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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 9:04 a.m., on October 5, 2018.

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

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APPEARANCES

COMMISSION MEMBERS PRESENT:

CHAIRPERSON: ROBERT TANAKA

VICE CHAIR: NANE ALULI

COMMISSIONERS: LEON BOLOSAN

ROBERTO ANDRION

JONATHAN TODD

DAWN BICOY

ALBERTA DeJETLEY

STAFF PRESENT:

FIRST DEPUTY CORPORATION COUNSEL: EDWARD KUSHI, JR.

DIRECTOR: GLENN MUKAI

DEPUTY DIRECTOR: GEORGETTE TYAU

LIQUOR CONTROL OFFICER IV: GENE SILVA

LIQUOR CONTROL OFFICER IV: LAYNE SILVA

LIQUOR CONTROL OFFICER IV: JARRETT KAHOOHANOHANO

LIQUOR CONTROL OFFICER IV: KARILEE YOSHIZAWA

PRIVATE SECRETARY LIANNE SUZUKI

1 (October 5, 2018, 9:04 a.m.)

2 * * *

3 CHAIR TANAKA: (Gavel.) Okay. Liquor commission
4 meeting called to order. Before I ask for the roll call I
5 just want to introduce our new member, Roberto Andrion.

6 COMMISSIONER ANDRION: Hi, everybody.

7 COMMISSIONER BOLOSAN: Welcome.

8 CHAIR TANAKA: Okay. Roll call.

9 MS. SUZUKI: Lianne Suzuki, Liquor Control.

10 MS. YOSHIZAWA: Kari Yoshizawa, Liquor Control.

11 COMMISSIONER TODD: Jonathan Todd.

12 COMMISSIONER ANDRION: Roberto Andrion.

13 CORPORATION COUNSEL: Ed Kushi.

14 CHAIR TANAKA: Good morning. Bob Tanaka.

15 VICE CHAIR ALULI: Aloha. Nane Aluli.

16 COMMISSIONER DeJETLEY: Good morning. Alberta
17 DeJetley.

18 COMMISSIONER BOLOSAN: Aloha. Leon Bolosan.

19 DIRECTOR MUKAI: Glenn Mukai, Liquor Control.

20 DEPUTY DIRECTOR TYAU: Georgette Tyau, Liquor
21 Control.

22 OFFICER GENE SILVA: Gene Silva, Liquor Control.

23 OFFICER LAYNE SILVA: Layne Silva, Liquor Control.

24 OFFICER KAHOOHANOHANO: Jarrett Kahooahanohano,
25 Liquor Control.

1 CHAIR TANAKA: Okay. Thank you.

2 You have your agenda for October 5th, 2018. If
3 there's no comments, may I have a motion for approval.

4 VICE CHAIR ALULI: So moved.

5 COMMISSIONER DeJETLEY: Second.

6 CHAIR TANAKA: Moved and seconded.

7 All in favor, say "aye."

8 (Response.)

9 CHAIR TANAKA: Opposed, "no."

10 (No response.)

11 CHAIR TANAKA: Approval of liquor commission
12 minutes. If there's no comments, may I have a motion for
13 approval.

14 VICE CHAIR ALULI: So moved.

15 COMMISSIONER BOLOSAN: Second.

16 CHAIR TANAKA: It's been moved and second. All in
17 favor, say "aye."

18 (Response.)

19 CHAIR TANAKA: Opposed, "no."

20 (No response.)

21 CHAIR TANAKA: Motion carried.

22 Okay. Let's go on to General Licensing Matters.

23 Item A to BB, if there's no comments or questions, may I have
24 a motion for confirmation?

25 COMMISSIONER DeJETLEY: Mr. Chair, I move to approve

1 general licenses matters A to -- A to B.

2 COMMISSIONER BOLOSAN: BB.

3 COMMISSIONER DeJETLEY: BB.

4 VICE CHAIR ALULI: Second.

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

7 (Response.)

8 CHAIR TANAKA: Opposed, "no."

9 (No response.)

10 CHAIR TANAKA: Motion carried.

11 Okay. Let's go on to Public Hearing Item
12 Application 08.

13 MR. MERCHANT: Good morning, Chair Tanaka, Board
14 Members. I'm David Merchant. I'm the attorney for Makena
15 Boat Partners and with me is Sidney Akiona.

16 CHAIR TANAKA: Thank you.

17 MR. MERCHANT: And we are here to answer any
18 questions you might have.

19 CHAIR TANAKA: Okay. Gene.

20 OFFICER GENE SILVA: Application No. 8, Makena Boat
21 Partners doing business as Kai Kanani II applying for a Tour
22 or Cruise Vessel License, Category B.

23 Officers, directors, and stockholder of the
24 partnership; past history; vessel documentation; and vessel
25 ownership are listed in the investigator's report.

1 The proposed premise is a 64-foot auxiliary sailing
2 catamaran authorized to carry 80 passengers, one master, two
3 did deckhands and five persons in addition to the crew. Total
4 persons allowed is 88. The vessel will be moored at the
5 Makena Offshore 1, Makena, Maui, Hawaii. Passengers will be
6 picked up at the landing area fronting the former Makena Beach
7 Club & Resort.

8 The men's and women's toilet facilities are located
9 within the hulls of the vessel.

10 Beverages will be dispensed from within the cabin
11 located on the cabin level of the vessel.

12 There are 35 licenses of this class and kind
13 currently issued within Maui County.

14 Applicant initially plans to be open seven days a
15 week from 8 a.m. to 2 a.m.

16 A site inspection was conducted of the proposed
17 premise on August 31st, 2018.

18 Information contained within the DLC-006 form
19 submitted by Sidney Jacob Chew Sen Akiona indicated that he
20 had been convicted for a violation of law. Sidney Jacob Chew
21 Sen Akiona has submitted a letter of explanation.

22 Information received from the criminal history
23 background check revealed that Sidney Jacob Chew Sen Akiona
24 had been convicted for violation of laws.

25 All documents necessary for the issuance of a liquor

1 license have not been submitted. Those items are listed in
2 the investigator's report.

3 CHAIR TANAKA: Thank you.

4 Do you have anything else to add?

5 MR. MERCHANT: Not at this point.

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

9 (No response.)

10 CHAIR TANAKA: Okay. Seeing none, questions by the
11 commissioners?

12 COMMISSIONER TODD: So how are -- how do we handle
13 the discussion of the previous convictions?

14 CHAIR TANAKA: You have -- you have a question on
15 the previous criminal --

16 COMMISSIONER TODD: Right.

17 CHAIR TANAKA: -- history?

18 Okay. Maybe corp counsel can explain why we cannot
19 discuss this in a public hearing.

20 MR. KUSHI: Yes. Applicant's attorney Mr. Merchant,
21 as you know, his previous conviction involves confidential
22 information, personal. The commission may go into executive
23 session and call your client in for questioning or, otherwise,
24 if your client wants to waive that discussion and have it out
25 in open public.

1 MR. MERCHANT: We'll waive and have it in public.

2 MR. KUSHI: Okay. Go ahead.

3 CHAIR TANAKA: Go ahead.

4 MR. KUSHI: Be careful.

5 COMMISSIONER TODD: Thank you, sir.

6 I would just like to hear the situations and what
7 happened. From the commission -- from my position as a
8 commissioner, my number one issue is protection of the
9 citizens, so...

10 MR. AKIONA: Well, the incident involved a dispute
11 of property which was my mooring at the time. I was returning
12 my ship to its mooring and someone's parked on it. I informed
13 them that it was, you know, a private mooring and there's a
14 heated discussion, they said. Okay?

15 My daughter was with me, she was ten years old. We
16 were returning to the mooring to get the lines, you know, and
17 the north wind in the area is really rough, so there's
18 probably about five-foot swell. Now, these guys, when they
19 left my mooring, they didn't leave it the way they found it,
20 they just dropped the line, causing my daughter to have to
21 dive under the water to go get it to tie this boat up. Now,
22 they risked her life.

23 COMMISSIONER TODD: Shortest version.

24 MR. AKIONA: Shortest?

25 COMMISSIONER TODD: Yeah.

1 MR. AKIONA: That's the shortest version.

2 COMMISSIONER TODD: Okay.

3 MR. AKIONA: Okay. After that, we went and
4 discussed this and this is where --

5 COMMISSIONER TODD: Local style?

6 MR. AKIONA: Well, no, I had an issue with them.
7 They had four of them, I have one, one of me.

8 COMMISSIONER TODD: Okay.

9 MR. AKIONA: So we went to discuss it. They told
10 me -- they invited me to come down and discuss it, so I
11 obliged them. And when the time to discuss, they did not want
12 to and they called the cops and that's where I'm at. Now,
13 this is all supposed to be off the record by now, it was a --
14 what do they call it? D & C, deferred acceptance of guilt?

15 COMMISSIONER TODD: Okay.

16 MR. AKIONA: Or else I would've pursued it in the
17 court, really.

18 COMMISSIONER TODD: Is there anything related to
19 this that has anything to do with a liquor --

20 MR. AKIONA: No.

21 COMMISSIONER TODD: -- license, Mr. Merchant?

22 MR. MERCHANT: No, nothing.

23 COMMISSIONER TODD: Okay. I'm fine. Thank you.

24 CHAIR TANAKA: Okay. Any other questions?

25 COMMISSIONER TODD: Thank you for not making us go

1 into executive and --

2 MR. AKIONA: Yeah, I mean --

3 COMMISSIONER TODD: We just want to make sure that
4 we don't have multiple DUI people --

5 MR. AKIONA: No.

6 COMMISSIONER TODD: -- who are then making wrong
7 judgments.

8 MR. AKIONA: No.

9 COMMISSIONER DeJETLEY: Mr. Chair, may I make a
10 comment.

11 CHAIR TANAKA: Sure. Go ahead.

12 COMMISSIONER DeJETLEY: I've numerous incidences of
13 people using somebody else's moorings and it does tend to
14 escalate.

15 COMMISSIONER TODD: Yep.

16 COMMISSIONER DeJETLEY: So here you have a case with
17 a father and daughter against four men illegally using his
18 mooring.

19 COMMISSIONER TODD: Totally okay with this.

20 COMMISSIONER DeJETLEY: So I totally agree with --

21 COMMISSIONER TODD: Yep.

22 COMMISSIONER DeJETLEY: -- his -- his statement too
23 is in our packet.

24 COMMISSIONER TODD: Yep.

25 COMMISSIONER DeJETLEY: So good luck.

1 MR. AKIONA: Thank you.

2 COMMISSIONER DeJETLEY: You're welcome.

3 CHAIR TANAKA: Yeah. So this don't involve alcohol,
4 so I don't see any problems.

5 Okay. Any other questions?

6 (No response.)

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

8 COMMISSIONER DeJETLEY: I move to accept the -- I
9 move to accept the application for Makena Boat Partners.

10 COMMISSIONER TODD: I'll second that.

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

13 (Response.)

14 CHAIR TANAKA: Opposed, "no."

15 (No response.)

16 CHAIR TANAKA: Motion carried. Thank you.

17 COMMISSIONER TODD: Thank you very much.

18 MR. MERCHANT: Thank you.

19 MR. AKIONA: Thank you.

20 CHAIR TANAKA: Okay. Let's go on to Item B, Azeka
21 Boys Club.

22 MR. NAKAMURA: Good morning, Mr. Chair, Members of
23 the Commission. Craig Nakamura, attorney on behalf of the
24 applicant -- or, excuse me, the licensee. And with me is
25 Mr. Reed Robertson, that's R-E-E-D Robertson, who is the

1 general manager of the restaurant.

2 CHAIR TANAKA: Thank you.

3 Gene.

4 OFFICER GENE SILVA: Azeka Boys Club, LLC doing
5 business as Shearwater Tavern requesting commission approval
6 to change from a Dispenser General License, Category C(ii) to
7 a Restaurant General License, Category B(ii) pursuant to
8 Section 08-101-22(c)(6) of the Rules of the Liquor Commission,
9 County of Maui.

10 CHAIR TANAKA: Thank you.

11 Craig, anything else to add?

12 MR. NAKAMURA: Nothing at this time, Mr. Chair.

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

16 (No response.)

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

19 (No response.)

20 CHAIR TANAKA: Okay. If there's no questions, may I
21 have a motion.

22 VICE CHAIR ALULI: I'll make a motion to approve the
23 Azeka Boys Club, LLC request.

24 COMMISSIONER TODD: Second.

25 CHAIR TANAKA: Moved and seconded. All in favor,

1 say "aye."

2 (Response.)

3 CHAIR TANAKA: Opposed, "no."

4 (No response.)

5 CHAIR TANAKA: Motion carried. Thank you.

6 MR. NAKAMURA: Thank you very much.

7 CHAIR TANAKA: Item No. C, Matteo's Osteria.

8 MS. CARLOTA: Hello.

9 CHAIR TANAKA: Can you introduce yourself, please.

10 MS. CARLOTA: Yeah, sure. My name is Carlota. I
11 work as a business manager for Matteo's Osteria, and I'm
12 authorized to be here today --

13 CHAIR TANAKA: Thank you.

14 MS. CARLOTA: -- to hear your decision.

15 CHAIR TANAKA: Gene.

16 COMMISSIONER TODD: Grazie.

17 MS. CARLOTA: Thank you.

18 OFFICER GENE SILVA: Matteo's Osteria LLC doing
19 business as Makena's Osteria requesting commission approval to
20 change from a Dispenser General License, Category C(ii) to a
21 Restaurant General License, Category B(ii) pursuant to Section
22 08-101-22(c)(6) of the Rules of the Liquor Commission, County
23 of Maui.

24 CHAIR TANAKA: Thank you.

25 Do you have anything else to add?

1 MS. CARLOTA: No, not at the moment.

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

5 (No response.)

6 CHAIR TANAKA: Okay. Seeing none, any questions by
7 the commissioners?

8 (No response.)

9 CHAIR TANAKA: If there's no questions, may I have a
10 motion.

11 COMMISSIONER TODD: Move to approve.

12 COMMISSIONER DeJETLEY: I second.

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

14 (Response.)

15 CHAIR TANAKA: Opposed, "no."

16 (No response.)

17 CHAIR TANAKA: Motion carried. Thank you.

18 MS. CARLOTA: Thank you.

19 COMMISSIONER TODD: Arrivederci.

20 MS. CARLOTA: Arrivederci.

21 CHAIR TANAKA: Item D, Pita Paradise.

22 MS. ARABATZIS: Hello. My name is Christine
23 Arabatzis. I'm the owner and officer of Pita Paradise.

24 CHAIR TANAKA: Thank you.

25 Gene.

1 OFFICER GENE SILVA: Pita Paradise Inc. doing
2 business as Pita Paradise requesting commission approval to
3 change from a Dispenser General License, Category C(ii) to a
4 Restaurant General License, Category B(ii) pursuant to Section
5 08-101-22(c)(6) of the Rules of the Liquor Commission, County
6 of Maui.

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

8 MS. ARABATZIS: No, not at this time.

9 CHAIR TANAKA: Since this is a public hearing, I'm
10 going to open it to the public. Anybody for or against this
11 application?

12 (No response.)

13 CHAIR TANAKA: Okay. Seeing none, any questions by
14 the commissioners?

15 COMMISSIONER DeJETLEY: I have a question,
16 Mr. Chair.

17 Glenn, this is for Glenn, you know, we have six
18 similar types of applications before us, is -- is there any
19 reason why we can't -- why they don't come in with the kind of
20 license they want originally instead of having to come back to
21 change it?

22 DIRECTOR MUKAI: It's their choice on what license
23 they apply for.

24 COMMISSIONER DeJETLEY: Originally and then -- and
25 then it's pretty much standard, then, when they come in, they

1 can change?

2 DIRECTOR MUKAI: Yeah. Like now the -- based on the
3 new law, they can automatically apply for a restaurant
4 license, it's one of the changes that the state legislature
5 did. But prior to this, they had to apply for a dispenser,
6 show one year of 30 percent.

7 COMMISSIONER DeJETLEY: Now they can come in right
8 away?

9 DIRECTOR MUKAI: Yes.

10 CHAIR TANAKA: Yeah. The requirement changed.

11 COMMISSIONER DeJETLEY: Okay.

12 CHAIR TANAKA: The state changed the requirement,
13 so --

14 COMMISSIONER TODD: Can we get a redefinition of the
15 differential between the two licenses?

16 CHAIR TANAKA: Well, the -- in order to -- in order
17 to apply for a restaurant general license, the premises had to
18 have one year experience of --

19 COMMISSIONER TODD: At 50 percent?

20 CHAIR TANAKA: -- dispensing alcohol to show that
21 they had 30 percent. But now with the new law change, all you
22 need is an affidavit saying that you will have 30 percent
23 full- service in order to qualify for a dispenser general.

24 COMMISSIONER TODD: Okay.

25 CHAIR TANAKA: Okay. Any other questions?

1 COMMISSIONER DeJETLEY: No. Thank you.

2 CHAIR TANAKA: May I have a motion?

3 COMMISSIONER DeJETLEY: Mr. Chair --

4 COMMISSIONER TODD: I move --

5 COMMISSIONER DeJETLEY: Oh.

6 COMMISSIONER TODD: So, sorry, Alberta.

7 COMMISSIONER DeJETLEY: Thank you.

8 Mr. Chair, I move to approve this application.

9 COMMISSIONER TODD: Second.

10 CHAIR TANAKA: Moved and seconded. All in favor,

11 say "aye."

12 (Response.)

13 CHAIR TANAKA: Opposed, "no."

14 (No response.)

15 CHAIR TANAKA: Motion carried.

16 COMMISSIONER TODD: Thank you. Fantastic

17 restaurant.

18 CHAIR TANAKA: Okay. Item E and F, because it's the

19 same premise and the same licensee, if the commission has no

20 objections, I'd like to take the two together. Okay. No

21 objections?

22 COMMISSIONER DeJETLEY: No. Do you need a motion

23 for that?

24 CHAIR TANAKA: No.

25 COMMISSIONER DeJETLEY: No. Okay.

1 CHAIR TANAKA: Okay. No objections. Let's take
2 Item E and F together, Fabiani's Wailea and Fabiani's
3 Enterprises.

4 MR. FABIANI: Good morning.

5 MS. FABIANI: Good morning. I'm Michelle Fabiani,
6 owner, and this is my husband.

7 MR. FABIANI: Lawrence Fabiani.

8 CHAIR TANAKA: Thank you.
9 Gene.

10 OFFICER GENE SILVA: Fabiani's Wailea, LLC doing
11 business as Fabiani's Wailea requesting commission approval to
12 change from a Dispenser General License, Category C(ii) to a
13 Restaurant 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 Also, Fabiani's Enterprises, LLC doing business as
17 Fabiani's requesting commission approval to change from a
18 Dispenser General License, Category C(ii) to a Restaurant
19 General License, Category B(ii) pursuant to Section
20 08-101-22(c)(6) of the Rules of the Liquor Commission, County
21 of Maui.

22 CHAIR TANAKA: Thank you.

23 Do you have anything else to add?

24 MS. FABIANI: No, not at this time.

25 CHAIR TANAKA: Okay. Since this is a public hearing

1 item, I'm going to open it to the public. Anybody for or
2 against either of these applications?

3 (No response.)

4 CHAIR TANAKA: Okay. Seeing none, any questions by
5 the commissioners?

6 COMMISSIONER TODD: I have questions.

7 Is your partner still Mr. O'Dwyer as stated in these
8 documents?

9 MS. FABIANI: Yes.

10 COMMISSIONER TODD: Is he here?

11 MR. FABIANI: No.

12 COMMISSIONER TODD: Do you know why he's not here?

13 MR. FABIANI: He's not here for -- we come over, we
14 take care of this, and he's busy with other stuff, I believe.

15 MR. KUSHI: I didn't hear that. What did you say?

16 MR. FABIANI: So I think he's busy with his business
17 and we coming over and take care of the business.

18 COMMISSIONER TODD: He's too busy with business to
19 be here. Yes?

20 MR. FABIANI: I believe.

21 COMMISSIONER TODD: Yeah, okay. I need to know what
22 is the -- I'm really, really, really concerned about this
23 particular individual and his licenses. He has twenty-some-
24 odd violations of the liquor laws at one restaurant. What are
25 his violations at this restaurant? What is this restaurant's

1 record? Do we know?

2 DIRECTOR MUKAI: We can pull up the blue card.

3 CHAIR TANAKA: I'm not familiar with any of the
4 violations.

5 COMMISSIONER TODD: It's Mulligan's, the same owner
6 as Mulligan's.

7 CHAIR TANAKA: It's Mulligan's.

8 COMMISSIONER TODD: And -- and --

9 CHAIR TANAKA: And I don't think we should --

10 MS. FABIANI: This is a totally separate business --

11 CHAIR TANAKA: -- question -- yeah.

12 MS. FABIANI: And I don't --

13 CHAIR TANAKA: Different operations.

14 COMMISSIONER TODD: But he's an owner.

15 CHAIR TANAKA: Even though he's a partner, the
16 operations are by these two people. Am I correct?

17 MS. FABIANI: I'm sorry. What?

18 CHAIR TANAKA: The operations are by you two people?

19 MS. FABIANI: Yes.

20 CHAIR TANAKA: Not with Michael O'Dwyer.

21 MS. FABIANI: Exactly.

22 COMMISSIONER TODD: Does Mr. O'Dwyer have any
23 operational ability at your restaurant?

24 MS. FABIANI: He's an owner, but he doesn't -- we
25 run it. He's not there on the floor.

1 COMMISSIONER TODD: Does he -- does he deal with the
2 books? Does he deal with the --

3 MS. FABIANI: I mean, he's an -- he's an owner,
4 so...

5 COMMISSIONER TODD: Okay.

6 MR. FABIANI: Yes, he deals with the books.

7 COMMISSIONER TODD: I mean, Mr. O'Dwyer from -- from
8 history has a different way of dealing with this commission.

9 MR. FABIANI: Okay.

10 COMMISSIONER TODD: You know, and so there is --

11 MR. FABIANI: I understand.

12 COMMISSIONER TODD: For me, there is a negative here
13 and I am really concerned about the public on this.

14 MR. FABIANI: Okay.

15 VICE CHAIR ALULI: I've got a question. He has no
16 operational influence on Fabiani's operation at either of your
17 locations; correct?

18 MS. FABIANI: Correct.

19 COMMISSIONER TODD: See, I don't know that I buy
20 that, Nane. I think, you know, how do we know?

21 CHAIR TANAKA: Well, we're -- I guess by -- by not
22 having any violations, I think the manage -- the management is
23 doing a good job.

24 COMMISSIONER TODD: Well, is that what we're
25 hearing?

1 MR. KUSHI: One at time.

2 CHAIR TANAKA: You're talking about Mulligan's, it's
3 a little different situation there, you know, so I don't think
4 we should penalize these people because of --

5 MR. FABIANI: Thank you.

6 COMMISSIONER TODD: I absolutely agree provided that
7 what I hear back on the history is that under their operation
8 that we don't have the same kind of situation.

9 CHAIR TANAKA: Well, so far, so far it's been pretty
10 good, so -- I don't recall any violations since I've been
11 here. Well, since you guys have been in business, anyways.

12 COMMISSIONER TODD: Do you have violations? I mean,
13 they're pulling records right now, but do you --

14 MR. FABIANI: We have a violation in Wailea. We
15 have a violation last six months ago I believe it. We have
16 bartender, he's make a mistake and he's serving an underage.

17 CHAIR TANAKA: Oh, there's a -- there's a violation.

18 MR. FABIANI: This is --

19 COMMISSIONER TODD: But it's only one?

20 MS. FABIANI: Yes.

21 MR. FABIANI: I believe it. And there is another
22 accident, I think it's two years ago, they serving alcohol
23 outside in Wailea, that is the only --

24 COMMISSIONER TODD: Okay. That's not critical to
25 me, you know, one or two --

1 MR. FABIANI: I tell you the truth what it --

2 COMMISSIONER TODD: No, no, no. We'll tell you the
3 truth in a second.

4 MR. FABIANI: What we have at -- what we have at
5 before, we sit down over here for the -- we serving alcohol
6 outside of the premises in Wailea. And then six months ago, I
7 believe it, or maybe a little bit more, we -- we got caught
8 for serving alcohol an underage minor stop by the bar, give it
9 the ID, but the bartender is read it wrong that the age and,
10 unfortunately, we got caught.

11 COMMISSIONER TODD: That's okay. I'm not -- I'm
12 looking for a pattern of abuse here. I'm looking to see --

13 MR. FABIANI: I totally understand.

14 COMMISSIONER TODD: You know, and if there isn't,
15 I'm going to not have a problem. I don't want you to be
16 worried or nervous.

17 MR. FABIANI: Yep.

18 COMMISSIONER TODD: You know, and I don't think
19 there is, but I don't know, so Chairman Tanaka is going to
20 look at this and tell us what we have historically. The
21 problem I -- the problem is with one individual who happens to
22 be a co-owner. I understand that situation, but that is an
23 individual who has gone to the press and jumped up and down
24 and -- and said, you know, that this commission is picking on
25 little things, but he's got 20 violations.

1 CHAIR TANAKA: Jonathan.

2 COMMISSIONER TODD: It's a big deal.

3 CHAIR TANAKA: Jonathan, there's two violations and
4 the violations are very minor. One was the licensee did
5 permit liquor to be removed from his premises. The second was
6 failed to obtain a permit for reduction or increase in the
7 licensed premises.

8 COMMISSIONER TODD: Chairman Tanaka, with two
9 violations, I have no problems, I'm fine to go ahead. I'm
10 looking for a pattern here that is with this owner. If there
11 isn't, then you are running it, you're doing a good job.

12 CHAIR TANAKA: Yeah, I don't think --

13 COMMISSIONER TODD: I have no problem.

14 CHAIR TANAKA: Yeah, I don't think we should
15 penalize it because of Mulligan's.

16 COMMISSIONER TODD: Yeah. Well, no, it's because of
17 the owner and I have -- I have a sworn duty to take care of
18 the citizenry.

19 CHAIR TANAKA: I hope you don't have a personal
20 problem with --

21 COMMISSIONER TODD: Oh, I have a personal problem
22 with tons of people because of my personality.

23 (Laughter.)

24 CHAIR TANAKA: Okay. So no other questions?

25 COMMISSIONER TODD: No, I have no problems.

1 CHAIR TANAKA: May I have a motion.

2 COMMISSIONER TODD: I move to approve --

3 COMMISSIONER BOLOSAN: Second.

4 COMMISSIONER DeJETLEY: I second.

5 COMMISSIONER TODD: -- Fabiani's.

6 COMMISSIONER DeJETLEY: Leon is going to second.

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

9 (Response.)

10 CHAIR TANAKA: Opposed, "no."

11 (No response.)

12 CHAIR TANAKA: Motion carried.

13 COMMISSIONER TODD: Thank you very much.

14 MR. FABIANI: Appreciate it.

15 CHAIR TANAKA: I hear you lots on the radio.

16 (Laughter.)

17 MR. FABIANI: That's wonderful.

18 CHAIR TANAKA: You have a good day.

19 COMMISSIONER TODD: It's a wonderful place. Thank
20 you.

21 CHAIR TANAKA: Okay. Let's go on to Item G, Village
22 Tavern.

23 MR. KAIWI: Good morning. Chris Kaiwi, Village
24 Tavern dba Taverna Restaurant.

25 CHAIR TANAKA: Thank you.

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Gene.

OFFICER GENE SILVA: Village Tavern, LLC doing business as 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.

CHAIR TANAKA: Thank you.

Do you have anything else to add?

MR. KAIWI: No, not at this time.

CHAIR TANAKA: Okay. It's a public hearing item, I'm going to open it to the public. Anybody for or against this application?

(No response.)

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

COMMISSIONER TODD: I do not have paperwork on this company. Mine skips right over to Application 05, the retail general for the next.

Do you have it?

COMMISSIONER ANDRION: This is it.

MR. KUSHI: Short recess.

CHAIR TANAKA: Okay. Let me call a short recess to see if we can get information on this item.

(Pause in Proceedings: 9:27 a.m.-9:29 a.m.)

1 CHAIR TANAKA: (Gavel.) The commission is back in
2 session.

3 Okay. Any questions?

4 COMMISSIONER TODD: No.

5 CHAIR TANAKA: We've had time to read the thing.

6 COMMISSIONER TODD: Move to approve.

7 COMMISSIONER DeJETLEY: I second.

8 CHAIR TANAKA: Okay. 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 COMMISSIONER TODD: Sorry for giving you the
15 adrenaline.

16 CHAIR TANAKA: Sorry for the delay.

17 MR. KAIWI: No. That's okay. Have a great day.

18 CHAIR TANAKA: Okay. Let's go on to Preliminary
19 Hearings, Tamura Enterprises.

20 MR. JORGENSEN: Good morning, Chairman Tanaka,
21 Members of the Commission, and Staff. My name is Dave
22 Jorgensen. I'm the attorney for Tamura Enterprises, Inc. dba
23 Tamura's Market. With me this morning is Jesse Ibanez, who's
24 the operations manager for Tamura's Enterprises.

25 CHAIR TANAKA: Okay. Jarrett.

1 OFFICER KAHOOHANOHANO: Application No. 5, Retail
2 General. The applicant is Tamura's Enterprises, Inc., a
3 registered Hawaii corporation doing business as Tamura's
4 Market applying for a Retail General license.

5 Officers, directors, and stockholder of the
6 corporation; past history; and warranty deed are all listed in
7 the investigator's report.

8 The proposed premises is a single-story concrete
9 block and steel building approximately 25,278 square feet,
10 located at 230 Imi Kala Street, Wailuku, Maui, Hawaii.

11 Saint Anthony Padua Catholic Church and Saint
12 Anthony High School and Grade School are located within a
13 radius of 500 feet.

14 There are no liquor licenses located within a radius
15 of 500 feet.

16 There are 136 licenses of this class and kind
17 currently issued within the Maui -- the County of Maui.

18 Plans for the applicant: Applicant initially plans
19 to open from 7:00 a.m. to 9:00 p.m. seven days a week.

20 An initial site inspection was conducted of the
21 proposed premises on August 3, 2018. The premises is
22 currently undergoing construction at this time.

23 Information contained within the DLC-006 form
24 submitted by Glenn Katsumi Tamura indicated that he had been
25 convicted for violations of law.

1 Information received during the criminal history
2 background check revealed Glenn Katsumi Tamura had been
3 convicted of violations of law.

4 Glenn Katsumi Tamura has submitted a letter of
5 explanation.

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

9 CHAIR TANAKA: Thank you.

10 Dave, you got anything else to add?

11 MR. JORGENSEN: Just for a point of clarification,
12 if you all know the address or are familiar, this is the
13 building that's coming up next to the Wailuku Post Office on
14 Imi Kala. It should be done -- well, we thought October, then
15 November, now we're looking at December. I have a bet with
16 Mr. Tamura that it'll be later than that, but that's off the
17 record. But, anyway, everything's coming along and this would
18 be the fifth store on Maui for Tamura's, so -- this one is
19 going to be more -- it's going to be more grocery store than
20 liquor store. The one on Dairy Road is pretty much all
21 liquor, but this one is going to have a lot more groceries,
22 grocery stuff. But other than that, Mr. Ibanez and I are
23 available for any questions.

24 CHAIR TANAKA: Thank you.

25 Okay. I'm going to open it to the public for any

1 public testimony on this item.

2 (No response.)

3 CHAIR TANAKA: Okay. Seeing none, any questions by
4 the commissioners?

5 COMMISSIONER ANDRION: Mr. Chair, just a point of
6 clarification on the location. This is -- from what I see on
7 the map, it's familiar. Did you say this was -- this building
8 was by the post office?

9 MR. JORGENSEN: Right next to the -- on the Saint
10 Anthony School side of the post office, the dust screens that
11 are up there.

12 COMMISSIONER ANDRION: Don't you have another
13 establishment further down the road in the industrial side of
14 Wailuku?

15 MR. JORGENSEN: That's -- and they have a warehouse
16 in that location, so it's going to kind of shift certain
17 operations and have the one in the -- in the industrial park
18 would be more of a liquor store and this will be more of a
19 grocery store. This is bigger. But the -- the back part of
20 the industrial park one is kind of a warehouse for the various
21 stores. Where Endo Painting was.

22 COMMISSIONER ANDRION: Thank you.

23 CHAIR TANAKA: Okay. Any other questions?

24 COMMISSIONER TODD: I have --

25 CHAIR TANAKA: Go ahead.

1 COMMISSIONER TODD: I'm okay on the letter of
2 explanation and the -- what amounts to not a repetitive
3 pattern on the DUI.

4 CHAIR TANAKA: Okay. Any other questions?

5 COMMISSIONER DeJETLEY: I have a comment on that.
6 If you notice, he is not going to be involved in the day-to-
7 day operation of the property.

8 COMMISSIONER TODD: Yeah, yeah.

9 COMMISSIONER DeJETLEY: So I don't think his
10 previous DUI conviction is --

11 COMMISSIONER TODD: It's also not the pattern like
12 we saw before.

13 COMMISSIONER DeJETLEY: -- is not a --

14 COMMISSIONER TODD: I just want to establish from
15 the -- for the record that I'm okay with an occasional
16 something that's ten years old.

17 COMMISSIONER DeJETLEY: Yes.

18 COMMISSIONER TODD: You know, this is -- this is
19 fine for me.

20 CHAIR TANAKA: All right. Any other questions?

21 (No response.)

22 CHAIR TANAKA: Okay.

23 MR. KUSHI: Mr. Chair.

24 Mr. Jorgensen, I think I asked this before, Tamura
25 Enterprises has multiple licensed premises on Maui?

1 MR. JORGENSEN: This would be the fifth --

2 MR. KUSHI: Yeah.

3 MR. JORGENSEN: -- licensed premises.

4 MR. KUSHI: They're all under one license or they're
5 separate licenses?

6 MR. JORGENSEN: Separate licenses.

7 COMMISSIONER TODD: Separate.

8 MR. JORGENSEN: Same -- same corporate entity.

9 MR. KUSHI: But separate licenses?

10 COMMISSIONER TODD: Every one, yeah.

11 MR. JORGENSEN: And then on Oahu there is four --
12 four stores that sell liquor and three that are just straight
13 grocery stores and they're -- I believe all of them, Maui and
14 Oahu, are all under Tamura Enterprises, Inc., but under
15 different dbas and different licenses.

16 MR. KUSHI: Okay.

17 COMMISSIONER TODD: Dave, do you think that it's --
18 it's wise to give postal workers access like this to alcohol?

19 (Laughter.)

20 COMMISSIONER TODD: Never mind. I withdraw the
21 question.

22 CHAIR TANAKA: Okay. May I have a motion.

23 COMMISSIONER TODD: I move to approve.

24 COMMISSIONER DeJETLEY: I second.

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

1 favor, say "aye."

2 (Response.)

3 CHAIR TANAKA: Opposed, "no."

4 (No response.)

5 CHAIR TANAKA: Motion carries.

6 MR. JORGENSEN: Thank you.

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

8 CHAIR TANAKA: Application No. 06, Macadangdang
9 Group.

10 COMMISSIONER TODD: Good morning.

11 MR. KAWAGISHI: Chairman Tanaka and Members of the
12 Liquor Commission, Michael Kawagishi on behalf of Macadangdang
13 Group, LLC and with me today is Virgilio Macadangdang, who is
14 also known as Joey.

15 CHAIR TANAKA: Thank you.

16 Jarrett.

17 OFFICER KAHOOHANOHANO: Application No. 06, the
18 applicant is Macadangdang Group, LLC doing business as Joey's
19 Kitchen applying for a Dispenser General License, Category
20 C(ii).

21 Members, organizers, and agent of the member-managed
22 implemented liability company and lease agreement are all
23 listed in the investigator's report.

24 The proposed premises is part of a single-story
25 concrete/wooden structure consisting of approximately 1600

1 square feet within the Napili Plaza located at 5095 Napili Hau
2 Street, Space Nos. 107A and 107B, Napili, Maui, Hawaii.

3 Restaurant facilities are located outside of the
4 proposed premises approximately 65 feet towards the makai side
5 of the Napili Plaza. The landlord reports that employees and
6 patrons will have the right to use the common area restroom
7 during all hours of operation.

8 There are no schools located within the 500 radius.
9 Honolulu United Methodist Church is located within the radius
10 of 500 feet.

11 There is one retail general licensee located
12 within -- within a radius of 500 feet. Maui Tacos Nos. --
13 No. 1 -- No. 043 and Beach Bums BBQ & Island Grill No. 417 are
14 all licensed in the same -- of the same class and kind located
15 within the radius of 500 feet.

16 There are 121 licensees of this class and kind
17 currently issued within the Maui County.

18 Applicant initially plans to be open seven days a
19 week from 8 a.m. to 2 a.m.

20 A site inspection was conducted of the proposed
21 premises on August 10th, 2018. This officer found -- the
22 investigator found that the floor plan was inconsistent with
23 what was submitted with the application.

24 Information containing -- contained within the
25 DLC-006 was -- form submitted by Virgilio Leones Macadangdang

1 indicated that he had been convicted for a violation of law.

2 Information received during the criminal history
3 background check revealed Virgilio Leones Macadangdang had
4 been convicted of -- for a violation of law.

5 Virgilio Leones Macadangdang has submitted a letter
6 of explanation.

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

10 CHAIR TANAKA: Thank you, Jarrett.

11 Anything else, Michael?

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

13 CHAIR TANAKA: Okay. I'm going to open it to the
14 public. Any public testimony on this item?

15 (No response.)

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

18 COMMISSIONER DeJETLEY: Mr. Chair, I have a
19 question.

20 On the site inspection, what was the discrepancy?
21 It says it was inconsistent with the plan submitted, so what
22 was the problem with it?

23 CHAIR TANAKA: Go ahead, Michael, you can answer
24 that.

25 MR. KAWAGISHI: It seemed there was a wooden bench.

1 COMMISSIONER DeJETLEY: A wooden bench showed in the
2 plan that is not there or is there?

3 MR. MACADANGDANG: Was there.

4 MR. KAWAGISHI: The original plan did not show it.

5 COMMISSIONER DeJETLEY: Okay. Thank you.

6 CHAIR TANAKA: It was corrected?

7 MR. KAWAGISHI: Yes.

8 CHAIR TANAKA: Okay. Any other questions?

9 COMMISSIONER TODD: Move to approve applicant.

10 COMMISSIONER BOLOSAN: I second.

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

13 (Response.)

14 CHAIR TANAKA: Opposed, "no."

15 (No response.)

16 CHAIR TANAKA: Motion carries. Thank you.

17 MR. KAWAGISHI: Thank you.

18 COMMISSIONER TODD: Go forth and make wonderful
19 food.

20 (Laughter.)

21 CHAIR TANAKA: Application No. TA-01, Tavern LLC.

22 MR. BARBERI: Aloha, good morning. Javier Barberi
23 representing Tavern LLC.

24 CHAIR TANAKA: Jarrett.

25 OFFICER KAHOOHANOHANO: Application No. TA-01,

1 Restaurant General B(ii). Applicant's -- applicant is Tavern
2 LLC doing business as Tavern at Mala applying for a transfer
3 of Restaurant General License, Category B(ii) from Mark II LLC
4 dba Mala: An Ocean Tavern.

5 Manager, member, organizer, and agent of the
6 manager-managed limited liability company; the past history;
7 and lease agreement are all listed in the investigator's
8 report.

9 Applicant has submitted a copy of transfer --
10 endorsement of transfer signed by Mark Gregg -- Craig Ellman,
11 member manager of Mala: An Ocean Tavern dated September 18,
12 2018.

13 The proposed premises is a wood-frame, single-story
14 building consisting of an interior dining area approximately
15 1267 square feet and an outdoor patio area -- patio area
16 approximately 380 square feet. The total premises is
17 approximately 1627 square feet. The premises is located at
18 1307 Front Street, Lahaina, Maui, Hawaii.

19 There are no schools or churches located within the
20 radius of 500 feet.

21 There are three dispensers, two restaurants, and two
22 retail liquor licenses located within a radius of 500 feet.

23 There are 71 licenses of this kind -- class and kind
24 currently issued within Maui County.

25 Mark II -- Mark II LLC dba Mala Ocean Tavern was

1 issued a new Dispenser General license on November 9th, 2004,
2 changed the trade name from Mala Ocean Tavern to Mala: An
3 Ocean Tavern on November 24, 2004, changed the class and
4 kind -- class and kind of liquor license from a Dispenser
5 General, Category C(ii) to a Restaurant General, Category
6 B(ii) on May 24, 2006.

7 The applicant initially plans to be open seven days
8 a week, seven days a week from 8 to 2. I'm sorry. I believe
9 there's a typo. Open six days a week, closed on Mondays, from
10 8 to 2.

11 A site inspection was conducted on September 18,
12 2018.

13 Information contained with DLC-006 form submitted by
14 Francisco Javier Barberi indicated that he had been convicted
15 for a violation of law other than a minor traffic violation.

16 Information received by the Hawaii Criminal Justice
17 Data Center revealed that Francisco Javier Barberi was
18 convicted for a violation of law other than a minor -- a minor
19 traffic violation.

20 Francisco Javier Barberi submitted a letter of
21 explanation for a violation of law.

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

25 CHAIR TANAKA: Thank you.

1 Do you have anything else to add?

2 MR. BARBERI: No, not at this time.

3 CHAIR TANAKA: Okay. I'm going to open it to the
4 public for any public testimony.

5 (No response.)

6 CHAIR TANAKA: Okay. Seeing none, any questions by
7 the commissioners?

8 COMMISSIONER TODD: Am I -- did I hear that
9 correctly that the -- the original application did not list
10 the DUI when asked and that then the investigation uncovered
11 the DUI or the arrest?

12 MR. BARBERI: No. The other way around.

13 COMMISSIONER TODD: The very last part of what you
14 guys read. Jarrett just read it off.

15 OFFICER KAHOOHANOHANO: I said that --

16 OFFICER GENE SILVA: The conviction was identified
17 in the original application.

18 COMMISSIONER TODD: It was identified in the
19 original?

20 OFFICER KAHOOHANOHANO: Yes, yes.

21 COMMISSIONER TODD: Okay. Very good.

22 CHAIR TANAKA: Okay. Any other questions?

23 COMMISSIONER TODD: Move to approve.

24 COMMISSIONER DeJETLEY: Second.

25 COMMISSIONER ANDRION: Hang on. Can I --

1 COMMISSIONER TODD: Sorry.

2 COMMISSIONER ANDRION: I had a question.

3 CHAIR TANAKA: Go ahead.

4 COMMISSIONER ANDRION: On the last -- well, not on
5 the last page, the second-to-the-last page it states the
6 applicant has not filed, so you have seven items here. Just
7 for my information, Mr. Chair, when would that be submitted?

8 CHAIR TANAKA: At the -- that should be submitted
9 before the issuance of the license.

10 VICE CHAIR ALULI: This is preliminary.

11 COMMISSIONER TODD: This is preliminary.

12 CHAIR TANAKA: This is preliminary, so we've got
13 public hearing to go yet.

14 COMMISSIONER ANDRION: Okay. Thank you.

15 COMMISSIONER TODD: Yeah.

16 CHAIR TANAKA: Okay. There's a motion on the floor.

17 VICE CHAIR ALULI: Second.

18 CHAIR TANAKA: All in favor say "aye."

19 (Response.)

20 CHAIR TANAKA: Opposed, "no."

21 (No response.)

22 CHAIR TANAKA: Motion carried. Thank you.

23 COMMISSIONER TODD: Thanks. See you through.

24 CHAIR TANAKA: Application No. 08 -- or 09.

25 COMMISSIONER TODD: 09.

1 CHAIR TANAKA: Umi Sushi.

2 MR. JORGENSEN: Good morning again, Chairman Tanaka,
3 Members of the Commission, and Staff. My name is David
4 Jorgensen, attorney for applicant, and with me this morning is
5 Jayse James Sato, who is the principal of Umi's Sushi, LLC dba
6 Umi Sushi.

7 CHAIR TANAKA: Thank you.

8 Layne.

9 OFFICER LAYNE SILVA: Application No. 9, Dispenser
10 General C(ii).

11 Applicant is Umi Sushi LLC doing business as Umi
12 Sushi applying for a Dispenser General License, Category
13 C(ii).

14 Member, agent, and organizer of the member-managed
15 LLC and the lease agreement are all included in the
16 investigator's report.

17 There's a correction to this report. There is no
18 past history for this applicant, so none is listed or attached
19 as indicated on the report.

20 The premises: The proposed premises consisting of
21 approximately 2,252 square feet is located at 1951/1953
22 Vineyard Street, Wailuku, Maui, Hawaii.

23 There are no schools located within a radius of 500
24 feet.

25 Shingon Sect and Jodo Mission of Wailuku are

1 churches located within a radius of 500 feet.

2 Wai Bar is a license of the same class and kind
3 located within a radius of 500 feet.

4 There are 120 licenses of this class and kind
5 currently issued within Maui County.

6 Plans of the applicant: The applicant initially
7 plans to be open seven days a week from 8 a.m. to 2 a.m.

8 A site inspection was conducted of the proposed
9 premises on September 20th, 2018. The investigator found that
10 the floor plan submitted was inconsistent with the floor
11 submitted within the application. The premises will be under
12 going construction.

13 CHAIR TANAKA: Anything else to add?

14 OFFICER LAYNE SILVA: Well, I -- I'm passing out the
15 rest.

16 CHAIR TANAKA: Oh, sorry.

17 OFFICER LAYNE SILVA: Information contained within
18 DLC-006 indicated that Jayse James Sato had been convicted for
19 a violation of law other than a minor traffic violation.

20 Results from the criminal history background check
21 revealed that Jayse James Sato had been convicted for a
22 violation of law.

23 Jayse James Sato has submitted a letter of
24 explanation.

25 All documents necessary for the issuance of a liquor

1 license have not been submitted. The applicant -- those items
2 are listed in the investigator's report.

3 CHAIR TANAKA: Okay. Dave, anything else to add?

4 MR. JORGENSEN: Just for a bit of explanation or
5 description. This is the old Soup to Nuts restaurant on
6 Vineyard, the Food Company, I think, before that or around the
7 same time. Umi started there without alcohol in March and has
8 been operating as BYOB, but -- you know, and there's been no
9 problems, but it's -- Mr. Sato decided it was time to have a
10 liquor license over there because a lot of the -- the
11 customers had requested.

12 The construction primarily is that a second bathroom
13 has to be built for department purposes so there's two
14 separate and adequate restroom facilities for men and women.
15 Hopeful that'll be done by the end of the year, but we'll see
16 if that happens. And other than that, Mr. Sato, Chef Sato and
17 I are available for any questions.

18 CHAIR TANAKA: Thank you.

19 I'm going to open it to the public. Any public
20 testimony on this item?

21 (No response.)

22 CHAIR TANAKA: Okay. Seeing none, any questions by
23 the commissioners?

24 COMMISSIONER TODD: Dave, do you think it's wise to
25 have alcohol so close to so many attorneys?

1 MR. JORGENSEN: No, I don't.

2 COMMISSIONER TODD: Okay.

3 MR. JORGENSEN: But -- I'm sorry. The answer is
4 yes, I think that is wise.

5 CHAIR TANAKA: Are you insisting that only attorneys
6 drink?

7 COMMISSIONER TODD: No. I'm asking whether it's
8 wise if they do. That's attorney haven.

9 CHAIR TANAKA: Any other questions?

10 COMMISSIONER TODD: Move to approve.

11 COMMISSIONER DeJETLEY: Second.

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

14 (No response.)

15 CHAIR TANAKA: Opposed, "no."

16 (No response.)

17 CHAIR TANAKA: Motion carried.

18 MR. JORGENSEN: Thank you very much.

19 COMMISSIONER TODD: You bet.

20 CHAIR TANAKA: Okay. Let's go on to Other Licensing
21 Matters, MMK Maui.

22 MS. KARRIS: I'm Evangeline Karris, also known as
23 Anela, with MMK Maui doing business as the King Kamehameha
24 Golf Club.

25 CHAIR TANAKA: Thank you.

1 DIRECTOR MUKAI: Commission Chair, on this item we
2 have per your request Sergeant Matsuura to answer any
3 questions regarding the firearms.

4 CHAIR TANAKA: Okay. When we're ready, we'll ask
5 the sergeant.

6 Okay, Layne.

7 OFFICER LAYNE SILVA: MMK Maui L.P. doing business
8 as the King Kamehameha Golf Club, Restaurant General License,
9 Category B. This is a request for auction to include
10 prohibited items.

11 Partners of the limited partnership are listed in
12 the investigator's report.

13 Nature of the request: The licensee is requesting
14 approval to hold a live and silent auction for the Friends of
15 the NRA event to include firearms and knives within the
16 premises on October 28, 2018 from 5:00 p.m. to 9:35 p.m.

17 The licensee stated within the request that the
18 function will be attended by three firearms dealers from Maui
19 Ammo and Guns (License No. 9-99-009-07-OK-00740), Christopher
20 Redeker, Mark Redeker, and Alex Redeker, whom will monitor and
21 secure the firearms at all times. The firearms will be
22 brought to the premises at 4:00 p.m. and put out for display
23 at 4:30 by Christopher Redeker.

24 The firearms will be displayed on the silent auction
25 tables located on stage just prior to the doors opening at

1 5:00 p.m. and will be removed by Christopher Redeker once the
2 auction is concluded at 9:35 p.m.

3 All firearms will be secured with wire-tie locks
4 along with either a chamber lock or a trigger lock. All
5 firearms will be rendered inoperable by removing the bolts
6 from the long guns and removing the magazines from the pistols
7 to prevent the firearms from being fired and that the federal
8 fire -- and that the federal firearms licensee (Christopher
9 Redeker, Mark Redeker, and Alex Redeker) will be the only ones
10 holding the keys to the gun locks.

11 The applicant has also stated within the request
12 that the persons who are the high bidders will not take
13 possession of the firearms at the event. All firearms won
14 during the night will go back to Maui Ammo and Guns. The
15 winners will be able to pick up their firearms only after they
16 have received a permit to acquire a firearm from the State of
17 Hawaii, have passed the background check from the Federal
18 Government, and have registered the firearm with the Maui
19 Police Department.

20 Guests will not be allowed to handle the firearms at
21 any time and additional security will be provided by Maui
22 Police special assignment.

23 There will be no minors under 21 years of age
24 attending this function.

25 CHAIR TANAKA: Thank you.

1 Do you have anything else to add?

2 MS. KARRIS: No, I do not.

3 CHAIR TANAKA: I see we have a court reporter and
4 the attorney here. You guys got no comments; right?

5 (No response.)

6 CHAIR TANAKA: Okay. I have one question.

7 MS. KARRIS: Yes, sir.

8 CHAIR TANAKA: You have the authority to -- let's
9 say if the commission puts conditions and requests or -- I
10 mean, you have the authority to do that?

11 MS. KARRIS: Absolutely.

12 CHAIR TANAKA: And do you have the expert -- I don't
13 see the people that's going to be handling the auction here,
14 that's why. We may have questions for them, you have the
15 authority to answer for them?

16 MS. KARRIS: I have the authority to answer for them
17 and if any changes need to be made, they know that they have
18 to follow our rules in our property. They know that I am
19 here. The gentleman who is running this auction is in Oahu,
20 he's Oahu based, and this came to me very last minute to be
21 here. I just found out Wednesday that I needed to be here and
22 I've been on vacation, this is actually my vacation week, so I
23 didn't have time to contact anybody to be here with me.

24 CHAIR TANAKA: Okay. Before I -- I know the
25 commissioners have some questions, but can I have Officer

1 Matsuura come up and -- Mr. Matsuura, what -- I guess the
2 commission is looking for what the police department thinks
3 about this auction with all the -- you know, in the news
4 recently we've been getting every night somebody got shootings
5 and all this kind of thing, so, you know --

6 SERGEANT MATSUURA: As it was expressed to me by
7 Deputy Chief Rickard, who assigned me this, to come to this
8 meeting, our main issue would be for special off-duty
9 assignments. I know in the past that I've attended personally
10 an NRA, a Friends of NRA dinner that was held at I believe it
11 was the -- oh, I can't think of the name of the place right
12 now. The one with the real nice pool in Wailea. I'm trying
13 to think of it. Sorry.

14 CHAIR TANAKA: Grand Wailea.

15 COMMISSIONER TODD: Grand Wailea.

16 SERGEANT MATSUURA: Too many things in my head.

17 Yes, the Grand Wailea. So at the Grand Wailea, I
18 know that they didn't have firearms on hand. They were
19 required at that time to have photographs of the firearms
20 which didn't -- although some people wanted to see the guns, I
21 mean, you really didn't need to see the guns if you're a gun
22 person. Everybody that's attending this type of dinner, the
23 guys that are the high bidders usually are guys that are
24 firearms enthusiasts and have a lot of firearms, so they know
25 everything that they need to know about the firearm. They

1 know what it looks like, they get all the magazines every
2 month, they don't need to actually see, have hands on on the
3 firearm.

4 I know that it is an auction that they do use for
5 our local sporting shooters. Last year I coached at Maui High
6 School a riflery team, so I know that's -- the monies go to a
7 good place, but it was expressed to me by our deputy chief
8 that security is a must and uniformed officers. Because like
9 I said in the past we've gone there, I have never seen a
10 uniformed officer. I know that they have gotten away with
11 saying that officers have been there, but officers showing up
12 to enjoy the night is totally different from an officer being
13 in uniform and being there for a specific purpose.

14 Further, I don't think we had any problems with
15 having knives and any other of their auction items there
16 and -- the main issue is now you're transporting all these
17 firearms to a known dinner that you're going to have a
18 specific place that everybody can find out about. You know,
19 it's not like when they transfer firearms that they have
20 shipped through FedEx and have a shipment and take it down to
21 the station where nobody knows that they actually have a
22 shipment that was received. So now you have a known area
23 where you have all these firearms and even though they're
24 rendered inoperable and you take a magazine out of a pistol,
25 it still doesn't make it that you can't fire. As far as the

1 rifles, if you steal the rifles, you can buy a bolt online.
2 There's no requirement for purchasing accessories to firearms.
3 So you can cut that lock off, get a bolt through probably
4 Amazon, and now your firearm is operable.

5 The issue that we're having -- yes, we've had a lot
6 of firearms and we've always have had a lot of firearms-type
7 cases that nobody ever hears about, but now it's more
8 prevalent in the news, especially in Oahu. I swear it's like
9 every two days we have a shooting. So our issue is preventing
10 the access to these firearms as much as possible and control
11 of them.

12 Even though the Redekers -- Mark Redeker, I know
13 he's a police commissioner and I believe he is the only former
14 law enforcement, so I'm not sure if he has -- carries a
15 firearm under LEOSA, but that is for his own personal
16 protection under the federal guidelines that former officers
17 that have left wherever they had worked in good standing can
18 carry a firearm as a retired person, that they have to go
19 through special licensing and everything that comes under the
20 AG's office that is not a part of us. But he's not to use
21 that as a security personnel, so when he says additional
22 security, I don't know who's the original security, because
23 there shouldn't be anybody else that's armed.

24 You know, we -- we would like to have it where I
25 would say you would use photographs, then that way we limit

1 the movement of firearms should they have to transfer it
2 after. Because we know that once a special duty is done, then
3 they're -- I don't think they're going to have anybody follow
4 him to his shop and secure it, so anything can happen from the
5 golf course to Eha Street where he's located or wherever that
6 he will keep his firearms. So I would say that on the
7 department's behalf, that that would be the main issue, the
8 transport of firearms and actually having firearms there
9 present when you have all these people and three people are
10 going to be overlooking all of these firearms when you have at
11 least a hundred some odd people attending this dinner like in
12 the past. So at least as far as that, that's -- that would be
13 the main issue the department would have.

14 CHAIR TANAKA: Thank you, Sergeant. I know the
15 commissioners got some questions too, but I have one question.

16 SERGEANT MATSUURA: Yes, sir.

17 CHAIR TANAKA: If the commission decide to approve
18 this thing, how many police, special uniformed police officers
19 as security would you think would be necessary?

20 SERGEANT MATSUURA: Well, looking at the layout, I
21 would say at least a bare minimum would be at least four
22 officers. 'Cause you need one for the parking lot, front
23 door, one inside, and at least one patrolling the downstairs,
24 which is the golf course in the front, at the bare minimum.
25 Now, you could have more, it's just depending, I would say

1 that would be the bare minimum.

2 CHAIR TANAKA: Okay. Thank you.

3 Any questions by the commissioners to the sergeant?

4 COMMISSIONER TODD: Sergeant, thank you for taking
5 the time to come here and address us because this isn't our
6 forte. And I think that you're making really valid points
7 here. There -- for me on the commission and most of the
8 commissioners, I think we want to see auctions take place, we
9 want to take nonprofits, charities, and things and support
10 them. This is a weird one, though, because of the risk.

11 SERGEANT MATSUURA: Yes.

12 COMMISSIONER TODD: And so while we don't have the
13 experience or knowledge, you bring up the FedEx issue and the
14 transport issue. Nothing that I heard briefly on this from
15 the Silvas explained who's going to monitor that coming over
16 and going back. So if you had four uniformed officers --

17 SERGEANT MATSUURA: Yes, sir.

18 COMMISSIONER TODD: -- paid on duty at the event and
19 then you had some number of uniformed officers, at least one,
20 involved in the transport both ways, would the police
21 department feel that this was safe because of the fact that
22 it's public and people can do a hit on this and steal the
23 weapons?

24 SERGEANT MATSUURA: I would say that they would, but
25 they would still have to come down as a request because we

1 haven't received any requests as of yet. That would still be
2 an approval of our chief of police, so it still has to go
3 through our process of approval that -- if they would feel
4 fine with it.

5 COMMISSIONER TODD: All right. Can I ask of you
6 representing the organization?

7 MS. KARRIS: Yes.

8 COMMISSIONER TODD: And understand that from a
9 biased position, although we have to take our biases out, I'm
10 probably the most right wing person on Maui. Okay? I mean, I
11 want to grant this for you. Politically, as a commissioner, I
12 have to ask you in the day and age of video, why you can't
13 hold up a gun on a video, pass it around, talk it through, and
14 take all of this risk out of our community? Because a slip
15 here is devastating. And I completely agree with the
16 sergeant, I mean, take -- saying that you've wrapped the
17 trigger with a lock, those locks that -- half of those locks
18 have multi-keys, I mean, it's -- you can -- if you know what
19 you're doing -- and to say that, Oh, it's unarmed because the
20 magazine is out, well, a 9 millimeter magazine for a Glock 23
21 is a 9 millimeter magazine for a Glock 23, so I know where it
22 is, I know when it is, I put that in my pocket and we have
23 mayhem on Maui in election yeah. This sounds horribly unsafe
24 to me. Why can't you video it?

25 MS. KARRIS: Video it?

1 COMMISSIONER TODD: This is firearm No. 1. It is
2 a --

3 MS. KARRIS: I understand.

4 COMMISSIONER TODD: You know, I mean --

5 MS. KARRIS: I think, like he said, they did do
6 photos at the Grand Wailea. There are things that -- we did
7 talk about options when we spoke to -- I believe his name is
8 Michael Carey with the Friends of NRA, so we did come up with
9 options. Mainly we're here to request the ability to have it
10 as auction items. I don't think he's opposed to having photos
11 out for the auction. Ideally, they would like to have it
12 present so people can see it there, but I don't think that it
13 is -- I don't think that we are against having photos instead
14 of the actual items.

15 COMMISSIONER TODD: So will you agree as their
16 representative to take all the weapons out of this place
17 completely and replace them with photographs --

18 MS. KARRIS: Including the knives?

19 COMMISSIONER TODD: And/or video? Pardon me?

20 MS. KARRIS: Are you include the knives?

21 CHAIR TANAKA: I would include the knives.

22 COMMISSIONER TODD: I would include the knives,
23 yeah. I see no point in taking materiel for warfare and
24 putting it in the middle of lovely Maui County for some nut to
25 come harm all the safe people? What is the point of this?

1 You got a video --

2 MS. KARRIS: I personally have no problems with
3 that.

4 COMMISSIONER TODD: So do you accept taking weapons
5 completely out of this venue.

6 MS. KARRIS: Yes.

7 COMMISSIONER TODD: All right. I have no further
8 questions at this point.

9 Please stay with us, Sergeant.

10 MR. KUSHI: So, Mr. Chair, to clarify, she's not --
11 she's the representative of the licensee.

12 CHAIR TANAKA: Yes.

13 MS. KARRIS: Yes.

14 MR. KUSHI: She's not the event --

15 COMMISSIONER TODD: That's fine. The event is not
16 here.

17 MR. KUSHI: -- the event promoter.

18 COMMISSIONER TODD: The event should be sitting
19 right there.

20 CHAIR TANAKA: Yeah.

21 MR. KUSHI: No, she's not. She's just the licensee.

22 MS. KARRIS: I am the licensee.

23 CHAIR TANAKA: She's said she represents the
24 license. The license is going to --

25 MR. KUSHI: The licensee is going to be responsible

1 for this function regardless of who is --

2 (Multiple speakers.)

3 COMMISSIONER TODD: But the licensee has the
4 responsibility --

5 CHAIR TANAKA: Wait, wait.

6 COMMISSIONER TODD: -- to bring the person who
7 clearly is going to be question here for the police to talk to
8 and us to talk to.

9 CHAIR TANAKA: Well, that's why I asked her at the
10 beginning if she has the authority.

11 COMMISSIONER TODD: She has the right, yeah, I
12 agree.

13 CHAIR TANAKA: I have a question for the sergeant.

14 SERGEANT MATSUURA: Yes, sir.

15 CHAIR TANAKA: Sergeant.

16 SERGEANT MATSUURA: Yes, sir.

17 CHAIR TANAKA: You know, when they transport
18 these --

19 COMMISSIONER TODD: Weapons.

20 CHAIR TANAKA: -- weapons and -- do they need a
21 permit?

22 SERGEANT MATSUURA: No, because they -- the Redekers
23 are federal firearms licensee holders, so they can transport
24 firearms.

25 CHAIR TANAKA: So they can transport?

1 SERGEANT MATSUURA: Yes.

2 CHAIR TANAKA: So if something goes wrong, then the
3 federal, what, ATF comes after them?

4 SERGEANT MATSUURA: The ATF would come.

5 CHAIR TANAKA: Okay. So -- thank you.

6 Question for the licensee.

7 MS. KARRIS: Yes.

8 CHAIR TANAKA: Is this for the public or invited
9 guests only?

10 MS. KARRIS: I believe that it -- they have
11 invitations out, but you can -- I believe anybody can purchase
12 tickets to be at the event.

13 CHAIR TANAKA: Oh, so it's for the public then.

14 (Multiple speakers.)

15 COMMISSIONER TODD: It's open.

16 CHAIR TANAKA: Anybody can come in. So worse yet,
17 you're going to need more than four guys.

18 Okay. Any other questions --

19 COMMISSIONER DeJETLEY: Yes.

20 CHAIR TANAKA: -- by the commissioners?

21 Go ahead.

22 COMMISSIONER DeJETLEY: Mr. Chair, if I may make a
23 comment, please. I live on Lanai where almost every household
24 has a gun, I have been a sporting clay enthusiastic and a
25 sporting clay instructor, so we've had Ducks Unlimited

1 auctions with shotguns there. But in this case you're going
2 to have a variety of guns, there'll be pistols there, there'll
3 be rifles there, there will be -- there will be guns for
4 collectors there.

5 MS. KARRIS: Yes.

6 COMMISSIONER DeJETLEY: I just cannot see the
7 rationale of having an assortment of different firearms at a
8 public auction on -- in a public venue on Maui, so I would
9 have great difficulty in approving this.

10 COMMISSIONER TODD: Can I just move to deny this
11 application?

12 CHAIR TANAKA: Wait. Just a minute.

13 COMMISSIONER DeJETLEY: No.

14 CHAIR TANAKA: Leon has a --

15 COMMISSIONER TODD: Oh, sorry, Leon.

16 COMMISSIONER BOLOSAN: So you will be auctioning
17 some rifles; right?

18 MS. KARRIS: Yes.

19 COMMISSIONER BOLOSAN: And these rifles are going to
20 be semi-auctions and if they are, how many AR-15?

21 MS. KARRIS: We have a list of auction items and so
22 the items that are going to be auctioned was turned in. I
23 believe there are --

24 COMMISSIONER TODD: It's in the package.

25 COMMISSIONER BOLOSAN: Oh, okay.

1 COMMISSIONER: You have a listing in your packet.

2 COMMISSIONER TODD: It doesn't matter, it doesn't
3 matter what they are.

4 COMMISSIONER BOLOSAN: Yeah.

5 COMMISSIONER TODD: At this level it's an arsenal.

6 COMMISSIONER BOLOSAN: Well, AR-15s, you know --

7 COMMISSIONER TODD: Yeah. No, I understand --

8 MR. KUSHI: One at a -- one at a time, please.

9 COMMISSIONER BOLOSAN: Yeah. In the mainland, you
10 know, you have a lot of this happen, you know, caused by
11 AR-15s, you know, so --

12 COMMISSIONER TODD: Well, there is no reason why
13 they shouldn't be here to defend what it is that they plan to
14 do and there's no reason in this day and age that we cannot
15 have video explain this beautifully without the risk to the
16 citizenry.

17 MS. KARRIS: Sir, I did get an email about this
18 happening and I'm going to see if it's in here, but I was told
19 that one of the executive people for our company needed to be
20 here and no one else.

21 COMMISSIONER TODD: Yeah.

22 MS. KARRIS: Which is why I didn't --

23 COMMISSIONER TODD: Here's the issue --

24 MS. KARRIS: -- didn't invite Mr. Carey to be here.

25 COMMISSIONER TODD: Here's the issue and I -- and I

1 hope that the press gets this and transmits it to the -- to
2 the world. You represent the licensed place; right?

3 MS. KARRIS: Correct.

4 COMMISSIONER TODD: This commission is dying to let
5 you do this to make money. Okay? We're in business to do
6 business on Maui. Unfortunately, the client that's come to
7 you is an unusual case that represents danger to the society.
8 So we have taken a policeman off the street to come here and
9 advise us, and all that had to happen before that in order to
10 question the person who is renting your place or using your
11 services; right?

12 MS. KARRIS: Correct.

13 COMMISSIONER TODD: He/she/it is not here. That is
14 horrible. So restaurant licenses, licensors must tell their
15 people that are in question, Come with me to defend this. I
16 can't do this for you, I don't have the answers, you know.
17 And I think that message has to get out because --

18 (Multiple speakers.)

19 CHAIR TANAKA: Jonathan, yeah, I know. I know where
20 you're getting at, but --

21 MS. KARRIS: I apologize. Again, I was told --

22 CHAIR TANAKA: -- I don't think you should put the
23 burden on the licensee. Basically our rule says the licensee
24 should be here or the owner or a representative, you know.
25 And that's why I asked you at the beginning if you're speaking

1 for everybody else involved.

2 MS. KARRIS: I am. And I apologize.

3 CHAIR TANAKA: Because the end result will be the
4 licensee.

5 MS. KARRIS: Correct.

6 CHAIR TANAKA: You can't put anything on but the
7 licensee and they will have to take full responsibility.

8 Okay. Any other comments or questions?

9 VICE CHAIR ALULI: Chair, just, Chair, I've got to
10 recuse myself from on this because I'm a member of King
11 Kamehameha Club.

12 CHAIR TANAKA: So noted.

13 COMMISSIONER TODD: So can we approve it so that
14 they don't have to come with the condition that no firearms or
15 knives be on display?

16 CHAIR TANAKA: Well, you can put conditions on it
17 and --

18 COMMISSIONER TODD: All right.

19 CHAIR TANAKA: -- approve it on conditions. Like
20 Officer Matsuura said, you can take photos and auction the
21 photos.

22 COMMISSIONER TODD: Sure.

23 CHAIR TANAKA: That's why I asked the -- asked
24 the --

25 COMMISSIONER TODD: All right. So I don't want her

1 to have to come back, I don't want to cause her problems, I
2 want this to go forward for the NRA, which is a community
3 member and has supporters I want safe and, therefore, I would
4 propose that we would approve this conditional to the fact
5 that no firearm be visible or present and they all --
6 including knives or anything that is --

7 MS. KARRIS: Weapons.

8 COMMISSIONER TODD: -- materiel as defined --
9 defined by a reasonable person and that -- I think that's it.
10 I still think an event like this ought to consider having a
11 uniformed officer there, with or without, but I don't want to
12 see anything out on the table on this one.

13 CHAIR TANAKA: Sergeant.

14 SERGEANT MATSUURA: Yes.

15 CHAIR TANAKA: If the commission approves this with
16 photographs, then would they need -- would you need security?

17 SERGEANT MATSUURA: I don't think so.

18 CHAIR TANAKA: Yeah, I wouldn't think so either. If
19 it's only photographs and they're auctioning out of
20 photographs.

21 SERGEANT MATSUURA: Yeah.

22 COMMISSIONER TODD: I understand that, I'm just --
23 the nature of this thing bodes caution by definition. It's a
24 gathering of people in favor of firearms, so...

25 CHAIR TANAKA: You think people will bring their own

1 firearms?

2 COMMISSIONER TODD: Possible. I mean, what's -- is
3 there a deterrent to have an off-duty officer uniformed?
4 That's a small cost to pay for safety.

5 CHAIR TANAKA: Well, yeah. That's one -- that's
6 one -- something to consider, but...

7 Any other questions?

8 MR. KUSHI: Well, following up on the suggestion,
9 Mr. Chair, so in your documents you have a List No. 1 which is
10 firearms and weapons and you have List No. 2 which is
11 non-weapons. So are we saying that the suggestion is List
12 No. 1 shall not be physically present, photographs of the
13 items of List No. 1 would be okay?

14 CHAIR TANAKA: Yeah.

15 MR. KUSHI: But List No. 2, you can have it there.

16 CHAIR TANAKA: Right.

17 MS. KARRIS: Yes.

18 CHAIR TANAKA: Okay. Is there a motion on the
19 floor?

20 COMMISSIONER TODD: Yeah. I'm going to move that we
21 approve this subject to no firearms or weapons or any
22 materiel --

23 CHAIR TANAKA: Why don't you just refer to List
24 No. 1?

25 COMMISSIONER TODD: Because they can make a change

1 or whatever and I just want to make it subject to no materiel,
2 no firearms.

3 CHAIR TANAKA: List No. 1 and whatever.

4 COMMISSIONER TODD: List No. 1 and no firearms or
5 materiel or weapons of any kind to be on display and subject
6 to having at least one uniformed Maui Police Department
7 officer at the event visible. It's a small cost to pay for
8 the safety for the community.

9 CHAIR TANAKA: Okay. Is there a second to that
10 motion?

11 COMMISSIONER BOLOSAN: Second.

12 CHAIR TANAKA: Okay. Moved and seconded. Any other
13 discussion?

14 COMMISSIONER ANDRION: Mr. Chair, I see the -- I
15 guess the safety issue here and for this auction to take
16 place, I mean, the whole purpose of having an auction is to
17 actually see something there that you want to buy and to have
18 just a photo of that -- and I'm not downplaying the safety of
19 the community, but if you wanted to have a --

20 COMMISSIONER TODD: Isn't there a motion on the
21 table?

22 CHAIR TANAKA: Yeah. This is discussion.

23 COMMISSIONER ANDRION: There's discussion as well,
24 isn't there?

25 COMMISSIONER TODD: Okay. Sorry. Go ahead.

1 COMMISSIONER ANDRION: Okay. And I'm just -- I'm
2 just looking at the area that we're talking about an auction
3 and for anyone, and that's for me, is that if I want to have
4 something auctioned, I would rather have something there that
5 I can physically see. And I know, I understand the safety
6 issue, but let's face it, okay, there's ways to transport
7 that. There are licensed dealers, you have the Maui Police,
8 our finest, on hand, and if that is what we're concentrating
9 on and saying these -- all these weapons are here, you have
10 multiples of weapons traveling to and from the range. Okay?
11 So, I mean, let's not try to blow this thing out of proportion
12 and see if there is something else that we can take a look at
13 to address the safety, if that is the concern. Because I
14 think by eliminating all of this, it -- it doesn't give that
15 much of an impact as far as what the auction is there for.

16 COMMISSIONER TODD: I totally --

17 COMMISSIONER ANDRION: That's just a comment.

18 COMMISSIONER TODD: I totally disagree with at that.

19 CHAIR TANAKA: Okay. Well, we're under discussion.
20 Any other discussion?

21 COMMISSIONER TODD: I'm discussing.

22 CHAIR TANAKA: Go ahead.

23 COMMISSIONER TODD: Okay.

24 CHAIR TANAKA: Be (inaudible).

25 COMMISSIONER TODD: The police officer, the sergeant

1 has said that there are prior cases where the photos have
2 worked and that the people who come and buy these and are the
3 high bidders know what they're -- what they're getting and a
4 Colt .45 is a Colt .45 in brand-new condition or whatever.
5 Photographs can establish that. There is no reason to put
6 this community at the risk level that we're talking about
7 here. The issue is not transporting -- just to transport to
8 an end user or a fire range, it's the public visibility in the
9 day and age that we're at right now. With the diversity and
10 division in our community of left and right there, there
11 should not be all those weapons in one place where somebody
12 can make a plan to get them on the way there or on the way
13 back. There's no -- there's no upside to that for the auction
14 compared to a picture. They can do the picture.

15 CHAIR TANAKA: Okay. Any other discussion?

16 (No response.)

17 CHAIR TANAKA: Okay. There's a -- there's a motion
18 on the floor, I'm going to call for a vote. All those in
19 favor of the motion, say "aye."

20 COMMISSIONER TODD: Aye.

21 COMMISSIONER BOLOSAN: Aye.

22 CHAIR TANAKA: Since he recused himself --

23 VICE CHAIR ALULI: Yeah.

24 CHAIR TANAKA: So one, two --

25 COMMISSIONER DeJETLEY: I'm voting no.

1 CHAIR TANAKA: Okay. You're voting no.

2 COMMISSIONER DeJETLEY: Yes.

3 COMMISSIONER ANDRION: I vote no as well.

4 CHAIR TANAKA: So the motion is defeated. Okay.

5 Because you need five votes, you got only two, four, five, got
6 to be a majority.

7 COMMISSIONER TODD: So what -- what is needed to
8 amend in this motion to placate the noes?

9 CHAIR TANAKA: That motion is defeated, so --

10 MR. KUSHI: Is there any other motion?

11 CHAIR TANAKA: Is there another motion?

12 COMMISSIONER DeJETLEY: Can we have more discussion
13 on this and I'll give you my reason for voting no?

14 CHAIR TANAKA: Fine. Let's discuss it.

15 COMMISSIONER DeJETLEY: Okay. I do not want to see
16 these guns available and open. I know most of them will be
17 collectors purchasing them, but guns can be stolen. I just
18 cannot see the rationale of having guns like this in our
19 community anywhere. My grandson had a school shooting at his
20 school and the gunman was in the very next classroom. It's
21 only a matter of time before we have a shooting incident on
22 Maui and the less guns that we have available in the
23 community, the better. There are lots of sporting enthusiasts
24 with guns, they've gone through the safety rules, but the
25 people who are going to be looking for these guns will be

1 stealing them and they may be your neighbor, they may live in
2 the next block. I'm just so totally against it. I respect
3 the right of people to own firearms, but I cannot see the
4 rationale of having a gun auction as a fund-raiser in this
5 community.

6 COMMISSIONER TODD: Point of clarification.

7 Commissioner DeJetley, are you saying that there is
8 no case that you want to allow the auction to go forward?

9 COMMISSIONER DeJETLEY: I would not. I would not
10 vote in favor of this auction. I -- the non-weapon items are
11 fine, but I do not want to see these guns circulating anywhere
12 in our community.

13 COMMISSIONER TODD: Understood. Thank you. I
14 respect that.

15 CHAIR TANAKA: Okay. Is there any other discussion?

16 (No response.)

17 CHAIR TANAKA: Any other motion?

18 (No response.)

19 CHAIR TANAKA: So, Counsel?

20 MR. KUSHI: Well, Mr. Chair, this --

21 CHAIR TANAKA: This item can be deferred, the one
22 item --

23 MR. KUSHI: Yeah.

24 CHAIR TANAKA: -- but the auction going to take
25 place before our next meeting.

1 (Inaudible comments.)

2 CHAIR TANAKA: For -- is there a motion to deny?

3 COMMISSIONER TODD: I'll move to deny it.

4 COMMISSIONER DeJETLEY: I'll second it.

5 COMMISSIONER TODD: They have insufficient support
6 for it, it's got to happen now, so let's take -- I respect --

7 CHAIR TANAKA: Okay. So there's a motion. All in
8 favor of the motion, sigh "aye."

9 (Response.)

10 MR. KUSHI: Opposed.

11 CHAIR TANAKA: Opposed?

12 (Response.)

13 CHAIR TANAKA: Okay. So the motion dies for no
14 votes. So, therefore, what --

15 MR. KUSHI: Yeah, okay. I look at it this way, the
16 request for this special event is on October 28th, that's this
17 month.

18 MS. KARRIS: Yes, sir.

19 MR. KUSHI: This commission doesn't meet until
20 November. I guess the question for staff is: Do you really
21 need commission approval for this permit? And I'm looking at
22 Rule 08-101-27 Permits, auctions don't fall under there. Why
23 is it even coming to us?

24 OFFICER LAYNE SILVA: It's based on the nature of
25 the prohibited items involved within the auction, the

1 firearms.

2 MR. KUSHI: Where does it state permit prohibited
3 items?

4 OFFICER LAYNE SILVA: I don't think that you're
5 going to find that in there.

6 MR. KUSHI: Yeah, yeah. I don't find it.

7 OFFICER LAYNE SILVA: It's based on past practice.
8 So it's a -- it's just the department's call to defer it to
9 the commission.

10 MR. KUSHI: Yeah. What if we say the commission
11 cannot decide, we defer it back to you? Then have the
12 director make the call.

13 CHAIR TANAKA: Would you be willing to take that
14 responsibility?

15 DIRECTOR MUKAI: Well, the commission always can do
16 that.

17 COMMISSIONER ANDRION: Mr. Chair, I would like to
18 ask a question of the -- I'm under the assumption that there's
19 going to be liquor served only because you're here and --

20 MS. KARRIS: We have a liquor license, so, yes, we
21 are. But we had spoke to the client about this, so if liquor
22 is an issue, we are asked not to serve liquor, because the
23 auction is more important than us having liquor served that
24 evening.

25 MR. KUSHI: So, wait, you're not going to be serving

1 liquor?

2 MS. KARRIS: Well, we are planning to; however, if
3 having liquor there is -- if having liquor served is an issue,
4 then the client asks that we not serve liquor so that he could
5 do his auction, because his auction is more important than
6 having liquor served. So right now we are planning to, but if
7 that is an issue, they are willing to not have liquor served
8 that evening.

9 COMMISSIONER ALULI: (Inaudible comment.)

10 CHAIR TANAKA: Yeah. You cannot be involved in the
11 discussion.

12 COMMISSIONER ALULI: Okay.

13 MR. KUSHI: Mr. Chair, if that's the case, this is
14 to the department, can they de-license themselves for that
15 period of time?

16 CHAIR TANAKA: For that day?

17 MR. KUSHI: For the whole day.

18 DIRECTOR MUKAI: The licensee have their license,
19 but for this type of event, we normally would refer it to the
20 commission if they can be licensed because this is one of the
21 prohibited items.

22 CHAIR TANAKA: So it still falls back on the
23 commission.

24 MR. KUSHI: Well, if they de-license --

25 COMMISSIONER TODD: Then you have to have Sunshine

1 Law --

2 MR. KUSHI: -- they can do whatever they want
3 because they're not serving liquor. That's -- Mr. Chair,
4 that's one of my discussion proposals if you're deadlocked on
5 this issue.

6 CHAIR TANAKA: I -- well, let me make my
7 recommendation. Okay? I guess what corp counsel is saying is
8 that the commission has that -- I mean, the director is saying
9 that the commission has the authority to request the licensee
10 to de-license the premises for that day. Would you be willing
11 to -- would you be willing to go along with that with
12 additional conditions set?

13 MS. KARRIS: Would it be the whole day? Because we
14 also have restaurant earlier in the day and our members that
15 we need to take care of. For the evening, for that event,
16 nothing else is going on at the clubhouse but that event, we
17 would be willing to. But our members are very important to us
18 so we would not be willing to take that away from our members
19 earlier in the day when the event is not going on.

20 CHAIR TANAKA: Oh, okay.

21 OFFICER SILVA: Mr. Chair, according to the staff
22 report, the firearms would be brought to the premises at
23 4 p.m.

24 Yes. Our --

25 (Commissioner Bicoy entered the room.)

1 MR. KUSHI: So maybe something like 3 p.m. to
2 closing?

3 MS. KARRIS: Yes. Our restaurant food service ends
4 at 3, so we would be okay with that.

5 CHAIR TANAKA: Okay. Before we continue this,
6 please make a note that Commissioner Bicoy has appeared.

7 Okay. Then the chair would recommend that the
8 commission -- the commission de-license the premises from 3
9 p.m. to --

10 MR. KUSHI: To closing.

11 CHAIR TANAKA: -- to closing and the auction items,
12 the auction items be photographed -- I mean, items on List No.
13 1 be photographed as Commissioner Todd had recommended.

14 MR. KUSHI: Well, one minute, Mr. Chair. If you --
15 again, for clarification, if you de-license the premises, you
16 have no jurisdiction to say what's going on.

17 CHAIR TANAKA: Yeah, I know that, but that's why I'm
18 asking you -- otherwise, then the de-licensing will not -- my
19 recommendation will move -- won't allow the de-licensing.

20 MR. KUSHI: Okay.

21 COMMISSIONER TODD: Mr. Chairman, point of
22 parliamentary procedure. Can we agree or what is the
23 situation of having an additional commissioner enter midway
24 into this discussion in terms of the vote? May she vote on
25 this?

1 MR. KUSHI: You want me to answer that?

2 CHAIR TANAKA: Yeah.

3 MR. KUSHI: She would have to review the record. I
4 don't know how long that's going to take.

5 COMMISSIONER TODD: That's a long record.

6 MR. KUSHI: Yes. That's your suggestion.

7 COMMISSIONER TODD: Okay. So you're currently not
8 voting on this, I guess.

9 And then if we don't have enough members of this
10 commission to have a quorum, what happens to this matter?

11 CHAIR TANAKA: It dies.

12 COMMISSIONER TODD: And, therefore, it cannot --

13 CHAIR TANAKA: They cannot --

14 COMMISSIONER TODD: It cannot occur.

15 CHAIR TANAKA: No. No permit will be allowed.

16 COMMISSIONER TODD: I'm ready to leave.

17 COMMISSIONER DeJETLEY: I have an idea. May I
18 suggest something? You can still have your function, you can
19 still have your non-weapon items available for auction, would
20 your organization be willing to remove all of the weapons and
21 put them into a secure area and have only preregistered
22 bidders enter that area? And on this you say exclude alcohol
23 and ammo, so if you assign them an area that was secured,
24 manned by police officers, and all of the bidders for these
25 items would have to be preregistered and vetted?

1 MS. KARRIS: Yes, we can do that. We have another
2 room at the other end of the hallway that has doors, so if
3 police officers are there and -- and that room would be
4 completely secured, we can have the weapons just in that room.

5 COMMISSIONER TODD: You need transit security as
6 well, because it's a packet of stuff that's identified and
7 pre-promoted.

8 COMMISSIONER DeJETLEY: Well, that -- it would be
9 their thing to do that, that would be their responsibility
10 because they're not liable until they actually enter their
11 premises.

12 COMMISSIONER TODD: But if they don't?

13 COMMISSIONER DeJETLEY: Well, it's not our kuleana.
14 It's their responsibility to transport it.

15 COMMISSIONER TODD: It's our citizenry. It's
16 completely our kuleana.

17 COMMISSIONER DeJETLEY: That would be up to the Maui
18 Police Department.

19 CHAIR TANAKA: One at a time.

20 COMMISSIONER DeJETLEY: But that would be an option,
21 is if you were --

22 MS. KARRIS: Yeah. And I can make that a
23 requirement with our client that that's how it would need to
24 be transported to and from our property if that is an issue,
25 so...

1 COMMISSIONER TODD: Formulate a motion.

2 CHAIR TANAKA: We need to be clear as to what --

3 COMMISSIONER DeJETLEY: So what I am suggesting is
4 that if they do want to continue with the auction of the
5 weapons, that it be transported securely to the site, put into
6 a secured area, and only preauthorized bidders would be
7 allowed into the room to actually see the guns. Everybody
8 else at the function would not be allowed into it, but they
9 would have the right to bid on the non-weapons.

10 COMMISSIONER TODD: And, Alberta, I believe you mean
11 that in that area --

12 COMMISSIONER DeJETLEY: No alcohol would be served.

13 COMMISSIONER TODD: Police are there.

14 COMMISSIONER DeJETLEY: There will be police as --

15 COMMISSIONER TODD: Uniformed.

16 COMMISSIONER DeJETLEY: There will be uniformed
17 police officers and no alcohol can be served within that room.

18 COMMISSIONER TODD: What a privilege to see those.

19 COMMISSIONER DeJETLEY: Yeah. Then it makes it
20 really exclusive and you can charge them an entry --

21 COMMISSIONER TODD: Charge 50 more dollars.

22 COMMISSIONER DeJETLEY: -- an entry fee into that
23 room.

24 COMMISSIONER TODD: Sergeant, would you be -- is
25 that set of terms amenable to the Maui Police Department?

1 SERGEANT MATSUURA: I would probably have to present
2 that to my chief.

3 COMMISSIONER TODD: What are your thoughts, sir?

4 SERGEANT MATSUURA: Like I said before, I didn't the
5 problem in the one that I've attended because that's not the
6 only firearms that are actually auctioned off. There are
7 other firearms that are auctioned off that they don't have
8 on -- on hand. They do different -- like they have little
9 booths and stuff like that, you can go up there and you can --
10 you can pay -- like they rip cards in half, like a deck of
11 cards, and then if they pull your card and if you win, you get
12 to choose different firearms which are photographs that I
13 don't see and I haven't heard anybody that had a problem with
14 that, picking up their gun at a later date at their actual gun
15 store and then the transfer just happens between Eha and
16 Mahalani Street, you know.

17 And even, Commissioner Bolosan, there are no AR-15s
18 listed on this list, but there are AR-15s that are listed on
19 that Wall of Guns. That's what they call it, the Wall of
20 Guns. That's one of the things that everybody goes to, is --
21 it's pretty much run the same way, I would say, all the time,
22 so the system hasn't changed in the way that Friends of NRA
23 handles their event. But if they didn't have the firearms on
24 hand, I would say that would probably be the smartest thing to
25 do in this day and age, because I don't hold anything past

1 anybody.

2 Because, you know, speaking from experience, I never
3 thought I would ever have to shoot at anything and I did. I
4 had two hours left on my shift and that changed my mind in
5 like a split second. So, you know, to assume that problems
6 won't arise, that's not my job to just say, Ah, it probably
7 won't ever happen. My job is to assume that every bad
8 possible situation is presentable and that we have to plan for
9 it, so, you know -- without infringing on people's rights.
10 You know, you're talking to one firearms enthusiast. I was
11 just on Lanai a couple weeks ago, pay hunt, I hunt all the
12 time, I have a lot of firearms, but I follow all my rules.

13 And I think that even us as being NRA members,
14 which -- they couldn't exclude them even from the auction,
15 because if they're Friends of NRA and they're NRA members,
16 they have the right to go into that room, so you couldn't
17 necessarily exclude everybody. As long as they're a paying
18 NRA member, they can enter that room and be a part of that
19 auction. Now, as far as like vetting, anybody can do anything
20 at any time, I'm not going to hold that past anybody.

21 So, you know, looking at it, they can still have
22 their event, but we should think about ways of limiting the
23 transport and the movement of firearms. Because then it puts
24 it back on us and then, you know, you have one officer
25 following one car with all these firearms in there, if

1 something goes wrong, anything could happen, because you're
2 not having a marked patrol unit following this car. So the
3 transport is what we would have the issue with 'cause it's
4 transport of a mass amount of firearms going to a known event
5 that people know about, so you would put an individual officer
6 at risk.

7 Now, yes, there are no semi-automatic, shoulder-fire
8 rifles in there, but anybody is just as dangerous with
9 anything else. Most of the murders that you hear about are
10 not with AR-15s. Most people get shot with .22 long rifles
11 and pistols. If not, knives, hammers, ropes, anything else
12 that any other human being can decide that they want to use
13 against somebody, that's the major cause. If you want to look
14 at something that's really dangerous, it's that four-wheeled
15 thing that's outside on the road, that kills more people than
16 anybody else and it's because of alcohol related too and
17 speed.

18 So, you know, if we can limit the movement of the
19 firearms to this particular place -- I don't see anybody
20 having an issue looking at a picture. I don't, I don't need
21 to go and look at the Corvette to know that it's a Corvette
22 and I want to bid for it because I'm getting it a probably
23 like 60 percent off. And the major items that you see on this
24 list that are commemorative and everything, you're not going
25 to be able to afford them anyway, because the main guys give

1 the most money are guys that are -- have names that are
2 actually family from firearms groups. They do this because
3 that's their money, that's their tax write-off. So the
4 regular everyday people that are in here are not going to be
5 able to pay 10 grand for one pistol, you know, or 20,000 or
6 \$50,000 on a shotgun with the engraving. We're not going
7 to -- we're not the guys that are bidding on this. So that's
8 not how that auction works. These guys are forking out all
9 this money for that cause partly, NRA and whatever funding
10 that they want to do with the money, which usually, like I
11 said, it goes for youth sports, which would be air riflery
12 for -- what is that -- for colleges and stuff like that. They
13 give that money to them, but that comes from all the big
14 backers, it's not from Joe Blow and -- because I went there
15 and there's no way in the first 30 seconds that I could afford
16 any one of those guns up there. And I'm going to tell you
17 right now, they're not worth what the auction amount was
18 actually for. So it's just a big spending event for big
19 spenders and the other things along the outside, which, like I
20 said, the Wall of Guns and stuff like that, that's for the
21 regular everyday people that can afford that and have the same
22 odds as everybody else.

23 So, you know, if -- as the department, speaking to
24 my chief, the problem that he had was who's going to be where,
25 are we going to have our own people at this event, and if we

1 do transport, even though that they're licensed FFL dealers,
2 it doesn't make them immune to crime. So we have to look at
3 it that way because every day there are break-ins to homes, to
4 people that's allegedly know how to store their firearms,
5 anything can happen. So we have to look at it as that, as
6 that we don't want the movement of such a mass shipment of
7 firearms to a particular location without the proper security
8 and that -- that is our main issue because our issue is
9 protecting the public in general.

10 Whether, you know, firearms rights and, sure, you
11 want to have an auction, you're licensed to have a gun, you
12 can go through the permitting process, you can get your
13 permit, you can get your gun, that's fine, we have no issues
14 with that. That's not what we're here about, we're here about
15 making sure that this area and location is safe 'cause it's
16 not just like a regular auction where you just get money now.
17 They got money, firearms -- and, like I said, you cut off that
18 lock and buy a bolt right online at Amazon and that firearm is
19 good to go. And it'll change hands over and over again.
20 Usually the people that are stealing it are not using it for
21 their own personal, they're trading it for something else. So
22 we see guns change hands all the time, so that would be our
23 main issue. So if you want to have photographs, I don't think
24 that our chief, if I presented it to him, would have any issue
25 having this auction.

1 COMMISSIONER TODD: All right.

2 CHAIR TANAKA: Okay. Thank you, Sergeant.

3 Any other comments?

4 COMMISSIONER TODD: This is -- this is very
5 complicated because it blurs the issues of amendment to the
6 constitution rights and all that. Our job is to protect Maui
7 with licensed premises, that's it. And so what we're hearing
8 from testimony that is here and not the other side, is that
9 this is a dangerous thing to transport them in, to sell them,
10 and to transport them out. So on that issue, I think we have
11 to be very careful.

12 CHAIR TANAKA: Okay. So we had -- we had a motion
13 to approve, we had a motion to deny.

14 COMMISSIONER TODD: I move to deny again.

15 CHAIR TANAKA: Both motions did not have enough
16 votes, so, therefore --

17 COMMISSIONER ANDRION: So, Mr. Chair, so can you
18 clarify what the motion is right now?

19 CHAIR TANAKA: There is no motion.

20 COMMISSIONER TODD: I moved to deny the permit.

21 COMMISSIONER ANDRION: Who seconded it?

22 CHAIR TANAKA: Just a minute.

23 Go ahead.

24 COMMISSIONER ANDRION: So I -- well, I need to
25 understand what is, what we're going forward with this. So

1 basically are we denying flat out that they're not going to
2 have a permit or we're saying that they can have that event
3 that goes forward provided it's only pictures of the weapons
4 or --

5 CHAIR TANAKA: That was one motion, but that motion
6 did not pass. Approve the auction with photos of List No. 1,
7 List No. 2 could be --

8 COMMISSIONER ANDRION: So can -- is it okay if I
9 make that motion live again where the photos are there,
10 because basically that is the issue, is transporting of the
11 weapons.

12 CHAIR TANAKA: You can.

13 COMMISSIONER TODD: Chair, I'll withdraw my motion.
14 Go ahead.

15 COMMISSIONER ANDRION: So I'd like make a motion to
16 grant them, I guess, license --

17 CHAIR TANAKA: Permit.

18 COMMISSIONER ANDRION: -- a permit for -- provided
19 that the firearms and weapons are in picture form. Is that
20 the right motion or is that -- is that understandable by
21 everyone?

22 CHAIR TANAKA: The firearms and whatever -- knives.

23 COMMISSIONER ANDRION: Whatever is listed on List
24 No. 1.

25 COMMISSIONER TODD: Or anything else added to their

1 list.

2 CHAIR TANAKA: Any forbidden items. Okay.

3 MR. KUSHI: So technically Mr. Andrion can make that
4 motion because he was on the --

5 CHAIR TANAKA: On the other side.

6 COMMISSIONER ANDRION: The other side of the --

7 COMMISSIONER TODD: I move to make the motion that
8 this be --

9 MR. KUSHI: No, no, no.

10 CHAIR TANAKA: You're not Jonathan.

11 MR. KUSHI: There's a motion on the table, you need
12 a second to it.

13 So is there a second to Mr. Andrion's motion?

14 COMMISSIONER TODD: I will second it then.

15 CHAIR TANAKA: Okay. Moved and seconded. Any other
16 discussion?

17 (No response.)

18 CHAIR TANAKA: No discussion. I'll call for the
19 votes. All in favor, say "aye."

20 COMMISSIONER TODD: Aye.

21 COMMISSIONER ANDRION: Aye.

22 COMMISSIONER BOLOSAN: Ye.

23 COMMISSIONER TODD: Alberta, that's a good
24 compromise.

25 CHAIR TANAKA: Alberta, no?

1 COMMISSIONER DeJETLEY: No.

2 CHAIR TANAKA: Okay. Then not enough. There's not
3 enough --

4 MR. KUSHI: Three ayes, one no.

5 CHAIR TANAKA: It could be four.

6 MR. KUSHI: You don't have to vote.

7 CHAIR TANAKA: Yeah, five.

8 MR. KUSHI: So the motion dies.

9 CHAIR TANAKA: Yeah. We need the five, so the
10 motion dies.

11 COMMISSIONER DeJETLEY: You want to reword it again?
12 You want to try to rework this again?

13 COMMISSIONER TODD: Make the motion, Alberta.

14 CHAIR TANAKA: You have a motion?

15 COMMISSIONER DeJETLEY: I don't know if this motion
16 will fly. I move to approve this application with the
17 condition that all items on their Auction List No. 1 be
18 displayed as photographs or if in physical condition, that it
19 be kept in a separate room -- okay. It's not going to work.

20 COMMISSIONER TODD: Just take that out.

21 COMMISSIONER DeJETLEY: It's -- I can't make it
22 work.

23 COMMISSIONER ANDRION: Mr. Chair, the pictures of
24 the items in 1 has basically eliminated the possibility of
25 harm to public, isn't that what we're trying to -- is that

1 what we're trying to do here?

2 COMMISSIONER TODD: Yes.

3 COMMISSIONER ANDRION: I mean, that's my
4 understanding of my motion is not to have any live items on 1,
5 do it by photographs.

6 CHAIR TANAKA: That's right.

7 COMMISSIONER TODD: The problem with these things is
8 that they can also bring other things, which is why I don't
9 want to limit it to just 1. There's no rule that we can
10 then -- you know, they bring in Item No. 2, then it's No. 2 or
11 4.

12 CHAIR TANAKA: Jonathan, let Roberto finish his
13 motion. Well, you already had the motion and it was denied
14 because of not enough votes.

15 COMMISSIONER DeJETLEY: Okay. So let me try again.
16 I move to approve this license with the condition that all
17 auction items that are firearms or knives --

18 COMMISSIONER TODD: Or weapons.

19 COMMISSIONER DeJETLEY: -- or other forms of
20 weaponry be displayed by photographs only.

21 COMMISSIONER TODD: Second.

22 MR. KUSHI: It's the same motion.

23 COMMISSIONER ANDRION: That's fine.

24 CHAIR TANAKA: That's the same motion.

25 COMMISSIONER ANDRION: That's what I thought.

1 COMMISSIONER TODD: Yeah, it's exactly his motion.

2 COMMISSIONER ANDRION: The same motion that was
3 denied.

4 MR. KUSHI: Okay. Let --

5 COMMISSIONER TODD: But further conversation has
6 gone on --

7 (Multiple speakers.)

8 COMMISSIONER TODD: So seconded.

9 COMMISSIONER DeJETLEY: So -- okay.

10 COMMISSIONER TODD: Very good.

11 COMMISSIONER DeJETLEY: Do I need to repeat it? Can
12 you repeat it?

13 CHAIR TANAKA: I think everybody understand what she
14 said.

15 COMMISSIONER DeJETLEY: Yes. That it will be by
16 photographs.

17 COMMISSIONER TODD: No firearms will be available.

18 COMMISSIONER DeJETLEY: No firearms or other
19 weaponry. If they add it to this list --

20 COMMISSIONER TODD: It doesn't matter what it is, no
21 firearms, weapons, or materiel of any kind shall be visible --

22 COMMISSIONER DeJETLEY: Physically present.

23 COMMISSIONER TODD: -- in its physical form, only
24 represented by photographs. I second that.

25 CHAIR TANAKA: The chair would like to amend that

1 motion, have the motion amended, if it's okay with the
2 commissioners, that a uniformed officer be present, present
3 also at that auction.

4 COMMISSIONER TODD: I agree. Second.

5 COMMISSIONER DeJETLEY: I second.

6 COMMISSIONER TODD: Excellent.

7 CHAIR TANAKA: There's a motion on the floor. Let's
8 call for the vote. All in favor --

9 MR. KUSHI: The motion -- the motion to amend the
10 motion.

11 CHAIR TANAKA: The motion to amend the motion. All
12 in favor, say "aye."

13 (Response.)

14 CHAIR TANAKA: Okay. Opposed.

15 COMMISSIONER ANDRION: No.

16 MR. KUSHI: The main motion as amended.

17 CHAIR TANAKA: Okay. The main motion as amended.
18 All in favor, say "aye."

19 (No response.)

20 CHAIR TANAKA: Aye, aye, aye, okay. The motion --

21 COMMISSIONER TODD: Your motion with the police
22 officer.

23 CHAIR TANAKA: Yeah.

24 COMMISSIONER TODD: That's an aye.

25 COMMISSIONER DeJETLEY: Are we still short? Are we

1 still short?

2 COMMISSIONER TODD: No, no, no. We're voting on it
3 now. The first was the amendment of adding the police
4 officer, so now it's no weaponry of any kind except
5 photographs plus one uniformed police officer.

6 CHAIR TANAKA: At least one.

7 COMMISSIONER TODD: At least one.

8 CHAIR TANAKA: Okay.

9 COMMISSIONER DeJETLEY: Mr. Chair, may we have the
10 vote by a show of hands.

11 COMMISSIONER TODD: Sure.

12 CHAIR TANAKA: All in favor, raise your hand.

13 (Response.)

14 CHAIR TANAKA: Five.

15 COMMISSIONER TODD: It passes.

16 MS. KARRIS: Thank you.

17 COMMISSIONER TODD: We don't want to take the event
18 away from you.

19 CHAIR TANAKA: Okay. Let's have a five-minute
20 recess.

21 (Pause in Proceedings: 10:44 a.m.-10:53 a.m.)

22 CHAIR TANAKA: (Gavel.) Okay. This commission
23 meeting called back to order and let's go into Administrative
24 Affairs. I'm going to have the Maui Coalition of Drug-Free
25 Youth do their presentation prior to us looking at all the

1 rule changes.

2 Jan.

3 MS. SHISHIDO: Good morning. Jan Shishido, deputy
4 director, department of housing and human concerns. Today I
5 am here with the Maui Coalition For a Drug-Free Youth and the
6 name will be different. I mean, you've heard us from --
7 you've heard us with a different name, but that will be
8 explained later. But I am here today to introduce the
9 coalition as well as Maui Nui Leadership Council -- Youth
10 Leadership Council.

11 But first of all, just wanted to thank you for again
12 continuing your education funds to our coalition, and that
13 will be explained again by our -- our presenters, and to thank
14 you for any further funding if it may come our way. And I'm
15 thanking you in advance because I'm going to be on preferment
16 come December; in other words, I'm retiring, so I call it my
17 preferment. But I wanted to introduce you to our group today.

18 I wanted to first introduce to you Rick Collins.

19 MR. COLLINS: I'm here.

20 MS. SHISHIDO: Rick Collins is the director of our
21 coalition.

22 Ashley Chapman, who is our coalition coordinator and
23 a wonderful coordinator.

24 And we have Tyrone Spellman, he is our chairman for
25 the coalition, board chairman.

1 And I'm just so happy today that we also have Tyler
2 Fisher, he is the chair for our Maui Nui Youth Leadership
3 Council.

4 So without further ado, I don't want to take too
5 much of their time and yours, and we have -- Tyler just handed
6 to you our little presentation. I think I'm calling up Rick
7 first.

8 MS. CHAPMAN: Actually, Tyrone and I first.

9 MR. SPELLMAN: Good morning. Good morning. My name
10 is Tyrone Spellman and as Jan said, I am the -- I'm chair for
11 the Maui Coalition For Drug-Free Youth and this is our vision
12 and our mission. The vision of the Maui Coalition For
13 Drug-Free Youth is a unified and thriving community where
14 people are living resiliently healthy and drug-free lives.
15 Our mission is to prevent or reduce youth substance use in
16 Maui. Our goals of the coalition is to use data to drive our
17 initiative and to reduce and prevent underage substance abuse
18 through environmental strategies and population level change.

19 On the first page it lists our partners and our
20 partners' engagement with the coalition would not be possible
21 because of the amount of data that is needed and they have
22 been able to help us drive our data metrics up to a higher
23 level. And a couple of these would be the Maui Police
24 Department, we've got -- they've been able to provide us with
25 the data that -- especially with the SROs to allow us to see

1 what's going on on school campuses.

2 An example of the environmental strategies is that
3 we try target the social and physical or public environment
4 where sales and uses occur. And we view alcohol and other
5 drug problems not just as an individual addiction, but,
6 rather, as the collective reflection of community norms and
7 processes. This also allows us to target our policy makers
8 and others with authority to change environments and also to
9 seek to change physical, legal, economic, and social processes
10 of our community and this also allows us to expand the
11 population level change.

12 Ashley Chapman, she's going to go into a great more
13 detail with our data.

14 MS. CHAPMAN: Yes. Good morning.

15 Thank you, Tyrone.

16 My name is Ashley Chapman. I'm the coordinator for
17 the Coalition For Drug-Free Youth and, again, we thank you so
18 much for your time and energy in hearing us today as we share
19 with you what we've -- how we have utilized the funds provided
20 to us by the commission in the past, so in the past two years,
21 and hopefully you would consider funding us again in the
22 future.

23 So as Tyrone stated, data is extremely important to
24 the work that we do. We want to make sure that before we're
25 providing solutions, that we really understand the problem.

1 And look at data that's collected on the state level and at
2 the local level so that we understand, you know, where are we
3 falling in the rest of the state and compared to the rest of
4 the country and really what's going on here locally, because
5 we know all of our communities so unique.

6 So looking at some of the state-level data, we can
7 see trends over the past few years that the problem is not
8 really getting much better, it's kind of been staying the
9 same. But we do continue to see higher rates of underage
10 drinking than state averages in almost every single category
11 and to us, we feel like this is a problem. And we've also
12 investigated not only what consumption rates are looking like
13 among our youth, but what are the consequences that they're
14 experiencing. And this is where most of our coalition members
15 feel the most -- the data is most compelling to understand
16 what the problem is looking like.

17 And what we've seen in our youth surveys and
18 listening session and police reports is that sexual assaults
19 are happening in social settings where young people are
20 drinking alcohol most of the time at house parties, but sexual
21 assaults are one of the most concerning consequences being
22 reported.

23 We not only look at those kinds of data, but we also
24 look at, you know, what's going on in the environment, what's
25 going in within our retail stores and that kind of thing. So

1 we do look at what's going on in our stores and how accessible
2 alcohol is in our community and what are the overall
3 perceptions and norms related to that. So those are the
4 pieces of data that we're looking at right now to drive our
5 initiatives and that causes the most concern for us.

6 And I'm available after the presentation if you have
7 any questions on the data or we can have further conversations
8 around that. But to keep it brief, we'll pass this over to
9 our coalition director and our youth council leader, Rick and
10 Tyler.

11 MR. COLLINS: You folks have any questions for them
12 at all at this point? That was a lot of --

13 CHAIR TANAKA: Thank you.

14 MR. COLLINS: Good morning, everyone. My name is
15 Rick Collins and this is Tyler Fisher.

16 So you probably want to know what your money is
17 going for, is my guess, and I guess I'm supposed to give that
18 part, so here it -- here it goes.

19 So over the last two years we've used the funding --
20 I guess I would just take a step back and say the funding has
21 been enormously helpful in helping to drive a lot of the
22 activities of our -- of our coalition, because some of those
23 activities have just costed money that wouldn't otherwise,
24 really honestly, have been something that would -- we would
25 have been able to do. So I'll give you an example.

1 So we've sent over the last two years a number of
2 young people to Washington, D.C. In February at a training
3 called the National Youth Leadership Institute. It's run by
4 the Community Antidrug Coalitions of America, which is kind of
5 like -- what do you want to say -- the golden star for
6 coalition -- coalition development in training around the
7 country. Tyler has attended that and attended it last year.
8 He also went and -- up on Capitol Hill, where we pitched the
9 issue of alcohol and underage drinking issues in our community
10 and things and so they look to equip young people in advocacy
11 skills around how to address the issues in their local
12 community.

13 So we did that, we also our adult members to what's
14 called the National Coalition Academy. It's a three-week long
15 process that looks at how do you assess your community, what
16 can you do about it, how do you evaluate, you know, your
17 efforts and things like that. We got to send a number of our
18 adults to that.

19 We've also sent our -- sent our Maui Nui Youth
20 Council members, with Tyler as one of those members, that did
21 PSA development training through Akaku and they went
22 through -- what was it -- ten weeks, I think, like a ten-week
23 training on how to do that. And they're hoping to utilize
24 that in the future to do PSA and radio announcements around
25 the issues of underage drinking. So that's going to be, I

1 think, huge for our community.

2 And we've also -- we've also participated in
3 National Prevention Week here in Maui County and we've used
4 your funds to do a lot of different outreach programs, so our
5 signage, T-shirts, things like that that the young people will
6 wear when we go out and in our different brochures and things
7 like that. We've attended different meetings or activities
8 like the Teen Expo, we've also presented at -- or had a table
9 at Made in Maui Festival, things like that. So those are just
10 some things over the last couple years that your funding has
11 gone to and has been really, really vital to our success, so
12 thank you.

13 MR. FISHER: Hi. My name is Tyler Fisher. I joined
14 the Maui Nui -- I joined the Maui Nui Youth Council because I
15 just wanted to make a change. And what we do on the Maui Nui
16 Youth Council is that we recruit people or youth through the
17 age of 12 to 20 and we let them seek out and prevent underage
18 substance use. With our skill-building training and
19 education, youth are able to engage in community change
20 efforts through adult support partnerships. Now, we are
21 currently -- we are currently -- we currently work with the
22 Maui Coalition for a Drug-Free Youth and the Coalition For a
23 Tobacco-Free Hawaii and we're all the healthiest of Maui.

24 Now, the reason why I joined the Maui Nui Youth
25 Council is because -- well, my whole family was affected by

1 underage -- or underage drinking and underage drug abuse and a
2 big -- a big thing that affected me was about three years
3 ago -- my dad served in the army, but he left the army in '17
4 and before that he drank and did drugs and he got led on to
5 the more advanced drugs. And about three years ago he had
6 heart surgery, double bypass surgery, and instead of taking
7 his medication afterwards, he was too addicted to drinking and
8 drugs because of all his years with it, he kept doing that
9 instead of his medication, which, unfortunately, three years
10 ago in November he passed away, which affected me and my
11 family. And I didn't want anyone else to be affected in that
12 kind of way, having their parents or brothers or anyone in
13 their family or friends dying because of underage drinking,
14 drug abuse, or even drug abuse in general.

15 Now, what we do has helped me grow as a person and
16 as a public speaker. I -- when I first joined, I was still
17 trying to figure out where I wanted to go in my life. I
18 wanted -- I was thinking about becoming a lawyer, going up and
19 debating, but I was too scared or I didn't have enough
20 confidence in myself to speak in front of people. The Maui
21 Nui Youth Council helped me out through this. I went up and
22 testified in front of the county council, I went up through
23 trainings and meetings and I had to present in front of our
24 own and other random strangers. This helped me build my
25 confidence in public speaking so now I'm certain I want to

1 become a lawyer, all thanks to the Maui Nui Youth Council.

2 MR. COLLINS: A liquor lawyer probably; right?

3 MR. KUSHI: Watch out what you wish for.

4 MR. COLLINS: I know. Huh? So any questions to
5 you -- that you folks have for us collectively or to Tyler?

6 VICE CHAIR ALULI: I've got a question.

7 MR. COLLINS: Yes.

8 VICE CHAIR ALULI: It's a piece of information that
9 you have on your sheet here which is interesting. On the
10 third page you have "certain stores are targeted by youth,
11 listening sessions with youth," etc. So there are certain
12 stores in Maui County that are targeted by youth because it's
13 easy to get access to alcohol at certain stores?

14 MR. FISHER: Can I answer that?

15 VICE CHAIR ALULI: So would you be willing to let us
16 know who those stores are?

17 COMMISSIONER ANDRION: I'd be interested.

18 VICE CHAIR ALULI: Yeah. I'd be truly interested to
19 know.

20 COMMISSIONER TODD: We're all dying to know.

21 MR. COLLINS: We didn't put that -- we didn't want
22 to put that on there because we wanted to make sure that we
23 maybe potentially approached those stores first. We wanted to
24 kind of be a little strategic are around that instead of kind
25 of putting them on blast. But I would say, yeah, there are

1 definitely stores that young people -- well, let me ask this:
2 Which stores do you think might be? Think about where, where
3 stores are placed next to schools? Where's some stores that
4 might come up?

5 COMMISSIONER TODD: The ones that should be on that
6 list.

7 MR. COLLINS: Yeah. All right. So think, think
8 about Baldwin High School, where are some stores that sell
9 near Baldwin High School? I'm giving you guys some leads.

10 COMMISSIONER ALULI: Safeway is a big one.

11 MR. COLLINS: Bingo. Okay. So that's one. That's
12 one. Yeah.

13 COMMISSIONER TODD: So do you have anybody -- do you
14 have an outreach to the police or the liquor department or
15 something, do you have enforcement officers that interface
16 with you as part of this?

17 MR. COLLINS: Well, not -- not yet, but we've been
18 hoping to get there. And we just -- we were talking to Kaou
19 outside, in fact, and we're hoping to -- she was saying you
20 folks might need some decoys and things like that and some of
21 the things that we could potentially do together as partners
22 is look at, you know, doing those types of things in
23 particular detail.

24 COMMISSIONER TODD: And I can't believe that
25 enforcement doesn't want to be a part of what your

1 intelligence is.

2 MR. COLLINS: Yeah, yeah.

3 COMMISSIONER TODD: You know.

4 MR. COLLINS: Yeah, yeah.

5 COMMISSIONER DeJETLEY: I had a question. Wouldn't
6 it -- wouldn't it be more mom-and-pop stores that are smaller
7 that have less surveillance than the big stores? I mean, like
8 a store like Safeway, they all know that they have the card,
9 they need to check IDs, but small neighborhood stores where
10 there's a sudden rush of customers I think would be easier for
11 kids to get alcohol from. Do you find that?

12 MR. TYLER: Yeah, but Safe -- wait. What?

13 MR. COLLINS: Well, she's just asking if there are
14 mom-and-pop stores more likely to have theft or underage -- or
15 carding, you're talking specifically about carding.

16 COMMISSIONER DeJETLEY: Yeah. When you come in and
17 you -- they don't card you because they're rushed.

18 MR. TYLER: Well, sometimes, yeah. It usually
19 depends on like the store itself. Most of them -- a lot of
20 them do card, but there are a few out there that don't. And
21 Safeway -- Safeway, yeah, they do card, but it's really easy
22 to steal. I've seen it happen in person and I did -- I did
23 let them know, but it's just 'cause Safeway is such a big
24 store, they have so many alcohol and bottles coming in that
25 they have stacks on the side and they don't even have enough

1 scanners or alarms to put on the alcohol themselves. While
2 mom and -- while the little stores do have enough because they
3 don't get as much alcohol as the bigger stores. So it is --
4 it is kind of easier to steal from the bigger store than the
5 little one, but there's -- they're both about equal.

6 COMMISSIONER DeJETLEY: So you're saying that
7 they're more likely to steal stock that's out -- still outside
8 the store waiting to be brought into the store?

9 MR. FISHER: No, no. They're already in the store,
10 it's just they're overflowing, so they have to put them on to
11 the side or next to like other places because they can't put
12 them on their shelves because it's all full. And, yeah, it's
13 just easier because there's --

14 COMMISSIONER DeJETLEY: So people are shoplifting?

15 MR. FISHER: Yeah.

16 COMMISSIONER DeJETLEY: They're shoplifting then.

17 MR. COLLINS: Yeah. They call it clanking bottles.

18 COMMISSIONER DeJETLEY: Thank you.

19 MS. CHAPMAN: Raking bottles.

20 MR. COLLINS: Raking bottles. See, I don't know,
21 I'm old already. Raking bottles. I was almost there. I got
22 like a B minus.

23 COMMISSIONER TODD: We are limited to X amount of
24 dollars based on the way that this is structured; right,
25 Chairman?

1 CHAIR TANAKA: 10 percent, yeah.

2 COMMISSIONER TODD: 10 percent, right. So, I mean,
3 I would think -- this system is a strategic system, right, so
4 we have a 10 percent limit, but we make our own budget that's
5 approved by the council, right, based on what our needs are.
6 So what you need is a lot more, which means our budget needs
7 to be a lot more or we need to find creative ways of funding
8 certain things that you do out of other areas that we could in
9 the future deal with. You probably need to interface with
10 some legal party that understands this system and court them,
11 number one. Number two, the data, what you do that is really
12 valuable -- and these are soft things, right, they're
13 valuable, but they're hard to quantify. What's easy to
14 quantify is we put a scan out and we caught or working with
15 control were able to identify blank, which resulted in eight
16 convictions or what --

17 MR. COLLINS: That's right.

18 COMMISSIONER TODD: Okay? And that is something
19 that this town cannot get around supporting; right? That's
20 newsworthy as opposed to soft. What you're doing, however --
21 and you're living proof of this, you ought to go home and pat
22 yourself on the back and be really proud of yourself, because
23 you're too young to be this wise and you care and you're doing
24 something that's good for us and that matters in the long run.
25 And the older you get, the more you're going to see how much

1 it matters that one person does something. So, you know, you
2 have the adults, I get it, but the younger people, it's much
3 harder to understand that and you really should be proud of
4 what you're doing. And I hope to God you don't become a
5 lawyer.

6 MR. COLLINS: Me too honestly, dude. No just
7 kidding.

8 COMMISSIONER TODD: They're vile things.

9 MR. COLLINS: Real quickly to get at Alberta's kind
10 of question around that, though, because this might be
11 important for you to know and that we do, so we -- in order to
12 get to that data, one of the things we do is we take young
13 people through a training that's called environmental scans
14 training. So they go into stores and they look at things like
15 what's -- what increases theft, what in -- you know, what
16 promotional products may increase use among young people,
17 what's kind of marketed to young people, and, yeah, things
18 like that. So I just wanted you to know that we come at it
19 from a kind of environmental perspective to get some of that
20 information as well as asking young people.

21 COMMISSIONER TODD: But then what happens? Then
22 what happens from there? Okay. Now we know Safeway is a
23 problem because it doesn't have stickers on it.

24 MR. COLLINS: Yeah.

25 COMMISSIONER TODD: And the alarm doesn't go off and

1 people stick it under their jacket, so now -- if you don't
2 tell us who and what to look for --

3 MR. COLLINS: Yeah.

4 COMMISSIONER TODD: -- we don't know, we can't
5 enforce it, and we need to.

6 MR. COLLINS: Yeah. Yes.

7 COMMISSIONER TODD: Right? I mean, that's --
8 everything else up to that point is lovely, that's just an
9 exercise.

10 MR. COLLINS: That's right.

11 COMMISSIONER TODD: Let's talk about solving the
12 problem.

13 MR. COLLINS: Yes, yes. It's a good point.

14 CHAIR TANAKA: Okay. Any other questions?

15 DIRECTOR MUKAI: One point that Ashley has been
16 sharing some of the findings with the department and many of
17 the things will be -- I believe is a police matter, because
18 there's an issue of a shoulder cap for the Safeways and the
19 stealing and everything else is a police matter.

20 COMMISSIONER TODD: Thanks, Glenn.

21 DIRECTOR MUKAI: And they themselves have talked to
22 I know one major store on the placement of the liquor due to
23 they're putting it right by the entrance where people can just
24 grab the thing and run right out.

25 MR. COLLINS: Yeah.

1 COMMISSIONER TODD: I think you guys need a
2 marketing campaign more than anything else.

3 CHAIR TANAKA: Any other questions?

4 COMMISSIONER ANDRION: Mr. Chair, if I could have
5 the floor, please.

6 So, Tyler, you say you was afraid of talking in
7 public, I think you did pretty well considering that you have
8 a majority of well-versed people looking at you, so did real
9 wonderful.

10 I've got a question to you, though. I'm sorry.
11 What is your name again?

12 MR. COLLINS: Rick.

13 COMMISSIONER ANDRION: Rick?

14 MR. COLLINS: Rick, yes.

15 COMMISSIONER ANDRION: Rick, when you guys know that
16 there is some sort of -- to curb this shoplifting or duly curb
17 the use of alcohol from youths and you see some sort of
18 violation, an example that we used today is that they have it
19 near doorways, it's easy to, you know --

20 MR. COLLINS: Yes.

21 COMMISSIONER ANDRION: Have you ever approached
22 management and said, Hey, you guys need to take that thing off
23 the shelf, and what was the response to that?

24 MR. COLLINS: That's a great -- that's a great
25 question. And so we have a plan to eventually do that,

1 because we think that will be valuable. We also know that the
2 industry pushes stores to sell their products and sell it in
3 large quantities and so oftentimes in other communities that
4 do this, it's, Yeah, that's nice, we'd love to do, but, you
5 know, Anheuser-Busch really wants their product out on display
6 and they're paying us -- you know, they're paying money for us
7 to do that. And so that's what we come up with with a lot of
8 stores. We haven't personally done this yet. Some of the
9 other -- Kauai did it a number of years ago. We hope to do
10 that. I think we have a little bit more to do to equip our
11 young people around it, on how to approach the stores about
12 that, but that is a goal that we have.

13 And let me just open it up, is there anything else
14 to say about that?

15 MS. CHAPMAN: No.

16 MR. COLLINS: No? Yeah, yeah. And we want -- we
17 want our young people to do that and not us to go in and do
18 that, but we've got to train them on how to do that and how to
19 speak to people, so --

20 CHAIR TANAKA: Okay. If any other -- no other
21 questions, thank you very much for letting us know how you
22 spend our money.

23 MR. COLLINS: Yeah. Thanks.

24 CHAIR TANAKA: Very informative.

25 MR. COLLINS: Thank you. And we really -- we can't

1 thank you enough. The funding, even though it seems maybe
2 small, has been very vital to really help our program with
3 program activities and things like that related to our young
4 people, so thanks.

5 CHAIR TANAKA: Thank you very much.

6 COMMISSIONER TODD: Chairman, call for just a one-
7 or two-minute recess to speak to these people before they
8 leave?

9 CHAIR TANAKA: Got to go?

10 COMMISSIONER TODD: Just to talk to them briefly.

11 CHAIR TANAKA: Go. You can, you can if you want to
12 go. I'm going to continue.

13 COMMISSIONER TODD: Okay. It'll take two seconds.

14 (Commissioner Todd left the room.)

15 CHAIR TANAKA: Okay. Let's go on to Item A,
16 Administrative Affairs.

17 (Inaudible comments.)

18 MR. KUSHI: Yeah. Mr. Chair, the department brought
19 up this issue about Class 4 licenses, the Class 4 general
20 dispensers license.

21 DIRECTOR MUKAI: No, no.

22 COMMISSIONER DeJETLEY: Retail general.

23 DIRECTOR MUKAI: Retail stores.

24 MR. KUSHI: Convenience stores, retail. Back in
25 2010 this commission had a petition by the then director to

1 discuss the state law at that time was just passed that
2 provided that all licensees carry a liquor liability insurance
3 in the minimum amount of \$1 million, but the state law had a
4 phrase in there saying, Provided, however, that this
5 requirement shall not apply on mom and -- convenience --
6 mini-marts or convenience stores are exempt from that
7 requirement, from the \$1 million threshold. So the commission
8 discussed that, I think you have a copy of the transcript, and
9 from what I read of that transcript, I believe the commission
10 then said exempt everybody. Right?

11 DIRECTOR MUKAI: Yes.

12 MR. KUSHI: Exempt everybody. However, because they
13 couldn't define what is a mini-mart or mom-and-pop store. And
14 if you read the transcript, they had quite a long discussion
15 about that. In any event, after that meeting, for whatever
16 reason, it's just like, you know, eight years ago no order was
17 issued to the department from the commission saying, This is
18 what we decided. So now the department is saying, Hey, what
19 is -- what is the status of this?

20 The law in question is HRS -- can be found at HRS
21 281-31 Subsection S. And I'll just read it to you. It says,
22 basically, Everybody shall maintain at all times liquor
23 liability insurance in the coverage amount of not less than a
24 million dollars provided that convenience mini-marts owning a
25 Class 4 license shall not be required to maintain liquor

1 liability insurance coverage in that amount. Okay. So that's
2 what we're dealing with now. Subsequent to the 2010, for
3 whatever reason, the department required everybody to get
4 liquor liability insurance. I don't know -- because they
5 didn't want to -- they had no directive as to what is a
6 mini-mart or convenience store.

7 So the issue in my mind is that what can the
8 commission do now because there's no order on record, there's
9 nothing to reconsider because the commission at that time
10 didn't issue an order. Now, this is eight years ago. So I
11 guess the issue before the commission now is that do you
12 conform or confirm to what the department is currently doing
13 or do you want a discussion about what type of businesses are
14 convenience mini-marts? That's still a definition of the law.

15 Now, we did discuss this with the department and
16 we're not sure what the other jurisdictions are doing, how
17 they classify min-marts. Okay. And the legislature, in doing
18 some research, discussed mini-marts in terms of mom-and-pop
19 stores and whatever that means, you know, you can only guess.
20 I mean, you know, Samuel Walton and his wife, mom-and-pop, but
21 they own all the Wal-Marts; right? So, you know, convenience
22 store, is it more convenient for me to go home closer to my
23 home to Safeway versus Azeka's or Longs or Happy Valley? It's
24 convenience for me.

25 So, again, the -- that's the issue right now. What

1 the department is doing is not exempting anybody and so far,
2 so -- so far nobody's complaining. Now, again, liquor
3 liability insurance is separate from a general comprehensive
4 liability insurance that most businesses have, it's a separate
5 rider to your policy. The cost depends on, I guess, you know,
6 the size of the operation, the exposure to liquor liability
7 problems. So from the licensee's standpoint, it is an added
8 cost, but within the last eight years nobody's been
9 complaining. So that's the issue before you today. In my
10 mind, there's nothing that the commission can revoke or
11 reconsider 'cause there's no order, for whatever reason;
12 right?

13 I mean, correct me if I'm wrong, Kari or Glenn.

14 DIRECTOR MUKAI: Yes. There's no order for this
15 issue.

16 MR. KUSHI: If there's no order, then basically the
17 department has been interpreting all these years that there's
18 no exemptions. So in my mind, that's where it is right now,
19 the department is asking you -- I'm not sure if they are --
20 please determine what is a convenience store in this
21 definition.

22 COMMISSIONER DeJETLEY: So what it is -- what is it
23 that you want us to do, just make a motion to not exempt
24 everybody, everybody has to pay liquor insurance, liquor
25 liability insurance? We're already collecting it, so do you

1 want us --

2 MR. KUSHI: I mean, that's one to do it.

3 COMMISSIONER DeJETLEY: -- to officially declare
4 that?

5 MR. KUSHI: But I'd say if you don't do anything,
6 then the department -- the department's practice still will --
7 stands, there's no exemptions in Maui County.

8 COMMISSIONER DeJETLEY: What is best for you, Glenn?

9 DIRECTOR MUKAI: Well, we've got -- we must comply
10 with the state law which required that the only exception
11 is -- unless the commission defines what is a mini convenience
12 store.

13 COMMISSIONER DeJETLEY: I think we should just go
14 the way you have been going and not exempt anybody, everybody
15 will have to pay it. It would be too difficult to define it
16 unless you go by the amount of revenue.

17 DIRECTOR MUKAI: I believe the commission, when they
18 discussed it, they were -- they looked at revenue, they looked
19 at the size of the stores and all these different variables,
20 but could not come up with a definition.

21 MR. KUSHI: Mr. Chair, following up on Alberta's --
22 Alberta's issue, that may be workable in terms of confirming
23 what the department is doing --

24 (Commissioner Todd entered the room.)

25 MR. KUSHI: -- requiring everybody. If an

1 applicable who in his mind thinks, I'm a mom-and-pop store or
2 a convenience store, they can always appeal to the commission
3 and then you can decide on a case-by-case basis, Are you a
4 convenient store?

5 CHAIR TANAKA: Or we can define a convenience store.

6 COMMISSIONER DeJETLEY: It would be too difficult,
7 Mr. Chair, it's just too difficult to define what is a
8 convenience store --

9 CHAIR TANAKA: I would say --

10 COMMISSIONER DeJETLEY: -- unless you look at the
11 amount of revenue that a business is generating.

12 CHAIR TANAKA: Yeah, but then, you know, it varies
13 from year to year, so -- I would say let it status quo and
14 make it a policy decision.

15 Is that going against the state law?

16 MR. KUSHI: No, no. It's -- I mean, I think it's up
17 to the applicant to appeal to the commission --

18 CHAIR TANAKA: That they are.

19 MR. KUSHI: -- to show that they are a convenience
20 store in the intent of the statute, which is basically mom-
21 and-pops.

22 CHAIR TANAKA: Yeah. It's the same thing like the
23 problem we had with dancing, define dancing.

24 COMMISSIONER DeJETLEY: I personally think it would
25 be cleaner for us just to apply the liability -- liquor

1 liability insurance to all comers and if they have a problem
2 with it, they can ask for a deferment.

3 MR. KUSHI: Or the commission --

4 COMMISSIONER DeJETLEY: An exception.

5 CHAIR TANAKA: Yeah. So we don't have to move
6 anything?

7 MR. KUSHI: There's no action needed if that's --

8 CHAIR TANAKA: No action needed. Okay. So if
9 everybody agrees -- anybody disagree?

10 (No response.)

11 CHAIR TANAKA: Okay. Let's leave it, leave it as
12 that status quo.

13 MR. KUSHI: That issue will come up later when I
14 talk about the new rules and --

15 CHAIR TANAKA: Let's go to Item B, approval of
16 forms. Kari.

17 OFFICER YOSHIZAWA: Chairman, Members, the
18 department has presented to you several of our license forms.
19 There's amendments that the department is proposing for your
20 review and approval. The first form --

21 CHAIR TANAKA: Just a minute, Kari.

22 MR. KUSHI: You know, Mr. Chair, I think it would be
23 better to go over the rules --

24 CHAIR TANAKA: First?

25 MR. KUSHI: -- the new rules because it may -- may

1 affect the forms.

2 CHAIR TANAKA: May affect the forms. Okay. Why
3 don't we do that? Okay. Let's go on to the rules.

4 MR. KUSHI: Okay. This may take some time, but it's
5 worth it. All the members have copies in your packet of the
6 "Proposed Rule Amendments (2018)." It's not part of the
7 agenda, it's a separate issue. Correct. And this has come
8 before you by the department, it's basically to conform to the
9 new state laws that were passed this last session.

10 And going section by section -- not too many, but
11 Subsection 22, "Licenses and Classes" -- if you are following
12 me, the underlined portions are new, the bracketed portions
13 are deleted. So for first new one, Subsection C, Class 2
14 Restaurant License, Subsection 7, okay, this covers restaurant
15 licensees and this is what you just had before you about five
16 cases today. Before this rule was passed if you want General
17 Dispenser, you want to change over to a Restaurant, you had to
18 be in business for a year; right? Now this permits a transfer
19 or a -- a transfer from a General Dispenser to a Restaurant
20 provided you file an affidavit saying that you're going to
21 have at least 30 percent or more food revenues, so it makes it
22 easier for the transfer. Okay.

23 VICE CHAIR ALULI: So it eliminates the one year
24 that --

25 MR. KUSHI: Now you don't have to.

1 VICE CHAIR ALULI: Right. Okay.

2 MR. KUSHI: You just approved four of them today.

3 VICE CHAIR ALULI: Right.

4 MR. KUSHI: Okay. The next page, Class 4 Retail
5 Licenses, subparagraph E1, that's regarding selling of liquor
6 in containers. And I think -- I don't really know the reason
7 why, but --

8 The next one is Class 10, Special Licenses, this is
9 the one-day events, okay, and it's approved by the director,
10 it doesn't come to the commission, okay, unless there is
11 brought some issues. The underlined portions that provided a
12 social club, which is defined as 501C-7 of the IRS Code, and
13 they sell wine, etc., a big deal, I mean. At the bottom of
14 the page under Subsection 2, the second-to-the-last line
15 there's a bracket, it's notwithstanding provisions, okay, so
16 that -- wherever is bracketed is eliminated. It goes all the
17 way to the next page, okay, and it all goes to the next page
18 too under subparagraph I as Isaac. So these are all the
19 requirements that this commission did previously. Okay?

20 VICE CHAIR ALULI: So that's eliminated; right?

21 MR. KUSHI: Right. So now the state law has
22 eliminated all that.

23 VICE CHAIR ALULI: Okay.

24 MR. KUSHI: So you're only dealing with, again, from
25 Subparagraph I is deleted, go on to 3, three classes of

1 categories, General, Beer/Wine, Beer, nothing has changed. 4,
2 nothing has changed. State law added another paragraph
3 starting with Notwithstanding so and so and so. If you read
4 it, it eliminates further requirements for the issuance of a
5 Class 10 license. The commission can waive any hearing fees,
6 notarization, submission of floor plans, other requirements
7 for fund-raising events, okay, to sell anything, basically
8 anything at a live auction. No background checks shall be
9 required. Okay.

10 VICE CHAIR ALULI: So that's not even of the
11 executive director --

12 UNIDENTIFIED SPEAKER: Right.

13 VICE CHAIR ALULI: -- or anybody then; right?

14 MR. KUSHI: No, nothing.

15 VICE CHAIR ALULI: Okay.

16 MR. KUSHI: The last -- the last sentence is a --
17 confusing, it states, The commission may require proof of
18 liquor liability insurance, just how we talked, for fund-
19 raising events and shall require a current list of officers
20 and directors if the applicant is a nonprofit organization.
21 So to be consistent with what you just talked about, it's up
22 to you folks to require liquor liability insurance. If you
23 want to apply it across the board, it should say no -- no
24 proof of liquor liability insurance shall be required, that's
25 for you to decide, but it should also say, If you're nonprofit

1 organization, the department shall require a list of officers,
2 officers and directors. It's a funny sentence, it says "may"
3 and "shall" in the same sentence, okay, but it does definitely
4 give you discretion to require liquor liability insurance for
5 one-day fund-raising events.

6 VICE CHAIR ALULI: Or not.

7 MR. KUSHI: Or not.

8 VICE CHAIR ALULI: Yeah.

9 MR. KUSHI: So I'm saying if you leave it like this,
10 you're going to have the age-old problems of, you know --

11 VICE CHAIR ALULI: Yes.

12 MR. KUSHI: -- nonprofits coming to you and saying,
13 Hey, I don't want -- you know.

14 VICE CHAIR ALULI: So is it -- I'm sorry. I'm just
15 going to ask the question, then, Counsel, is -- would it be in
16 the best interests of the -- of the commission to make a
17 decision on whether we require it or not, to eliminate the
18 possibility of those gray areas coming up again?

19 MR. KUSHI: Yes. But -- but, again, you know, what
20 you just did before to auction the items, you're requiring
21 liability -- liability insurance for everybody.

22 VICE CHAIR ALULI: Yes, right.

23 MR. KUSHI: But if you want to exempt the nonprofits
24 or one-day events, fine and well.

25 VICE CHAIR ALULI: But that --

1 CHAIR TANAKA: I would suggest that.

2 COMMISSIONER TODD: Chair, is there a possibility of
3 having the department decide what to refer to us in the --

4 CHAIR TANAKA: Well, we can just change -- we can
5 just change this, commission may require -- the commission,
6 then just take that out and put, no proof of --

7 COMMISSIONER TODD: Correct.

8 CHAIR TANAKA: -- liquor liability insurance.

9 VICE CHAIR ALULI: Required.

10 CHAIR TANAKA: Yeah.

11 COMMISSIONER TODD: So in the case of the NRA
12 situation that happened today, how would this re-affect all of
13 that?

14 MR. KUSHI: Okay. What happened today was -- it
15 wasn't a one-day special event by the NRA, it was the licensee
16 asking for a specialty permit. The licensee can -- whatever
17 it is --

18 CHAIR TANAKA: They're asking for --

19 MR. KUSHI: -- they have own liquor liability
20 insurance.

21 COMMISSIONER TODD: Right.

22 CHAIR TANAKA: It's a different situation.

23 COMMISSIONER TODD: So if the NRA had come before
24 us --

25 MR. KUSHI: Correct.

1 COMMISSIONER TODD: -- in the future -- I'm just
2 looking at what our impact would be. And the NRA said, Hi,
3 we're a nonprofit and we don't have to do anything and bother
4 coming in front you because you said we don't have to do
5 anything.

6 MR. KUSHI: Right.

7 COMMISSIONER TODD: At least we would have, if we
8 may, the ability for Glenn's office and enforcement to make a,
9 Mmm, the commission may want to take a look at this, let's
10 bring them in, let's refer it to the chairman. I hate blanket
11 noes because that takes the brains out of it. I know that
12 makes it hairier, but I would rather err on the side of
13 enforcement being able to enforce.

14 CHAIR TANAKA: Yeah. Jonathan, if I'm not mistaken,
15 Glenn, in the one-day fund-raising events, we allow everything
16 except for non-prohibited items, yeah? They can auction
17 anything they like except for non-prohibited items. Isn't
18 that in the checklist?

19 MS. YOSHIKAWA: Yes, it's in the checklist, but it's
20 being moved to the application itself, a certification that no
21 prohibited items will be included in the auction. But if the
22 nonprofit does ask to request the difference of the NRA, then
23 there's a section then and which is why we -- we ask that they
24 submit the application six weeks in advance, it would provide
25 them an opportunity to come before the commission for your

1 folks' decision.

2 CHAIR TANAKA: That will stop the NRA. They come in
3 for a one-day fund-raising license.

4 VICE CHAIR ALULI: License, right.

5 CHAIR TANAKA: You've got to watch because one is --

6 COMMISSIONER TODD: Yeah.

7 CHAIR TANAKA: -- permit, one is license. Then
8 there's no prohibited items that can be auctioned. They can
9 auction anything else and they don't have to let us know what
10 the hell the auction is, but no -- they've got to sign an
11 affidavit, no prohibited items. So I would think that would
12 take care of that. Now, if they come in to a license
13 premises, then -- then they're -- the license.

14 COMMISSIONER TODD: The licensees.

15 CHAIR TANAKA: -- holders have that --

16 COMMISSIONER TODD: Yeah.

17 CHAIR TANAKA: -- and they're responsible for that,
18 so that should take care of that.

19 COMMISSIONER TODD: Glenn, how does your department
20 feel about this? What do you think? What do you want?

21 DIRECTOR MUKAI: Well, limited liability, you know,
22 according to the law, the commission must make the decision
23 which way you want to go.

24 COMMISSIONER TODD: But how do you feel? I feel
25 like I'm talking to my wife.

1 CHAIR TANAKA: Then you're not going to get a
2 straight answer.

3 (Laughter.)

4 CHAIR TANAKA: Yeah. So I would suggest that we put
5 no proof of liquor liability for fund-raising events, yeah,
6 that would take care of what -- you know, this one-day thing.

7 COMMISSIONER TODD: Alberta, you have to have an
8 opinion here.

9 COMMISSIONER DeJETLEY: No. Mr. Chair, please, I
10 don't know if it's just me, but I am just melting in this
11 room. Can we turn the air-conditioner back on? I just feel
12 as if I'm ready to collapse.

13 CHAIR TANAKA: Take a drink of water.

14 VICE CHAIR ALULI: There you go.

15 CHAIR TANAKA: Okay. Okay. Any other comments on
16 that item?

17 MR. KUSHI: So, Mr. Chair, if that's the case, I
18 would strike the last sentence which reads, "The commission
19 may require" and "shall require," and add two more sentences,
20 would read, "No proof of liquor liability insurance shall be
21 required. A current list of officers and directors of
22 nonprofit applicants shall be required."

23 COMMISSIONER TODD: So how do we know if the
24 officer -- I mean, is there an investigation? How do we know
25 that those officers aren't repeat criminals? I mean, what's

1 the benefit of knowing those people if we're not going to have
2 the department investigate and if they don't have to stand
3 before us?

4 MR. KUSHI: Well, once the department gets the list
5 of the officers, they will do a check with the department of
6 state to see if they're registered and if they're current.

7 MS. YOSHIZAWA: Current operation, correct.

8 MR. KUSHI: But they won't do a --

9 CHAIR TANAKA: They're not going to vet them.

10 MS. YOSHIZAWA: We don't -- yeah. The department's
11 not authorized --

12 CHAIR TANAKA: That's the problem we've been getting
13 with all these nonprofits grumbling that, Hey, we're vetting
14 everybody. Some nonprofits got directors --

15 COMMISSIONER TODD: Five hundred people.

16 CHAIR TANAKA: Yeah. So they're going all of them,
17 they were grumbling, that's why we eliminated all of these.

18 COMMISSIONER DeJETLEY: Then proof of insurance
19 would be beneficial.

20 COMMISSIONER TODD: Not really.

21 CHAIR TANAKA: Okay. So you got what the corp
22 counsel said.

23 MR. KUSHI: Okay. Procedurally what we're doing
24 here is the commission is reviewing the proposed rules. Once
25 you agree to proceed forward, I will then revise and draft in

1 a published form, publish in the newspaper, and then we have a
2 public hearing. Okay? That won't happen until at least 30
3 days from now, so -- when's the next meeting?

4 COMMISSIONER DeJETLEY: November 1st.

5 MS. YOSHIZAWA: November 12th.

6 MR. KUSHI: November?

7 MS. YOSHIZAWA: November 12th.

8 MR. KUSHI: That would be convenient.

9 COMMISSIONER TODD: Are you suggesting, Ed, that we
10 take away the proof of liability, liquor liability insurance?

11 MR. KUSHI: Well, I'm not suggesting anything. It's
12 up for you, you guys to call.

13 COMMISSIONER TODD: Yeah, but you're our counsel.

14 MR. KUSHI: What I'm saying is it's not consistent
15 with what the department does for all -- everybody else.

16 CHAIR TANAKA: Yeah. We just agreed to go status
17 quo --

18 MR. KUSHI: Right.

19 CHAIR TANAKA: -- so now it's nobody.

20 MR. KUSHI: But I guess if you do that, you take
21 away the proof, you know, they don't need liquor liability --
22 or if you require liquor liability, they're going to come back
23 and say, Hey, you know -- you're going to get flack either
24 way. It's going to cost me so much money and it's only a one-
25 day event, what's the risk? Right?

1 COMMISSIONER DeJETLEY: Mr. Chair, I thought that we
2 were moving toward making it easier for nonprofits, so if we
3 go back into requiring the list of directors and officers be
4 submitted, then we're adding it back on again.

5 MR. KUSHI: This is the state's --

6 COMMISSIONER DeJETLEY: For a one-day event, yeah.

7 MR. KUSHI: This is the state's idea, not your idea.
8 The state says you shall require a list of officers.

9 VICE CHAIR ALULI: It's a list only, not a vetting,
10 which is the --

11 COMMISSIONER DeJETLEY: Just a list.

12 VICE CHAIR ALULI: Yeah. A list is not a problem,
13 it's vetting that's the problem.

14 COMMISSIONER TODD: So then we get all this bad
15 stuff happened and we had the list and we should've known, but
16 we didn't vet. I mean --

17 VICE CHAIR ALULI: I don't think vetting's the
18 issue.

19 COMMISSIONER TODD: 'Cause there's no vetting.

20 COMMISSIONER DeJETLEY: The vetting is not the
21 issue, so it -- we shall require a list, but it doesn't mean
22 that we're going to --

23 COMMISSIONER TODD: We're not going to do anything
24 with it.

25 CHAIR TANAKA: We're not going to vet. We're not

1 going to vet, that's the problem here.

2 COMMISSIONER TODD: And Ed's right, as soon as we
3 say, You have to have proof of insurance, we're going to have
4 a line out the door, Why you making it hard on us again? But
5 the fact of the matter is the proof of insurance is vetting,
6 it's another party telling us that they find that group and
7 the particular event worthy. And any group that has insurance
8 should be able to get the rider for \$35 or nothing, depending
9 on their policy. And that would make me a lot happier to
10 mandate the insurance. No, you don't have to come before us
11 and no, you don't have to -- to wait in line; no, you don't
12 have to stay through four hours of youth testimony; but give
13 us your list so that we know who the people are and get us the
14 insurance and that's on you and it's state law and that's --
15 you know, our desire is only to protect the citizens by having
16 some sort of insurance policy in place, which means you're
17 legit.

18 COMMISSIONER DeJETLEY: Yeah. I have no problem
19 with the liability insurance, I think that that is a good
20 thing and it takes -- it takes the burden off the -- of the
21 liquor control.

22 COMMISSIONER TODD: But we -- we as a team here, as
23 a board need to be willing to listen to the public testimony
24 against that over time.

25 COMMISSIONER DeJETLEY: The liquor liability

1 protects -- insurance protects all of us.

2 COMMISSIONER TODD: Right. I agree. I'm willing to
3 do that. I'm sure that enforcement would be happier with that
4 than without. Yeah?

5 MR. KUSHI: Again, you know --

6 COMMISSIONER TODD: It's like talking to my wife.

7 MR. KUSHI: Once we publish this, we're going to
8 come back to the commission --

9 COMMISSIONER: Yes, a hearing.

10 MR. KUSHI: -- for a public hearing and you can
11 always -- you know, you can always change it after that
12 hearing based on testimony or you feel differently or
13 whatever, whichever the wind's blowing that day, you know.

14 COMMISSIONER DeJETLEY: So what's the cost of this?
15 Do you know what the actual cost of liability insurance for a
16 one-day event is?

17 COMMISSIONER TODD: It's zero or --

18 COMMISSIONER DeJETLEY: A hundred dollars?

19 COMMISSIONER TODD: It's zero to under a hundred
20 dollars in most cases depending on -- it's a rider based on
21 your existing insurance, so --

22 COMMISSIONER BICOY: Right, that's the thing. If
23 they don't have --

24 COMMISSIONER TODD: If they don't have any insurance
25 at all, then they have to put a whole insurance policy in

1 place in order to get it.

2 CHAIR TANAKA: And you may get that situation.

3 VICE CHAIR ALULI: Yeah. We have in the past.

4 CHAIR TANAKA: On just a one-day event only. Yeah.

5 COMMISSIONERS: Yeah.

6 COMMISSIONER TODD: Well, I mean, I just priced that
7 had out for a -- for a group that was liquor and it's almost a
8 thousand dollars to get a single day if you have no insurance,
9 provided you're an okay person and the person --

10 CHAIR TANAKA: See, that -- that defeats the
11 purposes of some, you know, small fund-raising groups.

12 MR. KUSHI: This also applies to political
13 candidates too and parties, you may have an issue with them
14 too.

15 CHAIR TANAKA: Yeah.

16 COMMISSIONER TODD: Well, can -- then we go back to
17 the shall -- or may instead of shall, we may require on a
18 case-by-case basis.

19 COMMISSIONER DeJETLEY: At the discretion of the --

20 COMMISSIONER TODD: Liquor department.

21 COMMISSIONER DeJETLEY: -- of the liquor department.

22 COMMISSIONER TODD: Who can refer to the --

23 COMMISSIONER DeJETLEY: Well, let's -- let's look at
24 it this way: If you have a -- a gang of rednecks, just
25 rednecks, for instance --

1 COMMISSIONER TODD: Easy.

2 COMMISSIONER DeJETLEY: -- having a one-day event
3 with motorcycles and a lot of music --

4 COMMISSIONER TODD: Oh, come on.

5 COMMISSIONER DeJETLEY: -- and all of that, you want
6 to make darn sure that they have a liquor liability insurance
7 policy in place. But if you're having a political fund-
8 raiser, that would be a different group of people.

9 COMMISSIONER TODD: I want the record to show that
10 rednecks and motorcycles are not necessarily --

11 COMMISSIONER DeJETLEY: But you know what I mean,
12 they -- we need to have -- if you're going to do it that way,
13 we need to have the director have the discretion --

14 COMMISSIONER TODD: The director needs to have
15 discretion to go, Wait, red flag here. If we legislate
16 ourselves by rule out of a choice, they can't do their job.

17 MR. KUSHI: Mr. Chair, why don't I suggest this
18 regarding liquor liability insurance for nonprofits, for Class
19 10, why don't we say, The department shall require proof of
20 liquor liability insurance for these events, provided,
21 however, the commission may waive this requirement.

22 VICE CHAIR ALULI: That's a great idea. I love it.

23 MR. KUSHI: Again, you know, we'll get into the
24 checklist later, but --

25 COMMISSIONER TODD: Yeah.

1 MR. KUSHI: We only meet once a month.

2 COMMISSIONER TODD: Yes.

3 MR. KUSHI: Kari's requirements for application is
4 six weeks -- four weeks?

5 MS. YOSHIZAWA: So if there's any questions, it can
6 be forwarded to the commission.

7 MR. KUSHI: Right. But it may be too late for their
8 event.

9 MS. YOSHIZAWA: Yeah. Because we've been trying to
10 be flexible with these nonprofits and taken applications, you
11 know, that's maybe four weeks out or three weeks out because
12 we understand their situations, so there may be applications
13 that probably won't be able to come before you folks in time.

14 MR. KUSHI: Maybe we can get to that when -- in your
15 checklist, make it further ahead if they want to waive the
16 insurance. Okay?

17 CHAIR TANAKA: Okay. Ready to go?

18 VICE CHAIR ALULI: Yeah.

19 CHAIR TANAKA: Okay. Let's go to the next one.

20 MR. KUSHI: Okay. This one is Class 14, Brew Pubs,
21 on the next page they're allowing minors to be present if
22 they're accompanied by an adult. Going down, there are minors
23 who are accompanied by an adult, they can be present again.

24 Then Section 24, Temporary License, for whatever
25 reason, if you go on to the next page, the bottom of the next

1 page, subparagraph D, the state put in the same language for
2 the one-day special events under the Temporary License
3 section. But, again, if you read the language, it's a new --
4 new subsection D, it applies only to nonprofits. And the
5 definition of nonprofit, it only applies to one specific
6 group, 501(c)3s, anybody else, 501(c)14, which is the veterans
7 group, they couldn't apply for this for whatever reason. It
8 doesn't apply to political candidates also.

9 COMMISSIONER TODD: No political -- yeah.

10 MR. KUSHI: But it -- but it comes under a new
11 section of the temporary license. Again, it's a lot of
12 waivers, so there's really nothing to check.

13 Again, on the next page, no -- where it says on top,
14 No criminal history record checks under Section 1 shall be
15 required, again provided the commission may require a
16 background check on the executive director of a new profit.
17 So, again, it's up to you guys whether you want to do it,
18 require a background check on one person or not require. If
19 you decide now and put it in your rules that no need
20 background check, fine and well. If you want a background
21 check, I would say the department shall require. But I leave
22 it up to you guys.

23 CHAIR TANAKA: I would say no need.

24 COMMISSIONER TODD: Robert, you think no need?

25 CHAIR TANAKA: No need. Nonprofit, none.

1 COMMISSIONER TODD: Glenn, do you agree or
2 disagreed?

3 DIRECTOR MUKAI: Commission decision.

4 VICE CHAIR ALULI: I say take it out too, yeah.
5 Let's take it out.

6 MR. KUSHI: Okay. So then it would read, "No
7 criminal history record checks under Section 1 shall be
8 required," period, strike out the last provided.

9 VICE CHAIR ALULI: Sure. Absolutely.

10 MR. KUSHI: Okay. Moving on. Application Process,
11 Subsection 30, we struck -- we struck out department of health
12 clearance.

13 VICE CHAIR ALULI: Good.

14 MR. KUSHI: Going down, they struck out any
15 reference to federal tax clearance.

16 VICE CHAIR ALULI: Oh, good. Actually struck out
17 everything --

18 MR. KUSHI: Yeah.

19 VICE CHAIR ALULI: -- up to 19. Wow.

20 MR. KUSHI: On the next page at the bottom they
21 struck out department of health clearance again.

22 The next page, Subsection H, Change of Location, it
23 says, "Provided the commission or the director may approve a
24 change of location without a hearing." Again, that's only for
25 Class 9 Tour Vessels, right.

1 COMMISSIONER TODD: Tour ships, right.

2 MR. KUSHI: Okay. Going on to Section 31, No
3 License Issued, the first one, Subsection 2, this is the -- I
4 think they clarified it that while may have done it before,
5 previously, but if you're a big -- you know, a big
6 corporation, publicly traded, you can designate one, one
7 person to be in charge.

8 VICE CHAIR ALULI: Good.

9 MR. KUSHI: You don't have to vet and criminal
10 history check everybody else.

11 VICE CHAIR ALULI: Good.

12 MR. KUSHI: Then the next page on The No License
13 Issued, again, they struck out any reference to federal
14 government tax returns. Correct.

15 And on the last one, Section 33, Renewal of License,
16 again, they struck out -- deleted reference to federal tax
17 returns.

18 VICE CHAIR ALULI: That's good. Yeah.

19 MR. KUSHI: And that's it.

20 VICE CHAIR ALULI: That's great.

21 COMMISSIONER TODD: Good.

22 CHAIR TANAKA: So basically all these changes are
23 because of the state, the state was the one --

24 VICE CHAIR ALULI: Good.

25 MR. KUSHI: So if the commission says go ahead, we

1 will then format these rules as we addressed --

2 VICE CHAIR ALULI: Give it to us, yeah.

3 MR. KUSHI: -- then do a publication and it's going
4 to be heard at the earliest -- hopefully we can make the
5 publication date for your next meeting in November. Right?

6 MS. YOSHIZAWA: Possibly December.

7 MR. KUSHI: December.

8 MS. YOSHIZAWA: Just to urge a caution that our last
9 proofs that we asked for from Maui News, you know, they take
10 two weeks even to get a proof back, so --

11 MR. KUSHI: Yeah, yeah, yeah.

12 MS. YOSHIZAWA: -- for the timeline, it would need
13 more time.

14 CHAIR TANAKA: Okay.

15 MR. KUSHI: Okay. So what --

16 CHAIR TANAKA: Okay.

17 COMMISSIONER TODD: Thanks, Ed.

18 CHAIR TANAKA: Okay. Let's go on to Item B, then,
19 Approval of the Forms.

20 MS. YOSHIZAWA: There -- as Ed has gone over, many
21 of the proposed changes in these licensing forms is because of
22 the state law changes or changes to like the department of
23 health requirements.

24 The first form is DLC-001, to clarify, this is the
25 License Application Checklist and this is for your new and

1 permanent liquor licensees. On page 3, the department is
2 removing at the top the federal tax clearance requirement.
3 And on the bottom, if a restaurant application, again, this
4 was in regards to state law, we're removing the language, "The
5 premises must have been continuously operated for one year
6 prior to any application and the applicant must provide a
7 financial report of gross earnings of that year with 30
8 percent of the establishment's gross revenue must be derived
9 from the sale of foods." Instead the language will read,
10 "Certification by applicant that the applicant intends to and
11 shall derive no less than 30 percent of the establishment's
12 gross revenue from the sale of foods."

13 On page 5 of 5, the department is removing the
14 health clearance for liquor dispensers. I provided in your
15 areas this morning an email that I had received from the
16 department of health. They had repealed their sanitation law;
17 therefore, they had informed the department that they would no
18 longer be issuing a health clearance for liquor dispensers.

19 Are there any questions or comments from the
20 commission?

21 (No response.)

22 CHAIR TANAKA: Go on to the next one.

23 MS. YOSHIZAWA: Okay. The next form is DLC-016,
24 this is the "Application For Special Liquor License." These
25 are your one-day events, your nonprofits. The department --

1 on page 4 of 4, the change is that they are including a
2 statement that used to be on the checklist and they submitted
3 a separate letter, now it's on the application that the
4 applicant -- it says, "I certify that if having a silent
5 and/or live auction, no prohibited items shall be included in
6 the auction." The department is removing the notarization of
7 this document as state law allows for the -- for this to be
8 removed. That's the only changes to the Application For
9 Special Liquor License.

10 Is there any review or comments from the commission?

11 (No response.)

12 CHAIR TANAKA: Okay. Next one.

13 DIRECTOR MUKAI: On DLC-028, the "Gross Sales Report
14 For Small Craft Producer." We had our first-time small craft
15 producers, as you know, last year, so now they have to
16 disclose sales, so on line 2 we are removing the word
17 "wholesale" and using the word "inventory," since a small
18 craft produce is more in line on what would be recorded. Line
19 3, the line with the dollar sign is removed because it's a
20 repetition of the bottom line. And line 4 -- I mean, Item 4,
21 at the bottom we are adding the word "total" and removing the
22 word "wholesale" and substitute the word "inventory." I
23 believe the small craft producers -- we did keep their
24 comments and input on this so we're making the changes.

25 Any questions?

1 (No response.)

2 CHAIR TANAKA: Next one.

3 MS. YOSHIZAWA: Form No. DLC-030, this is the
4 "Special License Application Checklist," again, the nonprofit,
5 one-day events. On page 1 the department is removing the
6 requirement of the corporate minutes --

7 VICE CHAIR ALULI: Yes.

8 MS. YOSHIZAWA: -- section. On page 2 at the top,
9 the bylaws of organization is being removed. In the middle,
10 the department is also "letter that includes details on the
11 proposed function" as well as the silent or live auction
12 affidavit as it's now being moved to the application.

13 A floor plan is also being removed as requirement;
14 however, other counties are requiring a description of
15 proposed licensed premises. So they can either describe it to
16 us in writing or we give them the option that they could
17 submit a floor plan drawing or document describing the
18 proposed licensed premises. The applicants that I have sat
19 with already, MAPA, Shane Victorino Foundation, they all have
20 opted to submit a floor plan because it's just easier and
21 that's what they've been doing every year.

22 The department is also removing the state and
23 federal tax clearance, the certificate of compliance, sound
24 clearance, and all license fees for this one-day event.

25 On page 3 the department is removing all the

1 clearances, the building permit, the exemption letter, the
2 fire clearance, the water clearance, and health clearance.
3 They no longer have to be submitted to the part as part of
4 their application. It is being added if minors under 18 years
5 of age will be employed or perform at the event, that they
6 submit under DLC-025. This is a form that the commission had
7 previously approved several months ago to simplify the process
8 to have minors work or perform at the event.

9 That's all the changes that the department is
10 proposing. The department did not include the liquor
11 liability insurance and defer to the commission for that.
12 And, again, Ed had brought up about the six calendar weeks,
13 the department did not recommend any changes to that timeline,
14 but we're open to comments from the commission.

15 MR. KUSHI: And again, Mr. Chair, assuming that the
16 rule as proposed passes, then we'd have to come revise this.

17 MS. YOSHIZAWA: Correct.

18 MR. KUSHI: If the rule passes as proposed, we would
19 have the one item for liquor liability insurance required.

20 MS. YOSHIZAWA: Yes. We would have to revise the
21 form.

22 CHAIR TANAKA: Okay. So any -- any questions by the
23 commissioners?

24 (No response.)

25 CHAIR TANAKA: If not, may I have a motion to

1 approve these forms.

2 VICE CHAIR ALULI: So moved.

3 COMMISSIONER ANDRION: Second.

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

6 (Response.)

7 CHAIR TANAKA: Opposed, "no."

8 (No response.)

9 CHAIR TANAKA: Motion carried.

10 Okay. Let's go on the last item, Liquor Control
11 Adjudication Board.

12 DIRECTOR MUKAI: Liquor Control Adjudication
13 Board's summary of the board's decision September 6, 2018
14 and October 4, 2018 is before you. There's one item that
15 you may know that the board revoked a license.

16 CHAIR TANAKA: Okay. Any questions or comments?

17 VICE CHAIR ALULI: Just real quick question, Chair.
18 The adjudication board notifications are primarily for our
19 information; correct?

20 CHAIR TANAKA: Yeah, correct.

21 VICE CHAIR ALULI: Okay.

22 CHAIR TANAKA: That's it. If there's no questions,
23 may I have a motion for adjournment.

24 COMMISSIONER TODD: So moved.

25 COMMISSIONER ANDRION: Yeah. Everybody wants to go

1 home. Second.

2 CHAIR TANAKA: Okay. Meeting adjourned.

3 (The proceedings were adjourned at 11:58 a.m.)

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