

RECEIVED

AGENDA
LIQUOR COMMISSION
DEPARTMENT OF LIQUOR CONTROL
COUNTY OF MAUI

2019 JUN -4 AM 8:17

OFFICE OF THE
COUNTY CLERK

DATE & TIME: June 12, 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

I. CALL TO ORDER

II. AGENDA:

- A. Approval of Agenda for June 12, 2019

III. MINUTES:

- A. Approval of Liquor Commission minutes of May 8, 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. **SP-18**, People for Educational Equality dba Wine & Silent Auction Fundraiser effective May 25, 2019 at Aina Nalu Pavilion, 660 Wainee Street, Lahaina, Maui, Hawaii.
- B. **SP-19**, Youth in Motion dba Stand Up Paddle Association of Molokai effective June 30, 2019 at Molokai Community Health Center, 30 Oki Place, Kaunakakai, Molokai, Hawaii.
- C. **SP-20**, Kapalua Maui Charities, Inc. dba Kapalua Wine & Food Festival effective June 7, 2019 at Cliff House, 1 Bay Drive, Kapalua, Maui, Hawaii.
- D. **SP-21**, Kapalua Maui Charities, Inc. dba Kapalua Wine & Food Festival effective June 7, 2019 at Pacific Lawn / Hana Hou Bar, 1 Bay Drive, Kapalua, Maui, Hawaii.
- E. **SP-22**, Kapalua Maui Charities, Inc. dba Kapalua Wine &

- Food Festival effective June 6, 2019 at The Ritz-Carlton Ballroom pre-function area & outdoor pre-function area, One Ritz-Carlton Drive, Kapalua, Maui, Hawaii.
- F. **SP-23**, Kapalua Maui Charities, Inc. dba Kapalua Wine & Food Festival effective June 8, 2019 at Anuenue Ballroom, One Ritz-Carlton Drive, Kapalua, Maui, Hawaii.
- G. **SP-24**, Kapalua Maui Charities, Inc. dba Kapalua Wine & Food Festival effective June 9, 2019 at Burger Shack, One Ritz-Carlton Drive, Kapalua, Maui, Hawaii.
- H. **SP-25**, Kapalua Maui Charities, Inc. dba Kapalua Wine & Food Festival effective June 9, 2019 at Beach House Lawn, One Ritz-Carlton Drive, Kapalua, Maui, Hawaii.
- I. **SP-26**, Kapalua Maui Charities, Inc. dba Kapalua Wine & Food Festival effective June 9, 2019 at Aloha Garden Pavilion, One Ritz-Carlton Drive, Kapalua, Maui, Hawaii.
- J. **SP-27**, Kapalua Maui Charities, Inc. dba Kapalua Wine & Food Festival effective June 6, 2019 at The Ritz-Carlton Ballroom Salon 1 & 2, One Ritz-Carlton Drive, Kapalua, Maui, Hawaii.
- K. **SP-28**, Kapalua Maui Charities, Inc. dba Kapalua Wine & Food Festival effective June 6, 2019 at The Ritz-Carlton Ballroom Salon 3 & 4, One Ritz-Carlton Drive, Kapalua, Maui, Hawaii.
- L. **SP-29**, Kapalua Maui Charities, Inc. dba Kapalua Wine & Food Festival effective June 7, 2019 at The Ritz-Carlton Ballroom Salon 1 & 2, One Ritz-Carlton Drive, Kapalua, Maui, Hawaii.
- M. **SP-30**, Kapalua Maui Charities, Inc. dba Kapalua Wine & Food Festival effective June 8, 2019 at The Ritz-Carlton Ballroom Salon 1 & 2, One Ritz-Carlton Drive, Kapalua, Maui, Hawaii.
- N. **SP-31**, Kapalua Maui Charities, Inc. dba Kapalua Wine & Food Festival effective June 9, 2019 at The Ritz-Carlton

Ballroom Salon 1 & 2, One Ritz-Carlton Drive, Kapalua, Maui, Hawaii.

- O. **SP-32**, Kapalua Maui Charities, Inc. dba Kapalua Wine & Food Festival effective June 8, 2019 at The Ritz-Carlton Ballroom Salon 3 & 4, One Ritz-Carlton Drive, Kapalua, Maui, Hawaii.
- P. **SP-33**, Kapalua Maui Charities, Inc. dba Kapalua Wine & Food Festival effective June 9, 2019 at The Ritz-Carlton Ballroom Salon 3 & 4, One Ritz-Carlton Drive, Kapalua, Maui, Hawaii.
- Q. Miso Phat Sushi Kihei LLC dba Miso Phat Sushi notifying the Commission of a change of existing trade name to Miso Phat Sushi Kihei.
- R. Maui Wine, Ltd., dba Mauiwine notifying the Commission of a change of officers within the corporation.
- S. Lahaina Petroleum, LLC dba Paia Shell (#126), Port Town Texaco (#170), Pukalani Texaco (#318), and Lahaina Texaco (#381) notifying the Commission of a change of agent within the limited liability company.
- T. 90210 Management Company, LLC dba Grand Wailea Resort Hotel & Spa (#238), Cafe Kula (#315) notifying the Commission of a change from Member-Managed LLC to a Manager-Managed LLC, and a change of managers and titles within the corporation.
- U. Tante's Maalaea LLC dba Tante's Fish Market Restaurant and Bar notifying the Commission of a change of member within the limited liability company.
- V. Costco Wholesale Corporation dba Costco Wholesale notifying the Commission of a change of title within the corporation.
- W. The Kalama Beach Corporation dba Haiku Market notifying the Commission of a change of officers within the corporation.

- X. Foodland Super Market, Limited dba Foodland (#019, #037, #040, #247, and #456), Sack N' Save Foods (#355), and Foodland Farms (#369) notifying the Commission of a change of officers within the corporation.
- Y. Food Pantry, Ltd. dba Accents (#074, #284), Holoholo Market (#310), Lahaina Discount (#138), Lamonts Gift and Sundry (#057), Napili Market (#276), Resort Sundries (#241), Whaler's General Store (#117, #209, #215, #242, #341, #349, #371, #397, and #466) notifying the Commission of a change of officers and director within the corporation.
- Z. Trilogy Corporation dba Trilogy IV extended hours of operation from 8:00 a.m. to 2:00 a.m. the following day to twenty-four (24) hours a day, limiting the sale of liquor during the allowable hours, pursuant to Section 08-101-25 of the Rules of the Liquor Commission, County of Maui.

VI. LICENSING:

Public Hearings:

- A. **APPL. NO. 17**, Haiku Town Beer Company LLC dba Haiku Town Beer Company for a Small Craft Producer Pub License, Category B at 824 Kokomo Road, Haiku, Maui, Hawaii.
- B. **APPL. NO. 18**, Hawaii Sea Spirits LLC dba Hawaii Sea Spirits LLC for a Small Craft Producer Pub License, Category B at 4051 Omaopio Road, Kula, Maui, Hawaii.
- C. **APPL. NO. 20**, Fond Restaurant Maui LLC dba Fond A Neighborhood Eatery for a Restaurant General License, Category B(ii) – (premises in which live entertainment or recorded music is provided) at 5095 Napilihau Street, Suite 115, Lahaina, Maui, Hawaii.
- D. **APPL. NO. 26**, Makai Kai Charters, Inc. dba Trilogy I for a Tour or Cruise Vessel License, Category B, docked within the Maalaea Boat Harbor, Slip #99, Maalaea, Maui, Hawaii.

Preliminary Hearings:

- A. **APPL. NO. 25**, Maui Rum Society LLC dba Muck and Dunder for a Dispenser General License, Category C(ii) at 2050 Main Street, Unit 1-B, Wailuku, Maui, Hawaii.

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

VII. ADMINISTRATIVE AFFAIRS:

- A. Continued review and action regarding Department's proposed rule amendments to Sections 08-101-5, 08-101-25 and 08-101-84(b) of the Rules Governing the Manufacture and Sale of Intoxicating Liquor of the County of Maui (the "Rules"), which amendments are set forth as follows:

1. Section 08-101-5, Rules Governing the Manufacture and Sale of Intoxicating Liquor of the County of Maui, is amended by adding definitions to be appropriately inserted and to read as follows:

"Drink" means any quantity of wine, beer, or distilled spirits served in a container.

"Standard drink" means five (5) ounces of wine, twelve (12) ounces of beer, or one and one-half ounces of distilled spirits in a container.

"Hosted bar" means a bar at an event at which the drinks are or have been paid by the host.

"No host bar" means a bar at an event at which guests are required to pay for the drinks themselves. Eff 7/1/00; am and comp 7/15/02; am and comp 4/22/12; am and comp 6/18/15; am and comp 11/29/15; am and comp 3/4/17; am and comp 1/14/18; am and comp] (Auth: HRS §§ 91-2, 281-17) (Imp: HRS §281-17)"

2. Section 08-101-25, Rules Governing the Manufacture and Sale of Intoxicating Liquor of the County of Maui, is amended by amending subsections (a) and (e) to read as follows:

"(a) Hours during which licensed premises may be open for the transaction of business shall be as follows:

- (1) Dispensers, [restaurants,] clubs, transient vessels, tour or cruise vessels, and specials: any hour of the day from 8:00 a.m. to 2:00 a.m., the following day[.], and 6:00 a.m. to 11:00 p.m. for off-premises retail liquor sales for special license only.
- (2) Cabarets: any hour of the day from 8:00 a.m. to 4:00 a.m., the following day.
- (3) Hotels and condominium hotels: from 6:00 a.m. to 4:00 a.m., the following day, and any hour of the day for room service.
- (4) Retailers: any hour of the day from 6:00 a.m. to 11:00 p.m.
- (5) Manufacturers [and wholesalers]: from [5:00 a.m. to 9:00 p.m.] any hour of the day for manufacture and wholesale, 6:00 a.m. to 11:00 p.m. for off-premises retail liquor sales, and any hour of the day from 8:00 a.m. to 2:00 a.m., the following day for on-premises consumption liquor sales.
- (6) Brewpubs: any hour of the day from 8:00 a.m. to 2:00 a.m., the following day for on-premises consumption liquor sales, any hour of the day for manufacture and wholesale, and 6:00 a.m. to 11:00 p.m. for off-premises retail liquor sales.
- (7) Small craft producer pubs: any hour of the day from 8:00 a.m. to 2:00 a.m., the following day for on-premises consumption liquor sales, any hour of the day for manufacture and wholesale, and 6:00 a.m. to 11:00 p.m. for off-premises retail liquor sales.
- (8) Caterers: any hour of the day from 6:00 a.m. to 2:00 a.m., the following day.
- (9) Wineries: any hour of the day for manufacture and wholesale, and from 6:00 a.m. to 11:00 p.m. for off-premises retail sales and on premises wine tasting activities.
- (10) Restaurants: any hour of the day from 8:00 a.m. to 2:00 a.m., the following day for on-premises consumption liquor sales, and 6:00 a.m. to 11:00 p.m. for off-premises retail liquor sales.
- (11) Wholesalers: any hour of the day. [Eff 7/1/00; am and comp 6/18/15; am and comp 3/4/17; am and comp 7/29/17; am and comp 1/14/18; am and comp] (Auth: HRS §§ 91-2, 281-17) (Imp: HRS §281-17)”

(e) Licensee may operate or be open for business for other than the sale, service, or consumption of liquor prior to or beyond the hours prescribed by the commission [, upon submitting an application and obtaining prior approval from the commission.], provided an “employee approved by the Director” shall be within and in active charge of the premises at all times. [Eff 7/1/00; am and comp 6/18/15; am and comp 3/4/17; am and comp 7/29/17; am and comp 1/14/18; am and comp] (Auth: HRS §§ 91-2, 281-17) (Imp: HRS §281-17)”

3. Section 08-101-84, Rules Governing the Manufacture and Sale of Intoxicating Liquor of the County of Maui, is amended by amending subsection (b) to read as follows:

“(b) [No more than two drinks of any liquor at one time to an individual shall be permitted; provided however, distilled] Distilled spirits may be served in container(s) up to one quart in capacity for any special occasion upon obtaining a special permit therefor from the director. Beer or wine may be served in a container, not to exceed the U.S. liquid measurement of one quart (.946 liter) to two or more persons. Flights may be utilized where liquor may be served in several containers to a person where the total combined volume of liquor in all containers does not exceed the volume of a standard drink. [Eff 7/1/00; am and comp 7/15/02; am and comp 4/22/12; am and comp 3/4/17; am and comp] (Auth: HRS §§91-2, 281-17) (Imp: HRS §281-17)”

4. Material, except source notes, to be repealed is bracketed. New material is underscored.

5. Additions to update source notes to reflect these amendments are not underscored.

6. These amendments to Chapter 101 shall take effect ten days after filing with the Office of the County Clerk.

B. Director’s Monthly Report:

1. State Legislature:

S.B. No. 638, Act 015
S.B. No. 546
S.B. No. 772

2. Press Release

3. 2018 Annual Report

4. License Renewal

C. Liquor Control Adjudication Board:

1. No June meeting

The Commission may take action on the proposed rule amendments, or defer and announce a future date certain when Commission action will occur.

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

IX. ADJOURNMENT

NEXT LIQUOR COMMISSION MEETING WILL BE HELD ON JULY 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, 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.