting.

5 COMMISSIONER de JETLEY: Okay.

6 MR. MURAI: That's something that's personal to  
7 you and it's not -- so you can have that discussion  
8 outside of a meeting setting.

9 CHAIR TANAKA: Okay. Why don't we do this,  
10 let's have a 10-minute recess, okay? Commission is in  
11 recess.

12 (Recess, 9:51 a.m. to 10:00 a.m.)

13 CHAIR TANAKA: Okay. Liquor Commission meeting  
14 called back to order. Okay. Let's go into Administrative  
15 Affairs. Before we go into that, Alberta, your questions  
16 have been answered?

17 COMMISSIONER de JETLEY: Yes.

18 CHAIR TANAKA: Okay. Let's go into  
19 Administrative Affairs. Director's Monthly Report.

20 DIRECTOR MUKAI: Several things on the  
21 Director's Monthly Report.

22 The State Legislature, the Department was  
23 informed the Governor has not signed, not signed, any of  
24 the liquor bills so far.

25 And the Department distribute a revised 2018

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1 Liquor Commission meeting schedule, changing the October  
2 date from October 10th to October 5th. It was in your  
3 packet. So it will be October 5th, the first Friday of  
4 the month in October. Why we did that is because the 2018  
5 Conference for Hawaii State Liquor Commission Industry  
6 Representative will be held from October 7, mark your  
7 calendar, October 7 to October 10th at Koloa Landing,  
8 Poipu, Kauai.

9 And, of course, today is the last meeting that  
10 we have our court reporter Tonya McDade who will be moving  
11 to Colorado. We say mahalo, bon voyage, best wishes.

12 CHAIR TANAKA: Thank you. Thank you for all  
13 your hard work.

14 VICE-CHAIR ALULI: Thank you.

15 COMMISSIONER TODD: You're really, really good.  
16 Thank you.

17 COMMISSIONER de JETLEY: Don't cry.

18 COMMISSIONER TODD: (Inaudible) really, really  
19 good.

20 DIRECTOR MUKAI: And the Department is in the  
21 midst of the performance audit of Harvey M. Rose  
22 Associate, LLC, that was generated by the County Council.

23 Regarding our renewal of liquor license, 295 of  
24 448 have renewed, 153 outstanding. But most of this  
25 outstanding has already been submitted, but was returned

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1 due to some errors. And they realize what the errors, and  
2 many of the errors have been corrected very fast.

3 Also, we receive a letter from the Department of  
4 Health. As of yesterday, the administrative rule, Chapter  
5 11 was repealed. So we no longer need Department of  
6 Health clearances for liquor license.

7 That's all we have.

8 CHAIR TANAKA: Okay. Any questions,  
9 Commissioners? Okay. If not, may I have a motion for  
10 adjournment?

11 VICE-CHAIR ALULI: So moved.

12 COMMISSIONER UMENO: Second.

13 CHAIR TANAKA: Meeting adjourned. Thank you  
14 very much. (Gavel.)

15 (Meeting adjourned, 10:02 a.m.)  
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CERTIFICATE

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

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

DATED this 29th day of June, 2018.

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