

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

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COUNTY CLERK

DATE & TIME: OCTOBER 5, 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 October 5, 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. TV-03, Princess Cruise Lines, Ltd. dba Star Princess effective October 28, 2018 at Lahaina Pier: Anchor, Lahaina, Maui, Hawaii.
- B. TV-04, Princess Cruise Lines, Ltd. dba Star Princess effective November 12, 2018 at Lahaina Pier: Anchor, Lahaina, Maui, Hawaii.
- C. TV-05, Princess Cruise Lines, Ltd. dba Star Princess effective November 27, 2018 at Lahaina Pier: Anchor, Lahaina, Maui, Hawaii.
- D. TV-06, Princess Cruise Lines, Ltd. dba Grand Princess effective November 1, 2018 at Lahaina Pier: Anchor, Lahaina, Maui, Hawaii.
- E. TV-07, Princess Cruise Lines, Ltd. dba Grand Princess

effective November 26, 2018 at Lahaina Pier: Anchor, Lahaina, Maui, Hawaii.

- F. **TV-08**, Princess Cruise Lines, Ltd. dba Grand Princess effective December 30, 2018 at Lahaina Pier: Anchor, Lahaina, Maui, Hawaii.
- G. **TV-09**, Waldron Norton Lilly International, Inc. dba Carnival Legend effective September 19, 2018 at Pier 1, Kahului Harbor, Kahului, Maui, Hawaii.
- H. **TV-10**, Waldron Norton Lilly International, Inc. dba Carnival Legend effective September 25, 2018 at Pier 1, Kahului Harbor, Kahului, Maui, Hawaii.
- I. **TV-11**, Waldron Norton Lilly International, Inc. dba Carnival Legend effective April 23, 2019 at Pier 1, Kahului Harbor, Kahului, Maui, Hawaii.
- J. **TV-12**, Waldron Norton Lilly International, Inc. dba Carnival Splendor effective October 18, 2018, 2018 at Pier 1, Kahului Harbor, Kahului, Maui, Hawaii.
- K. **TV-13**, Waldron Norton Lilly International, Inc. dba Carnival Splendor effective December 6, 2018 at Pier 1, Kahului Harbor, Kahului, Maui, Hawaii.
- L. **TV-14**, Waldron Norton Lilly International, Inc. dba Carnival Splendor effective January 17, 2019 at Pier 1, Kahului Harbor, Kahului, Maui, Hawaii.
- M. **TV-15**, Waldron Norton Lilly International, Inc. dba Carnival Splendor effective May 2, 2019 at Pier 1, Kahului Harbor, Kahului, Maui, Hawaii.
- N. **TV-16**, Waldron Norton Lilly International, Inc. dba MS Regatta effective November 17, 2018 at Pier 1, Kahului Harbor, Kahului, Maui, Hawaii.
- O. **TV-17**, Waldron Norton Lilly International, Inc. dba Seven Seas Mariner effective October 31, 2018 at Pier 1, Kahului Harbor, Kahului, Maui, Hawaii.

- P. **TV-18**, Waldron Norton Lilly International, Inc. dba Seven Seas Navigator effective January 12, 2019 at Pier 1, Kahului Harbor, Kahului, Maui, Hawaii.
- Q. **TV-19**, Waldron Norton Lilly International, Inc. dba Crystal Serenity effective December 27, 2018 at Lahaina Small Boat Harbor Anchorage, Lahaina, Maui, Hawaii.
- R. **TV-20**, Waldron Norton Lilly International, Inc. dba Crystal Serenity effective January 21, 2019 at Lahaina Small Boat Harbor Anchorage, Lahaina, Maui, Hawaii.
- S. **TV-21**, Waldron Norton Lilly International, Inc. dba Asuka II effective June 14, 2019 at Lahaina Small Boat Harbor Anchorage, Lahaina, Maui, Hawaii.
- T. **SP-03**, Maui Academy of Performing Arts dba MAPA effective September 30, 2018 at Yokouchi Estate, 2471 Main Street, Wailuku, Maui, Hawaii.
- U. Soleil & Gaia, Ltd. dba Da Vine Art notifying the commission of the cancellation of liquor license.
- V. Soleil & Gaia, Ltd. dba The Wine Corner notifying the commission of the cancellation of liquor license.
- W. WEHA International Restaurant LLC dba Cafe Del Vino notifying the commission of the cancellation of liquor license.
- X. The Kalama Beach Corporation dba Haiku Market notifying the commission of a change of officers and director within the corporation.
- Y. 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.
- Z. 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.

- AA. Pizza Madness Maui, Inc. dba Pizza Madness Maui notifying the commission of the removal of officers and directors, change in titles, and change in percentage of stock ownership.
- BB. Champagne, Inc. dba Hana Dry Goods, Retail General License at 5031 Hana Highway, Retail #1, Hana, Maui, Hawaii, was approved for an additional 180 days to exercise the liquor license, pursuant to Section 08-101-34(c) of the Rules of the Liquor Commission, County of Maui. License granted by the commission on May 9, 2018; to expire November 5, 2018.

VI. LICENSING:

Public Hearings:

- A. **APPL. 08**, Makena Boat Partners dba Kai Kanani II applying for a Tour or Cruise Vessel license, to be moored at Makena O/S #01, Makena, Maui, Hawaii.
- B. 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.
- C. 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.
- D. 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.

- E. 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.
- F. 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.
- G. Village Tavern, LLC dba Taverna 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.
- C. **APPL. NO. TA-01**, Tavern LLC dba Tavern at Mala for a transfer of a Restaurant General License, Category B(ii) - (premises in which live entertainment or recorded music is provided) from Mark II LLC dba Mala: An Ocean Tavern at 1307 Front Street, Lahaina, Maui, Hawaii.
- D. **APPL. NO. 09**, Umi Sushi LLC dba Umi Sushi for a Dispenser General License, Category C(ii) - (premises in which live entertainment or recorded music is provided) at 1951/1953 Vineyard Street, Wailuku, 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. OTHER LICENSING MATTERS:

- A. MMK Maui L.P. dba The King Kamehameha Golf Club requesting commission approval for a permit to hold an auction which shall include firearms within the premises, pursuant to Section 08-101-27 of the Rules of the Liquor Commission, County of Maui.

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. 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(I), 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)

5. Section 08-101-33: Renewal of license.

Eliminating the requirement that an applicant for renewal of an existing license obtain a federal tax clearance. (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
2. Summary of Board Decisions of October 4, 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.

IX. ADJOURNMENT

NEXT LIQUOR COMMISSION MEETING WILL BE HELD ON NOVEMBER 14, 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.