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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 July 11th, 2018.

REPORTED BY: SANDRA J. GRAN, RPR/CSR #424

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APPEARANCES

COMMISSION MEMBERS PRESENT:

|                   |                     |
|-------------------|---------------------|
| CHAIRPERSON:      | ROBERT TANAKA       |
| VICE-CHAIRPERSON: | ROY UMENO           |
| COMMISSIONERS:    | LEON BOLOSAN        |
|                   | JONATHAN TODD       |
|                   | DAWN BICOY          |
|                   | ALBERTA DeJETLEY    |
|                   | LESLIE ANN YOKOUCHI |

STAFF PRESENT:

|                                   |                   |
|-----------------------------------|-------------------|
| FIRST DEPUTY CORPORATION COUNSEL: | EDWARD KUSHI, JR. |
| DEPUTY DIRECTOR:                  | GEORGETTE TYAU    |
| DIRECTOR:                         | GLENN MUKAI       |
| LIQUOR CONTROL OFFICER IV:        | LAYNE SILVA       |
| PRIVATE SECRETARY:                | LIANNE SUZUKI     |

1 (July 11th, 2018, 9:00 a.m.)

2 \* \* \*

3 CHAIR TANAKA: (Gavel.) Okay. The liquor  
4 commission meeting is called to order. Before I call for a  
5 roll call, we have a new court reporter, Sandra Gran.  
6 Welcome.

7 THE REPORTER: Thank you.

8 COMMISSIONER TODD: Hi, Sandra.

9 THE REPORTER: Hi.

10 CHAIR TANAKA: Okay. The chair has one request:  
11 Because Sandra is new, she doesn't know all the commissioners,  
12 so before you make comments or what, please identify yourself  
13 and don't talk out of order. Okay?

14 Okay. Let's go one roll call. Lianne?

15 MS. SUZUKI: Lianne Suzuki, liquor control.

16 COMMISSIONER BICOY: Dawn Bicoy. Good morning.

17 COMMISSIONER TODD: Jonathan Todd.

18 COMMISSIONER BOLOSAN: Leon Bolosan.

19 MR. KUSHI: Ed Kushi.

20 CHAIR TANAKA: Good morning. Bob Tanaka.

21 COMMISSIONER UMENO: Good morning. Roy Umeno.

22 COMMISSIONER DeJETLEY: Good morning. Alberta  
23 DeJetley.

24 COMMISSIONER YOKOUCHI: Good morning. Leslie  
25 Yokouchi.

1 DIRECTOR MUKAI: Glenn Mukai, liquor control.

2 DEPUTY DIRECTOR TYAU: Georgette Tyau, liquor  
3 control.

4 MR. SILVA: Layne Sylva, liquor control.

5 CHAIR TANAKA: Okay. Thank you.

6 Before we go to our approval of the agenda, the  
7 chair has one request that we would like to entertain a motion  
8 to delete item A(3) of the Administrative Affairs. The reason  
9 for it is that the rules -- the change in rules have not been  
10 completed and at the advice of the attorney that we delete  
11 this item until such time that the rules have been completed,  
12 the change in rules have been completed.

13 So can I entertain a motion to amend the agenda to  
14 delete item A(3) of the Administrative Affairs?

15 COMMISSIONER DeJETLEY: I'm Alberta DeJetley.  
16 Mr. Chair, I propose -- I make a motion to delete the proposed  
17 rule amendments under Administrative Affairs.

18 COMMISSIONER UMENO: Second.

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

21 (Response.)

22 CHAIR TANAKA: Opposed, "no."

23 (No response.)

24 CHAIR TANAKA: Motion carried.

25 Okay. You have your minutes of June 6, 2018, if

1 there's no comments or questions, may I have a motion for  
2 approval?

3 COMMISSIONER UMENO: So moved. Roy Umeno.

4 COMMISSIONER DeJETLEY: Alberta DeJetley. I second.

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

7 (Response.)

8 CHAIR TANAKA: Opposed, "no."

9 (No response.)

10 CHAIR TANAKA: Motion carried.

11 Let's go on to General Licensing Matters, item A to  
12 S. If there's no questions or comments, may I have a motion  
13 for confirmation?

14 COMMISSIONER TODD: Jonathan Todd. I move to  
15 approve A through S, Section V, General licensing.

16 COMMISSIONER DeJETLEY: Alberta DeJetley. I second.

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

19 (Response.)

20 CHAIR TANAKA: Opposed, "no."

21 (No response.)

22 CHAIR TANAKA: Motion carried.

23 DIRECTOR MUKAI: Chair?

24 CHAIR TANAKA: Yes.

25 DIRECTOR MUKAI: You didn't -- on the minutes,

1 approval of the minutes, Item III.

2 CHAIR TANAKA: We just did.

3 DIRECTOR MUKAI: You did the agenda, but not the  
4 minutes approval.

5 CHAIR TANAKA: We did the minutes, yeah? We did the  
6 minutes, approval of the minutes. I hope I'm not losing it.

7 COMMISSIONER TODD: That was Robert Tanaka.

8 (Laughter.)

9 CHAIR TANAKA: We have approval of the minutes;  
10 right?

11 COMMISSIONER UMENO: Yes.

12 CHAIR TANAKA: Okay. Let's go on to Licensing  
13 matters, Public Hearings, Application No. 22.

14 MR. NAKAMURA: Good morning, Mr. Chair, Members of  
15 the Commission. Craig Nakamura, attorney on behalf of the  
16 applicant. And with me is Mr. Eric Nakamoto, who is the Maui  
17 district manager of the ABC Stores.

18 CHAIR TANAKA: Okay.

19 MR. NAKAMOTO: Good morning.

20 COMMISSIONER TODD: Good morning.

21 MR. SILVA: Application No. 22, the applicant is  
22 MNS, Ltd. doing business as ABC Stores. The proposed premises  
23 is located at 1221 Honoapiilani Highway, Suite No. A-100,  
24 Lahaina, Maui, Hawaii. This is a public hearing for a Retail  
25 General License, Category C(ii).

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

4           Notice of public hearing was published in *The Maui*  
5 *News* on May 16th and 23rd, 2018.

6           There are a total of 29 owners and licensees  
7 situated within 500 feet of the proposed premises and the  
8 department did not receive any protests.

9           CHAIR TANAKA: Thank you.

10           Craig, do you got anything else to add?

11           MR. NAKAMURA: Nothing further, Mr. Chair.

12           CHAIR TANAKA: Okay. Since this is a public  
13 hearing, I'm going to open it to the public. Anybody for or  
14 against this application?

15           (No response.)

16           CHAIR TANAKA: Okay. Seeing none, any questions by  
17 the commissioners?

18           COMMISSIONER TODD: Jonathan Todd. I move to  
19 approve Application 22.

20           COMMISSIONER UMENO: Second.

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

23           (Response.)

24           CHAIR TANAKA: Opposed, "no."

25           (No response.)

1 CHAIR TANAKA: Motion carried. Thank you.

2 MR. NAKAMURA: Thank you.

3 MR. NAKAMOTO: Thank you very much.

4 COMMISSIONER TODD: Thank you.

5 CHAIR TANAKA: Item B, CM3, LLC.

6 MR. BASER: Aloha. My name is Scott Baser, I'm here  
7 to represent Mike Thomas.

8 CHAIR TANAKA: Thank you.  
9 Layne.

10 MR. SILVA: CM3, LLC, doing business as the Pint &  
11 Cork, requesting commission approval to change from a  
12 Dispenser General License, Category C(ii) to Restaurant  
13 General License, Category B(ii) pursuant to Section  
14 08-101-22(C)(6) of the rules of the Liquor Commission, County  
15 of Maui.

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

18 MR. BASER: Uh-uh.

19 CHAIR TANAKA: Okay. Since this is a public  
20 hearing, I'm going to open it to the public. Anybody for or  
21 against this application?

22 (No response.)

23 CHAIR TANAKA: Okay. Seeing none, any questions by  
24 the commission?

25 COMMISSIONER TODD: What change are you doing other

1 than the liquor, to the company or --

2 MR. BASER: The only thing is that we were told that  
3 we had to -- we had to get this first and now it's time -- the  
4 next step is to have the restaurant license so in case we want  
5 to do catering, we get a license.

6 COMMISSIONER TODD: So you want to do catering?

7 MR. BASER: Since we're in the mall, a lot of people  
8 are asking us to come in and do -- can you come in and do  
9 pupus and, you know, a cocktail server and all that kind of  
10 stuff, so if, let's say, Guchi wants to spend that money, then  
11 I would --

12 COMMISSIONER TODD: Got it.

13 MR. BASER: Yeah.

14 COMMISSIONER TODD: Okay. Thank you.

15 CHAIR TANAKA: Any other questions?

16 (No response.)

17 CHAIR TANAKA: If not, may I have a motion.

18 COMMISSIONER TODD: Move to approve part VI, Section  
19 B, CM3 Pint & Cork application.

20 COMMISSIONER DeJETLEY: Mr. Chair, I second that  
21 motion.

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

24 (Response.)

25 CHAIR TANAKA: Opposed, "no."

1 (No response.)

2 CHAIR TANAKA: Motion carried. Thank you.

3 COMMISSIONER TODD: Thank you.

4 MR. BASER: Thank you. Have a good day.

5 CHAIR TANAKA: Okay. Let's go on to Preliminary  
6 Hearings, Application No. 30, CDNR, LLC.

7 MR. JORGENSEN: Good morning, Chairman Tanaka. Dave  
8 Jorgensen, attorney for Applicant CDNR, LLC dba Kitchen 5315.  
9 With me this morning is the principal of the company, Claire  
10 Byler.

11 CHAIR TANAKA: Thank you.

12 Layne.

13 MR. SILVA: Application No. 30, a Dispenser General,  
14 C(ii). Applicant is CN -- CDNR, LLC doing business as Kitchen  
15 5315 applying for a Dispenser General License, Category C(ii).

16 Member, agent and organizer of the member-managed  
17 limited liability company is listed in the investigator's  
18 report.

19 The lease agreement is also listed in the  
20 investigator's report.

21 The premises -- the proposed premises is a top story  
22 of a two-story concrete/wooden structure, consisting of  
23 approximately 3,023 square feet, within the Napili Shores  
24 condominium project located at 5315 Lower Honoapiilani Road,  
25 Unit 153, Lahaina, Maui, Hawaii.

1           There are no schools, churches, or licensees located  
2           within a radius of 500 feet.

3           There are 126 licenses of this class and kind  
4           currently issued within Maui County.

5           The plans of the applicant are the applicant  
6           initially plans to be open six days a week (closed on Mondays)  
7           from 8 a.m. to 2 a.m.

8           A site inspection was conducted on the proposed  
9           premises on June 8, 2018.

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

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

17           CHAIR TANAKA: Thank you.

18           Anything else to add, Dave?

19           MR. JORGENSEN: Nothing further at this time, but we  
20           are available for any questions.

21           CHAIR TANAKA: Okay. I'm going to open it to the  
22           public for any public testimony on this item.

23           (No response.)

24           CHAIR TANAKA: Okay. Seeing none, any questions by  
25           the commission?

1           COMMISSIONER TODD: The same general question: Can  
2 you tell us what you're going to plan on doing?

3           MS. BYLER: Yeah. I mean, we're just planning on  
4 serving alcohol with the restaurant, so probably not any  
5 catering.

6           MR. JORGENSEN: They're already open now --

7           MS. BYLER: Yeah, we're open already now.

8           MR. JORGENSEN: -- without alcohol, but it would be  
9 nice to have that offered as well.

10          MS. BYLER: Yes.

11          COMMISSIONER TODD: Okay. And open to the --  
12 anybody --

13          MS. BYLER: Yes.

14          COMMISSIONER TODD: Obviously.

15          MS. BYLER: Yeah. So it's not just for the resort.

16          COMMISSIONER TODD: Anybody, yeah.

17          MS. BYLER: Yeah.

18          COMMISSIONER TODD: And music?

19          MS. BYLER: Not at this time, we don't have any  
20 plans right now. We're just starting, kind of, so not plans  
21 right now.

22          COMMISSIONER TODD: Okay.

23          MR. JORGENSEN: The application is for a category  
24 that would allow it --

25          COMMISSIONER TODD: Right.

1 MR. JORGENSEN: -- but there's no -- no immediate  
2 plans for that.

3 MS. BYLER: Yeah.

4 COMMISSIONER TODD: So Metallic is not booked.

5 MR. JORGENSEN: They'll be outside. They won't be  
6 within the premises.

7 COMMISSIONER TODD: All right. All right.

8 COMMISSIONER DeJETLEY: Chair, I have a question to  
9 the applicant.

10 What kind of food are you serving there?

11 MS. BYLER: We have -- it's kind of American food,  
12 so burgers and we have a lot Asian influence, short ribs,  
13 burgers, fish, tacos, you know, that kind of stuff.

14 COMMISSIONER DeJETLEY: Good. Welcome. Good luck.

15 MS. BYLER: Thank you.

16 CHAIR TANAKA: Don't ask for a kama'aina discount.

17 (Laughter.)

18 MS. BYLER: It's all kama'aina.

19 CHAIR TANAKA: Okay. Any other questions?

20 (No response.)

21 CHAIR TANAKA: If not, may I have a motion.

22 COMMISSIONER TODD: Move to approve Application 30.

23 COMMISSIONER YOKOUCHI: Second.

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

1 (Response.)

2 CHAIR TANAKA: Opposed, "no."

3 (No response.)

4 CHAIR TANAKA: Motion carried.

5 MR. JORGENSEN: Thank you very much.

6 COMMISSIONER TODD: Thank you, Dave. Good luck.

7 MS. BYLER: Thank you.

8 CHAIR TANAKA: Application No. 31, Miso Phat Sushi.

9 COMMISSIONER TODD: Miso Phat?

10 MS. STEADMAN: Good morning. I'm Joy Steadman

11 representing Miso Phat Sushi.

12 COMMISSIONER UMENO: Nice name.

13 (Laughter.)

14 MR. SILVA: Okay. Application 31, Dispenser General

15 C(ii). Miso Phat Sushi Kihei, LLC, a registered Hawaii

16 limited liability company doing business as Miso Phat Sushi

17 applying for a Dispenser General License, Category C(ii).

18 Member and agent of the member-managed limited

19 liability company is listed in the investigator's report.

20 The proposed premises contains approximately 992

21 square feet of floor space. It is located at 1279 South Kihei

22 Road, Suite 108, Kihei, Maui, Hawaii.

23 Restroom facilities are located approximately 91

24 feet from the premises. The licensee will have keys for the

25 facilities which will remain open at all times while open for

1 business.

2 There are no schools or churches located within a  
3 radius of 500 feet. Amigo's Mexican Food, Diamond's Ice Bar &  
4 Grill, Fork & Salad, Island Art Party, Izakaya Genbe, Nalu's  
5 South Shore Grill, Roasted Chiles, Shearwater Tavern, and  
6 Vietnamese Cuisine are licensees of the same class and kind  
7 located within a radius of 500 feet.

8 There are three dispenser beer and wine, one  
9 restaurant beer and wine, and two retail general licensees  
10 located within a radius of 500 feet.

11 There are 126 licenses of this class and kind  
12 currently issued within Maui County.

13 Applicant initially plans to be open seven days a  
14 week from 11 a.m. to 9 p.m. The applicant is aware of the  
15 hours for which the sale, service, and consumption of liquor  
16 is allowed.

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

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

24 CHAIR TANAKA: Thank you.

25 Do you have anything else to add?

1 MS. STEADMAN: I do have some of the paperwork with  
2 me today, so I'm not sure who I need to give that to.

3 CHAIR TANAKA: Okay.

4 MS. STEADMAN: And I was also told to bring a check  
5 today as well.

6 COMMISSIONER TODD: That goes to me.

7 (Laughter.)

8 CHAIR TANAKA: Okay. You can submit it to the  
9 department.

10 MS. STEADMAN: Okay.

11 CHAIR TANAKA: Okay. Anybody in the public have any  
12 public testimony on this item?

13 (No response.)

14 CHAIR TANAKA: Okay. Seeing none, any questions  
15 from the commissioners?

16 COMMISSIONER TODD: You guys have made a splash on  
17 this island in a reasonably short period of time with really  
18 great food and nobody has anything bad to say about you. What  
19 are you -- what's your goal, what are you trying to do with  
20 the alcohol part?

21 MS. STEADMAN: Just to complement the sushi, to  
22 serve beer and sake. I don't do any hard alcohol, so just  
23 having wine, beer, and sake. And my menu is very limited,  
24 too, so I just try to bring in some high stuff that, you know,  
25 will complement the food as well.

1 COMMISSIONER TODD: Sounds good to me. Thank you.

2 CHAIR TANAKA: That makes sense.

3 Okay. Any other questions?

4 (No response.)

5 CHAIR TANAKA: Okay. If not, may I have a motion.

6 COMMISSIONER TODD: Mr. Chair, I move to approve the  
7 applicant Miso Phat Sushi Kihei, Application 31.

8 COMMISSIONER BOLOSAN: I will second.

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

11 (Response.)

12 CHAIR TANAKA: Opposed, "no."

13 (No response.)

14 CHAIR TANAKA: Motion carried. Thank you.

15 MS. STEADMAN: Thank you.

16 COMMISSIONER TODD: You can change your name to Miso  
17 Rich now.

18 MS. STEADMAN: Yeah. Thank you.

19 CHAIR TANAKA: Okay. Let's have a ten-minute recess  
20 before we go into Administrative Affairs.

21 (Pause in Proceedings: 9:15 a.m.-9:22 a.m.)

22 CHAIR TANAKA: (Gavel.) Okay. Liquor commission  
23 will be called back to order. Let's go Administrative  
24 Affairs, Director's Monthly Report. Glenn.

25 DIRECTOR MUKAI: On the state legislature, Senate

1 Bill 2945 now is -- Act 25(18) was passed, that's the federal  
2 tax requirement for liquor license applications. The  
3 effective date was on July 1st, 2018. And the four other  
4 liquor-related bills came into law yesterday, July 10th,  
5 without the governor's signature. So the -- so the department  
6 updated the Chapter 281 HRS and there's a copy for you to take  
7 home to update your booklet. And we will provide it to the  
8 licensee also and it's posted on our website.

9 In the renewal of liquor licenses, all licensees  
10 that submitted application were able to renew their liquor  
11 license. Eight (8) existing licensees at that time in June  
12 informed the department they were not renewing their liquor  
13 license. And the summary of the eight (8) is on the report  
14 that we gave you.

15 And the staff, once again, did an outstanding job in  
16 assisting and reminding licensees. The staff must've done  
17 maybe at least 500 calls to keep reminding them and you would  
18 be surprised, the licensees says thank you because they forgot  
19 about it. And someone said, Yeah, they realized, you know,  
20 it's their livelihood and thank you for the reminder because  
21 they would have forgotten without the reminder to renew.

22 And the rental and lease of the Lahaina office is  
23 also -- the letter's in your packet. So the department -- the  
24 last day at the West Maui Civic Center will be the end of this  
25 month. So we did contact the managing director and they will

1 seek options for the department to find a new location.

2 And state conference, this is a reminder, the state  
3 conference will be held October 7th to 10th, 2018 at Koloa  
4 Landing, Poipu, Kauai. All members of the commission and  
5 board are invited to attend, so please mark your calendar and  
6 let us know if you plan to attend. And we'll keep reminding  
7 the commission. That's -- thus the scheduled October 10th,  
8 2018 commission meeting has been changed to October 5th, 2018.

9 That's all we have for the director's report.

10 CHAIR TANAKA: Okay. Any questions by the  
11 commission?

12 COMMISSIONER YOKOUCHI: Yes, I have a question. As  
13 far as the senate bills go, how does that affect any rulings  
14 in Maui?

15 CHAIR TANAKA: Let me try and answer that. State  
16 law takes precedence over our county rules, so whatever the  
17 state law says, that will govern, even though our rules does  
18 not abide by the state law.

19 Am I right, Counsel?

20 MR. KUSHI: Yeah. Generally that's correct. If  
21 there's a conflict with our rules and the state laws, state  
22 law prevails. However, there is -- there is some leeway, for  
23 example, one of the new laws about nonprofits, special  
24 licenses says, you know, the commission shall streamline the  
25 application procedures, but the last line of that bill says,

1 the commission may require liquor liability insurance or --  
2 and may require a list of all directors and officers, so that  
3 is the opening that the commission can do by rules and that's  
4 going to come up in the future.

5 COMMISSIONER YOKOUCHI: What about -- what did you  
6 mean about the directors of the nonprofits, may?

7 MR. KUSHI: Yeah. The commission may require the  
8 disclosure of all directors and officers. Right now by  
9 commission rule, we require it, you know, but we did revise  
10 the checklist, but now the state is saying that, you know, we  
11 may do it again. But that's for you guys to decide.

12 COMMISSIONER YOKOUCHI: The commission or the  
13 department?

14 MR. KUSHI: The commission.

15 COMMISSIONER DeJETLEY: So when, when will that come  
16 before us? I mean --

17 MR. KUSHI: In the new proposed rules.

18 COMMISSIONER DeJETLEY: Okay. So when the new  
19 proposed rules come up, we will have the option of deleting  
20 that requirement?

21 MR. KUSHI: Yeah, or not requiring it.

22 COMMISSIONER DeJETLEY: Not requiring it.

23 COMMISSIONER YOKOUCHI: So this rule includes  
24 fingerprinting and background checks?

25 MR. KUSHI: That's been deleted.

1 CHAIR TANAKA: Yeah, that's been deleted.

2 MR. KUSHI: By state law.

3 CHAIR TANAKA: There's one section that -- there's  
4 one on the nonprofit where the commission may. Before it was  
5 shall, yeah, but now it's may require background check of the  
6 executive director of the nonprofit organization, so it's up  
7 to the commission if they want to or they don't want it, you  
8 know. So that's -- that's where the rules come into the  
9 picture, because the state law is saying you may or, you know,  
10 it's up to the commission what you want to do, then the rules  
11 say we don't have to or we shall, whatever.

12 COMMISSIONER DeJETLEY: I have another question for  
13 Glenn. In the history of this department has any there --  
14 been any time where there was a problem with a nonprofit?

15 DIRECTOR MUKAI: In regards to?

16 COMMISSIONER DeJETLEY: Like having a director or  
17 executive director who is a felon or any problem that the  
18 rules because someone was a felon or someone shouldn't have  
19 had a liquor license?

20 DIRECTOR MUKAI: I believe at one time we had an  
21 application with officers or directors had -- that did have a  
22 felony conviction on it and the nonprofit, upon notification,  
23 withdrew the person.

24 COMMISSIONER DeJETLEY: They withdrew the person?

25 DIRECTOR MUKAI: On the application. They pulled

1 him off the form.

2 COMMISSIONER DeJETLEY: Okay. So in your opinion,  
3 if we made it just so the executive director rather than the  
4 entire board had to be vetted, in your opinion would that  
5 suffice?

6 DIRECTOR MUKAI: That is up to the commission  
7 because the administrative rule is strictly the commission.

8 CHAIR TANAKA: Right now we're not vetting all the  
9 directors, that has already changed. Under this rule it says  
10 you may vet the executive director, so it's up to the  
11 commission if they want it, if they want to vet the executive  
12 director or not. So it's up to the commission to do it.  
13 There is -- there was situations where executive directors,  
14 basically the person in charge of the nonprofit, had a  
15 criminal background. Now, if they weren't vetted, then we  
16 wouldn't have known.

17 COMMISSIONER YOKOUCHI: So right now we're not  
18 vetting directors? Because I'm on the --

19 CHAIR TANAKA: No, they're not.

20 COMMISSIONER YOKOUCHI: -- Boys and Girls Club and  
21 we had to get -- go through a background check.

22 CHAIR TANAKA: Yeah, that was changed.

23 COMMISSIONER DeJETLEY: It was changed.

24 CHAIR TANAKA: Yeah.

25 COMMISSIONER YOKOUCHI: But they just sent us

1 paperwork that we needed to produced to get vetted.

2 MR. KUSHI: That was changed.

3 CHAIR TANAKA: That was changed.

4 COMMISSIONER YOKOUCHI: When was it changed?

5 DIRECTOR MUKAI: That was changed in the last rule  
6 change.

7 CHAIR TANAKA: The only thing is that you inform the  
8 department who the directors are, that's it, they're not  
9 vetted.

10 COMMISSIONER YOKOUCHI: Huh. We just got paperwork  
11 saying we have to fill out and return.

12 COMMISSIONER UMENO: You can throw them away.

13 (Laughter.)

14 DIRECTOR MUKAI: Is this for the liquor or for a --  
15 is this for a corporation?

16 COMMISSIONER YOKOUCHI: Boys and Girls Club.

17 DIRECTOR MUKAI: Oh, some of the requirement require  
18 that. Not for liquor purposes, for liquor purposes we don't  
19 require it, but it might be for -- from another agency's  
20 requirement.

21 CHAIR TANAKA: For a permit? For a permit or for a  
22 liquor license?

23 DEPUTY DIRECTOR TYAU: Well, she's on the board of  
24 something for Boys & Girls Club, she's saying, so that's not  
25 to with liquor, I believe.

1                   COMMISSIONER UMENO: It might be for the  
2 organization.

3                   COMMISSIONER DeJETLEY: Yeah, making that  
4 requirement.

5                   COMMISSIONER YOKOUCHI: Okay.

6                   CHAIR TANAKA: Yeah, not for liquor.

7                   COMMISSIONER DeJETLEY: Mr. Chair, when -- when it  
8 comes down to it, I think if -- if we vetted the executive  
9 director, the person who is actually responsible for producing  
10 and running the event, that's the person that we need to maybe  
11 have a -- more understanding of who they are and what they  
12 are.

13                  CHAIR TANAKA: Yeah. Well, I think -- I think the  
14 problem resolves where a lot of these nonprofit, the executive  
15 director's been there for eons and they're well-known and  
16 they've been vetted before, so this word may require, so I  
17 would think you don't have to vet them. But you get some  
18 nonprofit, maybe somebody new comes in, you know, and we don't  
19 know who this person is and then if you just let it go and  
20 then found out that this guy got a criminal background history  
21 or something, something-something. Like at the last meeting  
22 Jonathan was questioning the guy about his DUI, you know, we  
23 don't know until all these things are brought up through the  
24 vetting process. So it's up to the commission what they want  
25 to do, you know. Like -- like Maui, in my opinion, in Maui,

1 most of the executive directors been there for eons, so we  
2 know our guys, so we know if they -- you know, if they have  
3 any criminal background. But you never can tell, maybe  
4 somebody new might come. So I think the legislature is giving  
5 the commission that leeway by putting the word may in there,  
6 so...

7 COMMISSIONER BICOY: So, Chair, a question for the  
8 director. So you will be giving us, providing us those  
9 proposed new rules prior to the meeting so that we can review  
10 and kind of take a look at the new laws?

11 DIRECTOR MUKAI: Yes.

12 COMMISSIONER BICOY: Okay.

13 CHAIR TANAKA: Yeah. Before the public hearing the  
14 commission will know what --

15 COMMISSIONER BICOY: Okay.

16 CHAIR TANAKA: -- what the change is. The majority  
17 of them is meeting the state requirement because the state  
18 changed. And the critical one was that IRS tax clearance, you  
19 know.

20 COMMISSIONER BICOY: Well, I --

21 CHAIR TANAKA: Once they eliminated that, they  
22 eliminated a lot of problems.

23 COMMISSIONER BICOY: I just want to rely on their  
24 expertise to at least help us understand what the proposed  
25 rules would be and then just kind of have the opportunity to

1 look at the laws that have just been passed and then  
2 understand.

3 CHAIR TANAKA: Okay. Any other questions?

4 MR. KUSHI: Yeah. Mr. Chair, for the members  
5 clarification, the process, as I perceive it to be, will be  
6 like this: At the next meeting or the following meeting,  
7 whenever staff is ready, they will submit to you proposed rule  
8 amendments, and they will notify on the agenda so the public  
9 has a chance to look at it too. At that meeting in open  
10 session you have to look at the rules, the staff will explain  
11 the intent of the proposed rule changes, then after you've  
12 completely satisfied, you either say, okay or go ahead or no.  
13 Okay? If you say go ahead, then there's a separate procedure  
14 by state law. We have to publish it in the newspaper, we have  
15 to hold a public hearing, etc., etc. And then after that  
16 public hearing, then the commission decides yes or no. And so  
17 in my mind it takes at least three months.

18 COMMISSIONER BICOY: Okay. Thank you.

19 CHAIR TANAKA: Okay. Any other questions?

20 COMMISSIONER DeJETLEY: Mr. Chair, I have a request,  
21 please. We have two people left in the back that are --  
22 they're from the Coalition For a Drug Free Maui, could they --  
23 could we have them introduce themselves so that the rest of  
24 the commissioners know who they are, please.

25 CHAIR TANAKA: Sure.

1           Go ahead, introduce yourselves.

2           COMMISSIONER TODD: Drug and alcohol free.

3           MS. CHAPMAN: Early morning. Good morning,  
4           Commissioners. My name is Ashley Chapman, I coordinate the  
5           Maui Coalition for a Drug-Free Youth and we work on reducing  
6           and preventing underage drinking and underage marijuana use  
7           and we look at environmental risk factors, so what's going on  
8           in our community that's contributing to our substance abuse  
9           issues. We use data -- and I also want to take the time to  
10          thank you all for the funding that you provide to the  
11          coalition. We are very grateful to receive the funding, that  
12          10 percent of the fees.

13          Right? Is that correct, Georgette?

14          DEPUTY DIRECTOR TYAU: Yes.

15          MS. CHAPMAN: That goes to our youth education and  
16          our community public education. So we have a youth council  
17          that engages young people in middle school and high school in  
18          civic engagement where we educate them on the process of how  
19          laws are made in the county and on the state level and we give  
20          them opportunities to advocate for issues that they believe  
21          are important.

22          So we will be back here in September to share with  
23          you more about what we've been doing with those funds. And  
24          thank you so much, Alberta, for inviting us to share who we  
25          are. So thank you for that.

1 COMMISSIONER DeJETLEY: Thank you.

2 CHAIR TANAKA: Thank you.

3 COMMISSIONER BICOY: So are you here to advocate for  
4 us to increase the fees?

5 MS. CHAPMAN: My coalition chair can answer that  
6 question.

7 COALITION CHAIR: Good morning, Commissioners, and  
8 thank you for allowing us to step in on your meetings. I've  
9 been chairing the coalition now from about January and it is  
10 an extraordinary coalition because of the work that we do is  
11 to pronounce what is going on in our community of Maui and  
12 making our youth much more aware of the detriment when it  
13 comes to alcohol and marijuana because it is -- it is so very  
14 readily available. We can see this as we go into our  
15 supermarkets, how alcohol is just placed almost on every aisle  
16 and, of course, this is -- I believe is a behemoth of  
17 advertisement and marketing, but it's also, it's the  
18 education, it's -- I'm not familiar with the exact amount of  
19 funds that the commission allows us to have education, but as  
20 we -- if we come up with a plan that -- where we feel that we  
21 need to go further in depth into our educational assistance,  
22 we will keep you abreast of that. But I've been coming to  
23 your meetings and just sitting there in the galley here, as it  
24 were, to just get the feel of the community, of the work that  
25 you do, and I'm so grateful that you all are here. Thank you.

1 COMMISSIONER TODD: Do you have --

2 CHAIR TANAKA: Yes. Thank you.

3 COMMISSIONER TODD: Do you have any metrics that  
4 indicate success? Is it -- is it all, okay, we talked about  
5 it and we shared, or is there any way that you're quantifying  
6 in a simple way effectiveness?

7 COMMISSIONER BICOY: That's hard to put a target  
8 quantified prevention.

9 (Multiple speakers.)

10 COMMISSIONER TODD: But that's the metric for  
11 getting money, really.

12 COALITION CHAIR: Yeah, it is. We do.

13 MS. CHAPMAN: We do.

14 COMMISSIONER TODD: And they must, absolutely.

15 MS. CHAPMAN: So we do, we use data and information  
16 to figure out where are the biggest harms, what is the largest  
17 negative contributor, what are the greatest risk factors, and  
18 then what are our greatest protective factors, what helps our  
19 youth stay away from drugs and alcohol, what helps them make  
20 better choices. So the utilize the Youth Risk Behavior  
21 Surveillance Survey that's administered through the DOE every  
22 two years, we look at -- we collect our own data by doing  
23 youth focus groups and surveys, we talk to parents, we do one-  
24 on-one interviews, we engage people in the discussions from  
25 all across the community, and so we do have an evaluation plan

1 in place. So as we do our work, we're collecting information,  
2 constantly analyzing the data, making mid-course corrections,  
3 whatever we need to do to try and stay on target and really go  
4 to where the biggest contributing factors are.

5 COMMISSIONER TODD: All right. I think we're  
6 limited now on how much we can give; right?

7 MS. CHAPMAN: Yes, yes.

8 COMMISSIONER TODD: There's a cap and we're at it.

9 MS. CHAPMAN: It's 10 percent.

10 COMMISSIONER TODD: 10 percent. All right. So just  
11 from this particular commissioner's thoughts, the more you can  
12 provide, publish, share, whatever, actual metrics and  
13 individual case stories, the better you guys are. Because  
14 some day some other group is going to come and say, Look,  
15 we're the blank and we want half of what guys have, and you  
16 need to prepare yourself to be metric centric --

17 MS. CHAPMAN: Absolutely.

18 COMMISSIONER TODD: -- on my side, for my -- for my  
19 support.

20 MS. CHAPMAN: Absolutely. Being data driven is one  
21 of our greatest priorities, yes.

22 COMMISSIONER TODD: Cool.

23 CHAIR TANAKA: Thank you. We know you're doing a  
24 damn good job, so --

25 MS. CHAPMAN: Thank you.

1 CHAIR TANAKA: -- we're going to keep on supporting  
2 you.

3 MS. CHAPMAN: We appreciate that very much.

4 CHAIR TANAKA: Thank you. Thank you very much.

5 MS. CHAPMAN: Thank you.

6 COMMISSIONER TODD: We're going to have a drug and  
7 alcohol party next Wednesday for you. Just kidding.

8 MS. CHAPMAN: You mean a sober party?

9 COMMISSIONER TODD: Yeah.

10 CHAIR TANAKA: Okay. Let's go --

11 MS. CHAPMAN: Thank you.

12 CHAIR TANAKA: Let's go back on the agenda.

13 COMMISSIONER TODD: Thank you for sharing.

14 CHAIR TANAKA: Any other comments?

15 Okay. I have -- I have one comment before I ask for  
16 adjournment that, you know, maybe ask the commissioners that  
17 conference -- the state conference that we have with all the  
18 other islands are very worthwhile and I encourage you people  
19 to go. It's going to be my last year, so I'm going to really  
20 enjoy it. I hope to see all you guys there.

21 Okay. If there's no other questions, may I have a  
22 motion for adjournment.

23 COMMISSIONER UMENO: So moved.

24 COMMISSIONER YOKOUCHI: Second.

25 CHAIR TANAKA: Okay. Moved and seconded. All in

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favor, say "aye."

(Response.)

CHAIR TANAKA: Okay. Meeting adjourned.

(The proceedings were adjourned at 9:41 a.m.)



