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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 9:00 a.m., on July 10th, 2019.

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

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APPEARANCES

COMMISSION MEMBERS PRESENT:

CHAIRPERSON:	NANE ALULI
VICE-CHAIRPERSON:	ROY UMENO
COMMISSIONERS:	LEON BOLOSAN
	ALBERTA DE JETLEY
	LESLIE ANN YOKOUCHI
	ROBERTO ANDRION, JR.
	JERRYBETH DE MELLO

STAFF PRESENT:

FIRST DEPUTY CORPORATION COUNSEL:	EDWARD KUSHI, JR.
DIRECTOR:	GLENN MUKAI
LIQUOR CONTROL OFFICER III:	LAYNE SILVA
SECRETARY TO BOARDS/COMMISSIONS	MARIA KHANGSENGSING

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(July 10th, 2019, 9:00 a.m.)

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CHAIR ALULI: Okay. Let me call the liquor commission meeting for July 10th to order. (Gavel.) Good morning, everybody.

Roll call, please, Maria.

MS. KHANGSENGSING: Maria Khangsensing for department of liquor control.

COMMISSIONER DE MELLO: Jerrybeth De Mello from Lahaina.

COMMISSIONER DE JETLEY: Alberta de Jetley from the Lanai.

COMMISSIONER ANDRION: Roberto Andrion from Makawao.

MR. KUSHI: Ed Kushi, corp counsel's office.

CHAIR ALULI: Aloha. Nane Aluli.

VICE CHAIR UMENO: Roy Umeno.

COMMISSIONER BOLOSAN: Aloha. Leon Bolosan.

COMMISSIONER YOKOUCHI: Good morning. Leslie Yokouchi.

DIRECTOR MUKAI: Glenn Mukai, liquor control.

OFFICER LAYNE SILVA: Layne Silva, liquor control.

CHAIR ALULI: Thank you.

Next on the agenda, I'd like to get approval for the agenda for July 10th.

COMMISSIONER BOLOSAN: So moved.

1 COMMISSIONER DE JETLEY: Second.

2 CHAIR ALULI: Moved and seconded. All in favor?

3 (Response.)

4 CHAIR ALULI: Move on to the minutes from the June

5 12th meeting. Can I get an approval for the minutes from the

6 June 12th meeting?

7 COMMISSIONER DE JETLEY: Move to approve.

8 COMMISSIONER DE MELLO: Second.

9 CHAIR ALULI: All in favor?

10 (Response.)

11 CHAIR ALULI: Any opposed?

12 (No response.)

13 CHAIR ALULI: No opposition. Minutes are approved.

14 Okay. Let's move on to Public Testimony, General

15 Licensing Matters, Items A through N. Do I have a motion for

16 approval on those items?

17 COMMISSIONER YOKOUCHI: I had a question on J.

18 CHAIR ALULI: We'll get -- okay. We'll have a

19 discussion, but for now, a motion -- can I get a motion for

20 approval?

21 COMMISSIONER ANDRION: Motion to approve.

22 COMMISSIONER DE JETLEY: Second.

23 CHAIR ALULI: Okay. So is there a discussion, any

24 discussion on those items?

25 COMMISSIONER YOKOUCHI: I have a --

1 CHAIR ALULI: Leslie Ann.

2 COMMISSIONER YOKOUCHI: Yes. I have a question on
3 Item J. I see that they're in for a change of members, but I
4 also -- we also got a complaint and accusations from the
5 judicial board, so I'm just wondering what this is all about.

6 CHAIR ALULI: You know, I've gotta turn to Glenn.
7 What is the issue there? Leslie Ann is asking a question
8 regarding the fact that there's an adjudication issue before
9 the adjudication board on --

10 COMMISSIONER YOKOUCHI: PGP Entertainment Limited.

11 CHAIR ALULI: Yes, PGP Entertainment dba Lava Rock
12 Bar & Grill.

13 DIRECTOR MUKAI: Yeah. This will be heard tomorrow
14 before the adjudication board for the various violations,
15 alleged violations.

16 CHAIR ALULI: And right now they're the alleged --
17 they're alleged violations.

18 DIRECTOR MUKAI: They're alleged violations.

19 CHAIR ALULI: Correct. So it hasn't been
20 adjudicated at this point.

21 DIRECTOR MUKAI: Yes.

22 CHAIR ALULI: So all they're asking -- all they're
23 addressing here is the removal of one of the members from the
24 LLC, that's all they're addressing this issue, Leslie Ann.

25 COMMISSIONER YOKOUCHI: Oh, okay.

1 CHAIR ALULI: Okay.

2 COMMISSIONER YOKOUCHI: So do you know why they're
3 removing a member?

4 CHAIR ALULI: No, I do not have any idea why.
5 They're just requesting that that change be made before the
6 commission, that's it.

7 Do you have something on that, Layne?

8 OFFICER LAYNE SILVA: Yeah. Basically, the change
9 is taking place because the three members, the original
10 members that were part of the LLC, two of which have moved
11 back to the mainland and are no longer affiliated with the
12 LLC.

13 CHAIR ALULI: Okay.

14 COMMISSIONER YOKOUCHI: Thank you.

15 CHAIR ALULI: That satisfies your answer? Good.
16 So can I have a motion for approval?

17 COMMISSIONER DE JETLEY: I move to approve.

18 COMMISSIONER BOLOSAN: Second.

19 CHAIR ALULI: All in favor?

20 (Response.)

21 CHAIR ALULI: Okay. So Items A through N are
22 approved.

23 Okay. Let's go on to Licensing Matters.

24 Application No. 21, Seaside Woodfire Pizza Kitchen.

25 Layne.

1 Oh. Is the applicant here?

2 MR. LYNCH: Good morning, Commissioners.

3 CHAIR ALULI: Application No. 21. Thank you.

4 Please state your name.

5 MR. LYNCH: Francis Lynch, owner of Surfside

6 Woodfire Pizza.

7 CHAIR ALULI: Thank you very much.

8 Layne.

9 OFFICER LAYNE SILVA: Application No. 21, the
10 applicant is Surfside Woodfire Pizza Kitchen LLC doing
11 business as Surfside Woodfire Pizza Kitchen. The proposed
12 premises is located at 505 Front Street, Suites 101 and 102,
13 Lahaina, Maui, Hawaii.

14 This is a public hearing for a new Restaurant
15 General License, Category B(ii).

16 The documents necessary for the -- for completing
17 the remaining application requirements for a liquor license
18 are listed in the summary report.

19 Notice of public hearing was published in the Maui
20 News on May 15th and 22nd, 2019.

21 There are a total of 378 owners and licensees
22 situated within 500 feet of the proposed premises.

23 The department did not receive any protests.

24 CHAIR ALULI: Okay. I'm sorry. What was your first
25 name again?

1 MR. LYNCH: Francis.

2 CHAIR ALULI: Francis. Okay. Francis, do you have
3 anything further to add?

4 MR. LYNCH: I don't this morning, Commissioner, no.

5 CHAIR ALULI: Okay. Are there any comments to be
6 made or testimony to be given from the public?

7 Yes, sir. Please step up to the mic, state your
8 name, and you've got three minutes.

9 MR. BROWN: Good morning. My name is Tory Brown. I
10 am a resident/owner of 480 Front Street, which is right across
11 the street from 505 Front Street, fronting these businesses --
12 or business applying for a license.

13 I support Surfside Pizza and the request for the
14 live music as long as through our verbal communication that we
15 had, so I guess their preliminary that their hours would
16 remain closing at ten o'clock. I think their business is a
17 great addition to the community; however, if they extend their
18 hours, I don't want them to become another nuisance like
19 Spanky's Riptide. As many of you know, I have had a lot of
20 issues with Spanky's Riptide and I still have had issues with
21 them, fights, everything like that. It's all documented,
22 Glenn Mukai has them via email. So I just don't want that to
23 happen again.

24 As most of you know, the board, as I was told, is
25 short staffed and any bar operating after 10:00 p.m. is hard

1 to enforce and in my eyes, I don't want to be held accountable
2 and made to look like a bad person like I have against
3 Spanky's Riptide going against them all of this time. I
4 actually would like these business to take care of their own
5 kuleana and manage that just so like there's no conflict
6 between business and homeowner, as we live so close to each
7 other.

8 I'm also scared because my manager, I work at the
9 Feast at Lele, my manager, you know, she reported that to me
10 that Surfside wanted to make that the new nightlife place and
11 via our conversation, again, respectfully, I hope it's still
12 agreed that it wouldn't. I also heard they were purchasing
13 Spanky's from Adam Clark, which is the owner of Spanky's.
14 Again, respecting our verbal communication, I hope that, like
15 they said, didn't go through.

16 And if, out of respect, just in case things kind of
17 do get to curve ball from here, is it possible to get like a
18 number to call the owners of Surfside Pizza, just to kinda
19 build a relationship and a "Hey, you know, this is going on,"
20 dah, dah, dah?

21 Otherwise, I'm probably gonna go there after this
22 and order pizza. But through our verbal communication, I
23 would respect that to be the same that their hours are still
24 closing at 10:00. I ask that because I'm the shielding
25 property to everybody within that 500 feet, so I'm the one

1 that gets all of the sound, that's why hardly anybody come, I
2 absorb everything. And please come by and see if you guys
3 need to prove that.

4 Otherwise, thank you for coming in to 505 and I hope
5 we can respect that verbal commitment that we talked about.
6 Otherwise, thank you so much for coming in.

7 CHAIR ALULI: Thank you, Tory.

8 Francis, do you want to respond to that?

9 MR. LYNCH: Sure. I've spoken to Tory and I -- he
10 is directly across the street from Spanky's and I wouldn't
11 wish that on anybody. We are going to keep our hours at ten
12 o'clock. I start falling asleep about 9:30, so we're going to
13 close early like we are now, 11:00 in the morning till 10:00
14 at night. We're a family restaurant, Tory's been in with his
15 family. And we just want to make a good impression with the
16 community and that's the most important things for us. So
17 everything I told Tory before is still always gonna be the
18 same.

19 CHAIR ALULI: And does he have your phone number?

20 MR. LYNCH: I'll give it to him this morning.

21 CHAIR ALULI: Okay. Great. Thank you.

22 MR. LYNCH: I'll give him my cell number.

23 CHAIR ALULI: Okay. Commissioners, do you any of
24 you have any questions for Francis?

25 COMMISSIONER DE JETLEY: I have a question for

1 Layne.

2 Layne, every time I try to have -- put in a
3 condition where a business will close earlier, I'm not -- I've
4 been told that their license allows them to stay open until
5 2:00 a.m., so is this gonna be the same?

6 OFFICER LAYNE SILVA: Well, I can't speak for the
7 other commissioners, but as far as I know, the commission does
8 have the authority to place conditions on hours of licensed
9 premises that you agree to issue a license to.

10 COMMISSIONER DE JETLEY: Okay. So legally you're
11 saying that he will have the right to stay open until two
12 o'clock if he chooses to do so?

13 OFFICER LAYNE SILVA: Unless you as the commission
14 place a condition on his license that says he cannot.

15 COMMISSIONER DE JETLEY: But you just told me that
16 we aren't allowed to do that. Because, you remember --

17 OFFICER LAYNE SILVA: Well, you are allowed to do
18 that as a commission, you guys do have authority to place
19 restrictions on their hours.

20 COMMISSIONER DE JETLEY: But in a previous meeting
21 when we had an art class in Kihei and I tried to impose that,
22 you guys knocked me back and said, No, you -- we couldn't do
23 that.

24 OFFICER LAYNE SILVA: It would depend on the
25 majority vote of the commission. The commission is the body

1 that has the authority to make that decision.

2 COMMISSIONER DE JETLEY: If people in the
3 neighborhood have specifically asked for a ten o'clock closing
4 and the licensee is willing to close at ten o'clock, then I
5 think that we should let it -- let it be and put that
6 condition on.

7 May I ask you a question?

8 MR. LYNCH: Of course.

9 COMMISSIONER DE JETLEY: You do want to do that, you
10 do want to close at ten o'clock because you're a family
11 business?

12 MR. LYNCH: We are gonna close at 10:00.

13 COMMISSIONER DE JETLEY: 10:00, 10:00 p.m.?

14 MR. LYNCH: Yeah. We are gonna close at 10:00.

15 CHAIR ALULI: Okay. Any further questions on the
16 part of the commissioners?

17 MR. KUSHI: Mr. Chair, question.

18 CHAIR ALULI: Yes.

19 MR. KUSHI: For clarification, are you closing down
20 live or recorded music at 10:00 or are you closing the
21 restaurant?

22 MR. LYNCH: The restaurant is gonna be closed at
23 10:00 and --

24 MR. KUSHI: You know you can be open till 2:00;
25 right?

1 MR. LYNCH: I do.

2 MR. KUSHI: 'Cause you're saying you're willing to
3 close the whole thing down at 10:00.

4 MR. LYNCH: We are. And like Tory had mentioned,
5 you know, that Spanky's stays open till later and we don't
6 want to be -- how do I say this? We don't wanna be like that
7 and so we are going to close at 10:00. The kids that work for
8 us, you know, they need to get home and I need to get home, so
9 we are gonna close at 10:00.

10 MR. KUSHI: Okay.

11 (Conferring with corporation counsel.)

12 CHAIR ALULI: Okay. So the commission can make a
13 motion to approve this licensee's application with that
14 restriction. With that in mind, is there a motion on the
15 floor to do so?

16 COMMISSIONER ANDRION: Mr. Chair.

17 CHAIR ALULI: Yes, sir.

18 COMMISSIONER ANDRION: I'd just like to clarify
19 something. When we make a motion for that restriction, would
20 that particular restriction be in the license itself or it's
21 just by word of us here?

22 CHAIR ALULI: It's -- if I understand correctly,
23 Layne, it's specifically gonna apply for this licensee;
24 correct?

25 OFFICER LAYNE SILVA: Yes.

1 CHAIR ALULI: Correct, yes.

2 COMMISSIONER ANDRION: Thank you.

3 CHAIR ALULI: It doesn't change the general rule for
4 this particular license, type of license, just for this
5 licensee specifically.

6 COMMISSIONER DE JETLEY: Yes. Mr. Chair, with that
7 in mind, I move that we approve this permit with the condition
8 that it will close at 10:00 p.m.

9 CHAIR ALULI: There's a motion on the floor. Do I
10 have a second?

11 COMMISSIONER BOLOSAN: Second.

12 CHAIR ALULI: All in favor?

13 (Response.)

14 CHAIR ALULI: Any opposed?

15 COMMISSIONER YOKOUCHI: Aye.

16 CHAIR ALULI: Okay.

17 MR. KUSHI: Roll call.

18 CHAIR ALULI: Roll call. The discussion item is --
19 okay. So we'll roll call the vote. Leslie-Ann.

20 COMMISSIONER YOKOUCHI: No.

21 CHAIR ALULI: Leon.

22 COMMISSIONER BOLOSAN: Yeah.

23 CHAIR ALULI: Roy.

24 VICE CHAIR UMENO: Yes.

25 CHAIR ALULI: Roberto.

1 COMMISSIONER ANDRION: Yes.

2 COMMISSIONER DE JETLEY: Yes.

3 COMMISSIONER DE MELLO: Yes.

4 CHAIR ALULI: Motion carries. Thank you very much.

5 MR. LYNCH: Thank you.

6 CHAIR ALULI: It was six to one; right?

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

8 CHAIR ALULI: No, I don't have to vote.

9 Okay. Thank you very much, Francis.

10 MR. LYNCH: Okay. Thank you.

11 CHAIR ALULI: Okay. Let's move on to Item B,

12 Application No. 23, Play Enterprise, LLC dba Playground Maui

13 for Playground Maui.

14 MR. JORGENSEN: Good morning, Members of the

15 Commission and Staff. My name is Dave Jorgensen, I'm the

16 attorney for the applicant, and with me this morning is Myline

17 Dahle, who is the principal of Play Enterprises, LLC.

18 CHAIR ALULI: Okay, Myline. Thank you.

19 Layne.

20 OFFICER LAYNE SILVA: Application No. 23, the

21 applicant is Play Enterprises LLC doing business as Da

22 Playground Maui. The proposed premises is located at 300

23 Maalaea Road, No. 1C and 1E, Wailuku, Maui, Hawaii.

24 This is a public hearing for a new Dispenser General

25 License, Category C(ii).

1 The documents necessary for completing the remaining
2 application requirements for a liquor license are listed in
3 the summary report.

4 Notice of public hearing was published in the Maui
5 News on May 15th and 22nd, 2019.

6 There are a total of 14 owners and licensees
7 situated within 500 feet of the proposed premises.

8 The department did not receive any protests.

9 CHAIR ALULI: Okay. Dave, do you or your client
10 have anything more to add to that?

11 MR. JORGENSEN: Just that my client has been
12 progressing nicely, I'll say, with the county to get
13 approvals. They don't have everything yet, but they're
14 getting very close to it, so they're optimistic that if the
15 license is approved, that they'll be able to open within the
16 next couple months. So we're available for any questions.

17 CHAIR ALULI: Okay. Since this a public hearing,
18 are there any testifiers in the audience?

19 (No response.)

20 CHAIR ALULI: Not seeing any, Commissioners, are
21 there any questions on your part?

22 COMMISSIONER DE JETLEY: I have a question.

23 CHAIR ALULI: Yes, Alberta.

24 COMMISSIONER DE JETLEY: What kind of live music are
25 you planning?

1 MS. DAHLE: It's a variety. We have a DJ, local
2 bands, comedy, things like that.

3 COMMISSIONER DE JETLEY: I think there's a need for
4 this kind of business, so it's good.

5 MS. DAHLE: Awesome. Thank you.

6 CHAIR ALULI: And I have a question. This is going
7 to be where that arcade was; is that correct?

8 MS. DAHLE: That's correct.

9 CHAIR ALULI: Okay. So the arcade is gone; right?

10 MS. DAHLE: Gone.

11 CHAIR ALULI: Good deal.

12 MR. JORGENSEN: There will be -- I mean, the plan is
13 to have pool tables --

14 CHAIR ALULI: Right.

15 MR. JORGENSEN: Ping-pong tables.

16 CHAIR ALULI: Correct, yeah.

17 MR. JORGENSEN: And possibly some other types of
18 games, but nothing like --

19 CHAIR ALULI: Not the type of machines that were in
20 there?

21 MS. DAHLE: No.

22 MR. JORGENSEN: Not at all.

23 CHAIR ALULI: Okay. Great. Thank you.

24 MR. KUSHI: Any darts?

25 MR. JORGENSEN: Maybe, yes.

1 MS. DAHLE: Maybe.

2 MR. JORGENSEN: Soft-tip darts with proper
3 precautions.

4 CHAIR ALULI: Okay. Any other questions?

5 (No response.)

6 CHAIR ALULI: Okay. Can I get a motion for
7 approval?

8 VICE CHAIR UMENO: I move to approve Application
9 No. 23.

10 CHAIR ALULI: Any opposition?

11 COMMISSIONER DE JETLEY: I second the motion.

12 CHAIR ALULI: Oh, sorry. Okay. It has been moved
13 and seconded. License approved. Thank you very much.

14 MS. DAHLE: Thank you.

15 MR. JORGENSEN: Thank you.

16 CHAIR ALULI: All right. Let's move on to
17 Application No. TA-02 Aloha Business Bitz, Inc. dba Island Art
18 Party.

19 MR. NAKAMURA: Good morning, Mr. Chair and Members
20 of the Commission. Craig Nakamura, attorney on behalf of the
21 applicant. And this is Mary Albitz, who is an officer and
22 director of the applicant. And Gary Albitz, her husband, is
23 also an officer and director, he's behind me.

24 CHAIR ALULI: Thank you.

25 Layne.

1 OFFICER LAYNE SILVA: Application No. TA-02, the
2 applicant is Aloha Business Bitz, Inc. doing business as
3 Island Art Party. The proposed premises is located at 1279
4 South Kihei Road, Suite 109, Kihei, Maui, Hawaii.

5 This is a public hearing for a new Dispenser General
6 License, Category C(ii).

7 The documents necessary for completing the remaining
8 application requirements for a liquor license are listed in
9 the summary report.

10 Notice of public hearing was published in the Maui
11 News on May 16th and 22nd, 2019.

12 There are a total of 170 owners and lessees situated
13 within 500 feet of the proposed premises.

14 The department did not receive any protests.

15 Now, an additional supplement to the report based on
16 the conversations during the preliminary hearing, just to
17 clarify that the applicant has submitted a request for the
18 following conditions to be placed on the license if and when
19 it is issued:

20 Item 1. Minors shall be allowed within the
21 premises.

22 2. All minors shall be accompanied by his or her
23 parent, legal guardian, or person authorized by the parent or
24 legal guardian who is 21 years of age or older.

25 No minor shall be allowed within the premises after

1 midnight.

2 Condition 1 shall be immediately revoked if the
3 premises is found guilty of Section 281-78B(1)(i)(a) of the
4 Hawaii Revised Statutes and Section 08-101-60B(1)(a) of the
5 Rules of the Liquor Commission, County of Maui.

6 This is an application for a transfer of a
7 dispenser general license. The previous licensee, Big Wave
8 Mobile Marketing, Inc. doing business as Island Art Party had
9 the same conditions placed on their license which was approved
10 by the liquor commission at its meeting on Wednesday,
11 September 10, 2014. There were no violations of the
12 conditions by the previous licensee. And nonapproval of the
13 request or conditions will result in minors not being able to
14 enter onto the premises.

15 CHAIR ALULI: Thank you, Layne.

16 Craig.

17 MR. NAKAMURA: Yeah. Thank you.

18 CHAIR ALULI: Go ahead.

19 MR. NAKAMURA: Mr. Chair, you -- Members of the
20 Commission, you may recall that we discussed these conditions
21 at the preliminary hearing a couple months ago and the
22 applicant is in full agreement with those conditions, having
23 those conditions imposed on its license. Also, they did
24 obtain and are currently operating under a temporary license
25 with the same conditions and there have been no problems.

1 CHAIR ALULI: Okay. Okay. Thank you, Craig.

2 Since this is a public hearing, are there any
3 testifiers in the audience that would like to make any
4 statements?

5 (No response.)

6 CHAIR ALULI: Not seeing any, Commissioners, do you
7 have -- do any of the commissioners have any questions?

8 Roberto.

9 COMMISSIONER ANDRION: Mr. Chair, I do have a -- I
10 do have a question.

11 Going back to No. 3 on your -- on April 26 letter,
12 it says, "No minor shall be allowed within the premises after
13 midnight." How will that be enforced? How will you know -- I
14 mean, outside from a small kid to a minor, how would you
15 distinguish that by just looking at the person?

16 MS. ALBITZ: Oh, we -- we ID everyone that comes in
17 the door and stamp the ones who are minors.

18 COMMISSIONER ANDRION: Oh, so you --

19 MS. ALBITZ: Put a stamp on their hand.

20 COMMISSIONER ANDRION: You stamp the ones that's
21 minors?

22 MS. ALBITZ: Yes. And we are almost, almost always
23 closed completely by 11:00, so...

24 COMMISSIONER ANDRION: All right. Thank you.

25 COMMISSIONER DE JETLEY: Mr. Chair, I think that at

1 one of our previous meetings this is the applicant that I
2 asked for a condition of closing at 10:00 and was not granted,
3 so I'm not going to be making -- I am not going to be voting
4 on this issue, on this application.

5 CHAIR ALULI: You can oppose it when the -- when we
6 call for the vote.

7 COMMISSIONER DE JETLEY: Can I just abstain?

8 CHAIR ALULI: Yes, you can.

9 Okay. So if there are no further questions, can I
10 have a motion for approval or --

11 COMMISSIONER YOKOUCHI: So moved.

12 VICE CHAIR UMENO: Second.

13 CHAIR ALULI: All in favor.

14 (Response.)

15 CHAIR ALULI: Opposition? Opposed?

16 COMMISSIONER DE JETLEY: Abstain.

17 CHAIR ALULI: You abstain.

18 Okay. Since we have five approvals, the motion is
19 approved.

20 MR. JORGENSEN: Thank you.

21 CHAIR ALULI: Thank you very much.

22 MR. KUSHI: Mr. Chair, just for clarification.

23 CHAIR ALULI: Yes.

24 MR. KUSHI: Approved with conditions.

25 CHAIR ALULI: With conditions, yes. Thank you.

1 MR. NAKAMURA: Thank you.

2 CHAIR ALULI: All right. Let's move on to
3 Preliminary Hearings, Application No. 22, Troon Beverages.

4 MR. NAKAMURA: Good morning again, Mr. Chair and
5 Members of the Commission. Craig Nakamura, attorney on behalf
6 of the applicant. This is Mr. Tim Dietrich, who is the
7 assistant general manager.

8 CHAIR ALULI: Thank you, Craig, and thank you.
9 Layne.

10 OFFICER LAYNE SILVA: Okay. Application No. 22 is
11 for a Retail General. Applicant is Troon Beverages, Inc.
12 doing business as Bay Course Snack Shop applying for a Retail
13 General License.

14 The officers, directors of the corporation, personal
15 history statement, criminal history statements, and lease
16 agreement are all listed in the investigator's report.

17 The proposed premises is a two-story masonry unit
18 (CMU) built multi-use building consisting of approximately 264
19 square feet, is located at 200 Kapalua Drive, Kapalua, Maui,
20 Hawaii.

21 There are no schools, churches, or licenses of the
22 same class and kind located within a radius of 500 feet.

23 There are 138 licenses of this class and kind
24 currently issued within Maui County.

25 The applicant initially plans to be open seven days

1 a week from 7:00 a.m. to 7:00 p.m.

2 A site inspection needs to be scheduled for this
3 premises.

4 In the opinion of this investigator, the applicant
5 appears to be fit and proper and does not appear to be
6 disqualified by any provision as stated within Section 281-56
7 HRS from obtaining or exercising a license.

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

11 CHAIR ALULI: Thank you, Layne.

12 Craig, do you have anything further?

13 MR. NAKAMURA: Yeah, just very briefly. For those
14 of you who are familiar, this is at the Bay Golf Course at
15 Kapalua, this is a little snack bar that they're opening in
16 the -- kind of in the cart barn area as an accommodation for
17 the golfers and the guests there.

18 We'd be happy to answer any questions you may have.

19 CHAIR ALULI: Is this where Pineapple Grove used to
20 be --

21 MR. NAKAMURA: No.

22 CHAIR ALULI: -- or no?

23 MR. NAKAMURA: It's close to it, but it's --

24 CHAIR ALULI: Yeah. Down where the cart barn is.

25 MR. NAKAMURA: -- more towards the cart barn area.

1 CHAIR ALULI: Yeah.

2 MR. NAKAMURA: It's in the cart barn building.

3 MR. DIETRICH: Yeah, correct.

4 CHAIR ALULI: Okay.

5 All right. Since this is public testimony, are
6 there any testifiers in the public that want to make a
7 statement?

8 (No response.)

9 CHAIR ALULI: Okay. There aren't any.
10 Commissioners, are -- do you have any questions?

11 (No response.)

12 CHAIR ALULI: No questions? Okay. Then can I get a
13 motion for approval?

14 COMMISSIONER ANDRION: Motion to approve.

15 COMMISSIONER DE MELLO: Second.

16 CHAIR ALULI: All in favor?

17 (Response.)

18 CHAIR ALULI: Any opposition?

19 (No response.)

20 CHAIR ALULI: Motion carries. Thank you very much.

21 MR. DIETRICH: Thank you very much.

22 MR. NAKAMURA: Thank you.

23 CHAIR ALULI: Okay. Let's move on to Other
24 Licensing Matters, Item A, Maui L.P. dba The King Kamehameha
25 Golf Club requesting Commission approval.

1 Can we get your names, please.

2 MR. CARROLL: My name is Scott Carroll.

3 CHAIR ALULI: Good morning, Scott.

4 MR. CARROLL: Good morning.

5 MS. COLE: And my name is Esther Cole.

6 CHAIR ALULI: Esther. Thank you very much.

7 Layne.

8 OFFICER LAYNE SILVA: MMK Maui L.P. doing business
9 as King Kamehameha Golf Club requesting Commission approval
10 for a permit to hold live and silent auction for the Friends
11 of the NRA event to include firearms and knives within the
12 premises, pursuant to Section 08-101-27 of the Rules of the
13 Liquor Commission, County of Maui.

14 I believe the commissioners were provided with the
15 report. The weapons involved in the auction are gonna be
16 displayed on premises with pictures. There will be no weapons
17 physically located in the premises during the auction.

18 CHAIR ALULI: Thank you, Layne.

19 Do you have anything further to add, Scott or --

20 MS. COLE: I know that they're also gonna have an
21 MPD officer on duty working.

22 CHAIR ALULI: Okay. Good.

23 Since, again, this is public testimony, are there
24 any testifiers in the audience?

25 Yes, sir. Will you please step up to the mic, give

1 us your name, and you've got three minutes.

2 MR. REDEKER: Thank you. My name is Mark Redeker,
3 I'm the federal firearms licensee holder. I'm the chairman of
4 the Friends of the NRA of the -- of this event for this year.

5 I'm somewhat taken aback that we've already been --
6 you've already made a decision that there'll be pictures only.
7 It was my understanding that we would be able to address this
8 with this body. Last year we were told not to come and talk,
9 so we didn't. And this year, we wanted to come and talk to
10 set aside some misconceptions on last year's minutes, I have
11 them here.

12 The officer that testified last year made some very
13 glaring inaccurate statements regarding myself and what is
14 taking place. One of those items is that the firearms,
15 although in 60 other venues of this across the state of
16 Hawaii, they all have firearms on the table, he -- this
17 officer stated that the firearms could be picked up and used
18 to assault the public. What, unfortunately, he didn't do, he
19 did not come and talk to us to determine what we do.

20 Yes, we put locks on; yes, we take parts off; but
21 the most important thing that is a takeaway is that he did not
22 check to see that we internally disable the firearms. These
23 firearms are nothing more than a piece of inert material
24 sitting on the counter. We're certainly willing to work with
25 the -- you folks setting up a special table where they're

1 there, where they sit roped off, have an officer sit there,
2 but this has cost us around \$25,000 to take these guns back,
3 our numbers are off that much.

4 The officer also stated that the Maui Police
5 Department's biggest concern is that these firearms can be
6 hijacked by armed assailants on the roads on the way to the
7 King Kamehameha office and there's nothing more -- farther
8 from the truth than that. This -- in the County of Maui on a
9 monthly basis there are hundreds and hundreds of people
10 transporting thousands and thousands of firearms. There has
11 never been an armed hijacking of firearms. Not only that,
12 they also -- the officer also stated that I am a retired
13 officer. I am, I carry a firearm, I'm allowed to. So his
14 statement that, you know, they are concerned that these
15 firearms are gonna be hijacked and then used is really, really
16 ridiculous. I'm a member of the police commission, he pointed
17 that out last year, the budget of the police commission
18 provides not one penny for officers to patrol the streets for
19 armed hijackers attacking cars. They just don't do it, it
20 doesn't -- they don't have to, it's pointless.

21 You know, the reality here is that we are being
22 penalized, we at Maui County are being penalized and it's
23 costing us money which, in turn, costs money to all the
24 charitable organizations that we give money to. 22,000 of
25 these items at these dinners have taken place over the last 30

1 years nationwide, there has never been one problem, not one
2 problem. There have been 60 in the state of Hawaii, never
3 been one problem, not one problem.

4 So I just end this with saying, HRS, Hawaii Revised
5 Statute 134-23 and -25 openly state that we, that we, a person
6 may transport firearms from a place of business to a place for
7 display. It's allowed by law. Last year it was struck down
8 by you folks saying, No, we don't want you to do it. So
9 something that's allowed by law was struck down by you folks.
10 We're willing to work with you, we will put several officers,
11 we'll rope them off, but it is costing a lot of money for us
12 not to have those firearms for people to look at.

13 Any questions?

14 CHAIR ALULI: Commissioners, do any of you have
15 questions on -- of the testifier?

16 COMMISSIONER ANDRION: I do have a question.

17 CHAIR ALULI: Roberto.

18 COMMISSIONER ANDRION: I'm sorry. What was your
19 again, sir?

20 MR. REDEKER: My name Mark.

21 COMMISSIONER ANDRION: Mark, so in this year's
22 effect, you're here to testify, so are you asking this
23 commission to relook at the pictures only and have firearms on
24 display? Is that -- is that the intent of this, your
25 testimony?

1 MR. REDEKER: Yes, sir, it is. The first six years
2 or seven years we had firearms on the table, we didn't even
3 have locks on them, we didn't have anything, and things went
4 fine. And then for some reason three years ago this body
5 decided, Oh, no, you know, it's dangerous, you can't do this.
6 What you need to understand is that these firearms if -- if
7 what the officer testified to last year, if what he said is --
8 would be true and accurate that someone could get in, they
9 could bring parts with them, they could bring bullets with
10 them, they could defeat the locks, they could do all of these
11 things, it makes no difference. My FFL, federal firearms
12 license, is a Class 7, which means I can manufacture firearms.
13 I'm the only person in the state of Hawaii that can
14 manufacture firearms. As such, when these firearms come in
15 from the Friends of the NRA delivery, we open -- we open up
16 the gun and take parts out so that they cannot be used. So
17 even if all of the things that the officer testified to last
18 year come to -- come to fruition, they still wouldn't be able
19 to utilize the firearm.

20 So we're asking for the change, no pictures, so we
21 can generate more money for the nonprofits. Yes, sir.

22 COMMISSIONER ANDRION: So if I hear you correctly,
23 the firearms that's gonna be on display, should it be put on
24 display, is going to -- don't -- no person that would be able
25 to just take that and put a piece in there, a new piece, and

1 just fire it?

2 MR. REDEKER: No, sir. They -- they can't do it.
3 They would have to know what the firearm is, the model number
4 to the firearm, they would have to know what piece was taken
5 out, then they would have to lay the gun out on the table and
6 start to disassemble the gun. Some of the guns takes 20
7 minutes to take it apart, to put in the correct piece to make
8 it functional yet again, they're not gonna be allowed to sit
9 up there for 20 minutes taking these guns apart, I guarantee
10 you that.

11 COMMISSIONER ANDRION: Thank you.

12 MR. REDEKER: That's after they defeat the locks and
13 everything else.

14 COMMISSIONER ANDRION: Thank you.

15 COMMISSIONER YOKOUCHI: I have a question.

16 CHAIR ALULI: Yes, Leslie-Ann.

17 COMMISSIONER YOKOUCHI: What is this event actually
18 for? To raise money for?

19 MR. REDEKER: All the nonprofits. We've given
20 money -- and Mr. Carey is here, he could probably address that
21 better, but we give out grants. I'm on the grant approval
22 committee, we gave out grants to the Maui Roping Club for
23 their shooting program. We gave out grants to the Boy Scouts.
24 We gave out grants to Women Helping -- Women Defending Women.
25 We gave out grants to almost all the schools in Maui County.

1 COMMISSIONER YOKOUCHI: So it's all --

2 MR. REDEKER: My two sons were recipients of grants
3 as -- for their Eagle projects.

4 COMMISSIONER YOKOUCHI: So all your grants are gun
5 related?

6 MR. REDEKER: Well, that's what we generate revenue
7 for.

8 COMMISSIONER YOKOUCHI: Okay. That's one of my hot
9 spots, I need to tell you, guns.

10 MR. REDEKER: And I understand that. In your -- in
11 your minutes from last year, several of you said you don't
12 like guns and guns should not be in Maui County, but that's
13 not what we're here to discuss, that's a political issue.
14 We're here to discuss that if this -- if this program is
15 allowed to go through, let's generate as much money for the
16 different groups that are clamoring for that money as we can.
17 Mr. Carey can address how much money we've generated, I'm not
18 prepared to discuss all that. But the political aspects of
19 whether firearms should or shouldn't, it's not for this board,
20 it's not for me.

21 COMMISSIONER YOKOUCHI: It's not for this board, but
22 I think this board has a right at least curtail some of it so
23 this gun and all these shootings that happen --

24 MR. REDEKER: But that's --

25 COMMISSIONER YOKOUCHI: -- would be harder to

1 happen.

2 MR. REDEKER: It's impossible to happen under the --
3 under the way we operate.

4 COMMISSIONER YOKOUCHI: Not if you keep on funding
5 programs that includes guns.

6 CHAIR ALULI: Okay, all right.

7 COMMISSIONER DE JETLEY: Mr. Chair.

8 CHAIR ALULI: Yes, Alberta.

9 COMMISSIONER DE JETLEY: I remember this meeting
10 very well and the -- all of the testimony that came through.
11 I live in a community where almost every house has a gun, I
12 personally have three registered guns in -- at my home, and I
13 think what we as commissioners are all concerned about is the
14 more guns we have in our community, the more chances we have
15 of a gun-related incident. My grandson who lives on the
16 mainland had a shooting at his school and I remember how scary
17 that was. I understand what you're saying and where you're
18 coming from, but I would have to agree with Commissioner
19 Leslie.

20 COMMISSIONER YOKOUCHI: Can I ask --

21 CHAIR ALULI: Yes.

22 COMMISSIONER YOKOUCHI: What kind of guns are going
23 to be on display?

24 MR. REDEKER: There will be some revolvers, there
25 will be some semiautomatic pistols, there will be bolt-action

1 rifles.

2 COMMISSIONER YOKOUCHI: What do people do with these
3 guns?

4 MR. REDEKER: That's kind of a rhetorical question.
5 I mean, some people collect them, some people hunt with them,
6 some people buy them as items to be resold.

7 COMMISSIONER YOKOUCHI: Hunt with semiautomatics?

8 MR. REDEKER: Mm-hmm.

9 CHAIR ALULI: Okay.

10 MR. KUSHI: Mr. Chair.

11 CHAIR ALULI: Yes.

12 MR. KUSHI: Mr. Chair, if I may, there seems to be a
13 conflict of interest here. The applicant is MMK, the license
14 holder, the applicant is not NRA.

15 CHAIR ALULI: Right.

16 MR. KUSHI: NRA is the beneficiary of this event.

17 MR. REDEKER: Yes, sir. The friends of the NRA.

18 MR. KUSHI: Whatever, yeah, but -- so your testimony
19 is, you know, contrary to the staff report. The staff report
20 is generated by discussions with the licensee and the licensee
21 has apparently agreed to the condition that only pictures and
22 you're saying something else, so I want to have a -- somebody
23 ask the licensee if they agree with what the NRA
24 representative is saying and they -- are they saying they
25 don't agree to this condition?

1 MR. CARROLL: Yeah, I'll speak to that. We do agree
2 to the condition and would be happy to assist in facilitating
3 whatever is necessary to make sure that the commission's
4 comfortable with the condition.

5 MR. KUSHI: You represent the licensee, the King
6 Kam; right?

7 MR. CARROLL: Yeah. I'm the general manager of the
8 club.

9 MR. KUSHI: Okay. Now, this is -- again,
10 Commissioners, this is not a special license, this is not a
11 one-day event. This is a special condition on the existing
12 licensee. Now, NRA could apply for a special one-day license
13 at wherever under their conditions, but that's not the case
14 here.

15 CHAIR ALULI: Is that clear to all of the
16 Commissioners?

17 Roberto, you have a question?

18 COMMISSIONER ANDRION: Well, I thought I was clear,
19 but I guess I'm not clear now. Just going by what this thing
20 is, are we -- are we as the commissioners looking at the
21 firearms or are we looking at a liquor license? A liquor
22 license already exists; correct?

23 CHAIR ALULI: Yeah.

24 Go ahead.

25 MR. KUSHI: If I may answer, Roberto, you're looking

1 at conditions of licensed premises. As it stands right now,
2 on licensed premises in whatever category it is, firearms are
3 not allowed, but -- so they're coming in and saying, We want
4 to do an auction of weapons and firearms. Now, the original
5 request, as I recall, last year was to have them displayed
6 actually there, but under security measures. Now the request
7 this year is different.

8 But, again, the commission has jurisdiction as well
9 as the department over all the licensees and the proper
10 conduct within the licensed premises.

11 COMMISSIONER ANDRION: So I'd like to ask another
12 question and I don't know if we have the answer to that. In
13 other places that is not as big or does not have the label
14 NRA, Friends of NRA, and had auctions with firearms, was that
15 picture driven or was the firearm actually there? Would we
16 have some statistics on that? Whether it's one firearm or a
17 whole bunch of firearms, it's a firearm, that's -- I would
18 like to know if we have any type of --

19 OFFICER LAYNE SILVA: As far as statistics, as far
20 as actual numbers go, I don't believe we have that prepared.
21 I do know that there have been auctions in the past, but then
22 again, everything is generated based on what you guys decide
23 based on what was requested. In this case the request that
24 was submitted by the licensee indicated that the auction was
25 going to take place with pictures, so when the department went

1 forward with that request, it was based on that request that
2 came in from the licensee. In the past, like I said, I
3 couldn't provide you with statistics as far as numbers, how
4 many times it happened or something like that, but I do know
5 that it has, it has.

6 CHAIR ALULI: So if I may, can I ask a question,
7 Counsel, of you. So the approval that we're facing as a
8 commission today is the approval with pictures, that's what's
9 before us?

10 MR. KUSHI: That's what the request is.

11 CHAIR ALULI: Right.

12 MR. KUSHI: And that's what the licensee has
13 confirmed.

14 CHAIR ALULI: Right. Okay.

15 MR. KUSHI: But you have testimony from the
16 beneficiary.

17 CHAIR ALULI: Right. Right. So the issue before
18 the commission is the approval of the application based on
19 pictures and that's it. Now my question is: If somebody
20 makes a motion to approve with firearms on display, can that
21 be done by the commission? Counsel, I ask you that question.

22 MR. KUSHI: Yes.

23 CHAIR ALULI: That's -- I realize that that's --

24 VICE CHAIR UMENO: That's not the request.

25 MR. KUSHI: You could amend the requested condition.

1 CHAIR ALULI: Okay. So can I get a motion --

2 COMMISSIONER DE JETLEY: Mr. Chair.

3 CHAIR ALULI: Yes, Alberta.

4 COMMISSIONER DE JETLEY: Can I make a statement?
5 When MPD, when the officer did his testimony, it was very,
6 very strong against not having the weapons and I would defer
7 to their judgment over my own personal judgment as to what
8 they thought would be best for our community.

9 CHAIR ALULI: Okay.

10 COMMISSIONER DE JETLEY: And the message to us was
11 loud and clear that they did not think it would be safe to
12 have live fire -- firearms on display.

13 Then I had another question for counsel. So if
14 somebody has a license to carry, so he's licensed to carry a
15 concealed weapon and he's found on licensed premises, could he
16 be arrested even if he does have a permit?

17 MR. KUSHI: I don't know.

18 CHAIR ALULI: That's a police issue, I think.

19 OFFICER LAYNE SILVA: You know, Mr. Chair, I think
20 one thing to keep in mind is that the request that was
21 submitted by the applicant, the licensee --

22 CHAIR ALULI: Right. Right.

23 OFFICER LAYNE SILVA: -- is what has been taken into
24 consideration. And if there's going to be a change made, then
25 it's my understanding that the request for that change to be

1 made should come from the licensee --

2 CHAIR ALULI: The licensee.

3 OFFICER LAYNE SILVA: -- who is requesting this.

4 MR. KUSHI: I would agree with that.

5 CHAIR ALULI: Yeah. Yeah.

6 MR. KUSHI: Because Mr. Redeker, you know, with all
7 due respect, is not the licensee.

8 CHAIR ALULI: Right. Yep. So --

9 MR. KUSHI: I might say this: The reason why this
10 commission has jurisdiction is because of licensed premises.
11 NRA or the KKK or whoever you want could do whatever they want
12 on unlicensed premises and you would have nothing to say.

13 CHAIR ALULI: Right. Okay. So can I get a motion
14 from one of the commissioners regarding the approval of the
15 application as applied for with pictures?

16 (No response.)

17 CHAIR ALULI: Does any commissioner want to make a
18 motion for approval of this application as it is stated here
19 with the pictures?

20 VICE CHAIR UMENO: I move to approve with the
21 photos.

22 CHAIR ALULI: Do I have a second?

23 COMMISSIONER DE JETLEY: I second.

24 CHAIR ALULI: All in favor?

25 (Response.)

1 CHAIR ALULI: Any opposed?
2 COMMISSIONER ANDRION: No.
3 COMMISSIONER YOKOUCHI: Aye.
4 MR. KUSHI: Aye or no?
5 COMMISSIONER YOKOUCHI: Aye on no.
6 MR. KUSHI: Okay. Roll call.
7 CHAIR ALULI: Roll call. Leslie-Ann.
8 COMMISSIONER YOKOUCHI: No.
9 CHAIR ALULI: Leon.
10 COMMISSIONER BOLOSAN: Yes.
11 CHAIR ALULI: Roy.
12 VICE CHAIR UMENO: Yes.
13 CHAIR ALULI: Roberto.
14 COMMISSIONER ANDRION: Just for clarification, I
15 voted no because I don't approve the pictures.
16 CHAIR ALULI: Okay. Alberta.
17 COMMISSIONER DE JETLEY: I vote yes.
18 CHAIR ALULI: Jerrybeth.
19 COMMISSIONER DE MELLO: Yes.
20 CHAIR ALULI: One, two, three, four, five. Five
21 approvals.
22 MR. KUSHI: You voted?
23 CHAIR ALULI: No. We have five approvals; right?
24 COMMISSIONERS: No.
25 CHAIR ALULI: I'm sorry.

1 COMMISSIONER: You've only got four.

2 CHAIR ALULI: Okay. Then I will -- well, let me ask
3 you a question here.

4 (Conferring with corp counsel.)

5 CHAIR ALULI: I vote in favor of approving this
6 license as stated with pictures. So that's five, the motion
7 carries. Yes, you get approval to hold this function with
8 pictures. Thank you very much.

9 MR. KUSHI: Recess.

10 CHAIR ALULI: Okay. We're going to call for a ten-
11 minute recess. Thank you.

12 (Pause in Proceedings: 9:44 a.m.-9:53 a.m.)

13 CHAIR ALULI: Okay. Let's call the meeting back to
14 order, please. (Gavel.) And move on to Administrative
15 Affairs.

16 (Officer Layne Silva entered the room.)

17 CHAIR ALULI: Sorry, Layne.

18 OFFICER LAYNE SILVA: Sorry.

19 CHAIR ALULI: So our meeting is back in order and
20 we're going to move on to Administrative Affairs, which Item A
21 is the ongoing review of the action regarding department's
22 proposed rules amendments, 08-101-5, -25, -84(b).

23 Are you supposed to give that, Layne, or...

24 OFFICER LAYNE SILVA: I'm going to read off the
25 portion to read it in and then we'll open it for --

1 CHAIR ALULI: Okay.

2 OFFICER LAYNE SILVA: You'll take it from there.

3 CHAIR ALULI: Okay.

4 OFFICER LAYNE SILVA: Continued review and action
5 regarding Department's proposed rule amendments to Sections
6 08-101-5, 08-101-25, and 08-101-84(b) of the Rules Governing
7 the Manufacture and Sale of Intoxicating Liquor of the County
8 of Maui (the rules), which amendments are set forth as
9 follows: Which are listed in the agenda before you.

10 CHAIR ALULI: Okay. Thank you, Layne.

11 And as the chair, I would like to take each one of
12 these rules individually so that they don't get lumped
13 together and possibly confused. And as the chair, I would
14 like to entertain a motion to -- sorry. Excuse me.

15 (Conferring with corp counsel.)

16 CHAIR ALULI: Oh, sorry. Okay. Yes. Thank you
17 very much.

18 Since this is a -- since this is a public hearing,
19 again, I'm going address each one of these rules individually
20 and if there is public testimony to be provided for these --
21 each individual rule, would the testifier please step up to
22 the mic, give their name, and provide their testimony.

23 So let's deal with Rule No. 08-101-5, which is --

24 Layne, do you want to state what that rule is,
25 please.

1 OFFICER LAYNE SILVA: Sure. 08-101-5, Rules
2 Governing the Manufacture and Sale of Intoxicating Liquor of
3 the County of Maui is amended by adding definitions to be
4 appropriately inserted and to read as follows: Now, what you
5 have before you in your agenda, the underlined portions are
6 what is being added.

7 CHAIR ALULI: Okay. So, again, since this is public
8 testimony, are there any testifiers in the audience for this
9 rule -- or this specific rule?

10 (No response.)

11 CHAIR ALULI: Are there any questions on the part of
12 any of the commissioners? Okay.

13 OFFICER LAYNE SILVA: 101-5 is the definitions.

14 CHAIR ALULI: Right.

15 UNIDENTIFIED SPEAKER: I believe there's a lot of
16 testifiers signed; right?

17 OFFICER LAYNE SILVA: There are. It seems like the
18 majority are signed in to testify on Item Roman Numeral VIII,
19 which basically encompasses all three. So if anyone wants to
20 testify on -- specifically on Definitions, which is 08-101-5,
21 which is being covered right now, then maybe you can identify
22 yourself and step forward to testify on that.

23 MR. COLLINS: Good morning, Chair and Vice Chair and
24 Commission Members. My name is Rick Collins and the Maui
25 County -- or Maui Coalition for a Drug-Free Youth is in

1 support of the definitions as defined. Thank you.

2 CHAIR ALULI: Okay. Any questions by the
3 commissioners?

4 (No response.)

5 CHAIR ALULI: Then as the chair, I would like to
6 entertain a motion to confirm -- confirm the adoption of the
7 definitions for drink --

8 OFFICER LAYNE SILVA: Mr. Chair.

9 CHAIR ALULI: Sorry. Oh.

10 OFFICER LAYNE SILVA: You wish to testify?

11 MS. GOLDSTEIN: Yes.

12 CHAIR ALULI: I'm sorry. Go ahead.

13 OFFICER LAYNE SILVA: Go ahead and step up to the
14 podium.

15 MS. GOLDSTEIN: Aloha. Good morning, Chair and
16 Members of the Liquor Commission. My name is Cindy Goldstein
17 and I'm the executive director of the Hawaiian Craft Brewers
18 Guild. Our organization represents the craft breweries here
19 in the state of Hawaii that make 100 percent of their beer
20 here in the state of Hawaii. We have 18 member breweries and
21 at least two in each county.

22 Our testimony focused on a "standard drink." We do
23 not support this being incorporated into the Maui liquor
24 rules. We certainly understand that there's a need for a
25 clear description of what alcohol policy and serving rules

1 are; however, we feel that the state law that has just been
2 passed -- and I'd like to make a correction to the testimony
3 that was submitted, that was signed by Governor Ige as
4 Act 226, not 229, so if people want to look that up. I also
5 have a copy if anybody would like to see it. We feel that
6 there has been a significant amount of public input and
7 testimony given during the hearings that the senate held, the
8 state house held, and then the bills had companion bills that
9 crossed over, so there was a significant opportunity for
10 testimony and input to be provided.

11 We'd like to pause and suggest that Act 226 take
12 effect, and that became effective just on July 1st of 2019,
13 and we feel that this can replace the need to modify the
14 definitions of alcohol serving and it also replaces the need
15 to create new definitions. We do understand that a standard
16 serving is usually considered to be a 16-ounce pint. When
17 somebody orders a standard beer serving, it's usually a pint
18 of beer, so if somebody were to get a 12-ounce serving of
19 beer, it would be pretty much like three-quarters of a glass
20 of beer for what they're usually accustomed to. We realize
21 the definition is also for other types of alcohol and our
22 sensibility on this is bars and restaurants, our members,
23 they're brew pubs and taprooms, have 16-ounce pints.
24 Sometimes they have smaller serving sizes of approximately 8
25 ounces and also the flight-size pours, which will be talked

1 about later, are often 4 ounces.

2 So we really feel that by creating a definition that
3 is not a standard type of glassware that bars and restaurants
4 and our member taprooms already have creates an unintended
5 impact. And we do feel that customers, if they receive three-
6 quarters of what they usually receive when they go for their
7 pau hana with their friends or are out for the evening, will
8 feel that, Gee, you know, I only got 75 percent of what I used
9 to get. How come my beer's not, you know, a full beer
10 anymore?

11 So I'll limit comments to that section and then
12 introduce other concepts as we move forward. And happy to
13 answer any questions you might have.

14 CHAIR ALULI: Commissioners, do you have any
15 questions of the testifier?

16 COMMISSIONER DE JETLEY: Mr. Chair, I noticed --

17 CHAIR ALULI: Alberta.

18 COMMISSIONER DE JETLEY: I noticed that too, that
19 this is 12 ounce and this is 16 ounce in other documentation,
20 so I agree that maybe that we should go with the state
21 standard.

22 CHAIR ALULI: Okay. Any other questions?

23 (No response.)

24 CHAIR ALULI: No?

25 Okay. Thank you, Ms. Goldstein.

1 MS. GOLDSTEIN: Thank you.

2 CHAIR ALULI: Please state your name.

3 MR. MARRERO: Oh. Gary Marrero on behalf of Maui
4 Brewing Company. We are a member of the Hawaiian Craft
5 Brewers Guild. Thank you for taking the time today. I know
6 this has been a subject that has taken more than one hearing,
7 so...

8 You know, we worked very closely with the Hawaiian
9 Craft Brewers Guild on the legislation to really make sense of
10 the stacking, the total ounces, the ability to do flights,
11 etc. You know, we think we ended up in a good place and I
12 believe the state senate and the state house did agree with us
13 and, of course, the govern signing into law on June --
14 July 2nd, clearly it was something that was supported, there
15 was a lot of testimony.

16 I'd like to be very upfront and say I share the
17 concerns of the coalition. Minors shouldn't be drinking
18 alcohol, it should be restricted, it should be taken as a --
19 as a real responsibility for anyone who is selling,
20 manufacturing, or serving alcohol. You know, do I believe
21 that defining a standard drink is going to dramatically change
22 things in one direction or another? Absolutely not.

23 As a craft brewery, it's very common to do flights,
24 this was what started this whole discussion, where we are
25 serving four beers that are 4 ounces each. We were cited for

1 practicing to promote excessive consumption by selling four
2 4-ounce glasses. I was legally allowed to give anyone two
3 pints or 32 ounces, but I couldn't sell them 16. So the math
4 doesn't lie, there is something wrong that needed to change.
5 You know, we are responsible member of the community, we're
6 created over 800 jobs in the state of Hawaii and a lot of tax
7 revenue that has come to the state to support programs with
8 children, with adults, with the environment especially. So we
9 believe that we are a good member of the community and we
10 always will continue to do that. I welcome the opportunity to
11 work with Rich and find some way that we can all help to
12 achieve a common goal, because I think that's the right thing
13 to do.

14 Specifically, though, defining a beer as a standard
15 drink as 12 ounces would be totally contrary to the rest of
16 the world. When a visitor or resident goes to a restaurant, a
17 bar, a hotel, they are not going to expect to get a 12-ounce
18 beer. The first thing you do when you say, you know, it's pau
19 hana time, you go into a bar, you go into a restaurant, you go
20 into whatever and you're gonna say, What's on tap? And the
21 ubiquitous glass for a beer is the pint glass.

22 I think you remember my wife on the last hearing,
23 she's much better than I am at demonstrating with the
24 glassware, she showed you what a flight is, 4-ounce glass, 12-
25 ounce glass, and then what the pint is that virtually every

1 bar in America and around the world carries to serve beer in.

2 When you talk about beer, you're talking about a
3 world that right now is over 108 different styles of beer that
4 range in alcohol percentage from 2.5 percent all the way up to
5 40 percent alcohol. So how can we define by an ounce level
6 what a beer really should be? We take it upon ourselves to
7 serve any alcohol, any beverage, any beer that's above 7
8 percent alcohol in a smaller glass because we feel it's --
9 A) it's more expensive to make, so we have to manage the
10 quantity, but it also is a higher alcohol, so we serve that
11 typically in a smaller glass. That's not required, it's just
12 what we do. Now, same thing with the four 4-ounce glasses,
13 we're talking about 4 ounces of a beer. When we start doing
14 the math again and you say the total volume in the rules, even
15 as proposed, is 32 ounces in front of any person, any two
16 people. 12 does not divide into 32 very easily. What does?
17 A pint; right? One pint per each person. So I think the
18 rules are already set up to be pretty clear.

19 And, you know, in reading 772, I came across, of
20 course, all of the things talk about tap handles and we talk
21 about all of the sizes, but I also recall here that it
22 requires licensees to hold to certain things. We are not
23 allowed to sell or serve any person 18 to 20 years of age
24 except in licensed establishment where selling or serving
25 intoxicating liquor as part of the minor's employment.

1 There's -- we can't permit any liquor be sold to serve any
2 person below the age of 18.

3 Then we say we can't allow liquor to be consumed on
4 the premises of the licensee or any premises connected
5 therewith, whether there be -- purchased or not, except as
6 permitted.

7 I can read you all the laws, the rules, but the
8 point being is we are already so restricted and held to a
9 standard that we must operate responsibly. And what we're
10 here to do is ask to be held to that standard, not one that
11 is, in our opinion, completely unenforceable. You know, when
12 we think about enforcement, someone walks in and sees a pint
13 glass, how do they know that that's not a 14-ounce glass, what
14 we call a cheater pint, right, with a thick bottom, versus a
15 pint glass. Well, they look at it and it's half way empty, so
16 it's about 8 ounces. Right? Well, what if we only filled it
17 to 12, did they think it was 16? How do you enforce that as
18 a -- as a liquor control enforcement agent? So that's
19 difficult.

20 Now, as a restaurant owner, it's very difficult to
21 say 5 ounces, I mean, everybody who drinks wine knows that a
22 5-ounce glass is not the standard serving for wine. Martinis,
23 you can kiss those good-bye, because you cannot make a martini
24 with the ounces of liquor that are specified here. And I
25 think we really need to think about the unintended

1 consequences and what the world expects when they go into a
2 restaurant or to a bar to drink responsibly and to be able to
3 manage by this two very different things.

4 CHAIR ALULI: Okay. Thank you.

5 MR. MARRERO: Yeah. I didn't know if the timer went
6 off or not.

7 CHAIR ALULI: Thank you.

8 MR. MARRERO: Thank you so much. I'm happy to
9 answer any questions. And, of course, our --

10 CHAIR ALULI: Commissioners, do you have any
11 questions?

12 (No response.)

13 CHAIR ALULI: Okay. Thank you very much.

14 MR. MARRERO: Thank you.

15 MR. KUSHI: I've got a -- I've got a question.

16 MR. MARRERO: Yes, sir.

17 MR. KUSHI: Mr. Marrero, at this time based on the
18 new state law, do you think the department needs a definition
19 of a standard drink?

20 MR. MARRERO: Absolutely not. I do not think that
21 is necessary.

22 MR. KUSHI: Because, Mr. Chair, I believe the
23 department has a comment on that.

24 CHAIR ALULI: Glenn.

25 DIRECTOR MUKAI: Yes, I agree that we should

1 withdraw the standard drink definition.

2 CHAIR ALULI: Okay.

3 All right. Do you want -- I see a person standing,
4 did you want to give testimony also?

5 MR. CORREA: Yes, please.

6 CHAIR ALULI: All right. Please state your name.

7 MR. CORREA: My name's Eric Correa. I'm a volunteer
8 with the Mothers Against Drunk Drivers. I am here testifying
9 on the section that you guys currently have before you.

10 I hear a lot of arguments for putting more alcohol
11 in front of people. You know, you're looking at the industry
12 side of things and their challenges on how they -- they will
13 serve their customers. We estimated in the newspaper, I
14 think, over 3 million visitors this year coming to the island
15 of Maui alone and that should generate a lot of revenue in and
16 of itself for these businesses regardless of the size of the
17 drink. But the issue that you've gotta look at also, please,
18 as a commission is the public safety aspect of it.

19 I myself was struck by a drunk driver head on. I'm
20 a retired police officer, I worked in the traffic unit on the
21 DUI Task Force and I did accident reconstruction involving
22 drunk drivers. The carnage that drunk drivers are currently
23 doing -- even in the past, but not -- but you look at
24 currently what's going on on our roads, you look at the
25 newspaper, the effect on our community it's having, okay, and

1 what -- essentially this definition -- and I'm for the
2 definition, by the way, but by modifying it to include more
3 alcohol in front of a person with a standard drink size,
4 you're putting more alcohol on the road 'cause these people
5 don't ride horses, they drive cars. When you inebriated,
6 studies show you don't have good judgment. You're not gonna
7 call an Uber all the time. You have your keys in your hand,
8 you'll walk out to that car and drive.

9 My wife was hospital -- hospitalized for ten days,
10 she only -- nearly died from her injuries because her
11 intestines were ripped open. Okay. I -- I used to go to
12 people's house, knock on their door, tell them their relative
13 died, as an accident reconstructionist. The -- I wish I could
14 record the screams for you guys when that happened, I wish you
15 could see the pain on the mom's faces, and that's why I
16 volunteered from that once I retired as a police officer.

17 Sure, the revenue, the taxes, there's -- those are
18 all financial benefits, but who really pays the price? In our
19 community, it's the people driving on the roads that's just
20 trying to get home. The day I was struck, I was just going to
21 the beach with my family. My three-year-old son had a broken
22 neck from that, that accident. I couldn't help him 'cause I
23 was so badly injured. We were trapped in the car. The
24 judicial process took so long, took two years. The gentleman,
25 this young man is sitting -- he was legal drinking age, we're

1 not talking about youth. He's in jail right now doing a year,
2 he just got sentenced.

3 But the emotional toll doesn't end at the time --

4 I'm sorry. Am I over the limit?

5 -- at the time the accident is done, it carries on
6 for a long time. We're still going through a lot of legal
7 processes. So I just wanted to give you a guys a glimpse of
8 the impacts from the other side of this matter. There's the
9 industry side and this is public health safety side of it. So
10 please, I've been in the -- in the field of enforcement and a
11 victim myself. Thank you for your time.

12 CHAIR ALULI: Thank you very much.

13 Is there any further testimony on Section 08-101-5?

14 (No response.)

15 CHAIR ALULI: Commissioners, do you have any
16 comments to make or questions of any of the testifiers?

17 COMMISSIONER DE JETLEY: Mr. Chair, I just want to
18 thank the testifier for coming and appearing before us, that
19 was very, very moving. Thank you.

20 CHAIR ALULI: Okay. I would as chair like to
21 entertain a motion to confirm the adoption of definitions for
22 drink, hosted bar, and no host bar and the deletion of
23 standard drink.

24 VICE CHAIR UMENO: So moved.

25 COMMISSIONER BOLOSAN: Second.

1 CHAIR ALULI: Any discussion?

2 COMMISSIONER DE JETLEY: I do have -- sorry.

3 Mr. Chair, I'm sorry, I'm sort of lost here because there
4 was -- I can't find it now, but the two drinks in front of a
5 person, two drinks, is that coming up later?

6 CHAIR ALULI: Correct.

7 COMMISSIONER DE JETLEY: Okay.

8 CHAIR ALULI: That's not in this specific rule.

9 Okay. That's fine. Okay. Thanks.

10 CHAIR ALULI: We're just addressing this rule as
11 I've stated it. Do you want me to --

12 COMMISSIONER ANDRION: Mr. Chair, could you --

13 CHAIR ALULI: Bobby.

14 COMMISSIONER ANDRION: Could you state the rule
15 that --

16 CHAIR ALULI: Okay.

17 COMMISSIONER ANDRION: -- what we're voting for
18 right now.

19 CHAIR ALULI: Layne, do you want to read that again,
20 please.

21 OFFICER LAYNE SILVA: Sure. Section 08-101-5, Rules
22 Governing the Manufacture and Sale of Intoxicating Liquor of
23 the County of Maui, is amended by adding definitions to be
24 appropriately insert and to read as follows: The underlined
25 portions are what are being requested to be added in.

1 Everything within the brackets are what are being removed.

2 CHAIR ALULI: Okay.

3 VICE CHAIR UMENO: We're excluding standard drink.

4 CHAIR ALULI: Correct. So the motion on the --

5 OFFICER LAYNE SILVA: That is excluded, yes.

6 CHAIR ALULI: Correct. So the motion on the floor
7 is to approve the further definitions on drink, hosted bar,
8 and no hosted bar and the deletion of the definition of
9 standard drink. That's the motion on the floor and has been
10 moved and seconded and is up for vote.

11 So all in favor of the motion as stated? Who's in
12 favor? How many?

13 VICE CHAIR UMENO: I'm in favor.

14 CHAIR ALULI: How many ayes do I have? One, two,
15 three, four, five, six. Okay. Motion -- any denials?

16 (No response.)

17 CHAIR ALULI: Motion carries. Thank you very much.
18 So Section 08-101-5 is approved.

19 Okay. So let's move on to Section 08-101-25.

20 Layne, do you wanna read that, please.

21 OFFICER LAYNE SILVA: Section 08-101-25, Rules
22 Governing the Manufacture and Sale of Intoxicating Liquor of
23 the County of Maui, is amended by amending subsections (a) and
24 (e) to read as follows: Again, this is in reference to hours
25 to transact business. Again, all the underlined portions are

1 additions and everything -- all the bracketed items are to be
2 removed.

3 CHAIR ALULI: Okay. Thank you, Layne.

4 Again, since this is public testimony, are there any
5 testifiers in the audience?

6 Yes, Miss, would you please state your name and
7 you've got three minutes. Thank you.

8 MS. CHAPMAN: Good morning, Commission, Commission
9 Chair, and Department. My name is Ashlee Chapman and I
10 coordinate the Maui Coalition for a Drug-Free Youth and I
11 direct the Maui Nui Youth Council.

12 I'm here today to ask for your help relating to
13 Section 08-101-25(a) which allows restaurants to sell alcohol
14 for off-premise consumption. For clarity and consistency in
15 the language we're asking the commission to insert the
16 language that specifies the type and size of container allowed
17 for that off-premise sales directly from the HRS 281-31(c).
18 I -- you all have been provided a handout with that specific
19 language outlined as recommended by the coalition.

20 The intention is as the rules were originally
21 outlined, it only identified that restaurants could sell
22 liquor for off-premise sales, but we do know from the Hawaii
23 Revised Statutes that they are specified to certain containers
24 up to 64 ounces. So we're asking just for clarity and
25 consistency so that servers and licensees know exactly what is

1 allowable, to just insert that language directly.

2 Thank you so much.

3 CHAIR ALULI: Thank you, Ashlee.

4 Any other testifiers?

5 (No response.)

6 CHAIR ALULI: Okay. Not seeing any --

7 MR. MARRERO: Chair.

8 CHAIR ALULI: Yes, sir.

9 MR. MARRERO: Sorry. We would support that, I
10 think, but I think -- sorry.

11 CHAIR ALULI: Can we get your name again, please.

12 MR. MARRERO: Yeah. Garrett Marrero, Maui Brewing
13 Company.

14 We would support for clarification purposes;
15 however, I believe we would have to look at the bill number
16 that was signed this year for clarification that it does allow
17 for growlers, crowlers, recyclable and reusable containers I
18 believe now up to 128 ounces. It may have been lost in
19 translation, but there were two sections of HRS 281 and it was
20 paragraph after paragraph. The first one said 64, the second
21 one said 128. We would be okay with either, but we would just
22 want to make sure that it's consistent with state law. I'm
23 fine with the 64, I don't think we need a gallon jug, but --
24 yeah. So, you guys, we can work together on it, I just would
25 hate to have us do something that is then now contrary to

1 state law without first looking at that.

2 CHAIR ALULI: Okay.

3 MR. MARRERO: Thank you.

4 CHAIR ALULI: Thank you, Mr. Marrero.

5 Glenn, did you have a comment?

6 DIRECTOR MUKAI: Yes. What she's asking for, the
7 maximum capacity, is already in our rules. We adopted state
8 law.

9 CHAIR ALULI: Okay. All right. Thank you.

10 VICE CHAIR UMENO: Excuse me. The state law is how
11 many ounces?

12 DIRECTOR MUKAI: It's --

13 VICE CHAIR UMENO: 120. 128.

14 DIRECTOR MUKAI: It is equal to half a gallon. We
15 break it down, the last commission hearing.

16 VICE CHAIR UMENO: Presently we have 64 as the
17 maximum.

18 DIRECTOR MUKAI: 64, yeah.

19 VICE CHAIR UMENO: Is that correct?

20 DIRECTOR MUKAI: You know, it's limited to sixty --
21 half a gallon by state law in our rules, it's equivalent to
22 what the coalition is asking. 'Cause when they submitted
23 their request, we checked it out, we ran the math, and it's
24 equal to.

25 CHAIR ALULI: Okay.

1 VICE CHAIR UMENO: Where is the 120 from?

2 CHAIR ALULI: I have no idea.

3 Ms. Goldstein, did you want to say something?

4 MS. GOLDSTEIN: Yes. Good morning. To comment on
5 that -- my name is Cindy Goldstein, executive director of the
6 Hawaiian Craft Brewers Build. This session bill -- House Bill
7 546, which I believe was Act 92, was passed and it defined
8 what a growler could be. In some instances in previous HRS
9 language it stated a half gallon and in other sections one
10 gallon, so it was standardized to allow for up to, I believe,
11 one gallon growlers that would be in a recyclable or reusable
12 container, was the language. And I believe that's Act 92, but
13 the bill number was 546.

14 MR. KUSHI: Chair.

15 MS. GOLDSTEIN: 115 is the act, Act 115.

16 MR. KUSHI: Excuse me. Do you know what section of
17 the HRS that that amended?

18 MR. MARRERO: It was 281-31 --

19 MR. KUSHI: 31.

20 MR. MARRERO: -- as the young lady said.

21 We -- well, sorry, I'll use the --

22 Again, in support, the issue was -- again, Garrett
23 Marrero, Maui Brewing Company. The issue was that the two
24 paragraphs were unclear whether it could be 64 or 128 and
25 depending on any given day, someone from the mainland might

1 come in with a growler that is sold on the mainland very
2 commonly as 128-ounce drink tank, it's a stainless steel
3 growler. They would bring them in and we would say we
4 couldn't fill those because as we understood it, the state law
5 that, you know, I was a champion of back in 2005 to create
6 growlers and crowlers was 64 ounces. So there was just this
7 inequity in the law where it said recyclable or reusable
8 containers were 64 ounces and then it had different language
9 in the following paragraph that said containers up to one
10 gallon. So we were just saying to the state, we said, We're
11 okay with either, we just would like clarity so that we're
12 never in a position where we are doing the wrong thing.
13 Again, we would be supportive of the 64 as Maui County
14 currently has it, but it was Act 115 signed this year.

15 DIRECTOR MUKAI: Just for clarification, that --
16 that act that he's referring to, it addresses only the brew
17 pubs and small craft producers, not the restaurants.

18 CHAIR ALULI: Right.

19 DIRECTOR MUKAI: The changes.

20 CHAIR ALULI: Okay.

21 MR. MARRERO: Oh, thank you.

22 DIRECTOR MUKAI: So the restaurant is still half a
23 gallon.

24 CHAIR ALULI: It's still half a gallon. Okay.

25 Okay. So -- all right. Any other commissioners

1 have any questions of any of the testifiers?

2 (No response.)

3 CHAIR ALULI: Okay. Then the chair would like to
4 entertain a motion to confirm the amendment as presented for
5 Rule No. 08-101-25.

6 VICE CHAIR UMENO: So moved.

7 COMMISSIONER BOLOSAN: Second.

8 COMMISSIONER DE JETLEY: Second.

9 CHAIR ALULI: All in favor?

10 (Response.)

11 CHAIR ALULI: Any opposition?

12 (No response.)

13 CHAIR ALULI: No. Okay. That motion carries, so --

14 MR. KUSHI: Wait, wait.

15 CHAIR ALULI: Yes.

16 MR. KUSHI: Chair, which version are we talking
17 about? The one from the coalition?

18 CHAIR ALULI: No. We're talking about the one that
19 is -- was presented to us in the original filing, which is --

20 Layne, do you want read that? That's 08-101-25.

21 OFFICER LAYNE SILVA: Do you want me to read the
22 whole thing or you want me to just go over the section that
23 we're talking about --

24 MR. KUSHI: Section 10.

25 OFFICER LAYNE SILVA: -- the restaurants?

1 CHAIR ALULI: Just Section 10.

2 OFFICER LAYNE SILVA: The way it states here are
3 restaurants allowed -- and the hours for a restaurant are any
4 hour of the day from 8:00 am to 2:00 a.m. the following day
5 for on premises consumption liquor sales and 6:00 a.m. to
6 11:00 p.m. for off-premises retail liquor sales.

7 CHAIR ALULI: Okay.

8 OFFICER LAYNE SILVA: Where you're gonna find the
9 breakdown of the size, the ounces, is not here.

10 CHAIR ALULI: Right.

11 OFFICER LAYNE SILVA: This is just the section that
12 is allowing for that sale, retail sale.

13 VICE CHAIR UMENO: And the hours.

14 OFFICER LAYNE SILVA: And the hours that they're
15 allowed to be open to do that.

16 CHAIR ALULI: Okay. Is that -- is that all right?

17 MR. KUSHI: Yeah. You know, Mr. Chair, if I may,
18 for discussion and -- may I suggest because there's some
19 discussion as to the citation to state law and the changes of
20 state law, maybe at the end of the sentence where it reads
21 "for on-premises consumption liquor sales and 6:00 a.m. to
22 11:00 p.m. for off-premises retail liquor sales," comma,
23 "pursuant to state -- pursuant to Chapter 281 HRS." So if the
24 state law changes, then we will be changing in compliance with
25 that.

1 CHAIR ALULI: We have to amend the motion, then --

2 MR. KUSHI: Yes, yes.

3 CHAIR ALULI: -- to put that in place. So can
4 you -- you can write -- is that in the minutes?

5 MR. KUSHI: Pursuant to HRS -- Chapter 281 HRS,
6 which Chapter is 281-31(c) states the definitions and that may
7 change from time to time.

8 VICE CHAIR UMENO: Why don't we just put state
9 definitions?

10 MR. KUSHI: Just reference Chapter 281.

11 CHAIR ALULI: Reference Chapter 281. Okay.

12 MR. KUSHI: If you agree with that, I can work out
13 the language.

14 CHAIR ALULI: Okay.

15 COMMISSIONER ANDRION: So is that 281-31(c)?

16 MR. KUSHI: Well, it may involve some other sections
17 that we don't know of.

18 COMMISSIONER ANDRION: Okay.

19 MR. KUSHI: So just Chapter 281 HRS would be fine.

20 VICE CHAIR UMENO: So I want to amend my --

21 CHAIR ALULI: Right. So I'm amending the motion to
22 state in addition Item 10 will include "pursuant to State
23 Statute 281." So with that amendment, do I have a motion for
24 approval?

25 VICE CHAIR UMENO: So moved.

1 COMMISSIONER DE JETLEY: Second.

2 COMMISSIONER BOLOSAN: Second.

3 CHAIR ALULI: All in favor?

4 (Response.)

5 CHAIR ALULI: Any opposition?

6 (No response.)

7 CHAIR ALULI: No. Okay. Motion carries with that
8 addition. Thank you.

9 Okay. Let's move on to Section 08-101-84.
10 Layne.

11 OFFICER LAYNE SILVA: Section 08-101-84, Rules
12 Governing the Manufacture and Sale of Intoxicating Liquor of
13 the County of Maui, is amended by amending subsection (b) to
14 read as follows: Again, the underlined items are the items
15 that are being added to and the bracketed items are being
16 removed. And this is the one where we refer to more than two
17 drinks in front of a person at any one time.

18 CHAIR ALULI: Okay. And since we do have -- we
19 definitely do have public testimony on this, Layne, I turn it
20 over to you.

21 OFFICER LAYNE SILVA: Yes. I'm sorry, your name,
22 sir?

23 MR. BARGER: My name is Dennis Barger.

24 OFFICER LAYNE SILVA: Oh, I see you right there,
25 yes. Reverend Dennis Barger.

1 CHAIR ALULI: Thank you. Again, please state your
2 name and you've got three minutes, please. And we'd like to
3 ask that you keep it to the three minutes so that we can get
4 through these testimonies as quickly as possible. Thank you.

5 MR. BARGER: Aloha kakahiaka, Liquor Control
6 Commission Chair Aluli, Commissioners, Director Mukai,
7 Corporate Counsel, and other departmental Liquor Control
8 Staff. Mahalo for your time and attendance and mahalo nui loa
9 for those who serve as volunteers and concerned citizens
10 without pay.

11 My name is Dennis Barger, I am a resident of Kihei
12 and currently serve as interim pastor of Keaolahou Hawaiian
13 Congregational Church in Kihei. In addition to my seminary
14 degree, I have a master's degree in public health. Prior to
15 coming to Maui in 2010 I was certified by the State of
16 California as a prevention specialist and employed by Mono
17 County, California Department of Health. I was the
18 responsible beverage server trainer for many years in a ski
19 resort community. I'm currently a volunteer with the Maui
20 Coalition For Drug-Free Youth.

21 And I sincerely believe that it is important to
22 create alcohol control measures that will promote responsible
23 drinking and discourage overconsumption, so I'm here to ask
24 for your support in protecting our community by adopting this
25 rule change that we are proposing today to prioritize public

1 health and safety above all else. Members of our coalition
2 are here today to ask the commission to adopt various rule
3 changes because we are trying to reduce the intentional or
4 inadvertent intoxication and minimize harmful consequences
5 therefrom.

6 When I was training folks to be responsible servers
7 in that resort community, we at first were using ABC, that is
8 the alcohol beverage control officers that were involved in
9 training as well, and one of the things that was put forth by
10 this officer in California was that he asked the group, How
11 many think that to go to a bar and get drunk and have a good
12 time is what the purpose for bars is? And virtually everyone
13 raised their hand and agreed that that's the purpose for going
14 to a bar. Well, he says, then you're in violation of
15 California law, because you cannot be intoxicated in a bar.
16 And I think the same rules, relatively speaking, apply here in
17 Maui and the state of Hawaii.

18 We support the adoption of a stacking rule which
19 rather than being eliminated as you have on page 5, it's
20 bracketed "no more than two drinks of any liquor at one time
21 to an individual shall be permitted," we would say it is not
22 appropriate then to remove all limits for drinks. So we are
23 proposing that you only modify this recommendation to include
24 one drink per opportunity to serve. People can continue to
25 order drinks, but the purpose of this would be to slow down

1 the consumption of alcohol. I mean, you only have to consume
2 2 ounces of alcohol in order to be legally drunk in terms of
3 operating a motor vehicle, so, you know, even if you want to
4 consume more than what would limit you to drive, we don't
5 think opening it wide open is the way to go. We recommend
6 that you adopt a one drink minimum -- excuse me, one drink at
7 a time as being served to a patron.

8 Thank you for your -- for allowing me to present.

9 CHAIR ALULI: Commissioners, do you have any
10 questions of the testifier?

11 COMMISSIONER DE JETLEY: Yes. Layne.

12 CHAIR ALULI: Go ahead.

13 COMMISSIONER DE JETLEY: Layne, when did that, that
14 change come about? Because I always thought it was always one
15 drink at a time, so why is it that now we're looking at two
16 drinks at a time?

17 OFFICER LAYNE SILVA: You know, I couldn't tell you
18 when that actually took effect, but it is -- as the rule
19 states right now, it is two drinks in front of any one person
20 at any time.

21 CHAIR ALULI: Okay. Any other questions of the
22 testifier?

23 (No response.)

24 CHAIR ALULI: Thank you, Reverend.

25 MR. BARGER: Thank you.

1 CHAIR ALULI: Layne.

2 OFFICER LAYNE SILVA: Tyler Fisher.

3 MR. FISHER: Hello. My name is Tyler Fisher and I
4 represent the Maui Nui Youth Council. I'm a resident of
5 Kahului.

6 And I'm here to support Section 0A -- or 08-101-
7 84(b) for the first rule to limit alcohol -- one alcoholic
8 beverage at a time per person. I think this will help our
9 community by helping slow down drinking and reduce binge
10 drinking.

11 I also support Rule 2, which is to implement
12 standard -- a standard serving size for an individual drink
13 based on the type of alcohol. We ask to limit the serving
14 size of beer to 16 ounces, wine to 5 ounces, and distilled
15 spirits at 2 ounces. I also think this would help our
16 community by decreasing the consequences of alcohol -- for
17 decreasing the consequences of alcohol because for every beer
18 or wine they drink, it will be less than it already was.

19 Thank you for your time. Any questions?

20 COMMISSIONER DE MELLO: Yes.

21 CHAIR ALULI: Jerrybeth.

22 COMMISSIONER DE MELLO: If you don't mind me asking,
23 how old are you?

24 MR. FISHER: I'm 15.

25 COMMISSIONER DE MELLO: Okay. Thank you.

1 MR. FISHER: Thank you.

2 CHAIR ALULI: Layne.

3 OFFICER LAYNE SILVA: Okay. Forgive me if I butcher
4 this, but I believe -- is that Patrino Santiago? Is that
5 right?

6 MR. SANTIAGO: Patricio.

7 OFFICER LAYNE SILVA: All right. Thank you.

8 MR. SANTIAGO: Good morning, Maui Liquor Commission.
9 My name is Patricia Santiago, a resident of Kula, a member of
10 Maui Nui Youth Council.

11 I'm here to testify in support of a rule change to
12 Section 08-101-84(b). The Maui Nui Youth Council would like
13 to advocate for two amendments to this section that would
14 reduce binge drinking in our community and increase the health
15 and safety for everyone. The first rule change we're asking
16 for is limiting alcohol to only one drink at a time per
17 person. We ask to limit the number of drinks because if you
18 have two drinks in front of you, it's more likely you'll drink
19 both because you have both and you've paid for them. Also
20 with getting two drinks at the same time it's more alcohol
21 consumption and it makes the risk of getting drunk higher and
22 it's bad for your body. Without limits like these, there will
23 be more drunk drivers, more issues and problems, more harms to
24 the -- and more harms to the community.

25 The second rule change we are asking for is to adopt

1 standard serving sizes for alcohol by type of alcohol. The
2 Maui Nui Youth Council recommends limiting the serving sizes
3 of beer up -- or to 16 ounces, 5 ounces for wine, and 2 ounces
4 for distilled spirits. Adopting these guidelines will
5 increase the safety and health of everyone because you won't
6 be consuming a lot of alcohol in one serving and it'll make
7 drinking safer for the community by reducing some of the risk
8 factors of drinking too much.

9 Thank you for your time and seriously considering
10 the public health and safety of our community. Any questions?

11 CHAIR ALULI: Thank you, Young Man.

12 Are there any questions on the part of the
13 commissioners?

14 (No response.)

15 CHAIR ALULI: No. Thank you very much.

16 OFFICER LAYNE SILVA: Ashlee Chapman.

17 MS. CHAPMAN: Good morning again, Commissioners. My
18 name is Ashlee Chapman, coalition coordinator for the Maui
19 Coalition for Drug-Free Youth, director of the Maui Nui Youth
20 Council.

21 I'm here to testify in support of our proposed rule
22 amendments to Section 08-101-84(b). Again, I'm asking for the
23 implementation of a stacking rule limiting alcohol to one
24 drink at a time with the exception of flights as allowed under
25 revised HRS. We ultimately believe that this would act as a

1 speed limit for binge drinking and just slow drinking down
2 enough to save lives.

3 In addition, I'm also asking for your support in
4 implementing the single-serving drink size based off of type
5 of alcohol. For beer, that would be up to 16 ounces, so we
6 understand how the industry utilizes their pint glasses, we
7 don't expect the industry to go out and have to change all of
8 their methods, so we do understand that 16 ounces is a
9 standard serving size for beer. We would like 5 ounces for
10 wine and, again, 2 ounces for distilled spirits.

11 We hope that these rule -- the proposed rule
12 amendments by the coalition -- and they're all intended to
13 establish public safety as our priority, so we hope that you
14 take these into consideration. Thank you.

15 CHAIR ALULI: Commissioners, any questions of
16 Ashlee?

17 COMMISSIONER ANDRION: I've got a question and don't
18 take this question as something else, but we always pushing
19 one drink at a time. So you have two drinks in front of me,
20 can I drink it two at a time?

21 MS. CHAPMAN: So that's the -- we understand that,
22 right, we only have one mouth, right, but it's not necessarily
23 the concept of having people ordering two drinks at a time
24 with the intention of drinking it, the whole idea is that by
25 limiting the amount of alcohol that can be served to a patron,

1 it just slows everything down so that it reduces the overall
2 liability for everybody concerned. So it makes it easier for
3 our servers/our bartenders to understand exactly how much is
4 being consumed and purchased. It helps the patrons understand
5 exactly how much they're consuming and purchasing. And we
6 know just based off of human behavior, if you purchase
7 something, you're going to consume it. So we're just asking
8 for speed limits just like on our roadways that can help to
9 slow down drinking so that we reduce the opportunity for binge
10 drinking and overconsumption.

11 COMMISSIONER ANDRION: Don't get me wrong, I'm here,
12 I do care for kids, I do care for anybody that basically gets
13 hurt while they're out there driving, but it's basically --
14 and for me as a responsible person, it's hard for me to find
15 where a person would have a whole bunch of drinks there,
16 because I've just based it on my experience on me as a person.
17 If I have so much alcohol -- I can only drink what I can
18 drink, okay, but to actually -- how you say? To put that
19 across that everybody would drink whatever they have in front
20 of them, I think that's -- that's kind of off scale just a
21 little bit. But I hear what you guys are saying and thank you
22 for testifying.

23 MS. CHAPMAN: Thank you.

24 COMMISSIONER ANDRION: That's all I have.

25 MS. CHAPMAN: Thank you.

1 OFFICER LAYNE SILVA: Jan Shishido.

2 MS. SHISHIDO: Good morning. So good morning --

3 CHAIR ALULI: Please -- I'm sorry. State your name,
4 please.

5 MS. SHISHIDO: I just wanted to say good morning.

6 CHAIR ALULI: Oh, okay.

7 Is she the next testifier?

8 OFFICER LAYNE SILVA: Yes.

9 CHAIR ALULI: Oh, sorry. Okay.

10 MS. SHISHIDO: So good morning, Commission, Chair
11 and Commissioners. And good morning, Director Mukai, Layne,
12 and staff. Thank you.

13 My name is Jan Shishido. And for Mr. Kushi's sake,
14 I just want to reiterate that I am retired, so... So I'm a
15 member of the Maui Coalition For Drug-Free Youth and I'm here
16 to speak on the subject of the excessive consumption of
17 liquor.

18 And I'm requesting for the commission to be in
19 support that establishments cannot serve more than one drink
20 at a time. This not -- this does not include the flights. We
21 are not alone in this, in having this stacking rule, as many
22 other states and counties have such rules. Hawaii County and
23 Hawaii Island County have stacking rules and they limit two
24 per person. But this would reduce the promotion of over-
25 consumption as well as reduce the liability for all, slowing

1 drinking enough to save lives. It is a request as we look at
2 public health and safety.

3 So thank you for your consideration in this rule
4 change. But before I leave, I just wanted to be sure to say
5 mahalo for your continued support in supporting the Maui
6 Youth -- Maui Coalition For a Drug-Free Youth in your
7 education funds for the coalition and continue to support us
8 as well in the future. So thank you. Any questions?

9 CHAIR ALULI: Thank you, Jan.

10 Commissioners, any questions of Jan?

11 COMMISSIONER DE JETLEY: I have a statement,
12 Mr. Chair.

13 CHAIR ALULI: Yes, Alberta.

14 COMMISSIONER DE JETLEY: I just want to thank Jan
15 for her community service and her willing to serve with the
16 coalition. Thank you so much.

17 MS. SHISHIDO: You're welcome. Thank you.

18 CHAIR ALULI: Thank you, Jan.

19 OFFICER LAYNE SILVA: Rick Collins.

20 MR. COLLINS: Good morning again, Members of the
21 Commission and Director and Staff. My name, again, is Rick
22 Collins and I am the director for the Maui Coalition For a
23 Drug-Free Youth. I'm here to testify on behalf of 08-101-84.

24 And I understand that this is a tough decision for
25 you folks to make; however, we believe that as -- we stand

1 here for the -- for the health and safety of our community
2 that one drink at a time is the best option of service. We
3 also recommending that you limit that drink to 16 ounces of
4 beer at a time, which would fall in line with the Maui Brewing
5 Company's standard of a pour. We think that's easily
6 enforceable. As well, 5 ounces of wine and 2 ounces of
7 distilled spirits.

8 If you decide that you do not want to go with one
9 drink at a time and you decide to go with, say, two drinks at
10 a time, what we would like to recommend as a third option is
11 that instead of leaving two drinks at a time open, that you
12 would say two drinks at a time, limiting a drink of beer to 16
13 ounces, a drink of wine to 5 ounces, and a drink of distilled
14 spirits to 2 ounces.

15 So that is what I am here to testify on behalf of
16 and we thank you for your time. I thank you for your time and
17 I'm -- if you have questions about that, I'm happy to answer
18 them.

19 CHAIR ALULI: Commissioners, any questions of Rick?

20 COMMISSIONER ANDRION: Rick.

21 MR. COLLINS: Uh-oh.

22 COMMISSIONER ANDRION: No.

23 MR. COLLINS: Sorry.

24 COMMISSIONER ANDRION: So just so that I'm clear --

25 MR. COLLINS: Yes.

1 COMMISSIONER ANDRION: -- okay, does -- I mean, if I
2 were to go to any bar or to any restaurant and I ordered a
3 drink and let's just say right now these were alcohol, I'd be
4 in violation; is that correct?

5 MR. COLLINS: That would be correct under our
6 proposed language.

7 COMMISSIONER ANDRION: Right. So if I were -- I
8 were to drink one, then they would have to take the container
9 out and then I would have to order another one?

10 MR. COLLINS: Yes. So your drink would have to be
11 finished and I could replace it with -- that empty glass in
12 your hand with another one.

13 COMMISSIONER ANDRION: Okay. Wouldn't that as far
14 as the establishment could adopt that rule for their own
15 establishment and say, This is our policy?

16 MR. COLLINS: They could, but, obviously, we feel
17 like the guys that are going to be in compliance like Maui
18 Brewing Company are probably already adopting standards like
19 that, but it's places like The Triangle, it's places where
20 there's high binge drinking occurring that a rule is going to
21 help enforce folks that are not complying with those kind of
22 rules.

23 COMMISSIONER ANDRION: Okay. Thank you.

24 MR. COLLINS: Yeah.

25 CHAIR ALULI: Any other --

1 COMMISSIONER DE JETLEY: Chair.

2 CHAIR ALULI: Yes.

3 COMMISSIONER DE JETLEY: May I make a comment on
4 that. You know, in a really busy bar, the bartenders or the
5 servers really have a hard time keeping track of big tables.
6 So if you have a big table of, say, eight people, that's 16
7 drinks on the table, how are they gonna make sure that those
8 16 drinks belong to those eight people? So if you have one
9 drink at a time per person, it's a safety thing that
10 bartenders and servers can keep control. And in this day and
11 age where we have date rape and drugging occurring in bars, if
12 that's your drink on the table, you're gonna stay with that
13 drink and make sure that it's not doctored in any way. I
14 mean, it's -- it's reality now that this kind of thing does
15 happen. So one drink at a time per person in front of them,
16 that's the best way that restaurants and bars will know that
17 their servers are in compliance and that their place is a safe
18 establishment to drink in.

19 CHAIR ALULI: Okay. Any further questions from any
20 of the commissioners to Rick?

21 (No response.)

22 CHAIR ALULI: No? Okay. Thank you, Rick.

23 Next.

24 OFFICER LAYNE SILVA: On that, that's basically the
25 bottom of the list unless anyone was wishing to --

1 Oh, Cindy. There you are.

2 MS. GOLDSTEIN: Yes. I'm short and easy to miss.

3 CHAIR ALULI: No. We didn't say that now, Cindy.

4 MS. GOLDSTEIN: So thank you for the opportunity.

5 My name is Cindy Goldstein, executive director of the Hawaiian
6 Craft Brewers Guild.

7 What I should've mentioned at the very outset is
8 certainly our organization embraces the responsible
9 consumption of alcohol and we certainly want to support
10 policies that prevent underage drinking and youth exposure to
11 alcohol. Certainly the testimony from the representative from
12 MADD, certainly, you know, I'm very sorry to hear about, you
13 know, the personal experience and we never want to see
14 something like that happening. What we've been doing lately
15 is our members have been partnering with Lyft, especially, for
16 discounts and incentives to have people use ride share
17 services, so we're very sensitive to that, we think it's very
18 important to address that directly.

19 In terms of stacking and the number of drinks, I
20 just want to again mention that Act 226 which was Senate Bill
21 772 that was enacted on July 1st. The reason for the
22 provision had to do with stacking, we were addressing the
23 definition of stacking when that act was passed. In terms of
24 responsible consumption of alcohol, our members of the guild,
25 our servers are trained, our managers are trained to not over

1 serve. And I do realize that there are times when things get
2 busy and active, but, still, it is the role of the server and
3 the training of the server not to over serve customers and to
4 pay attention to their consumption.

5 Flight servers are -- flight servings can certainly
6 be monitored the same way that individual servings can be
7 monitored. And, again, that's usually a 4-ounce pour,
8 typically four of those, some establishments might serve five,
9 but those are smaller pours.

10 We'd also like to point out that not all of the
11 beers that craft breweries make are higher alcohol. There are
12 a number of lower alcohol options when people are ordering.
13 So we don't want to give the impression that craft beer is
14 always a high alcohol type of beer.

15 And the other thing just personally for myself, when
16 I go out, I want those little mini beers, I like those sample
17 sizes. For me, the idea of drinking a full pint is actually
18 too much, so I myself prefer just to order maybe two or three
19 of those flight-size beers. And I think if you were to, you
20 know, just step into one of the brew pubs or taprooms, you'll
21 see responsible consumption of alcohol, you'll see individuals
22 that are drinking smaller-size pours, they're consuming food
23 at the same time. And we do care about overconsumption and I
24 do feel that people are much more in tune to that now, about
25 not overconsuming and if you have been, then use Lyft or use

1 Uber. And we make that very clear when people come into
2 establishments that that's -- that that is an option and we
3 even -- for Maui Brewfest, I had worked with Lyft to make sure
4 that they were there at that event, so...

5 Thank you.

6 CHAIR ALULI: Thank you, Ms. Goldstein.

7 Any questions from the commissioners' part?

8 (No response.)

9 CHAIR ALULI: No. Thank you very much.

10 Layne.

11 OFFICER LAYNE SILVA: Garrett.

12 MR. MARRERO: Aloha again. Garrett Marrero, Maui
13 Brewing Company.

14 Yeah, I'm torn on this subject a little bit because
15 I do believe that responsible consumption is important. The
16 issue that we have with the change to a single drink is
17 exactly what the Commissioner Andrion mentioned. If we had --
18 if someone has a beer that has maybe 1 ounce left in it and
19 it's -- another beer is ordered, that beer is put down before
20 the person maybe engaged in a conversation gets to finish,
21 that is a violation because of the fact that there are two
22 drinks in front of that person. It is very rare for anyone to
23 order two drinks at a time in any of our establishments and we
24 do -- I thank Rich for calling us out on that, that we are
25 responsible servers. But it is on occasion someone will come

1 in and order what is a beer and a shot, you know, and you
2 might enjoy a neat whiskey while you sip a beer, so is that
3 now something that we would have to stop?

4 I know we've already addressed the standard drink
5 issue, but glasses of wine at 5 ounces for a restaurant is
6 unrealistic and a martini, by definition, is a minimum of 3
7 ounces, so, you know, this -- these are drinks that are
8 standard in America and across the world, so -- although I
9 agree that 16 ounces is good for the beer, I think the
10 standard drink -- again, that issue being put to bed, I would
11 just like to point that out.

12 I do -- I do support as of now the liquor control's
13 rules as proposed here. Flights were the primary issue, but I
14 think there's a lack of understanding from anyone who hasn't
15 worked in or currently operates a food and beverage
16 establishment in how the two drink versus one drink would be
17 addressed and that is simply because if it's at the moment
18 that a beer is put down that an enforcement agent walks in and
19 sees even a little bit of beer in that second glass and that
20 server comes over and puts it down, that is immediately a
21 violation. It makes it very difficult to operate as a food
22 and beverage establishment.

23 As far as a 16 drinks on a table of eight, that is
24 very difficult, of course, to monitor, but that is something
25 that we are charged with monitoring, that is something that

1 our servers are capable of doing. I would argue that the
2 locations where we see this binge drinking and perpetual
3 violation and etc., that we enforce firmly the rules that are
4 already in place upon the operators and the licensees, because
5 that is already our responsibility.

6 Further, it's our responsibility once someone leaves
7 our establishment. We have put people in Ubers, sent them
8 back to their hotels that we have paid for, who didn't have
9 more than even one drink on our premises, they come back in a
10 cab later to pick up a car and they've been drinking in their
11 hotel room and who was liable? The establishment. This is
12 six hours later someone shows up in a cab to pick up a car,
13 you did the right thing, we're still responsible. So we take
14 this very, very seriously. This is why from a practicality
15 standpoint, two drinks make sense. It is not our job to be
16 forcing alcohol on anyone and we would never do that, it is
17 simply in the administration of that.

18 So thank you for the time. Aloha.

19 CHAIR ALULI: Any questions, Commissioners?

20 VICE CHAIR UMENO: Is it possible for the server to
21 tell the individual, Well, you've gotta finish that drink
22 first, and then give them the beer.

23 MR. MARRERO: It is slightly possible. Image, LET'S
24 take a great restaurant here, Hula Grill, you know, they seat
25 500 people, a serving -- you know, a server's section is quite

1 large and they're trying to serve a lot of people and maybe
2 the 16 top is all done with their drinks at the same time,
3 that -- that crushes the bartender and the ability to provide
4 good service. So if those drinks are ordered in advance
5 before that drink is done and let's say that happened at 8
6 ounces, the bar brought that beer out very quickly, well, now
7 you're asking the server to tell that person to chug that beer
8 before we serve you the second glass, so it's -- I think it's
9 unrealistic, because what would happen is if you -- we're all
10 were out dining together and we all finished our drinks and
11 had to wait to order even that second, there would be
12 immediate Yelp reviews on how bad the service is because it
13 took so long to get a drink. We have to look at the overall,
14 the global picture of this situation.

15 The reason I said I'm torn is because I do support
16 that really people don't need more than two drinks in front of
17 them at -- or more than one drink at a time, but I myself
18 might enjoy a beer and then I see maybe a new whiskey or
19 tequila and I might ask the bartender, Hey, can I just get a
20 sample of that, I'm now in violation again. So I think this
21 is where there has to be some practical application and the
22 merger of the rules. And we would, of course, support working
23 with the coalition, but, again, I do not believe that the
24 wheels are going to fall off the bus by continuing with the
25 rules as they are currently.

1 Thank you.

2 CHAIR ALULI: Gary, I have a question regarding
3 flights.

4 MR. MARRERO: Yes, sir.

5 CHAIR ALULI: When you serve a flight of beer on
6 a -- on a flat -- or what do you call that, the wood -- a
7 paddle?

8 MR. MARRERO: Yeah, it's a paddle or a tray.

9 CHAIR ALULI: Each contain -- each glass contains
10 how many ounces of beer?

11 MR. MARRERO: Again, since that's not regulated
12 every -- I'm gonna just speak on Maui Brewing Company's
13 behalf. We do four 4-ounce samples.

14 CHAIR ALULI: Okay.

15 MR. MARRERO: So the equivalent of one pint, but
16 that -- that's just the way that we've chosen. We've seen on
17 the mainland, we've seen on other breweries here different
18 size glasses, maybe like 3 ounces with six, so it's really --
19 this is where the standard -- the volume total comes into
20 play. And I would add too that stacking has, I believe, been
21 eliminated on all islands now and so it is something that is
22 shifting more towards the responsibility of the licensee in
23 terms of total volume.

24 CHAIR ALULI: Okay. All right. Thank you.

25 COMMISSIONER DE JETLEY: Can I make a comment too,

1 please.

2 I don't think if somebody has to wait five or six
3 minutes for a second serving of alcohol, that's gonna be a
4 major factor in them reporting it as bad service. I think
5 that's responsible serving on the part of the server that she
6 will not put down another drink until you're through with your
7 drink and will deliver you another drink when -- and remove
8 the first drink.

9 MR. MARRERO: Yes, ma'am, I would agree with you,
10 that's what -- that is what --

11 COMMISSIONER DE JETLEY: That is not a catastrophe
12 for their dining experience.

13 MR. MARRERO: Unfortunately, it is. Unfortunately,
14 I've had people who had given us bad Yelp reviews 'cause I
15 wouldn't let their minors drink because they're the parent.
16 So I think we, obviously, agree on how we think and how the --
17 how a responsible person would behave, but, unfortunately,
18 that is not the general public at large. If you have to wait
19 30 seconds for a table, it's taking too long and that's
20 unfortunate, but that's just what -- what's engrained by
21 the -- quote, the Yelping world, so...

22 MR. KUSHI: Mr. Chair.

23 Question, Gary, if you know, you said your industry,
24 beer, your sampling flights average about 4 ounces per --

25 MR. MARRERO: Per glass. Now, just a frame of

1 reference, I sit on the board of directors for the Hawaiian
2 Craft Brewers Guild, I'm now the president, I'm also on the
3 board of directors for the national trade guild called the
4 Brewers Association, so I work at the state level and the
5 federal level. I also sit on the government affairs committee
6 for those associations, so I do see this a lot.

7 MR. KUSHI: Just address my question.

8 MR. MARRERO: Yes, 4 ounces is what we see a lot. I
9 have seen it as 6 ounces, I have seen it as low as 3 ounces
10 and I've seen as little as one glass and I've seen as many as
11 12 glasses. It's just -- it's -- it really is all over the
12 board.

13 MR. KUSHI: Do you know what -- do you know what the
14 average size for wine samplers are?

15 MR. MARRERO: I do not. I think I would prefer to
16 defer to Paula on that, from the winery, she's probably the
17 best asset we have in the state on that. I believe it's 2
18 ounces, but those usually serve just a couple glasses at a
19 time.

20 CHAIR ALULI: I can make a comment to that, only
21 because the times I've attended the wine -- a couple of wine
22 festivals, it's been 4 ounces on a test, you know.

23 Okay. Any other questions?

24 (No response.)

25 CHAIR ALULI: Okay. Thank you very much, Garrett.

1 MR. MARRERO: Thank you.

2 CHAIR ALULI: Are there any other testifiers?

3 (No response.)

4 CHAIR ALULI: No? Okay. Thank you.

5 Let's see. Is there a commissioner that wants to
6 make a motion relative to Section 08-101-84?

7 (No response.)

8 CHAIR ALULI: If not, then the chair would like to
9 entertain a motion and that motion is that "No more than two
10 drinks of distilled spirits at one time to an individual will
11 be permitted; provided, however, distilled spirits may be
12 served in containers up to one quart in capacity for any
13 special occasion upon obtaining a special permit from the
14 director. Beer or wine may be served in a container not to
15 exceed the U.S. liquid measurement of one quart or served to a
16 customer in flights not to exceed a total volume of 32 ounces
17 at one time." That's the motion that I would like to put on
18 the floor.

19 COMMISSIONER DE JETLEY: Mr. Chair, I could support
20 that.

21 CHAIR ALULI: We'll take it in discussion.

22 Do I have a motion for approval? Or a --

23 VICE CHAIR UMENO: I move.

24 COMMISSIONER BOLOSAN: Second.

25 CHAIR ALULI: Okay. Now we can go into discussion.

1 Yes, Alberta.

2 COMMISSIONER DE JETLEY: I really feel strongly that
3 it should be limited to one drink at a time because if
4 somebody has to wait five minutes for their second drink, then
5 that's just too bad. I think public safety is more important.
6 It's so important that we need to slow down the drinking rate.
7 So they're gonna get their second drink, they can have a third
8 drink, they can have a fourth drink, but one drink at a time
9 is where I'm standing.

10 CHAIR ALULI: Okay. Do I have any other comments
11 from --

12 VICE CHAIR UMENO: So now we're removing no more
13 than two drinks; is that correct?

14 CHAIR ALULI: That motion hasn't been amended. I
15 have not amended that motion. It's what -- she's asking for
16 that amendment.

17 VICE CHAIR UMENO: Okay.

18 CHAIR ALULI: So I'm looking for either further
19 discussion or approval of the motion on the floor or denial of
20 that motion. So the motion on the floor as it stands is as I
21 read it and Alberta has given her comments on it.

22 COMMISSIONER DE JETLEY: So the procedure, then, is
23 that we need to vote for the first amendment --

24 CHAIR ALULI: Correct. Motion.

25 COMMISSIONER DE JETLEY: First motion.

1 CHAIR ALULI: Correct.

2 COMMISSIONER DE JETLEY: And then after it is
3 accepted, then I can amend it? Or do you want to --

4 CHAIR ALULI: If it's accepted, it will hold as
5 stated. If it's denied, then it will be turned down and we
6 can present another motion. The motion will die.

7 COMMISSIONER DE JETLEY: Then I -- I hope that the
8 other commissioners will not -- will take it off the table
9 totally and not vote on it as a motion so that it can be
10 restated with one drink only. The same thing, but with one
11 drink only.

12 CHAIR ALULI: Counsel, do you have a -- is that
13 right? That's the way the motion moves forward; right?

14 COMMISSIONER DE JETLEY: The motion isn't -- it
15 hasn't been accepted yet.

16 CHAIR ALULI: Right.

17 COMMISSIONER DE JETLEY: So we still have time just
18 to rescind it.

19 CHAIR ALULI: Correct. Okay.

20 MR. KUSHI: There was a motion made. Was there a
21 second?

22 CHAIR ALULI: Yes, there was a second.

23 MR. KUSHI: So the motion's on the table.

24 CHAIR ALULI: The motion's on the table. So as the
25 motion is on the table, do -- how many yes votes do I have?

1 How many approval votes?

2 (Response.)

3 CHAIR ALULI: Three. Okay. How many votes in
4 opposition?

5 (Response.)

6 CHAIR ALULI: We've got a tie and even if I voted,
7 it doesn't make a difference, so the motion fails.

8 Okay. So with that failure of that motion, is there
9 another motion --

10 COMMISSIONER DE JETLEY: Yes, Mr. Chair.

11 CHAIR ALULI: -- to be placed on the floor? Yes.

12 COMMISSIONER DE JETLEY: Yes. For Section
13 08-101-84, I move that we accept what's stated in front of us
14 with the exception that we will make it no more than one drink
15 of liquor at any one time may be served. May be -- shall be
16 permitted. Everything else stays the same.

17 CHAIR ALULI: Okay. There's a motion on the floor.
18 Do I have --

19 VICE CHAIR UMENO: Second.

20 CHAIR ALULI: All in favor?

21 MR. KUSHI: Wait, wait, wait.

22 COMMISSIONER ANDRION: I'm a little confused here.

23 CHAIR ALULI: Okay. So --

24 MR. KUSHI: What is the exact language, Mr. Chair?

25 CHAIR ALULI: Okay. This is the way that I read

1 this, then. The language will be "No more than one drink of
2 distilled spirits will be served at one time to an individual;
3 provided, however, distilled spirits may be served in
4 containers up to one quart in capacity for any special
5 occasion upon obtaining a special permit from the director.
6 Beer or wine may be served in a container not to exceed the
7 U.S. liquid measurement of one quart or served to a customer
8 in flights not to exceed a total volume of 32 ounces at any
9 one time." Understand that that last sentence especially beer
10 or wine specifically in the flights. Okay? So the distilled
11 spirit situation is that only one drink is allowed at a time.

12 Correct? Isn't that right?

13 VICE CHAIR UMENO: Yes.

14 CHAIR ALULI: Okay. So that's the motion on the
15 floor as you've stated it. Do I have --

16 MR. KUSHI: Does it address flights?

17 COMMISSIONER DE JETLEY: No. That part -- that part
18 stays the same.

19 VICE CHAIR UMENO: It's the same.

20 CHAIR ALULI: Right.

21 MR. KUSHI: Flights will remain the same --

22 CHAIR ALULI: Yes. Right.

23 MR. KUSHI: -- as proposed?

24 CHAIR ALULI: Yes. Correct.

25 MR. KUSHI: So for clarification, your amendment to

1 the proposed rule will --

2 COMMISSIONER DE JETLEY: No. This is not an
3 amendment.

4 CHAIR ALULI: No. It's a --

5 COMMISSIONER DE JETLEY: I made a new --

6 CHAIR ALULI: Yeah. It's a new motion.

7 COMMISSIONER DE JETLEY: -- motion.

8 CHAIR ALULI: Yeah. The -- my motion died.

9 MR. KUSHI: Right.

10 CHAIR ALULI: There's a new motion on the floor that
11 Alberta --

12 MR. KUSHI: She's amending the rule that was posted.

13 CHAIR ALULI: Right. Yes.

14 MR. KUSHI: Okay. So your amendment addresses only
15 distilled spirits.

16 COMMISSIONER DE JETLEY: Yes.

17 MR. KUSHI: Beer and wine may be served up to one
18 quart.

19 COMMISSIONER DE JETLEY: Yes.

20 MR. KUSHI: And if you do -- if they're doing
21 flights, they can go up to --

22 CHAIR ALULI: One quart, 32 ounces.

23 COMMISSIONER ANDRION: One quart.

24 CHAIR ALULI: 32 ounces.

25 MR. KUSHI: Okay.

1 CHAIR ALULI: So that's the motion on the floor.

2 VICE CHAIR UMENO: Second.

3 CHAIR ALULI: It's been moved and do I have a
4 second?

5 VICE CHAIR UMENO: Yes.

6 CHAIR ALULI: Oh, sorry. Roy provided the second.
7 All in favor of the new motion?

8 (Response.)

9 CHAIR ALULI: Okay. How many -- how many are
10 opposed to the new motion?

11 (Response.)

12 CHAIR ALULI: You're opposed? Okay. I'm gonna call
13 the vote individually. Leslie-Ann.

14 COMMISSIONER YOKOUCHI: No.

15 COMMISSIONER BOLOSAN: No.

16 VICE CHAIR UMENO: Yes.

17 COMMISSIONER ANDRION: Abstain.

18 CHAIR ALULI: Abstain?

19 COMMISSIONER ANDRION: Abstain.

20 COMMISSIONER DE JETLEY: Yes.

21 COMMISSIONER DE MELLO: Yes.

22 CHAIR ALULI: One, two, three. The motion fails.
23 So that means that neither of these Item (b) has been -- has
24 been approved; therefore, the motion fails and at this point
25 that means that we have to go back and readdress Item (b) in

1 Section 08-101-84. Okay.

2 COMMISSIONER DE JETLEY: Mr. Chair, can we have an
3 open discussion amongst the commissioners on this? Can we try
4 to work this out as to why you're opposing the one drink or
5 why you're supporting the two drinks? Can we do this in open
6 discussion?

7 CHAIR ALULI: Yes, we can.

8 MR. KUSHI: If they want to disclose why -- why
9 they're voting. They don't have to.

10 COMMISSIONER DE JETLEY: They don't have to, but
11 obviously we can't just sit here and just not do anything.

12 CHAIR ALULI: Not move forward. Okay.

13 MR. KUSHI: Mr. Chair, point of order.

14 CHAIR ALULI: Yeah.

15 MR. KUSHI: You've made two amended motions, two
16 amendments, I suggest you address the proposed rule that was
17 published and is on your agenda.

18 CHAIR ALULI: Okay.

19 MR. KUSHI: Now, if that fails, then we have to
20 really go back to square one.

21 CHAIR ALULI: Okay.

22 Layne, you want to read that rule, the entire thing,
23 please, the entire rule.

24 OFFICER LAYNE SILVA: Section 08-101-84, Rules
25 Governing the Manufacture and Sale of Intoxicating Liquor of

1 the County of Maui, is amended by amending subsection (b) to
2 read as follows:

3 Section (b), bracketed, "No more than two drinks of
4 any liquor at one time to an individual shall be permitted;
5 provided, however, distilled," close bracket, with an
6 underlined "Distilled spirits may be served in container(s) up
7 to one quart in capacity for any special occasion upon
8 obtaining a special permit therefor from the director. Beer
9 or wine may be served in a container, not to exceed the U.S.
10 liquid measurement of one quart (.946 liter) to two or more
11 persons. Underlined, "Flights may be utilized where liquor
12 may be served in several containers to a person where the
13 total combined volume of liquor in all containers does not
14 exceed the volume of a standard drink." Bracketed, "Effective
15 7/1/2000; am and comp 7/15/02; am and comp 4/22/12; am and
16 comp 3/4/17; am and comp," close bracket. "(Authorized: HRS
17 Section 91-2 and 281-17) (Imp, " whatever that means, "HRS
18 281-17)."

19 CHAIR ALULI: Okay.

20 MR. KUSHI: Mr. Chair, if I may comment.

21 CHAIR ALULI: Yeah.

22 MR. KUSHI: Again, the last line is "not to exceed
23 the volume of a standard drink." Now, the first rule you took
24 out -- you took out that --

25 CHAIR ALULI: Right.

1 MR. KUSHI: -- definition of a standard drink.

2 CHAIR ALULI: Right.

3 MR. KUSHI: So now that's up to industry standards.
4 And, again, if we are talking about stacking issues, the state
5 law with regard to businesses like brew pubs prevails. Would
6 take precedence, anyway. The question --

7 CHAIR ALULI: What is the state statute on that? I
8 don't know what it is. What is the state statute on --
9 Glenn, do you know?

10 DIRECTOR MUKAI: Well, I believe if you look at
11 the --

12 CHAIR ALULI: Act 772.

13 DIRECTOR MUKAI: Yes. On the last page.

14 MR. KUSHI: 32 ounces.

15 DIRECTOR MUKAI: It says, "The standard service size
16 of beer shall be defined as not exceeding a total volume
17 of" --

18 CHAIR ALULI: 32 ounces.

19 DIRECTOR MUKAI: -- "32 ounces before a customer at
20 any one time."

21 COMMISSIONER DE JETLEY: Mr. Chair, can I make a
22 comment? On the recommendations for this it states that if on
23 the recommendation the removal of more than two drinks of any
24 liquor at one time to an individual will allow the licensees
25 flexibility to serve multiple drinks (flights) within their

1 premises." So that's what the recommendation is, that we just
2 leave it as-is, so it would be up to the licensee, so they
3 would be -- if somebody ordered a shot of tequila, say, with a
4 bottle of beer, that would be legal?

5 CHAIR ALULI: If we don't make a decision, yes, it
6 would be.

7 COMMISSIONER DE JETLEY: Yeah. Then it would be up
8 to the licensee, so you could serve the shots with -- you
9 could have a tequila or a whiskey with a beer --

10 CHAIR ALULI: Yes.

11 COMMISSIONER DE JETLEY: -- and that would be
12 perfectly legal. It would be perfectly legal for the
13 restaurant, the licensee to bring another beer to the table if
14 their first one wasn't finished, that would be legal?

15 CHAIR ALULI: Yes, it would. If we don't specify
16 the number of drinks, it leaves it wide open to the licensee
17 to determine how many drinks they want to bring to the table.

18 COMMISSIONER DE JETLEY: Yeah. Yeah, but no more
19 than two.

20 CHAIR ALULI: No, that's not -- that's not what
21 you're asking. Ask your question again.

22 COMMISSIONER DE JETLEY: Okay. So I'm saying that I
23 really would like to go with the coalition and say one drink
24 at a time.

25 CHAIR ALULI: Okay.

1 COMMISSIONER DE JETLEY: But on the other side, if
2 we leave it -- the language as-is, then it will be perfectly
3 legal for a licensee to serve a shot of beer or -- a shot of
4 spirits with a bottle of beer and it's still perfectly legal
5 for a licensee to deliver to the table a second drink before
6 the first drink is finished. Is -- would that be correct?

7 MR. MARRERO: That's the current rule, is we -- is
8 the two drink service.

9 CHAIR ALULI: Correct.

10 MR. MARRERO: And just for the record, I -- we will
11 never serve 32 ounces of samples.

12 CHAIR ALULI: Right.

13 MR. MARRERO: I'd just like to put that out there.

14 CHAIR ALULI: Does that answer your question? So
15 if --

16 COMMISSIONER DE JETLEY: So if we follow the
17 recommendation that was made --

18 CHAIR ALULI: Of the two drinks.

19 COMMISSIONER DE JETLEY: Yes.

20 CHAIR ALULI: Correct. It's a maximum two drinks,
21 it would be, say, a shot of whiskey and a beer would be two
22 drinks, that would be it.

23 COMMISSIONER DE JETLEY: Yes, then that would be
24 legal.

25 COMMISSIONER ANDRION: Or two beers.

1 CHAIR ALULI: Or two beers, correct.

2 COMMISSIONER DE JETLEY: Layne, with your experience
3 with liquor control, do you see this as a problem?

4 OFFICER LAYNE SILVA: When you say "problem," are
5 you talking about intoxication or are you talking -- I mean,
6 you'd have to --

7 COMMISSIONER DE JETLEY: Well, that one of your
8 liquor control officers can walk into a restaurant and see
9 more than two drinks, then that would be a violation, but at
10 the present time do you have that problem occurring?

11 OFFICER LAYNE SILVA: Well, at the present time that
12 is how the rule reads. So if an enforcement officer was to
13 walk into a premises and see more than two drinks in front of
14 any one person, they would be in violation.

15 COMMISSIONER DE JETLEY: They would be in violation.

16 OFFICER LAYNE SILVA: Yes. Right.

17 COMMISSIONER DE JETLEY: Thank you.

18 CHAIR ALULI: Okay. Any other questions?

19 (No response.)

20 CHAIR ALULI: So does -- do any of the commissioners
21 want to put a motion on the floor to address this section so
22 that we can move on?

23 (No response.)

24 CHAIR ALULI: Or can I put my motion on the floor
25 again and --

1 VICE CHAIR UMENO: So what we're doing here is we're
2 allowing -- well, there's no more than two drinks of liquor at
3 any one time.

4 MR. KUSHI: No. No. The proposed rules as
5 published and is on your agenda --

6 CHAIR ALULI: Right.

7 MR. KUSHI: -- you're doing away with stacking.

8 VICE CHAIR UMENO: Right.

9 CHAIR ALULI: Correct.

10 MR. KUSHI: So, you know, what Alberta says is true,
11 they can have five beers in front of them if they want to or
12 five drinks or ten wines, there's no -- no limitation.

13 CHAIR ALULI: With the current rule, you're talking
14 about?

15 MR. KUSHI: No. With your proposed rule.

16 CHAIR ALULI: With the proposed rule amendment.

17 MR. KUSHI: Right. It's up to the licensee to
18 monitor what they're doing. You're eliminating your stacking
19 provisions.

20 CHAIR ALULI: Right.

21 MR. KUSHI: If you do impose stacking provisions,
22 the state law says you must comply with the state law in terms
23 of allowing flights.

24 VICE CHAIR UMENO: And it doesn't address two
25 drinks?

1 MR. KUSHI: You don't have a stacking rule, it's no
2 problem.

3 CHAIR ALULI: Alberta, you have a question?

4 COMMISSIONER DE JETLEY: So what happens if we do
5 nothing with this? It just goes through?

6 MR. KUSHI: If you do nothing with this, your
7 proposed rules as now, as now existing prevail and you do have
8 a stacking provision, no more than two drinks of any liquor.

9 COMMISSIONER DE JETLEY: Well, I don't think that
10 would be fair to the brew pubs.

11 CHAIR ALULI: Well, so then --

12 COMMISSIONER DE JETLEY: Or to wine tasting.

13 CHAIR ALULI: Then the amendment that I moved --
14 that I proposed is what would clarify that.

15 MR. KUSHI: Yes. But that amendment failed.

16 CHAIR ALULI: Right.

17 COMMISSIONER ANDRION: So -- so now that this thing
18 is -- in my mind I think it's clearer or cloudier, Mr. Chair,
19 could you -- could you state your proposed --

20 CHAIR ALULI: Let me -- let me consult.

21 (Conferring with corp counsel.)

22 MR. KUSHI: Well, you know, you have a motion on the
23 table, right, on the existing rule?

24 COMMISSIONER DE JETLEY: No. It failed.

25 CHAIR ALULI: There is no motion on the table.

1 (Conferring with corp counsel.)

2 MR. KUSHI: You made the motion, it failed, you're
3 on the losing side, you can't bring it up again. Whoever
4 voted on the winning side can bring it up again, so I'm not
5 sure who that was.

6 CHAIR ALULI: It was three-three.

7 MR. KUSHI: Three-three.

8 COMMISSIONER DE JETLEY: So, Mr. Chair, can we hear
9 from the -- what -- how the coalition stance is on this
10 matter? Can we open testimony for them if they'd like to
11 throw in an opinion since we're stalemated on it? Is that
12 acceptable?

13 CHAIR ALULI: Okay, all right. I will take to heart
14 what Alberta has asked and I'd like Rick to come up, if he
15 would, please.

16 MR. COLLINS: Okay. You have two things, you could
17 adopt a no stacking rule, which would mean free-for-all; you
18 could do two drinks at a time or you could do one drink at a
19 time. We're, obviously, advocating for one drink at a time
20 with the exception of flights because it's preempted by state
21 law.

22 CHAIR ALULI: Okay.

23 (Vice Chair Umeno left the room.)

24 MR. COLLINS: That would be our -- so it would
25 read -- that bracketed piece would read no more than one drink

1 at a time.

2 CHAIR ALULI: Okay.

3 MR. COLLINS: If you decide to do two drinks at a
4 time, we recommend that you limit how big those drinks can be,
5 so that it would be 16 ounces of beer, 5 ounces of wine, 2
6 ounces of distilled spirits. Do you have questions on that?

7 Yes.

8 COMMISSIONER ANDRION: But isn't 16 ounces what they
9 are currently serving now?

10 MR. COLLINS: Correct.

11 COMMISSIONER ANDRION: It's allowed because of the
12 actual glass.

13 MR. COLLINS: Correct.

14 COMMISSIONER ANDRION: So what I hear you saying is
15 that if we went with two drinks at a time and assuming that it
16 is 16 ounces, that's what you're talking about?

17 MR. COLLINS: Yes. Yes, that's what I'm talking
18 about.

19 COMMISSIONER ANDRION: Anybody that would serve --
20 well, you'd serve a pitcher would have 64 ounces.

21 MR. COLLINS: So if you did two drinks at a time,
22 your language would say something like "no more than two
23 drinks at a time and a drink size is 16 ounces of beer, 5
24 ounces of wine, 2 ounces of spirits." That's what we're
25 saying. So which would be -- if you had two drinks, it'd be

1 32 ounces of beer or -- I'm not gonna make it very confusing.

2 CHAIR ALULI: It gets too confusing.

3 MR. COLLINS: But we are saying one drink at a time.

4 Thank you.

5 CHAIR ALULI: So I've been advised that any other

6 commissioner can restate a motion and readdress the flight

7 situation.

8 COMMISSIONER DE JETLEY: But not --

9 CHAIR ALULI: I cannot.

10 COMMISSIONER DE JETLEY: -- who made the original,

11 so --

12 CHAIR ALULI: I cannot. Right.

13 COMMISSIONER DE JETLEY: Yeah. And I have.

14 CHAIR ALULI: You can't. So --

15 MR. KUSHI: She voted against.

16 CHAIR ALULI: Yeah.

17 MR. KUSHI: You can make a motion again, Alberta.

18 COMMISSIONER DE JETLEY: Mr. Chair, could we just

19 take a short like five-minute break.

20 CHAIR ALULI: Okay. Five-minute recess.

21 (Pause in Proceedings: 11:16 a.m.-11:23 a.m.)

22 CHAIR ALULI: (Gavel.) Let's call the meeting back

23 to order. All right. Let's re-call for a motion on section

24 08-101-84. Alberta, do you want make that motion? Or, okay,

25 Bobby, you want -- are you gonna make the motion, Bobby?

1 COMMISSIONER ANDRION: I guess I was volunteered to
2 make the motion.

3 CHAIR ALULI: Okay.

4 COMMISSIONER ANDRION: So here it goes. My motion
5 is that the motion on the table is no more than two drinks of
6 distilled spirits at one time to an individual shall be
7 permitted; provided, however, distilled spirits may be served
8 in containers up to one quart in capacity for any special
9 occasions upon obtaining a special permit therefor from the
10 director. Wine or beer may be served in a container not to
11 exceed U.S. liquid measurement of one quart or .946 liters or
12 served to a customer in flights not to exceed a total volume
13 of 32 ounces at any one time.

14 CHAIR ALULI: Okay.

15 COMMISSIONER DE JETLEY: I second that motion.

16 CHAIR ALULI: Okay. It has been moved and seconded.
17 All in favor?

18 (Response.)

19 CHAIR ALULI: Any opposed?

20 (No response.)

21 CHAIR ALULI: No opposed. Motion carries. Thank
22 you very much.

23 Okay. All right. Let's move on to Administrative
24 Matters.

25 Glenn.

1 DIRECTOR MUKAI: Okay. The director's monthly
2 report, the first one is -- thing is license renewals. We
3 have 443 liquor license renewals, seven liquor licenses were
4 not renewed. Four of the licensees informed the department
5 they were no longer in business or would no longer be in
6 business as of June 30th and three licensees informed the
7 department they could not obtain the required clearance from
8 the State Department of Taxation, so...

9 CHAIR ALULI: They can't get their license.

10 DIRECTOR MUKAI: They can't get their license.

11 CHAIR ALULI: Okay.

12 DIRECTOR MUKAI: And regarding the Fiscal 2019-2020
13 budget, we received it and the concern about limiting the
14 travel only to liquor control officers was eliminated, so now
15 the commissioners can travel. That was the main concern,
16 right, how we would bring --

17 CHAIR ALULI: Right.

18 DIRECTOR MUKAI: -- our Lanai and Molokai
19 commissioners --

20 CHAIR ALULI: Right. Right.

21 DIRECTOR MUKAI: -- and board members here. They
22 had a provision, but when it finally went to the final, they
23 removed that provision.

24 COMMISSIONER DE JETLEY: Wait. So where are we on
25 travel?

1 CHAIR ALULI: You're okay.

2 DIRECTOR MUKAI: You're okay now.

3 COMMISSIONER DE JETLEY: So does that mean that we
4 can actively look for a Molokai commissioner too now?

5 DIRECTOR MUKAI: Yes. I believe that Molokai --
6 Mr. Kushi can address it.

7 MR. KUSHI: Yeah. Last week Friday I believe that
8 the council named -- a new commissioner was approved. I
9 forget his name. Pete --

10 COMMISSIONER DE MELLO: Haulani?

11 MR. KUSHI: No. Pedro Venenciano for liquor
12 commission to take over Ms. Bicoy's place. He was approved,
13 so maybe at the next meeting he'll be sworn in by then.

14 CHAIR ALULI: What about -- I have a question. What
15 about the last seat for Maui, for the island?

16 MR. KUSHI: Yeah. A nominee is being -- name is
17 submitted to the council.

18 CHAIR ALULI: Okay. All right. But there is a
19 person that is being submitted? There has been a person that
20 has been -- not appointed, but --

21 MR. KUSHI: Nominated --

22 CHAIR ALULI: -- nominated. Okay.

23 MR. KUSHI: -- to take over Commissioner Todd's
24 place.

25 CHAIR ALULI: Right, right. Okay.

1 Okay, Glenn.

2 DIRECTOR MUKAI: Okay. The state liquor conference
3 will be held September 30th to October 2nd at the Prince Hotel
4 on Oahu. All members of the commission are invited to attend.
5 And please inform Lianne if you plan to attend the state
6 conference by July 24th because travel requests now have to be
7 approved by the county at least 30 days prior to the event.
8 This conference has been budgeted for and to include your
9 travel, per diem, hotel, and --

10 CHAIR ALULI: For all the commissioners; right?

11 DIRECTOR MUKAI: For all the commissioners, so
12 please attend.

13 COMMISSIONER BOLOSAN: Where is this gonna be?

14 VICE CHAIR UMENO: The Prince Hotel.

15 CHAIR ALULI: The Maui Prince Hotel on Oahu.

16 DIRECTOR MUKAI: Oahu.

17 COMMISSIONER BOLOSAN: Oh. Sounds good.

18 DIRECTOR MUKAI: If you plan to attend, please call
19 Lianne.

20 And the last item is -- which is not listed -- in
21 front of you you have the list of licensees and conditions
22 that are currently placed for all licenses and that's your
23 copy, for your information copy.

24 CHAIR ALULI: I've got one real quick question. How
25 many total licensees do we have in Maui County?

1 DIRECTOR MUKAI: At renewal time was 443.
2 CHAIR ALULI: 443.
3 DIRECTOR MUKAI: But as we go along --
4 CHAIR ALULI: Right.
5 DIRECTOR MUKAI: -- like today we approved some.
6 CHAIR ALULI: Right.
7 DIRECTOR MUKAI: Three additional.
8 CHAIR ALULI: Yeah. Okay.
9 DIRECTOR MUKAI: And regarding the liquor
10 adjudication board, the hearing will be held tomorrow because
11 the original scheduled date fell on a holiday.
12 CHAIR ALULI: Okay.
13 DIRECTOR MUKAI: And that's all we have.
14 CHAIR ALULI: Okay. If there's nothing further, I
15 will -- do I have a motion for adjournment?
16 VICE CHAIR UMENO: So moved.
17 COMMISSIONER DE JETLEY: Second.
18 COMMISSIONER DE MELLO: Second.
19 CHAIR ALULI: Okay. It's been moved and seconded,
20 meeting adjourned. (Gavel.) Thank you very much.
21 (The proceedings were adjourned at 11:29 a.m.)
22
23
24
25

