

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

DATE & TIME: MARCH 13, 2019 AT 9:00 A.M.

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

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OFFICE OF THE
COUNTY CLERK

I. CALL TO ORDER

II. AGENDA:

- A. Approval of Agenda for March 13, 2019

III. MINUTES:

- A. Approval of Liquor Commission minutes of February 13, 2019

IV. PUBLIC TESTIMONY

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

- A. Jas Restaurants II LLC dba Son'z Steakhouse, Maui for a Dispenser General, Category C(ii) at 200 Nohea Kai Drive, Kaanapali, Maui, Hawaii, requested an extension to exercise the liquor license to May 9, 2020.
- B. Duke's Maui, LLC dba Duke's Beach House notifying the Commission of a change of members within the limited liability company.

VI. LICENSING:

Public Hearings:

- A. **APPL. NO. 04**, Waikiki Brewing Company Lahaina, LP dba Waikiki Brewing Company Lahaina applying for a Brewpub License, Category B(ii) – (premises in which live entertainment or recorded music is provided) at 900 Front

Street, Suites B-1, B-2, B-3 and B-5A, Lahaina, Maui, Hawaii.

- B. **APPL. NO. 16**, Trilogy Corporation dba Trilogy IV for a Tour or Cruise Vessel License, Category 2, moored within the Manele Boat Harbor, Berth 24, Manele Harbor, Lahaina, Maui, Hawaii.

Preliminary Hearings:

- A. **APPL. NO. 12**, Bap Paia Inc. dba Bap Paia for a Dispenser General License, Category C(ii) - (premises in which live entertainment or recorded music is provided) at 71 Baldwin Avenue, Units A-1 and A-2, Makawao, Maui, Hawaii.
- B. **APPL. NO. 14**, Lahaina Beverage Management, Inc. dba Safeway for a Retail General License at 1090 Hookele Street, Kahului, Maui, Hawaii.
- C. **APPL. NO. 15**, Lahaina Beverage Management, Inc. dba Safeway for a Retail General License at 1150 Hookele Street, Kahului, Maui, Hawaii.

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

VII. ADMINISTRATIVE AFFAIRS:

- A. Department's proposed rule amendments to Chapters 101 and 102 of the Department's administrative rules, summarized as follows (copies of the Ramseyer format amendments to the subject rule are available at the Department of Liquor Control, 2145 Kaohu Street, Room 105, Wailuku, Maui, Hawaii 96793, and are posted on the Department's website: www.mauicounty.gov/1004/RulesLaws):
1. Section 08-101-5: Definitions.

Added new definitions for the following:

- "Drink"
- "Standard drink"
- "Hosted bar"
- "No host bar"

2. Section 08-101-25: Hours for the sale, service, and consumption of liquor in licensed premises.

Permits dispensers and restaurants to sell liquor for off-premises consumption from 6:00 a.m. to 11:00 p.m.

Expands the hours of operation for manufacturers, wholesalers and brewpubs.

3. Section 08-101-30: Application.

Deletes the requirements of Department of Health clearance, federal tax clearance and guaranty or bond.

Provides that the director may approve a change in location application, without hearing, for Class 9 (tour or cruise vessel) and Class 8 (transient vessel) licenses.

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

Allows the commission to issue a license when an applicant is validly challenging a tax assessment.

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

Deletes the requirement of a Federal tax clearance.

6. Section 08-101-35: Temporary or permanent closing of licensed premises.

Instead of cancelling its license, allows a licensee to place its license with the commission for "safekeeping".

7. Section 08-101-50: Fees for liquor license, etc.

Provides for Special, per day, fundraising event fee of \$0.

Distinguishes Classes 14, 16 and 18 for purposes of calculating the percentage fee for on premises and off premises sales.

8. Section 08-101-52: Guaranty.

Deletes entire section.

9. Section 08-101-69: Practice to promote excessive consumption of liquor; prohibited.

Clarifies that where pairing (food and liquor) at fundraising events occur, the volume of a wine need not be disclosed.

10. Section 08-101-70: Employee approved by the director.

Provides an exemption for Class 8, transient vessel licensees.

11. Section 80-101-74: Requirement for registration of employee or as an employee approved by the director.

Deletes the requirement of proof of social security number.

12. Section 08-101-77: Certification certificate for "employee approved by the director", counties.

Deletes entire section.

13. Section 08-101-84: Preparation of drinks; clearing of tables.

Deletes the prohibition of no more than two drinks at one time.

Permits "flights" or samplers to be served.

14. Section 80-101-86: Price list posted.

Deletes requirement that the volume of a wine pour be disclosed for wine sold by the glass.

15. Section 08-101-87: Disposal of liquor.

Provides for easier methods of disposing of remaining liquor inventory by licensee.

16. Section 08-101-97: Exclusive control.

Unless otherwise authorized by the commission, requires licensed premises to be open to the general public.

Prohibits licensees from discriminatory practices in its right to deny service.

17. Section 08-101-99: Non-consumption areas.

Clarifies areas for dancing, music and entertainment.

18. Section 08-101-100: Deliveries by manufacturers, wholesalers, retailers; peddling prohibited; exception.

Substitutes the term "industry member" for manufacturer or wholesaler.

19. Section 08-101106: Manufacturer, brewpub, and wholesaler dealer licensees; special restrictions.

Substitutes the term "industry member" for manufacturer or wholesaler.

Provides, by permit, industry member staff to

conduct tasting and sampling activities.

20. Section 08-101-112: Pool buying.

Clarifies pool buying arrangements and agreements.

21. Section 08-101-113: new section: 'Growlers" or containers used for off-premise consumption.

Clarifies and defines what containers are permitted for off-premises consumption.

22. Section 80-101-114: Trade shows and/or other activities.

Deletes the minimum size of containers used for liquor shipment purposes.

23. Section 80-102-11 Petition for adoption, amendment or repeal of rules.

Adds requirement that proposed rule amendments be submitted in a certain format.

24. Section 08-102-82: Transaction of business.

For the Liquor Adjudication Board, provides that a board member's silence or refusal to vote shall be recorded as an abstention (not as an affirmative vote), and that an abstention shall not be counted as a vote.

B. Director's Monthly Report:

1. Liquor License Renewal
2. Departmental Orders
3. Operations, Policies, and Procedures Manual
4. 2019 United States & Canada ID Checking Guide

5. Rules of the Liquor Commission
6. Liquor Administrators/Directors Quarterly Meeting
7. New/Incoming Member
8. County of Maui, Travel Policy and Procedures Revised 2/15/19
9. Financial Disclosure Statement
10. Presentation, discussion and consideration of request for legal counsel regarding investigation of alleged violations of County's Violence in the Workplace Policy.

C. Approval of Forms:

1. DLC-001, License Application Checklist
2. DLC-030, Special License Application Checklist

D. Liquor Control Adjudication Board:

1. March meeting cancelled

E. Resolution honoring Robert Tanaka

F. Election of Liquor Commission Chairperson and Vice Chairperson for the period April 2019 through March 2020

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

VIII. ADJOURNMENT

NEXT LIQUOR COMMISSION MEETING WILL BE HELD ON APRIL 10, 2019, AT 9:00 A.M. AT THE DEPARTMENT OF LIQUOR CONTROL CONFERENCE ROOM, DAVID K. TRASK, JR. OFFICE BUILDING, 2145 KAOHU STREET, ROOM 108, WAILUKU,

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MAUI, HAWAII.

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

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