

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

RECEIVED
2018 SEP -5 PM 3:34
OFFICE OF THE
COUNTY CLERK

DATE & TIME: SEPTEMBER 12, 2018, AT 9:00 A.M.

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

I. CALL TO ORDER

II. AGENDA:

- A. Approval of Agenda for September 12, 2018

III. MINUTES:

- A. Approval of Liquor Commission minutes of August 8, 2018

IV. PUBLIC TESTIMONY

V. GENERAL LICENSING MATTERS: [For Confirmation of Transient Vessel Licenses, Special Licenses, Temporary Licenses, Cancellation of Licenses, Change in Officers, Directors, and Stockholders]

- A. Soleil & Gaia, Ltd. dba Da Vine Art notifying the commission of the cancellation of liquor license.
- B. Soleil & Gaia, Ltd. dba The Wine Corner notifying the commission of the cancellation of liquor license.
- C. The Kalama Beach Corporation dba Haiku Market notifying the commission of a change of officers and director within the corporation.
- D. Food Pantry, Ltd. dba Accents (#074 and #284), Holoholo Market, Lahaina Discount, Lamonts Gift and Sundry, Napili Market, Resort Sundries, and Whaler's General Store (#117, #209, #215, #242, #341, #349, #371, #397, and #466) notifying the commission of a change of officers and director within the corporation.

- E. Foodland Super Market, Limited dba Foodland (#019, #037, #040, #247, and #456), Sack N' Save Foods, and Foodland Farms notifying the commission of the change of officers within the corporation.

VI. LICENSING:

Public Hearings:

- A. **APPL. NO. 30**, CDNR LLC dba Kitchen 5315 for a Dispenser General License, Category C(ii) - (premises in which live entertainment or recorded music is provided) at 5315 Lower Honoapiilani Road, Unit 153, Lahaina, Maui, Hawaii.
- B. **APPL. 31**, Miso Phat Sushi Kihei LLC dba Miso Phat Sushi for a Dispenser General License, Category C(ii) - (premises in which live entertainment or recorded music is provided) at 1279 South Kihei Road, Suite 108, Kihei, Maui, Hawaii.
- C. Azeka Boys Club LLC dba Shearwater Tavern requesting commission approval to change from a Dispenser General License, Category C(ii) to a Restaurant General License, Category B(ii), pursuant to Section 08-101-22(c)(6) of the Rules of the Liquor Commission, County of Maui.
- D. Matteo's Osteria LLC dba Matteo's Osteria requesting commission approval to change from a Dispenser General License, Category C(ii) to a Restaurant General License, Category B(ii), pursuant to Section 08-101-22(c)(6) of the Rules of the Liquor Commission, County of Maui.
- E. Pita Paradise Inc. dba Pita Paradise requesting commission approval to change from a Dispenser General License, Category C(ii) to a Restaurant General License, Category B(ii), pursuant to Section 08-101-22(c)(6) of the Rules of the Liquor Commission, County of Maui.
- F. Fabiani's Wailea, LLC dba Fabiani's Wailea requesting commission approval to change from a Dispenser General License, Category C(ii) to a Restaurant General License, Category B(ii), pursuant to Section 08-101-22(c)(6) of the

Rules of the Liquor Commission, County of Maui.

- G. Fabiani Enterprises, LLC dba Fabiani's requesting commission approval to change from a Dispenser General License, Category C(ii) to a Restaurant General License, Category B(ii), pursuant to Section 08-101-22(c)(6) of the Rules of the Liquor Commission, County of Maui.

Preliminary Hearings:

- A. **APPL. NO. 05**, Tamura Enterprises, Inc. dba Tamura's Market for a Retail General License at 230 Imi Kala Street, Wailuku, Maui, Hawaii.
- B. **APPL. NO. 06**, Macadangdang Group LLC dba Joey's Kitchen for a Dispenser General License, Category C(ii) - (premises in which live entertainment or recorded music is provided) at 5095 Napilihau Street, Space Nos. 107A and 107B, Napili, Maui, Hawaii.

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

VII. ADMINISTRATIVE AFFAIRS:

- A. Liquor Commission 2010 Declaratory Ruling regarding liquor liability insurance for Class 4 license, Review of and possible action.
- B. Approval of Form:
 - 1. DLC-001, License Application Checklist
 - 2. DLC-016, Special License Application
 - 3. DLC-028(l), Gross Sales Report for Small Craft Producer
 - 4. DLC-030, Special License Application Checklist

- C. Presentation by Maui Coalition for Drug-Free Youth, regarding \$20,000 funding for Underage Drinking Prevention Program.
- D. Department's proposed Rule amendments necessitated by amendments to Chapter 281, H.R.S. by the State legislature, summarized as follows (copies of the Ramseyer format amendments to the subject rule are available at the Department of Liquor Control, 2145 Kaohu Street, Room 105, Wailuku, Maui, Hawaii 96793):

1. Section 08-101-22: Licenses, classes.

Authorizing the issuance of new class 2 restaurant licenses before commencing operation; clarifies that class 2 licenses are transferrable; requires an applicant for a new class 2 license or a transferee to certify that the applicant or transferee intends to and shall derive no less than thirty per cent of the establishment's gross revenue from the sale of food. (S.B. No. 2613 HD1 CD1, A Bill for an Act Relating to Intoxicating Liquor)

Allowing social clubs holding class 10 special licenses to sell wine from the social club's inventory to club members for off-premises consumption; waiver of certain requirements for the issuance of class 10 licenses; allowing class 10 licensees to auction liquor in sealed or covered containers or services that provide liquor; requiring proof of liquor liability insurance for fundraising events and provision of a current list of officers and directors if the applicant is a nonprofit organization. (S.B. No. 2612 HD1 SD1 CD1, A Bill for an Act Relating to Liquor Licenses)

Permitting class 14 brewpub and class 18 small craft producer licensees to allow minors accompanied by a parent or legal guardian on to the class 14 and class 18 licensee's premises.

(H.B. No. 2410 HD1 SD1, A Bill for an Act Relating to Intoxicating Liquor)

Waiving hearings, fees, notarization of documents, submission of floor plans and other requirements for one-day temporary liquor licenses for fundraising events by nonprofit organizations; allowing auction of liquor in sealed or covered containers or services that provide liquor; no requirement of criminal history record checks except for the executive director of a nonprofit organization; and providing a definition of "nonprofit organization." (H.B. No. 2414 HD2 SD1, A Bill for an Act Relating to Liquor Licenses)

Authorizing class 4 retail dealer licensees to sell up to one half-gallon of beer, malt beverages or cider in sealed containers provided by the patron. (2015 Hawaii Session Laws Act 227)

2. Section 08-101-24: Temporary licenses.

Waiving hearings, fees, notarization of documents, submission of floor plans and other requirements for one-day temporary liquor licenses for fundraising events by nonprofit organizations; allowing auction of liquor in sealed or covered containers or services that provide liquor; no requirement of criminal history record checks except for the executive director of a nonprofit organization; and providing a definition of "nonprofit organization." (H.B. No. 2414 HD2 SD1, A Bill for an Act Relating to Liquor Licenses)

3. Section 08-101-30: Application.

Eliminating the requirement that an applicant for a liquor license or a transferee of a liquor license obtain a federal tax clearance. (S.B. No. 2945 HD1 CD1, A Bill for an Act Relating to Liquor)

4. Section 08-101-31: No license issued, when.

Providing that only the officers and directors of a publicly traded corporation designated as a primary decision-maker shall be considered for disqualification as a liquor licensee, and eliminating the requirement that an applicant for a liquor license or a transferee of a liquor license obtain a federal tax clearance. (2017 Hawaii Session Laws Act 184; S.B. No. 2945 HD1 CD1, A Bill for an Act Relating to Liquor)

E. Liquor Control Adjudication Board:

1. Summary of Board Decisions of September 6, 2018

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

VIII. ADJOURNMENT

NEXT LIQUOR COMMISSION MEETING WILL BE HELD ON OCTOBER 5, 2018, AT 9:00 A.M. AT THE DEPARTMENT OF LIQUOR CONTROL CONFERENCE ROOM, DAVID K. TRASK, JR. OFFICE BUILDING, 2145 KAOHU STREET, ROOM 108, WAILUKU, MAUI, HAWAII.

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

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