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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 9:01 a.m., on November 13, 2019.

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

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APPEARANCES

COMMISSION MEMBERS PRESENT:

CHAIRPERSON: NANE ALULI
VICE-CHAIRPERSON: ROY UMENO (Out 11:30 a.m.)
COMMISSIONERS: LEON BOLOSAN
ALBERTA DE JETLEY
LESLIE-ANN YOKOUCHI
ROBERTO ANDRION, JR.
JERRYBETH DE MELLO
PEDRO VENENCIANO
JAMIE BECRAFT

STAFF PRESENT:

DEPUTY CORPORATION COUNSEL: EDWARD KUSHI, JR.
DIRECTOR: GLENN MUKAI
DEPUTY DIRECTOR: GEORGETTE TYAU (in 9:09 a.m.)
LIQUOR CONTROL OFFICER III: LAYNE SILVA
COMMISSION SECRETARY: MARIA KHANGSENGSING

1 (NOVEMBER 13, 2019, 9:01 A.M.)

2 * * *

3 CHAIR ALULI: (Gavel.) Good morning, ladies and
00:06:10 4 gentlemen. I would like to call the liquor commission meeting
00:06:48 5 to order for November 13, 2009 (*sic*). I'd like to mention
00:07:12 6 that we again do not have a court reporter, so before any of
00:07:20 7 you speak, please provide your name so that the recording
00:07:26 8 secretary can get that information on the recorder real
00:07:31 9 clearly.

00:07:35 10 With that comment made, I'd like to begin with the
00:07:40 11 roll call, please. Maria.

00:07:48 12 MS. KHANGSENGSING: Maria Khangsensing, department
00:08:00 13 of liquor control.

00:08:44 14 COMMISSIONER DE MELLO: Jerrybeth De Mello from
00:08:51 15 Lahaina.

00:09:25 16 COMMISSIONER DE JETLEY: Good morning. Alberta
00:09:31 17 de Jetley from Lanai.

00:10:55 18 COMMISSIONER BECRAFT: Good morning. Jamie Becraft,
00:11:05 19 Wailuku.

00:11:28 20 COMMISSIONER BOLOSAN: Aloha. Leon Bolosan.

00:11:42 21 MR. KUSHI: Ed Kushi, corp. counsel's office.

00:12:32 22 CHAIR ALULI: Nane Aluli, Wailuku.

00:12:44 23 VICE CHAIR UMENO: Roy Umeno.

00:12:52 24 COMMISSIONER ANDRION: Roberto Andrion, Jr.

00:13:01 25 COMMISSIONER YOKOUCHI: Good morning. Leslie

00:13:07 1 Yokouchi.

00:13:18 2 COMMISSIONER VENENCIANO: Pedro Venenciano, Molokai.

00:13:28 3 DIRECTOR MUKAI: Glenn Mukai, liquor control.

00:13:42 4 OFFICER LAYNE SILVA: Layne Silva, liquor control.

00:20:13 5 CHAIR ALULI: Thank you very much. I'd now like to
00:20:23 6 move for an approval of the agenda for this meeting of
00:20:30 7 November 13, 2019.

00:20:34 8 COMMISSIONER DE JETLEY: Mr. Chair, I move to
00:20:36 9 approve.

00:20:47 10 COMMISSIONER BOLOSAN: Second.

00:21:10 11 CHAIR ALULI: All in favor?
00:21:18 12 (Response.)

00:21:22 13 CHAIR ALULI: Any opposed?
00:21:30 14 (No response.)

00:21:32 15 CHAIR ALULI: Motion carries. Good.
00:22:14 16 We'll move on to approval for the minutes of the
00:22:18 17 October 9 meeting. May I have a motion for that.

00:22:28 18 COMMISSIONER BECRAFT: Jamie Becraft. Motion,
00:22:33 19 Chair.

00:22:37 20 COMMISSIONER DE MELLO: Second.

00:22:39 21 CHAIR ALULI: Motion for approval of the October 9th
00:22:44 22 minutes have been approved. All in favor?
00:22:48 23 (Response.)

00:22:52 24 CHAIR ALULI: Any opposed?
00:22:55 25 (No response.)

00:22:57 1 CHAIR ALULI: Motion carries. Thank you.

00:23:00 2 Let's now move on to General Licensing Matters,

00:23:05 3 Items A through W. Are there any questions about any of those

00:23:13 4 general licensing matters?

00:23:17 5 (No response.)

00:24:50 6 CHAIR ALULI: If not, can I have a motion for

00:24:59 7 approval?

00:25:02 8 COMMISSIONER DE JETLEY: Mr. Chair, I move to

00:25:08 9 approve Items A to W.

00:25:21 10 VICE CHAIR UMENO: Second.

00:25:29 11 CHAIR ALULI: All in favor?

00:25:35 12 (Response.)

00:25:37 13 CHAIR ALULI: Any opposed?

00:25:41 14 (No response.)

00:25:42 15 CHAIR ALULI: Motion carries. Thank you very much.

00:25:47 16 Okay. We'll move on to Public Hearings, Licensing

00:25:54 17 Matters, Application No. 3, Maui Navigation Company.

00:27:44 18 Please state your name clearly.

00:28:29 19 MR. DENVER COON: Denver Coon.

00:28:43 20 MR. JIM COON: Jim Coon.

00:29:13 21 CHAIR ALULI: Thank you very much.

00:29:15 22 Layne.

00:29:26 23 OFFICER LAYNE SILVA: Application No. 3, the

00:29:34 24 applicant is Maui Navigation Company, Ltd. doing business as

00:29:46 25 Trilogy V applying for a Tour Or Cruise Vessel License,

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Category 2.

The officers, directors, and stockholder of the corporation; personal history statements; criminal history statements; and past history are all listed in the investigator's report.

The Vessel Documentation: Applicant has submitted a U.S. Coast Guard Certification of Documentation dated July 31st, 2018.

Certificate of Ownership: Applicant has submitted a certificate of ownership dated October 30th, 2018.

The proposed premises is a 65-foot auxiliary sail passenger catamaran authorized to carry 80 passengers, five other persons and crew, one masters, two deckhands; total persons allowed is 88.

The vessel will be moored within the Lahaina Small Boat Harbor, Slip No. 97, Lahaina, Hawaii.

The men's restroom is located within the port hull and the women's restroom is located within the starboard hull sections of the vessel.

There are 36 licenses of this class and kind currently issued within Maui County.

The applicant initially plans to be open seven days a week from 8:00 a.m. to 2:00 a.m. the following day.

A site inspection was conducted on March 5th, 2019.

In the opinion of this investigator, the applicant

00:33:36 1 appears to be fit and proper and does not appear to be
00:33:39 2 disqualified by any provision as stated within Section 281-56
00:33:49 3 HRS from obtaining or exercising a liquor license.

00:34:02 4 All documents necessary for the issuance of a liquor
00:34:20 5 license have not been submitted. Those items are listed in
00:34:28 6 the investigator's report.

00:34:32 7 CHAIR ALULI: Okay. Thank you, Layne.

00:34:36 8 Denver, anything further to add?

00:34:51 9 MR. DENVER COON: No.

00:34:57 10 CHAIR ALULI: Is this a new boat that you're
00:35:01 11 putting --

00:35:10 12 MR. DENVER COON: Yes.

00:35:25 13 CHAIR ALULI: -- in the water? Oh, good. Okay. So
00:35:33 14 that means you've got how many vessels now?

00:35:38 15 MR. JIM COON: We have seven vessels as we speak.

00:35:45 16 CHAIR ALULI: Okay. Good.

00:35:47 17 Commissioners, are there any questions by any of the
00:35:52 18 commissioners?

00:35:54 19 COMMISSIONER DE JETLEY: Mr. Chair. Alberta
00:36:01 20 de Jetley. I'd like to disclose that I know this applicant
00:36:08 21 personally, but I feel I can vote impartially on this
00:36:14 22 application.

00:36:17 23 CHAIR ALULI: Okay. Thank you, Alberta.

00:36:23 24 Since this is a public hearing, is there anybody in
00:36:27 25 the public that wishes to provide testimony?

00:36:31 1 (No response.)

00:36:32 2 CHAIR ALULI: I'm not seeing any.

00:36:38 3 COMMISSIONER BECRAFT: Mr. Chair. Jamie Becraft.

00:36:50 4 I'd like to ask, if I may, what -- I haven't located what your

00:36:57 5 difficulties are, but I can ask for clarification on is it

00:37:03 6 from our end or you guys just having logistical issues from

00:37:12 7 buying a new boat?

00:37:35 8 UNIDENTIFIED SPEAKER: For what?

00:37:38 9 COMMISSIONER BECRAFT: Well, my understanding is

00:37:45 10 they're having trouble --

00:38:04 11 UNIDENTIFIED SPEAKER: No.

00:38:17 12 CHAIR ALULI: No. Everything's in order, they're

00:38:21 13 just applying for their liquor license right now.

00:38:26 14 COMMISSIONER BECRAFT: Oh, I'm on the wrong one.

00:38:30 15 CHAIR ALULI: The only things that weren't

00:38:33 16 completed, as you can see, were the license and fee and the

00:38:49 17 final inspection at the bottom of the --

00:38:54 18 COMMISSIONER BECRAFT: Okay. My apologies.

00:39:07 19 CHAIR ALULI: -- that Layne explained.

00:39:17 20 COMMISSIONER BECRAFT: Thank you. I was on the

00:39:19 21 wrong one.

00:39:23 22 CHAIR ALULI: Okay. Since --

00:39:31 23 COMMISSIONER ANDRION: I'm sorry, Mr. Chair, I did

00:39:52 24 have a question.

00:39:53 25 CHAIR ALULI: Yes. State your name, please.

00:40:10 1 COMMISSIONER ANDRION: I'm sorry. Roberto Andrion,
00:40:17 2 Jr. On the premises -- on the premises where it says 80
00:40:40 3 passengers, does this include children or do you allow
00:40:48 4 children on the vehicle? I mean, I'm sorry, on the vessel.

00:41:00 5 MR. JIM COON: Yeah, that's total passengers. So if
00:41:08 6 there are children, we can't exceed 80 passengers of any human
00:41:19 7 beings.

00:41:31 8 COMMISSIONER ANDRION: Okay.

00:41:34 9 MR. JIM COON: And, yes, we do allow children.

00:41:46 10 COMMISSIONER ANDRION: And does the -- is there a
00:41:49 11 certain age that can come as well so if -- if it's an infant,
00:41:54 12 it's considered as one passenger?

00:41:58 13 MR. JIM COON: Yeah. Just a human being is a
00:42:04 14 passenger.

00:42:05 15 COMMISSIONER ANDRION: Okay. Thank you.
00:42:09 16 Just for clarification, Chair. Thank you.

00:42:12 17 CHAIR ALULI: Thank you.

00:42:15 18 Any further questions?

00:42:18 19 (No response.)

00:42:18 20 CHAIR ALULI: If not, can I get a motion for
00:42:22 21 approval?

00:42:26 22 COMMISSIONER BOLOSAN: Move to approve.

00:42:32 23 COMMISSIONER DE MELLO: Second.

00:42:39 24 COMMISSIONER BOLOSAN: Roy Bolosan.

00:42:48 25 COMMISSIONER DE MELLO: De Mello. Second.

00:42:53 1 CHAIR ALULI: Jerrybeth was the second.

00:42:56 2 COMMISSIONER DE MELLO: Yeah.

00:42:58 3 CHAIR ALULI: All in favor?

00:43:03 4 (Response.)

00:43:04 5 CHAIR ALULI: Any opposed?

00:43:07 6 (No response.)

00:43:08 7 CHAIR ALULI: No opposition. Motion carries. Thank

00:43:13 8 you very much.

00:43:14 9 MR. JIM COON: Thank you so much.

00:43:28 10 CHAIR ALULI: Okay. Let's move on to Item B,

00:43:34 11 Application No. 6, Clark Enterprises. Please state your name

00:46:53 12 clearly.

00:46:56 13 MR. PRESTAGE: Don Prestage.

00:47:10 14 CHAIR ALULI: Layne.

00:47:13 15 OFFICER LAYNE SILVA: Application No. 6, the

00:48:09 16 applicant is Clark Enterprises, Inc. doing business as Paragon

00:48:20 17 Sailing Charters Maui (Paragon II) applying for a Tour Or

00:48:43 18 Cruise Vessel License, Category 2.

00:48:49 19 The officers, director, and stockholder of the

00:48:55 20 corporation; personal history statements; criminal history

00:49:01 21 statements; and past history are all listed in the

00:49:08 22 investigator's report.

00:49:10 23 The applicant has submitted a U.S. Coast Guard

00:49:16 24 Certificate of Documentation dated May 8th, 2019.

00:49:23 25 The applicant has submitted a letter and a

00:49:27 1 certificate of documentation from the U.S. Coast Guard which
00:49:34 2 identifies Clark Enterprises, Inc. as the owner of the vessel.

00:49:42 3 The proposed premises is a 47-foot John Conser
00:49:54 4 sailing catamaran authorized to carry 49 passengers, one
00:50:01 5 master, one deckhands; total persons allowed is 51.

00:50:10 6 The vessel will be moored at Berth 72, Maalaea Small
00:50:22 7 Boat Harbor, Wailuku, Maui, Hawaii.

00:50:26 8 The men's and women's toilet facilities are located
00:50:33 9 on either side of the vessel within the hulls.

00:50:39 10 Beverages will be dispensed from within the cabin
00:50:49 11 area (the galley) located on the cabin level of the vessel.

00:51:00 12 There are 34 licenses of this class and kind
00:51:05 13 currently issued within Maui County.

00:51:09 14 Applicant initially plans to be open seven days a
00:51:30 15 week from 8:00 a.m. to 12:00 midnight.

00:51:39 16 A site inspection was conducted of the proposed
00:51:43 17 premises on October 22nd, 2019.

00:51:51 18 In the opinion of this investigator, the applicant
00:51:56 19 appears to be fit and proper and does not appear to be
00:52:02 20 disqualified by any provision as stated within Section 281-56
00:52:10 21 HRS from obtaining or exercising a license.

00:52:17 22 All documents necessary for the issuance of a liquor
00:52:24 23 license have not been submitted. These items are listed in
00:52:29 24 the investigator's report.

00:52:32 25 CHAIR ALULI: Thank you, Layne.

00:52:35 1 What name do you like to go by, Chester or Peter?

00:52:47 2 MR. PRESTAGE: I'm Don.

00:52:55 3 CHAIR ALULI: Oh, Don. I'm sorry.

00:53:01 4 MR. PRESTAGE: Yeah, Don or Donald.

00:53:16 5 CHAIR ALULI: Okay.

00:53:20 6 MR. PRESTAGE: But you can just call me Don.

00:53:25 7 CHAIR ALULI: Okay, Don. And you're secretary for

00:53:30 8 the corporation?

00:53:31 9 MR. PRESTAGE: Correct.

00:53:35 10 CHAIR ALULI: Okay. Do you have anything further

00:53:39 11 to --

00:53:43 12 MR. PRESTAGE: I don't.

00:53:50 13 CHAIR ALULI: -- offer at this point, Don?

00:53:54 14 Okay. Are there any questions by any of the

00:53:58 15 commissioners?

00:54:00 16 COMMISSIONER DE JETLEY: I do, please. Alberta

00:54:05 17 de Jetley. Are these all sunset or lunchtime cruises? Are

00:54:16 18 you making any trips to Lanai on these boats?

00:54:21 19 MR. PRESTAGE: We do make a trip to Lanai on the

00:54:29 20 next -- which one? On the last application.

00:54:38 21 COMMISSIONER DE JETLEY: On the last application.

00:54:42 22 MR. PRESTAGE: Yeah, for Alihilani, we do, we go to

00:54:54 23 Lanai. We have a permit to go to Manele and we do go to Lanai

00:55:01 24 Monday and Friday.

00:55:04 25 COMMISSIONER DE JETLEY: Okay. So are you

00:55:06 1 serving -- well, because it's -- it's the last application,
00:55:11 2 I'll ask that question when we get to your application --

00:55:17 3 MR. PRESTAGE: Okay.

00:55:20 4 COMMISSIONER DE JETLEY: -- for that particular
00:55:24 5 boat. Thank you.

00:55:27 6 CHAIR ALULI: Since this is a public hearing, is
00:55:30 7 there -- are there any members of the audience who wish to
00:55:35 8 provide testimony at this time?

00:55:38 9 (No response.)

00:55:39 10 CHAIR ALULI: Not seeing any, can I get a motion for
00:55:43 11 approval for this application?

00:55:58 12 COMMISSIONER BOLOSAN: Move to approve.

00:56:03 13 CHAIR ALULI: Second?

00:56:03 14 COMMISSIONER BECRAFT: Jamie Becraft. Second,
00:56:08 15 Chair.

00:56:09 16 CHAIR ALULI: The -- the motion, the first motion
00:56:14 17 was by Leon.

00:56:18 18 COMMISSIONER BOLOSAN: I'm sorry.

00:56:18 19 CHAIR ALULI: All in favor?

00:56:21 20 (Response.)

00:56:23 21 CHAIR ALULI: Any opposed?

00:56:28 22 (No response.)

00:56:29 23 CHAIR ALULI: Motion carries. Thank you very much.

00:56:34 24 Let's move on to Application No. 7, Clark

00:56:39 25 Enterprises.

00:56:41 1 Layne.

00:56:44 2 OFFICER LAYNE SILVA: Application No. 7, Clark

00:57:19 3 Enterprises, Inc. doing business as Paragon Sailing Charters

00:57:27 4 Maui (Paragon) applying for a Tour Or Cruise Vessel License,

00:57:41 5 Category 2.

00:57:51 6 Officers, director, and stockholder of the

00:57:59 7 corporation; personal history statements; criminal history

00:58:06 8 statements; and past history are all listed in the

00:58:13 9 investigator's report.

00:58:15 10 Applicant has submitted a U.S. Coast Guard

00:58:28 11 Certificate of Documentation dated May 31st, 2020 -- I'm

00:58:38 12 sorry, 2019.

00:58:40 13 Vessel Ownership: Applicant has submitted a

00:58:46 14 manufacturer's statement of origin which identifies Clark

00:58:54 15 Enterprises, Inc. as the owner of the vessel.

00:59:02 16 The proposed premises is a 47-foot John Conser

00:59:12 17 sailing catamaran authorized to carry 49 passengers; that's

00:59:23 18 one master, one deckhand; total persons allowed is 51.

00:59:35 19 The vessel will be moored at Lahaina Offshore

00:59:41 20 Mooring Area -- B: #15, Lahaina, Maui, Hawaii.

00:59:51 21 The men's and women's toilet facilities are located

01:00:00 22 on either side of the vessel within the hulls.

01:00:05 23 Beverages will be dispensed from within the cabin

01:00:11 24 area (the galley) located on the cabin level of the vessel.

01:00:22 25 There are 34 licenses of this class and kind

01:00:28 1 currently issued within Maui County.

01:00:32 2 Applicant initially plans to be open be seven days a
01:00:39 3 week from 8:00 a.m. to 12:00 midnight.

01:00:48 4 A site inspection was conducted of the proposed
01:00:54 5 premises on October 22nd, 2019.

01:01:00 6 In the opinion of this investigator, the applicant
01:01:04 7 appears to be fit and proper and does not appear to be
01:01:07 8 disqualified by any provision as stated within Section 281-56
01:01:14 9 HRS from obtaining or exercising a license.

01:01:20 10 All documents necessary for the issuance of a liquor
01:01:25 11 license have not been submitted. Those items are listed in
01:01:32 12 the investigator's report.

01:01:35 13 CHAIR ALULI: Thank you, Layne.

01:01:38 14 Don, is there anything more you want to offer?

01:01:43 15 MR. PRESTAGE: Nothing more.

01:01:48 16 CHAIR ALULI: Okay. Are these two catamarans, the
01:01:57 17 Paragon I and the Paragon -- and the Paragon, are these the
01:02:07 18 same vehicle?

01:02:09 19 MR. PRESTAGE: No.

01:02:13 20 CHAIR ALULI: Or the same?

01:02:17 21 MR. PRESTAGE: They're --

01:02:25 22 CHAIR ALULI: They're separate --

01:02:30 23 MR. PRESTAGE: Yeah.

01:02:35 24 CHAIR ALULI: Separate catamarans?

01:02:42 25 MR. PRESTAGE: That's correct.

01:02:46 1 CHAIR ALULI: Okay. Okay. Are there any other
01:02:49 2 questions by any of the commissioners?
01:02:54 3 (No response.)
01:02:55 4 CHAIR ALULI: If not, can I have a motion for
01:02:58 5 approval?
01:03:02 6 COMMISSIONER BECRAFT: Mr. Chair. Jamie Becraft.
01:03:10 7 Motion to approve.
01:03:12 8 CHAIR ALULI: Second?
01:03:18 9 COMMISSIONER BOLOSAN: Second.
01:03:20 10 CHAIR ALULI: Leon will be the second. Please,
01:03:24 11 don't forget to state your name.
01:03:30 12 COMMISSIONER BOLOSAN: Okay.
01:03:33 13 CHAIR ALULI: We need it to be added on the
01:03:44 14 recorder.
01:03:45 15 COMMISSIONER BOLOSAN: Sorry.
01:03:48 16 CHAIR ALULI: All in favor?
01:03:51 17 (Response.)
01:03:52 18 CHAIR ALULI: Any opposed?
01:03:55 19 (No response.)
01:03:56 20 CHAIR ALULI: Thank you very much. Motion carries.
01:03:58 21 Let's now move on to Application No. 8, again, Clark
01:04:10 22 Enterprises.
01:04:17 23 OFFICER LAYNE SILVA: Application No. 8, Clark
01:04:25 24 Enterprises, Inc. doing business as Paragon Sailing Charters
01:04:32 25 Maui (Alihilani) applying for a Tour Or Cruise Vessel License,

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01:06:07 14
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01:06:23 16
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01:06:46 19
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Category 2.

Officers, director, and stockholder of the corporation; personal history statements; criminal history statements; and past history are all listed in the investigator's report.

Applicant has submitted a U.S. Coast Guard Certificate of Documentation dated May 31st, 2019.

Applicant has submitted a manufacturer's statement of origin which identifies Clark Enterprises, Inc. as the owner of the vessel.

The proposed premises is a 47-foot John Conser sailing catamaran authorized to carry 49 passengers, one master, one deckhands; total persons allowed is 51.

The vessel will be moored at Lahaina Offshore Mooring Area -- B: 12, Lahaina, Maui, Hawaii.

The men's and women's toilet facility are located on either side of the vessel within the hulls.

Beverages will be dispensed from within the cabin area (the galley) located on the cabin level of the vessel.

There are 34 licenses of this class and kind currently issued within Maui County.

Applicant initially plans to be open seven days a week from 8:00 a.m. to 12:00 midnight.

A site inspection was conducted of the proposed premises on October 22nd, 2019.

01:07:36 1 In the opinion of this investigator, the applicant
01:07:40 2 appears to be fit and proper and does not appear to be
01:07:44 3 disqualified by any provision as stated within Section 281-56
01:07:53 4 HRS from obtaining or exercising a license.

01:08:02 5 All documents necessary for the issuance of the
01:08:07 6 liquor license have not been submitted, those items are all
01:08:15 7 listed in the investigator's report.

01:08:18 8 CHAIR ALULI: Thank you, Layne.

01:08:23 9 Don, anything further to add?

01:08:26 10 MR. PRESTAGE: No.

01:08:48 11 CHAIR ALULI: How many vessels does Paragon have?

01:08:56 12 MR. PRESTAGE: Three sailing catamarans and one
01:09:01 13 powerboat.

01:09:05 14 CHAIR ALULI: Okay. Thank you very much.

01:09:07 15 Commissioners, any questions by any of the
01:09:11 16 commissioners?

01:09:13 17 COMMISSIONER DE JETLEY: Yes, Mr. Chair. Alberta
01:09:36 18 de Jetley. I have some questions for the applicant.

01:09:40 19 So this is the only ship that will be doing day
01:09:46 20 trips to Lanai?

01:09:47 21 MR. PRESTAGE: Correct.

01:09:54 22 COMMISSIONER DE JETLEY: Are you planning on -- on
01:10:11 23 serving alcohol while the boat is at Manele, docked at Manele
01:10:22 24 Small Boat Harbor?

01:10:23 25 MR. PRESTAGE: No.

01:10:27 1 COMMISSIONER DE JETLEY: Okay. Are you planning to
01:10:38 2 have your -- your passengers carry alcohol to Hulopoe Beach
01:10:48 3 Park?

01:10:49 4 MR. PRESTAGE: No.

01:10:53 5 COMMISSIONER DE JETLEY: Okay. So let it be stated
01:10:56 6 in the record that I'd be totally opposed to any -- any
01:11:05 7 distribution of alcohol from your vessel to the Manele Small
01:11:25 8 Boat Harbor or to the beach.

01:11:29 9 MR. PRESTAGE: Yeah. We won't do that.

01:11:36 10 COMMISSIONER DE JETLEY: Thank you.

01:11:38 11 CHAIR ALULI: Any other questions by any of the
01:11:41 12 commissioners?

01:11:44 13 COMMISSIONER YOKOUCHI: Yes, Mr. Chair. Leslie
01:11:49 14 Yokouchi. This is altogether a new venture with the three
01:11:58 15 vessels that you're asking for a liquor license here?

01:12:03 16 MR. PRESTAGE: Just the third one.

01:12:08 17 COMMISSIONER YOKOUCHI: Just the third one.

01:12:12 18 MR. PRESTAGE: Yeah.

01:12:17 19 COMMISSIONER YOKOUCHI: And this is in -- the same
01:12:23 20 idea as Trilogy, you'll be --

01:12:34 21 MR. PRESTAGE: Well, we've been doing it before with
01:12:41 22 a different vessel, so this was a new vessel and then we -- we
01:12:46 23 switched the permits to this vessel. So we've been doing
01:12:51 24 it -- Paragon's been doing it for about 20 years.

01:12:59 25 COMMISSIONER DE JETLEY: Mr. Chair, I had -- Alberta

01:13:04 1 de Jetley. I have another question. You stated when I asked
01:13:11 2 earlier, do you have a permit for this vessel and for your
01:13:17 3 passengers to use Hulopoe Beach Park by the majority landowner
01:13:30 4 for -- that would be Pulama Lanai?

01:13:37 5 MR. PRESTAGE: We do not.

01:13:44 6 COMMISSIONER DE JETLEY: All right. Thank you. Who
01:13:48 7 is your permit from, then?

01:13:54 8 MR. PRESTAGE: We just have a permit from Manele and
01:14:09 9 our -- we only drop our passengers off at the harbor and pick
01:14:17 10 them back up, so we don't send any of our staff to the beach.

01:14:35 11 COMMISSIONER DE JETLEY: All right. I have had
01:14:39 12 incidences where passengers getting off of expeditions and --
01:14:49 13 and coming over for the day already have alcohol with them, so
01:14:59 14 could you ask all of your passengers when they're booking this
01:15:10 15 trip, let them know that they cannot drink along the main
01:15:18 16 road, because that -- I have stopped people carrying open
01:15:23 17 containers walking to the beach and I've asked them if that
01:15:32 18 was alcohol that they had in their cans and they just lied,
01:15:39 19 they just lied and said, Oh, no, this is just soda pop.

01:15:47 20 MR. PRESTAGE: We'll make sure that our
01:15:53 21 passengers --

01:15:55 22 COMMISSIONER DE JETLEY: Yeah, if you could do that,
01:15:57 23 please.

01:15:58 24 MR. PRESTAGE: -- are all informed that they're not
01:16:05 25 allowed alcohol at the beach or along the --

01:16:09 1 COMMISSIONER DE JETLEY: Thank you.

01:16:12 2 MR. PRESTAGE: Yeah.

01:16:16 3 CHAIR ALULI: Any other questions by any of the
01:16:18 4 commissioners?

01:16:21 5 (No response.)

01:16:22 6 CHAIR ALULI: If not, can I get a motion for
01:16:24 7 approval?

01:16:26 8 COMMISSIONER DE JETLEY: Mr. Chair, I'm totally
01:16:33 9 satisfied with his answers and I'd move to approve this
01:16:40 10 application, please.

01:16:43 11 CHAIR ALULI: Second?

01:16:46 12 COMMISSIONER BECRAFT: Jamie Becraft. Mr. Chair, I
01:16:51 13 second.

01:16:54 14 CHAIR ALULI: All in favor?

01:16:58 15 (Response.)

01:16:59 16 CHAIR ALULI: Any opposed?

01:17:04 17 (No response.)

01:17:04 18 CHAIR ALULI: Thank you very much. Motion carries.

01:17:10 19 MR. PRESTAGE: Thank you.

01:17:13 20 COMMISSIONER DE JETLEY: Thank you.

01:17:18 21 CHAIR ALULI: Okay. Let's move on to Preliminary
01:17:27 22 Hearings, Application No. 10, Haumana Maui LLC. Please state
01:17:43 23 your name and your positions.

01:17:53 24 MS. MEHLING: Good morning. My name is Keri
01:18:49 25 Mehling, I am counsel for the applicant Haumana Maui LLC.

01:19:05 1 With me is Ron Panzo, he is the manager, member, and agent.
01:19:18 2 And then behind me is Don Abernathy and Generoso Sarmiento and
01:19:41 3 they are both the manager/members as well.

01:19:49 4 CHAIR ALULI: Thank you, Keri.
01:19:51 5 Layne.

01:19:56 6 OFFICER LAYNE SILVA: Application No. 10, Haumana
01:20:03 7 Maui LLC doing business as Ekolu Kitchen 1279 applying for a
01:20:20 8 Restaurant General License, Category B(ii).

01:20:32 9 The managers, members, and agent of the
01:20:37 10 manager-managed LLC; personal history statements; criminal
01:20:48 11 history statements; and past history are all listed in the
01:20:54 12 investigator's report.

01:20:56 13 The applicant has submitted a copy of a tenant lease
01:21:04 14 by and between Ronan Properties LLC, a Delaware limited
01:21:15 15 liability company as the landlord, and Haumana Maui LLC,
01:21:25 16 tenant, dated May 1st, 2019, and Amendment No. 1 to lease
01:21:41 17 dated May 1st, 2019.

01:21:45 18 The proposed premises contains approximately 4,689
01:21:55 19 square feet of floor space. It is located at 1279 South Kihei
01:22:10 20 Road, Suite No. 201, Kihei, Maui, Hawaii.

01:22:16 21 There are no schools or churches located within a
01:22:22 22 radius of 500 feet. There are no licenses of the same class
01:22:32 23 and kind located within a radius of 500 feet.

01:22:38 24 There are nine dispenser general, two dispenser beer
01:22:46 25 and wine, two restaurant beer and wine, and two retail general

01:22:54 1 licensees located within a radius of 500 feet.

01:23:01 2 There are 83 licenses of this class and kind
01:23:07 3 currently issued within Maui County.

01:23:10 4 The applicant initially plans to be open seven days
01:23:16 5 a week from 7:00 a.m. to 2:00 a.m.

01:23:22 6 A site inspection needs to be conducted of --
01:23:28 7 conducted of the proposed premises.

01:23:33 8 Information contained within the DLC-006 form
01:23:48 9 submitted by Ronald Bryan Panzo indicated that he had not been
01:23:59 10 convicted for a violation of law other than minor traffic
01:24:04 11 violation. Information received during the criminal history
01:24:10 12 background check revealed that Ronald Bryan Panzo had been
01:24:16 13 convicted for a violation of law other than a minor traffic
01:24:24 14 violation. Ronald Bryan Panzo has submitted a letter of
01:24:31 15 explanation.

01:24:33 16 Information contained within the DLC-006 form
01:24:40 17 submitted by Donald Leslie Abernathy Jr. indicated that he had
01:24:53 18 been convicted for a violation of law other than a minor
01:24:58 19 traffic violation. Information received during the criminal
01:25:03 20 history background check revealed Donald Leslie Abernathy Jr.
01:25:16 21 had been convicted for a violation of law. Donald Leslie
01:25:21 22 Abernathy Jr. has submitted a letter of explanation.

01:25:28 23 All documents necessary for the issuance of a liquor
01:25:42 24 license have not been submitted. Those items are listed in
01:25:48 25 the investigator's report.

01:25:58 1 CHAIR ALULI: Thank you, Layne.

01:25:59 2 Keri, anything further to add?

01:26:09 3 MS. MEHLING: We don't have anything further to add.

01:26:16 4 CHAIR ALULI: Okay. Since this is public hearing,

01:26:19 5 is there anybody in the audience for or against this

01:26:23 6 applicant, this application?

01:26:28 7 (No response.)

01:26:29 8 CHAIR ALULI: Commissioners, are there any questions

01:26:34 9 on the part of any of the commissioners?

01:26:38 10 COMMISSIONER BECRAFT: Mr. Chair. Jamie Becraft. I

01:26:43 11 do have some questions.

01:26:45 12 CHAIR ALULI: Yes, Jamie.

01:26:49 13 COMMISSIONER BECRAFT: Okay. Mr. Panzo, is it

01:26:56 14 correct that a -- that you were -- what role, exactly, did you

01:27:01 15 have in Lulu's in Lahaina for --

01:27:08 16 MR. PANZO: I was a member there.

01:27:15 17 COMMISSIONER BECRAFT: And a primary member or --

01:27:19 18 MR. PANZO: Yes, sir.

01:27:24 19 COMMISSIONER BECRAFT: Okay. Now, there was quite

01:27:27 20 a -- from my recollection, and maybe the -- for clarification

01:27:33 21 for you, I'm a retired police officer.

01:27:38 22 MR. PANZO: Okay.

01:27:42 23 COMMISSIONER BECRAFT: And worked in Lahaina. So

01:27:48 24 we -- there were -- to my recollection, there was numerous

01:27:51 25 problems with Lulu's in regard to -- I mean, from overservice

01:27:56 1 to multiple fights and the Maui Police Department had reached
01:28:02 2 out to you folks and couldn't get changes and eventually my --
01:28:08 3 it's my understanding that the liquor commission revoked
01:28:12 4 your -- revoked your license. Is that correct?

01:28:18 5 MR. PANZO: I don't know if our license ever got
01:28:26 6 revoked. We had changed entity and partner at the time. We
01:28:38 7 had, I think -- there was a point where we had two infractions
01:28:44 8 and two violations.

01:28:49 9 COMMISSIONER BECRAFT: I'm showing in the paperwork
01:28:51 10 here on 2/22/14 a no contest plea to -- this wasn't the first
01:29:04 11 issuance of problems, but that it's showing that the result of
01:29:09 12 guilty is revocation of license. Is that my -- is this not
01:29:16 13 correct?

01:29:19 14 MR. PANZO: Maybe I'm just not remembering right.
01:29:25 15 I'm sorry.

01:29:26 16 MS. MEHLING: That entity has been closed for a
01:29:33 17 significant period of time and Mr. Panzo's business has been
01:29:42 18 on the other restaurant that he has in Kihei, which is Nalu's.

01:29:47 19 COMMISSIONER BECRAFT: Okay. So you're -- you're a
01:29:52 20 primary person in Nalu's over --

01:29:57 21 MR. PANZO: Yes, sir.

01:30:01 22 COMMISSIONER BECRAFT: What's your percentage at --
01:30:06 23 of the involvement for Nalu's?

01:30:11 24 MR. PANZO: Fifty percent, sir.

01:30:16 25 COMMISSIONER BECRAFT: And Nalu's has been open for

01:30:19 1 about how long?

01:30:22 2 MR. PANZO: Going on five years now. We opened July
01:30:30 3 2015.

01:30:37 4 COMMISSIONER BECRAFT: So I've been to Nalu's and
01:30:41 5 the -- and it's not the same type of restaurant as -- facility
01:30:46 6 as Lulu's was at all.

01:30:52 7 MR. PANZO: I never want to go through that again,
01:30:57 8 sir.

01:30:59 9 COMMISSIONER BECRAFT: Well, and nor do -- nor do
01:31:04 10 some of my former coworkers. They had -- because that was
01:31:10 11 really troublesome. So this entity, what type of business are
01:31:16 12 we looking here? Is this going to be like Nalu's, that it's
01:31:22 13 more food oriented and closing -- what's your hours of
01:31:29 14 operation again? You're intending to be open till 2:00?

01:31:35 15 MR. PANZO: No, sir. We're looking at --

01:31:44 16 COMMISSIONER BECRAFT: I thought that --

01:31:52 17 MR. PANZO: -- opening at 4:00 in the afternoon and
01:32:07 18 probably finishing by 10:00-11:00, so it'll be more of a
01:32:30 19 bistro-style dinner house.

01:32:30 20 MS. MEHLING: It's designed as a restaurant --

01:32:35 21 COMMISSIONER BECRAFT: Right.

01:32:36 22 MS. MEHLING: -- facility, but when we have to apply
01:32:44 23 for the license, we have to put hours on it that cap the
01:32:49 24 possibilities, so in the event that they choose to start a
01:32:56 25 breakfast service, the liquor license would have to be able to

01:33:02 1 cover that, so that's why are we capped it with the 7:00 to
01:33:13 2 2:00.

01:33:13 3 COMMISSIONER BECRAFT: Correct. I understand that.
01:33:17 4 But I'm more concerned with the closing time --

01:33:23 5 MS. MEHLING: Understood.

01:33:25 6 COMMISSIONER BECRAFT: -- than I am the opening,
01:33:28 7 so --

01:33:34 8 MR. PANZO: We have no plans to be a nightclub.

01:33:41 9 COMMISSIONER BECRAFT: Okay. So then -- then would
01:33:53 10 it be unreasonable to then to take it -- instead of being open
01:34:03 11 to -- correct me --

01:34:08 12 I'm sorry. May I ask Mr. Layne Silva a question?

01:34:16 13 CHAIR ALULI: Yes.

01:34:18 14 COMMISSIONER BECRAFT: For clarification.

01:34:20 15 Layne, it was my understanding when I was reading
01:34:24 16 this and heard you that they've applied to 2:00 a.m.; is that
01:34:35 17 correct?

01:34:37 18 OFFICER LAYNE SILVA: Yes.

01:34:38 19 COMMISSIONER BECRAFT: Okay. So would you be
01:34:41 20 opposed to changing that to -- to -- if you have no intention
01:34:45 21 to running it till 2:00 and you're not -- have no intention of
01:34:57 22 it being like Lulu's --

01:35:04 23 MR. PANZO: No, we do not.

01:35:10 24 COMMISSIONER BECRAFT: -- and more like Nalu's,
01:35:13 25 right, it would be more -- would you be opposed to --

01:35:17 1 MR. PANZO: Yeah. It would be something I'd have
01:35:22 2 to -- you know, I'm just one of the members of three, so I
01:35:27 3 would have to discuss this with every -- you know, I don't
01:35:32 4 feel right answering for my other partners.

01:35:39 5 MS. MEHLING: The intention at this point is not to
01:35:46 6 be open until that time, but, again, we have to cap it within
01:35:50 7 the parameters of the license and so we can't foreclose the
01:35:54 8 possibility at this moment. Certainly, the idea is that this
01:35:58 9 is a bistro style, that their -- the nature of their patio is
01:36:07 10 that people come, it's a quiet -- they sit around little fires
01:36:13 11 and do their thing, have, you know, pupus and a nice meal
01:36:19 12 and -- so that the structure of it, I would suggest, having
01:36:24 13 looked at their business plan, is even one step down in terms
01:36:29 14 of both volume of people and the movement of people than
01:36:34 15 Nalu's is. It's a nice -- I don't want to describe it as
01:36:40 16 slow, because I don't think that's the right word, but a
01:36:45 17 slower, quieter atmosphere designed to really kind of have
01:36:55 18 people communicate.

01:36:59 19 MR. PANZO: If I may, I believe Lulu's was a more --
01:37:19 20 you know, at the time we had DJs, it was a nightclub, there
01:37:24 21 was dancing, it was, you know -- it was that type of venue.
01:37:29 22 This is totally different. This is a dinner house, no DJ, no
01:37:35 23 dancing, strictly dining.

01:37:41 24 COMMISSIONER BECRAFT: Let me just for
01:37:44 25 clarification, Layne; is that correct? So this permit

01:37:49 1 would -- this license would not allow dancing or DJs?

01:38:00 2 OFFICER LAYNE SILVA: It does, actually. What it
01:38:04 3 does is allow -- allows them to apply for a permit for that,
01:38:11 4 but it isn't automatic within the license. But the Category
01:38:19 5 B(ii) does allow for that type of activity with a permit.

01:38:24 6 COMMISSIONER BECRAFT: So they would have to return
01:38:27 7 and request again for the -- for that permit?

01:38:33 8 OFFICER LAYNE SILVA: It would be a permit request
01:38:36 9 submitted to the department and approved at the department
01:38:39 10 level.

01:38:41 11 MS. MEHLING: Yeah. Our current plans that are
01:38:45 12 submitted with the application don't define a dance floor --

01:39:01 13 COMMISSIONER BECRAFT: I understand.

01:39:03 14 MS. MEHLING: -- they don't define any of that
01:39:13 15 spatial relationship that would be required before we could do
01:39:19 16 that.

01:39:19 17 COMMISSIONER BECRAFT: All right. But if I'm
01:39:21 18 hearing Layne correctly, that once we approve it, then it
01:39:28 19 would be off -- out of the commission's hands, it would be
01:39:33 20 just an application point because you'd be -- sort of
01:39:37 21 pre-approved. You'd just need to put in an application and
01:39:42 22 let them know, essentially, putting the department on notice
01:39:47 23 that you are going to have DJs and things and then that would
01:39:52 24 be approved; correct?

01:39:55 25 OFFICER LAYNE SILVA: Yes.

01:39:57 1 COMMISSIONER BECRAFT: Okay.

01:40:01 2 COMMISSIONER YOKOUCHI: Mr. Chair, they would not
01:40:03 3 have to come before us again to get that permit?

01:40:08 4 CHAIR ALULI: Not according to the type of license
01:40:11 5 that they have and they are requesting approval of. And
01:40:15 6 within that -- the confines of that license, if I'm correct,
01:40:19 7 Layne, it does allow for this time period and everything that
01:40:24 8 is allowed within that license; right?

01:40:27 9 OFFICER LAYNE SILVA: Yes.

01:40:29 10 CHAIR ALULI: And that's allowed within the license.

01:40:35 11 COMMISSIONER BECRAFT: So, Mr. Chair, if I may
01:40:38 12 again.

01:40:38 13 CHAIR ALULI: Yes.

01:40:41 14 COMMISSIONER BECRAFT: Jamie Becraft. The -- so my
01:40:46 15 major concern is -- and I get that it sounds like you're being
01:40:53 16 earnest and that you're -- you have some, you know -- you
01:40:56 17 don't want to have another Lulu's, but I would like some
01:41:01 18 reassurances, because it would pass by us once this is done,
01:41:06 19 we won't have control of that, because that -- my major
01:41:14 20 concern is we're going to be back to having fights and stuff
01:41:19 21 in the parking lots and police are going to be rolling three
01:41:23 22 times a week and, you know, that people are going to get hurt
01:41:28 23 and nothing's going to happen, you know, there -- if you were
01:41:33 24 to have -- let me -- let me pose this to you: If you were to
01:41:41 25 start to have fights again like in the parking lot of your new

01:41:46 1 business, what steps would you folks be taking to ensure that
01:41:54 2 that were to stop?

01:41:56 3 MR. PANZO: Again, this is a whole different
01:42:02 4 environment and, you know, we had to have security. We were
01:42:07 5 attracting that type of crowd. It was a younger crowd because
01:42:14 6 of the DJ and the style of the music that was being, you know,
01:42:19 7 being directed. It was -- it was a whole different crowd. I
01:42:24 8 don't think we -- in a dinner house we would need security or
01:42:30 9 any type of, you know, fighting prevention type of, you know,
01:42:36 10 setup. I'm sorry if I'm not, you know --

01:42:39 11 COMMISSIONER BECRAFT: I appreciate that. Maybe let
01:42:47 12 me reword my question, if I may. I wasn't asking you to do it
01:42:55 13 in the front.

01:42:57 14 MR. PANZO: Okay.

01:43:00 15 COMMISSIONER BECRAFT: I wasn't asking you to do --
01:43:04 16 like do something. I'm saying say you open and then the --
01:43:13 17 the unforeseen, yes, this does end up being troublesome like,
01:43:20 18 you know, how -- how it was from what I recall in Lahaina.
01:43:24 19 And if that were to occur, I'm not saying do that today, I'm
01:43:28 20 saying let's say that starts happening three months from now,
01:43:35 21 what would you guys to -- you know, do you have a plan in
01:43:39 22 place to stop that or --

01:43:42 23 MR. PANZO: I think -- you know, again, I think I've
01:43:50 24 learned a lot from Lulu's in Lahaina. And the business
01:43:54 25 template, for example, at Nalu's, South Shore Grill, and Azeka

01:44:09 1 Mall, I mean, we are -- we're just not conducive to attracting
01:44:16 2 that type of market and I -- and moving forward, I never want
01:44:22 3 to revisit Lulu's Lahaina again. You know, this is a dinner
01:44:26 4 house. My partners are -- our backgrounds are fine dining,
01:44:33 5 Nick's Fish Market, Sarento's, you know, we're not nightclub
01:44:42 6 people. At that time when I was at Lulu's, I had different
01:44:46 7 partners and they were more of the nightclub, you know, Lulu's
01:44:49 8 in Kona, Lulu's Waikiki, that was kind of part of the -- the
01:45:03 9 business model, if you will, and the partners were -- you
01:45:07 10 know, that was their background, you know. We're all fine
01:45:11 11 dining people and that kind of background.

01:45:20 12 COMMISSIONER BECRAFT: So your group presently with
01:45:27 13 this new venture, that is a whole different crowd, you don't
01:45:32 14 have any connections from -- from Lulu's that's with you
01:45:36 15 this -- for this?

01:45:38 16 Mr. Panzo. Yes, there's -- yes. I'd like to put
01:45:46 17 that time behind me and move forward.

01:45:50 18 MS. MEHLING: And, sir, I think another thing to
01:45:56 19 help us with your concerns is when -- the price point that
01:46:06 20 they're aiming at isn't going to bring in the 21-year-old
01:46:11 21 crowd unless they happen to independently wealthy.

01:46:17 22 COMMISSIONER BECRAFT: Okay.

01:46:18 23 MS. MEHLING: And, too, their landlord is a
01:46:23 24 reasonably strict landlord, I do work for that landlord, so I
01:46:30 25 know what will happen. If things start getting chaotic, the

01:46:37 1 landlord's not going to tolerate it, and so they will put into
01:46:42 2 place requirements under the lease that would get rid of some
01:46:46 3 of the issues that you would be concerned about. So there's a
01:46:50 4 lot of things that would happen in the event that they ever
01:46:56 5 got to the point and changed the business plan of doing
01:46:59 6 something like that, there's some -- there's some awesome
01:47:04 7 speed bumps that are built in and I think that that would
01:47:12 8 help. Azeka also has security. So there would be an
01:47:22 9 immediate raise of concern from the landlord if there was a
01:47:43 10 problem.

01:47:46 11 COMMISSIONER YOKOUCHI: Mr. Chair, I have a --

01:47:49 12 CHAIR ALULI: Yes.

01:47:53 13 COMMISSIONER YOKOUCHI: I have a question.

01:47:55 14 CHAIR ALULI: Yeah.

01:47:58 15 COMMISSIONER YOKOUCHI: Can you give us --

01:48:00 16 CHAIR ALULI: State your name, please.

01:48:03 17 COMMISSIONER YOKOUCHI: Leslie Yokouchi. Can you
01:48:33 18 give us some background on your partners or other people?

01:48:49 19 MR. PANZO: Yeah. Donnie Abernathy.

01:48:59 20 MS. MEHLING: They're here. Would you like them
01:49:06 21 to --

01:49:07 22 COMMISSIONER YOKOUCHI: Yeah, could you? Could I
01:49:11 23 get some background on them?

01:49:14 24 MS. MEHLING: Can you guys come up for a second and
01:49:24 25 introduce yourselves for half a second. I think it's

01:49:28 1 important you guys see the faces.

01:49:34 2 MR. SARMIENTO: Hi. My name is Generoso Sarmiento.
01:49:51 3 I was working at Tri-Star Restaurant Group that includes
01:50:00 4 Nick's Fishmarket, Sarento's on the Beach, Sunset at the Hyatt
01:50:18 5 Steakhouse, and also Manoli's Pizza Company. And I was there
01:50:24 6 for 28 years and now it's kind of like it's time for us to
01:50:31 7 open our own restaurant. And also with Don, Donald Abernathy
01:50:39 8 and we work with Ron Panzo for a number of years before he
01:50:45 9 started opening other restaurants and I think this is like a
01:50:55 10 coming together of old friendship, you know, and now we're
01:50:59 11 going to be like brothers and partners on this new venture.
01:51:03 12 Thank you.

01:51:04 13 MR. ABERNATHY: Donald Abernathy. I worked with Ron
01:51:15 14 Panzo, Generoso Sarmiento early '90s in Honolulu, came to Maui
01:51:24 15 '98, and we opened Nick's Fishmarket, Sarento's on the Beach
01:51:37 16 all together and it would have been 27 years with Tri-Star
01:51:44 17 this year. I'm excited to get this new venture going, find a
01:51:53 18 new background, and that's pretty much it.

01:52:02 19 COMMISSIONER YOKOUCHI: Mr. Chair.
01:52:07 20 What were your roles at Tri-Star?

01:52:17 21 MR. SARMIENTO: I was the corporate chef of all of
01:52:29 22 the restaurants that I mentioned and, you know, I started
01:52:33 23 from -- from the bottom, from dishwashing all the way to
01:52:37 24 becoming the chef within the 28 years I was there. Thank you.

01:52:47 25 MR. ABERNATHY: It would have been 27 years, like I

01:52:54 1 mentioned. Started from the dish pit area as well, obtained
01:53:07 2 the position of director of operations, so oversaw Sunz all
01:53:14 3 the way to Koho's, our last venture together, Sarento's and
01:53:33 4 Manoli's, Hyatt Steakhouse.

01:53:35 5 COMMISSIONER YOKOUCHI: Thank you.

01:53:39 6 COMMISSIONER DE JETLEY: Mr. Chair.

01:53:43 7 CHAIR ALULI: State your name, please.

01:53:50 8 COMMISSIONER DE JETLEY: Alberta de Jetley. First
01:53:54 9 of all, I love Nalu's, it's one of my favorite places to eat.
01:54:03 10 And I -- I would totally support this if you're building it in
01:54:08 11 Lahaina because we need a restaurant like yours in Lahaina,
01:54:14 12 but --

01:54:15 13 MR. PANZO: Thank you very much.

01:54:18 14 COMMISSIONER DE JETLEY: I know in the past that we
01:54:22 15 have tried to put conditions on closing times and counsel has
01:54:26 16 asked -- has discouraged us from doing that. And I know that
01:54:32 17 you would like to maybe see the 11:00 closing, but because of
01:54:40 18 your years of experience in the business, I would be --
01:54:49 19 agreeable to letting you go and operate your business as best
01:54:52 20 as you can with as few problems as possible.

01:55:06 21 COMMISSIONER BECRAFT: Mr. Chair.

01:55:08 22 CHAIR ALULI: Yes.

01:55:09 23 COMMISSIONER BECRAFT: Jamie Becraft. My concern --
01:55:17 24 you've alleviated a lot of my concern. My big concern is, now
01:55:35 25 there's the three of you, you know, that somebody -- and not

01:55:39 1 the landlord -- needs to step in and say stop it, you know,
01:55:45 2 when the police show up for fights and start asking for help
01:55:50 3 with the issue, that -- that's my big concern, because that
01:55:56 4 didn't occur from -- and I know that firsthand that it didn't
01:56:00 5 occur from -- you know, from my guys at the time. So it seems
01:56:07 6 that this isn't it going to be the same, but my concern,
01:56:11 7 instead of maybe the time, that I'd like to know who -- if
01:56:16 8 there was trouble, who would make that decision? I don't want
01:56:28 9 to wait for a landlord. If the police came and said, Listen,
01:56:37 10 you guys are -- this is a -- you know, you guys got -- fill in
01:56:44 11 the blank problem, I don't care what, you know, fill it in
01:56:51 12 whatever you want to say, you know, that it's a legal problem
01:56:55 13 and it's -- you know, public safety's in question, who would
01:56:59 14 make that decision for you folks to make that change if there
01:57:04 15 was going to be a change?

01:57:06 16 MR. PANZO: I know we're three -- we're equal
01:57:16 17 partners, but I know firsthand I would be the first one to
01:57:20 18 say, you know, this -- we're going down the wrong road and
01:57:28 19 need to change and -- yeah, again, I never want to revisit
01:57:33 20 those years again. It's not my background, it's not, you
01:57:39 21 know, the way -- I've been in the industry for 45 years and I
01:57:44 22 was 30 years with Nick's Fishmarket, again starting as a
01:57:49 23 dishwasher and when I left as the director of operations. And
01:57:52 24 I got involved with the Lulu's group and thought it was a
01:57:57 25 great opportunity for -- to continue my growth in the industry

01:58:05 1 and then realized that this is not, you know, what I wanted to
01:58:10 2 do. So I had a little taste of it and I'm so happy to be back
01:58:18 3 in -- in the dining world and doing things like Nalu's, being
01:58:24 4 part of the community and -- and I look forward to this future
01:58:32 5 venture of putting out good service and good food and it's a
01:58:42 6 whole different environment, whole different demographics, you
01:58:48 7 know, clientele.

01:58:50 8 COMMISSIONER BECRAFT: Okay. Well, to be -- when I
01:58:53 9 read this, I'll be straight with you, I was like, Oh, I'm not
01:58:59 10 voting for you, but I -- the -- but I will say if there -- you
01:59:05 11 know, I too have gone to Nalu's several times, I really enjoy
01:59:12 12 your restaurant, I think your atmosphere there is terrific.
01:59:16 13 And if that's your model now and these gentlemen, you know,
01:59:21 14 bring some -- bring credibility to that, that that's the
01:59:27 15 direction you're headed, then that would satisfy me. But I
01:59:32 16 would urge that it -- and just to keep in mind that as a
01:59:35 17 former police officer, if it -- if it does go bad and we come
01:59:40 18 to you and ask for help -- that's not what happened at --
01:59:47 19 Lulu's didn't help, you know, they just kept going, you know,
01:59:51 20 and it was money first. Knocked out teeth, who cares, you
01:59:57 21 know, people laid out in the parking lot, who cares, you know,
02:00:09 22 as long as we kept -- you know, as long as that doesn't
02:00:12 23 happen. And it sounds like you have made that change, so
02:00:19 24 you've effectively changed my vote, so -- I mean, especially
02:00:23 25 with your Nalu's. I think Nalu's is a really exceptional

02:00:32 1 place and it's very comfortable and I feel safe there, I don't
02:00:37 2 feel like I have to look over my shoulder, which is, you know,
02:00:42 3 a testament to the change you said you've done, so I will -- I
02:00:49 4 will change my vote.

02:00:53 5 COMMISSIONER ANDRION: Mr. Chair. Roberto Andrion.
02:00:59 6 I guess -- I guess what we're looking for from you gentlemen,
02:01:08 7 the three part owners, is an affirmative of what Commissioner
02:01:25 8 Jamie -- Jamie is saying is that I know he -- I'm sorry, is
02:01:34 9 it --

02:01:34 10 MS. MEHLING: Ron.

02:01:37 11 COMMISSIONER ANDRION: Ronald has made the
02:01:42 12 affirmative that if he's there and I know he's not going to be
02:01:48 13 there all the time, but what about the rest -- both of you, if
02:02:00 14 you guys were there? I'm pretty sure -- I'm pretty sure --

02:02:08 15 MS. MEHLING: These poor souls get to live there,
02:02:14 16 so --

02:02:17 17 COMMISSIONER ANDRION: -- have the same sentiment as
02:02:22 18 this gentleman?

02:02:25 19 MR. ABERNATHY: Definitely. You know, what -- when
02:02:32 20 you look at what the -- you know, demographic of the whole
02:02:36 21 mall, there's some great places to eat there and we
02:02:42 22 definitely -- what we're adding to that is to elevate, you
02:02:46 23 know. Not trying the same thing, but, I mean, just try to
02:02:50 24 bring that area -- you know, just elevate the level of dining
02:02:55 25 and, you know, the type of client tell that we do attract to

02:03:02 1 the whole area, you know.

02:03:04 2 MR. SARMIENTO: We're going to be managing the place
02:03:12 3 ourselves and also partners, so we're going to be there all
02:03:17 4 the time.

02:03:21 5 COMMISSIONER ANDRION: And I guess that's the
02:03:25 6 affirmative that Commissioner Jamie was looking for is that
02:03:33 7 somebody's there that's responsible, all of you there, and
02:03:40 8 that if you guys will have the same -- well, be working the
02:03:46 9 same and say, Hey, you know what, if this thing happens,
02:03:52 10 whoever's there is going stop it and without -- making sure
02:04:03 11 that it doesn't escalate to something else. Thank you.

02:04:19 12 COMMISSIONER BOLOSAN: Mr. Chair.

02:04:21 13 CHAIR ALULI: Yeah, Leon, you want to say something.

02:04:24 14 COMMISSIONER BOLOSAN: Yes. I'm looking at the
02:04:28 15 floor plan for this new area, it seems like it's designed very
02:04:35 16 professionally and the design is differently -- it differs
02:04:42 17 between Nalu and this new place.

02:04:47 18 MR. PANZO: Yes.

02:04:50 19 COMMISSIONER BOLOSAN: The setup, it seems like it's
02:04:53 20 not for a nightclub, you know, your setup is really nice as --
02:05:01 21 you know, intended for a nice kitchen, so --

02:05:09 22 MR. PANZO: We have a beautiful kitchen.

02:05:15 23 COMMISSIONER BOLOSAN: Right.

02:05:19 24 MR. PANZO: But it -- the ambiance is definitely
02:05:25 25 going to be on the classy side, but still we want to be

02:05:31 1 affordable for locals.

02:05:36 2 COMMISSIONER BOLOSAN: Okay. Thank you.

02:05:38 3 CHAIR ALULI: Thank you, Leon.

02:05:39 4 And I'd just like to add -- this is Nane Aluli --
02:05:46 5 I've also been to Nalu's and Sunz and the type of restaurant
02:06:00 6 that you are proposing to put into operation is the kind of
02:06:05 7 restaurant that I think could be very much enjoyed both by the
02:06:08 8 local community and also by our visitors. So I think the type
02:06:12 9 of restaurant that you are proposing here is the kind of
02:06:19 10 restaurant that adds really nice fare to the eateries here on
02:06:27 11 the island, so I think that's a plus. I think it's really
02:06:30 12 obvious that you've gone through the challenges with the
02:06:33 13 concerns that Jamie had, which are valid concerns, obviously,
02:06:38 14 because we have enough problems with underage drinking and
02:06:43 15 people who -- driving intoxicated. So as you know, as part of
02:06:51 16 the commission's primary responsibility is to minimize that
02:06:56 17 and hopefully eliminate, if possible, DUI and any of those
02:07:02 18 kinds of incidents. And your type of establishment, I think,
02:07:14 19 really proposes the kind of fine dining that I think is really
02:07:18 20 welcomed on Maui, both to our local community and to our
02:07:23 21 visitors, so thumbs up for that effort.

02:07:27 22 MR. PANZO: Thank you very much.

02:07:30 23 CHAIR ALULI: Any other questions by any of the
02:07:34 24 commissioners?

02:07:37 25 COMMISSIONER YOKOUCHI: Mr. Chair, one more

02:07:39 1 question.

02:07:40 2 CHAIR ALULI: Yes.

02:07:41 3 COMMISSIONER YOKOUCHI: I'm looking at the -- Leslie

02:07:45 4 Yokouchi. I'm looking at the floor plans and there's an area

02:07:50 5 that says "live entertainment area," what does that say?

02:07:59 6 MR. PANZO: A solo guitar player or maybe a dual

02:08:09 7 playing local music or classic music, you know, no hip hop.

02:08:17 8 COMMISSIONER YOKOUCHI: No DJ or no --

02:08:22 9 MR. PANZO: No DJ.

02:08:34 10 COMMISSIONER YOKOUCHI: -- nor bands or -- okay.

02:08:38 11 COMMISSIONER ANDRION: So you're looking at -- I'm

02:08:41 12 sorry. Roberto Andrion. So you're looking at dinner music

02:08:55 13 then?

02:08:56 14 MR. PANZO: Yes, correct.

02:09:01 15 CHAIR ALULI: Any further questions?

02:09:12 16 (No response.)

02:09:12 17 CHAIR ALULI: If not, can I get a motion for

02:09:16 18 approval?

02:09:18 19 COMMISSIONER DE JETLEY: Mr. Chair. Alberta

02:09:23 20 de Jetley. I move to approve this application.

02:09:31 21 COMMISSIONER BOLOSAN: Leon Bolosan. I second.

02:09:38 22 CHAIR ALULI: All in favor?

02:09:41 23 (Response.)

02:09:42 24 CHAIR ALULI: Any opposed?

02:09:45 25 (No response.)

02:09:47 1 CHAIR ALULI: Motion carries. Thank you very much.

02:09:55 2 COMMISSIONER BECRAFT: Good luck.

02:10:28 3 CHAIR ALULI: Okay. Let's move on to Item 8, Other
02:10:40 4 Licensing Matters, Marriott Hotel Services.

02:10:58 5 MR. UEOKA: Good morning, Mr. Chair and Members of
02:11:04 6 the Commission, Mr. Mukai. Robert Ueoka on behalf of Marriott
02:11:20 7 Hotel Services, Inc. doing business as the Wailea Beach
02:12:02 8 Resort. Present to my right is Mr. Eric Duff, he's the
02:12:13 9 director of food and beverage. Also in the gallery we do have
02:12:18 10 Mr. Shep Gordon, he is the organizer and supporter of this
02:12:24 11 event. Also representatives from the Maui Food Bank, Richard
02:12:33 12 Yust and Marlene Rice, who are also available to testify.

02:12:45 13 CHAIR ALULI: Thank you, Robert.
02:12:47 14 Layne.

02:12:50 15 OFFICER LAYNE SILVA: The request is to allow minors
02:13:01 16 to remain within the area for consumption until 1:00 a.m.,
02:13:10 17 within the licensed premises area for music, entertainment,
02:13:21 18 and portable bars. The applicant is Marriott Hotel Services,
02:13:33 19 Inc. doing business as Wailea Beach Resort, hotel license.

02:13:44 20 Officers, directors, and stockholder of the
02:13:51 21 corporation is listed in the report.

02:13:59 22 The Nature of the Request: The licensee is
02:14:05 23 requesting approval for an extension of hours to allow minors
02:14:10 24 to remain within the area of consumption within the premises
02:14:15 25 on December 31st, 2019, at 6:30 p.m. to January 1st, 2020, at

02:14:32 1 12:30 a.m. Licensee is also requesting to utilize one area
02:14:42 2 for music and entertainment, two areas for portable bars, and
02:14:47 3 one area for a portable bar. The function is to take place
02:14:54 4 within the Aulani Ballroom and Pacific Terrace.

02:15:01 5 The request is to allow a legal age adult holding or
02:15:07 6 consuming liquor to be in the same area as a minor for the New
02:15:15 7 Year's Eve event on December 31st, 2019, and January 1st,
02:15:22 8 2020.

02:15:26 9 The function will take place within the Aulani
02:15:30 10 Ballroom and Pacific Terrace.

02:15:36 11 The Pacific Terrace is located on the second level
02:15:42 12 above the Aulani Ballroom and is accessible via stairs and
02:15:49 13 elevators.

02:15:50 14 The Aulani Ballroom will be utilized on
02:15:54 15 December 31st, 2019, from 6:30 p.m. to 7:30 p.m. for the VIP
02:16:05 16 dinner which will involve service of food and consumption of
02:16:11 17 liquor; from 7:30 p.m. to 8:30 p.m. the Aulani Ballroom will
02:16:22 18 be used for the consumption of liquor; from 8:30 p.m. to
02:16:28 19 11:45 p.m. the Aulani Ballroom will be used for a concert with
02:16:39 20 the consumption of liquor; and the Aulani Ballroom will be
02:16:44 21 used on January 1st, 2019, from 12:15 to 12:30 a.m. for
02:16:52 22 consumption of liquor. The Aulani Ballroom will be closed for
02:17:00 23 attendees from 11:45 p.m. to 12:30 a.m.

02:17:11 24 The Pacific Terrace will be utilized from
02:17:16 25 December 31st, 2019, at 11:45 p.m. to January 1st, 2020, at

02:17:28 1 12:30 a.m. for the fireworks display and consumption of
02:17:34 2 liquor. The Pacific Terrace will be closed for attendees from
02:17:41 3 December 31st, 2019, at 6:30 p.m. to 11:45 p.m.

02:17:56 4 Attendees will use the stairs and elevators while
02:18:02 5 moving between the Aulani Ballroom and the Pacific Terrace.
02:18:06 6 The rules and laws involved in a request such as this is all
02:18:11 7 listed in the investigator's report.

02:18:18 8 The Recommendation: If approved by the commission,
02:18:23 9 the department staff would recommend that the minimum
02:18:28 10 conditions be:

02:18:30 11 The function shall be cleared of all minors at
02:18:35 12 1:00 a.m.

02:18:38 13 Curfew ordinances shall be strictly adhered to and
02:18:43 14 enforced.

02:18:45 15 Minors under 21 years of age will be accompanied by
02:18:50 16 a parent or legal guardian.

02:18:54 17 There shall be a minimum of 15 private security
02:18:57 18 hired for the function.

02:19:00 19 On-duty employees duly approved by the director
02:19:05 20 shall be in active charge within the Aulani Ballroom, the
02:19:11 21 Pacific Terrace, and all areas utilized for the transitioning
02:19:17 22 between the two consumption areas.

02:19:20 23 Additional on-duty employees duly approved by the
02:19:27 24 director shall be present and strategically situated within
02:19:34 25 the Aulani Ballroom in order to supervise the consumption of

02:19:41 1 liquor by attendees within the seating area.

02:19:48 2 Transition areas shall be nonconsumption areas, no
02:19:53 3 liquor shall be transported by attendees between consumption
02:20:38 4 areas.

02:20:39 5 No liquor or alcoholic beverages will be held or
02:20:43 6 consumed in the stairs or elevators.

02:20:46 7 Security shall monitor attendees to ensure that no
02:20:52 8 liquor or alcoholic beverages is held or consumed by attendees
02:21:00 9 when transitioning between the Aulani Ballroom and the Pacific
02:21:06 10 Terrace.

02:21:10 11 CHAIR ALULI: Robert, anything else to add?

02:21:13 12 MR. UEOKA: I just want to add a little bit. First
02:21:17 13 of all, we're fine with the conditions. We did have the event
02:21:25 14 last year --

02:21:28 15 CHAIR ALULI: Right.

02:21:30 16 MR. UEOKA: -- without violations. It went well.
02:21:36 17 Thank you, Layne, for your hard work on all those
02:21:41 18 conditions.

02:21:43 19 We actually worked together and we are completely
02:21:51 20 fine with it. I just want to add a couple of things, that
02:21:57 21 this is the 12th annual event.

02:22:00 22 CHAIR ALULI: Right.

02:22:01 23 MR. UEOKA: It benefits the Maui Food Bank and the
02:22:07 24 Maui Arts and Cultural Center. Today we do have Mr. Shep
02:22:31 25 Gordon, he is the organizer and supporter of the event, maybe

02:22:37 1 he can talk to you about the entertainers that we plan to
02:22:42 2 have. And also the Maui Food Bank representatives can talk
02:22:48 3 about how the Maui Food Bank has benefited from this event as
02:22:57 4 well. As far as, once again, the conditions, we're fine with
02:23:10 5 and we're hoping to get this approved for another successful
02:23:22 6 event like last year and the previous 12 years as well.

02:23:26 7 CHAIR ALULI: And this is Nane Aluli. I'll just
02:23:30 8 make a comment, since I've been on the commission probably
02:23:34 9 longer than anybody else has here, every time you come before
02:23:41 10 us, you've stated that these rules -- these recommendations
02:23:44 11 would be followed to the letter, they have been, we've never
02:23:48 12 had any incidences. I'd just like to let the commissioners
02:23:55 13 know that fact.

02:23:56 14 MR. UEOKA: Thank you.

02:23:58 15 CHAIR ALULI: Anything further?

02:24:00 16 MR. UEOKA: I think we just have our -- our
02:24:05 17 testifiers.

02:24:07 18 CHAIR ALULI: Okay. Commissioners, any questions by
02:24:10 19 any of the commissioners?

02:24:17 20 COMMISSIONER BECRAFT: Mr. Aluli.

02:24:21 21 CHAIR ALULI: Yes.

02:24:22 22 COMMISSIONER BECRAFT: Jamie Becraft. Just -- and I
02:24:28 23 appreciate what you're saying and I appreciate all the work
02:24:30 24 that Layne has done on this and, obviously, you guys have been
02:24:37 25 doing this for a while, I would only ask the question of -- I

02:24:42 1 appreciate that, you know, that you say you have no trouble
02:24:45 2 with -- you know, you accept all these, but are there specific
02:24:50 3 rules or things in here that you find in any way difficult?
02:24:54 4 Like, you know, like getting them between areas or their
02:25:00 5 transitions, are there specific things that are more
02:25:04 6 cumbersome than others or is it just --

02:25:10 7 MR. UEOKA: I think we feel --

02:25:26 8 COMMISSIONER BECRAFT: -- easy?

02:25:29 9 MR. UEOKA: -- fortunate that it's been approved so
02:25:35 10 long, so we're extra careful, especially with the stairway and
02:25:44 11 transportation, and we do not let it go between. Just because
02:25:47 12 of the concert event is downstairs --

02:25:50 13 COMMISSIONER BECRAFT: Right.

02:25:54 14 MR. UEOKA: -- and the Pacific Terrace is directly
02:25:57 15 up stairs, so we're cognizant of the transportation going
02:26:03 16 through and we really are -- feel fortunate to even get it
02:26:10 17 approved and be allowed, so we're going to continue to monitor
02:26:14 18 it extra carefully. I mean, the staircase as well.

02:26:19 19 We also have a security plan. I just made copies.

02:26:25 20 COMMISSIONER BECRAFT: I'm not questioning --

02:26:29 21 MR. UEOKA: Oh, okay.

02:26:31 22 COMMISSIONER BECRAFT: -- your ability to -- that
02:26:35 23 was not the root of my question. I apologize. The root of my
02:26:40 24 question is: Is there something we can do to make it easier
02:26:46 25 for you? That was the root of my question --

02:26:49 1 MR. UEOKA: No, I --

02:26:52 2 COMMISSIONER BECRAFT: -- and, you know.

02:26:56 3 MR. UEOKA: I think just approving it and allowing
02:27:00 4 it and we'll continue to respect the rules. And I think you
02:27:05 5 guys are doing perfectly and we're fine with it. Thank you so
02:27:09 6 much.

02:27:10 7 COMMISSIONER BECRAFT: That's -- okay. Thank you.

02:27:19 8 CHAIR ALULI: Let's -- since this is a public
02:27:21 9 hearing, if there is anybody in the audience that would like
02:27:28 10 to provide testimony for or against, please step up to the
02:27:34 11 podium, state your name, and you've got three minutes.

02:27:39 12 MS. RICE: Thank you so much for allowing us to be
02:27:43 13 able to speak on Shep Gordon and the event he puts on. My
02:28:08 14 name is Marlene Rice, I'm the development director of the Maui
02:28:16 15 Food Bank. And I just thought you might be interested as
02:28:19 16 residents of Maui to know that when Shep started this in 2008,
02:28:26 17 I think that year we raised, Shep raised about close to
02:28:31 18 \$4,000. Over the course of this year, he has raised \$906,200,
02:28:44 19 which had provided close to -- actually, a little over 3
02:28:49 20 million meals and snacks for people in the -- in Maui County.

02:28:56 21 (Applause.)

02:29:02 22 MS. RICE: So thank you, Shep. And I do also want
02:29:10 23 to say I happen to be a mother of four, a grandmother of nine,
02:29:16 24 and a great-grandmother of one with one on the way. I am very
02:29:21 25 sensitive to youth, adolescents, children, and in the course

02:29:27 1 of these 11 years, I've never one time seen a child
02:29:31 2 unattended. There are so few kids that do come and teens that
02:29:37 3 come, they are always with their parents. I am outside that
02:29:42 4 ballroom from four o'clock in the afternoon till that event
02:29:48 5 ends and we have never had an issue. And so I just want to
02:29:52 6 say thank you to all of you and many thanks to Shep Gordon for
02:29:59 7 his generosity.

02:30:01 8 CHAIR ALULI: Thank you, Marlene.

02:30:12 9 Anyone else want to provide testimony?

02:30:16 10 MR. YUST: Good morning, Commission. My name is
02:30:23 11 Richard Yust, I'm the executive director at the Maui Food
02:30:31 12 Bank. And, you know, without the help of this community and
02:40:55 13 people like Shep who step up to help this community, we'd have
02:41:03 14 a lot more troubles than we have currently. We're feeding
02:41:24 15 over, oh, 10,000 people a month who are getting some food
02:41:39 16 assistance through over 120 agencies that come to the food
02:41:49 17 bank to get food. And without the community support -- we
02:41:56 18 don't get federal funding, we don't get state funding, it's
02:42:05 19 all done through this community and people like Shep who step
02:42:11 20 up, do events for us, help provide food for those in need and
02:42:32 21 especially food for the keiki. And we honor Shep and we honor
02:42:40 22 others in our community who do step up and want to help and
02:42:45 23 make a difference in this community and help people get back
02:42:49 24 on their feet who may not know where their next meal's coming
02:43:05 25 from. Thank you.

02:44:10 1 CHAIR ALULI: Thank you. Anyone else?

02:44:18 2 COMMISSIONER DE JETLEY: Mr. Chair.

02:44:21 3 CHAIR ALULI: Oh, yes, Alberta.

02:44:34 4 COMMISSIONER DE JETLEY: I want to also thank you
02:44:37 5 because I know at the Lanai Food Bank, you give us a lot of
02:44:44 6 food and we really appreciate your help.

02:44:47 7 CHAIR ALULI: Thank you, Alberta.

02:44:50 8 Any other comments by any of the commissioners?

02:44:54 9 COMMISSIONER BECRAFT: Mr. Chair.

02:44:59 10 CHAIR ALULI: Yes, Jamie.

02:45:04 11 COMMISSIONER BECRAFT: I just realized I should've
02:45:13 12 disclosed this that my fiancée is on their board of the food
02:45:22 13 bank, so -- but I don't believe it's going to influence me or
02:45:36 14 there's no -- I just -- when you got up to speak, I was like,
02:45:44 15 I ought to disclose that. If you feel it's a conflict --

02:45:57 16 CHAIR ALULI: Thank you, Jamie.

02:46:01 17 COMMISSIONER BECRAFT: -- then I'll recuse myself.

02:46:07 18 CHAIR ALULI: Okay. If there are no further
02:46:10 19 comments, may I have a motion for approval?

02:46:17 20 COMMISSIONER BECRAFT: Mr. Chair, Jamie Becraft. I
02:46:21 21 move to approve.

02:46:23 22 COMMISSIONER BOLOSAN: Leon Bolosan. Second.

02:46:29 23 CHAIR ALULI: All in favor?

02:46:31 24 (Response.)

02:46:33 25 CHAIR ALULI: Any opposed?

02:46:36 1 (No response.)

02:46:37 2 CHAIR ALULI: Motion carries. Thank you very much.

02:46:50 3 MR. UEOKA: Thank you so much.

02:46:56 4 COMMISSIONER: Thank you.

02:47:03 5 CHAIR ALULI: Good job.

02:47:16 6 Okay. Can I -- I'm going to move for a ten-minute

02:47:21 7 break before we go into Administrative Matters.

02:47:32 8 (Pause in Proceedings)

02:48:00 9 CHAIR ALULI: (Gavel.) Re-adjourn the meeting.

02:52:17 10 Let's move on to Administrative Affairs, Director's Report.

02:52:21 11 Glenn, you want to --

02:52:24 12 DIRECTOR MUKAI: For the first item we have Eric

02:52:29 13 Correa want to make a presentation for MADD.

02:52:42 14 CHAIR ALULI: Okay. Great.

02:52:46 15 Eric, please step up to the podium.

02:52:53 16 MR. CORREA: Hi, good morning, Commissioners. Eric

02:53:04 17 Correa with the Maui Mothers Against Drunk Drivers. Just got

02:53:17 18 this packet in the mail, it's our annual Tie One on For Safety

02:53:26 19 event, program that's going to launch tomorrow in Honolulu and

02:53:32 20 statewide, actually. So it's just a -- what this program is,

02:53:38 21 it's a bunch of ribbons we hand out to different businesses

02:53:44 22 that they can make available to the public as a visual

02:53:49 23 reminder to drive safely. It's a ribbon that they can tie

02:54:09 24 onto their vehicles and -- and so you might see them in

02:54:18 25 safe -- I'm sorry, Foodland and stuff like that.

02:54:32 1 So the program comes ahead of the holidays,
02:54:40 2 obviously, and -- and like I said, it's a 35 -- 33-year
02:54:54 3 program and last year's traffic fatalities was at 75 percent,
02:55:06 4 75 percent of the traffic fatalities that occurred on Maui
02:55:13 5 were alcohol related. This year we're up to 68 percent so
02:55:18 6 far. I just talked to the traffic commander this morning of
02:55:23 7 the Maui Police Department and he informed me of those stats
02:55:31 8 and I guess they're kind of unhappy about that, which no one
02:55:37 9 should be happy about that. So, hopefully, this program
02:55:40 10 raises awareness. I know when we were out sign waving and
02:55:47 11 stuff like that and we made the public push, it seemed to slow
02:55:58 12 down the fatalities we were having earlier this summer and
02:56:06 13 that's always a concern.

02:56:08 14 So with you guys' permission, I don't know what the
02:56:11 15 protocol is in the department, I would like to offer this --
02:56:17 16 this packet for you guys' front office so that people can come
02:56:22 17 in and have this available for them.

02:56:25 18 CHAIR ALULI: Okay. Glenn, what -- what is the
02:56:32 19 protocol for --

02:56:34 20 DIRECTOR MUKAI: We can make -- have it available.

02:56:39 21 MR. CORREA: Okay. So I can just drop it off at the
02:56:48 22 front?

02:56:50 23 DIRECTOR MUKAI: Yes.

02:56:51 24 MR. CORREA: Thank you. And I left my phone number
02:56:53 25 if you have any questions with -- at the desk right there.

02:56:59 1 CHAIR ALULI: Thank you.

02:57:01 2 I'd like to ask if any of the commissioners have any

02:57:05 3 questions for Eric?

02:57:07 4 COMMISSIONER DE JETLEY: So do you have bumper

02:57:10 5 stickers?

02:57:11 6 CHAIR ALULI: State your name, please.

02:57:15 7 COMMISSIONER DE JETLEY: Or what do you have there?

02:57:19 8 Oh, I'm sorry. Alberta de Jetley.

02:57:25 9 MR. CORREA: This is a Tie One on For Safety. These

02:57:31 10 are red ribbons.

02:57:34 11 COMMISSIONER DE JETLEY: That do -- put that on your

02:57:38 12 antenna?

02:57:39 13 MR. CORREA: To tie on the antenna, yes. I

02:57:48 14 understand newer cars these days don't have antennas, so they

02:57:56 15 are going to be making magnetic ones next year, but this year

02:58:03 16 it's just the ribbons.

02:58:06 17 COMMISSIONER DE JETLEY: Could we have some now?

02:58:08 18 MR. CORREA: Oh, absolutely. I would love for you

02:58:11 19 guys to have some now.

02:58:14 20 COMMISSIONER DE JETLEY: I'll take one.

02:58:16 21 MR. CORREA: Okay. But would you like me to -- your

02:58:28 22 meeting --

02:58:28 23 CHAIR ALULI: Yeah. Why don't we let -- let them go

02:58:33 24 to the department and then we can pick them up after our

02:58:38 25 meeting is over if you want one.

02:58:40 1 COMMISSIONER DE JETLEY: Okay. Thank you.

02:58:46 2 MR. CORREA: Thank you so much for your support on
02:58:49 3 this.

02:58:49 4 CHAIR ALULI: Thanks, Eric.

02:58:58 5 COMMISSIONER BECRAFT: Mr. Chair. Jamie Becraft.

02:59:03 6 CHAIR ALULI: Yes, Jamie.

02:59:09 7 COMMISSIONER BECRAFT: I worked with Eric and I
02:59:11 8 appreciate Eric's gone to MADD and I just want to comment that
02:59:18 9 it's a great program, you know, that all efforts to help lower
02:59:24 10 fatals due to DUI or OUI now are appreciated. Alcohol is
02:59:35 11 just -- you know, known as a socially accepted disease, is how
02:59:45 12 it -- our training was, and that our fatalities are always
02:59:50 13 about -- almost always alcohol related. You know, the number
02:59:57 14 68 percent will be higher by the end of the year, it always
03:00:03 15 is. Eric knows, he worked with DUI Task Force also, did fatal
03:00:15 16 traffic investigation as well as I did. So I just want to,
03:00:20 17 you know, give appreciation for his efforts with MADD and
03:00:26 18 everybody in the MADD organization.

03:00:29 19 MR. CORREA: Thank you, Jamie.

03:00:43 20 COMMISSIONER YOKOUCHI: Mr. Chair.

03:00:45 21 CHAIR ALULI: Yes.

03:00:46 22 COMMISSIONER YOKOUCHI: I would also like to commend
03:00:55 23 Eric for his commitment to MADD. I really -- I've been here
03:01:02 24 for a couple years and you're always in front of us promoting
03:01:06 25 MADD and I commend you.

03:01:08 1 MR. CORREA: Thank you very much.

03:01:11 2 I was on the agenda for another item, for the

03:01:15 3 budget, I believe, you want me to wait?

03:01:21 4 MR. KUSHI: Wait till --

03:01:25 5 CHAIR ALULI: Yeah. Wait till we get down to the

03:01:28 6 budget.

03:01:28 7 MR. CORREA: Okay.

03:01:29 8 CHAIR ALULI: Eric. Okay.

03:01:31 9 MR. CORREA: I appreciate -- I appreciate your time.

03:01:35 10 CHAIR ALULI: Okay. Thank you, Eric. Thank you

03:01:37 11 very much.

03:01:38 12 Okay. Glenn, turn it back to you.

03:01:45 13 DIRECTOR MUKAI: Okay. On the Director's Monthly

03:01:49 14 Report, the first one on the list is approval of Form DLC-001,

03:02:02 15 the liquor application checklist.

03:02:07 16 Layne.

03:02:09 17 OFFICER LAYNE SILVA: Okay. Yeah, we're back before

03:02:11 18 you guys again with the checklist. What happens is the --

03:02:18 19 because of the changes in the HRS, they removed the

03:02:23 20 requirement for the personal guarantees and the bonds, we've

03:02:28 21 corrected or changed the checklist to reflect that change,

03:02:32 22 that's the only change that happened on page 2.

03:02:46 23 COMMISSIONER BECRAFT: Mr. Chair. Jamie Becraft.

03:02:49 24 CHAIR ALULI: Yes, Jamie.

03:02:57 25 COMMISSIONER BECRAFT: May I ask a question in

03:03:00 1 regard to other areas on this --

03:03:03 2 CHAIR ALULI: Yeah, sure.

03:03:04 3 COMMISSIONER BECRAFT: -- checklist?

03:03:08 4 Okay. At the end of page 2, 2 of 5, I notice
03:03:15 5 there's a -- there's the site plan drawn to scale. Is that
03:03:20 6 required by law that it has to be to scale?

03:03:26 7 OFFICER LAYNE SILVA: You know, when we say to
03:03:29 8 scale, we're not talking about like as if you were an
03:03:34 9 architect or as one inch equals ten feet. When we -- and the
03:03:43 10 way we explain it to our applicants are when we say scale --
03:03:49 11 just as a visual demonstration: If you're going to tell me
03:03:56 12 that from this corner of the page to this corner of the page
03:04:01 13 is ten feet, then you cannot tell me that this corner to this
03:04:10 14 corner is five feet. So that's basically what we mean as we
03:04:16 15 explain to the applicants about what's scale so that it puts
03:04:21 16 in proper perspective when they lay it out for us. Such as
03:04:25 17 the floor plans that you see in your packets every month,
03:04:30 18 that's kind of the -- what we're looking for in the
03:04:32 19 relationship of the premises.

03:04:34 20 COMMISSIONER BECRAFT: Then I would ask we deal with
03:04:38 21 the word scale. I only read the word scale one way and
03:04:45 22 that is -- scale to me is scale, it's -- as you said, it's
03:04:57 23 with a scale at the end and measurements as when we did fatal
03:05:01 24 traffic investigation, that was to scale, you know, within a,
03:05:04 25 you know, I think it's half an inch to a mile is what our --

03:05:10 1 how close that is, so I was -- anything else that we ever did
03:05:41 2 in the police department, I was wondering if it wouldn't be
03:05:50 3 better and applicable here too, is to change that word to
03:05:58 4 proportionate and that would be your definition of what you
03:06:02 5 just said there. If one side of the page is ten feet, the
03:06:08 6 other side would be ten feet, it would be proportionate. And
03:06:15 7 so that would alleviate any question, you know, 'cause --
03:06:21 8 yeah, it stood out to me every place I seen this scale, I'm
03:06:26 9 like, okay, who's hiring the drafting map, you know, or whose
03:06:33 10 doing --

03:06:35 11 OFFICER LAYNE SILVA: Yeah. We can look at that,
03:06:40 12 yeah.

03:06:41 13 COMMISSIONER BECRAFT: Thank you.

03:06:44 14 CHAIR ALULI: Any other questions?

03:06:45 15 COMMISSIONER DE JETLEY: Mr. Chair.

03:06:48 16 CHAIR ALULI: Yes.

03:06:50 17 COMMISSIONER DE JETLEY: Alberta de Jetley. I have
03:06:55 18 a question for Layne.

03:06:57 19 Layne, when someone comes in for an application, how
03:07:02 20 long does it actually take? I mean, they have to fill out
03:07:06 21 this form, bring the form back to you, and then how -- how
03:07:11 22 much time does it actually take before they can come back for
03:07:15 23 a preliminary hearing?

03:07:18 24 OFFICER LAYNE SILVA: It varies greatly. It depends
03:07:21 25 on who's doing it, how much experience they have doing it,

03:07:26 1 there's no real way to put a time on it. I've seen them come
03:07:32 2 back as quickly as a week, I've seen them take six months,
03:07:38 3 I've seen them take years.

03:07:41 4 COMMISSIONER DE JETLEY: I'll talk to you about it
03:07:43 5 after the meeting.

03:07:45 6 OFFICER LAYNE SILVA: Okay.

03:07:47 7 COMMISSIONER BECRAFT: Mr. Chair.

03:07:49 8 CHAIR ALULI: Yeah.

03:07:51 9 COMMISSIONER BECRAFT: Jamie Becraft.

03:07:55 10 CHAIR ALULI: Yes, Jamie.

03:07:59 11 COMMISSIONER BECRAFT: The -- what would you say do
03:08:02 12 you find -- not as an absolute or all the time, but what would
03:08:11 13 you say is majority of the time the most difficult area that
03:08:24 14 people have -- you know, have difficulties with?

03:08:29 15 OFFICER LAYNE SILVA: Yeah, again, it varies. You
03:08:32 16 know, I've seen problems like if they're -- they can't come to
03:08:37 17 terms with the landlord, sometimes the leases.

03:08:42 18 COMMISSIONER BECRAFT: Right.

03:08:43 19 OFFICER LAYNE SILVA: And meeting the requirement as
03:08:49 20 stated in state law. Sometimes after the fact getting their
03:08:56 21 clearances from the county agencies. And, I mean, you know,
03:09:00 22 if you -- if you go around Maui, some of these buildings are
03:09:04 23 not new, so to be considered up to code, it -- sometimes it
03:09:09 24 takes a lot of work. So it varies greatly what can cause
03:09:15 25 problems.

03:09:16 1 COMMISSIONER BECRAFT: When you say up to code,
03:09:18 2 you're talking about from public works aspect --

03:09:23 3 OFFICER LAYNE SILVA: Yes.

03:09:25 4 COMMISSIONER BECRAFT: -- or from our aspect?

03:09:28 5 OFFICER LAYNE SILVA: From the remaining -- if you
03:09:31 6 look at page 5, what they have there is a list of remaining --
03:09:39 7 as we refer to that as the remaining requirements and those
03:09:44 8 are requirements that come from outside the department.

03:09:50 9 COMMISSIONER BECRAFT: And one more question,
03:09:51 10 Mr. Chair.

03:09:52 11 CHAIR ALULI: Yes.

03:09:53 12 COMMISSIONER BECRAFT: So just for clarification and
03:09:55 13 the root of my question is: Is there something we can do
03:09:59 14 that -- that could be -- you know, to alleviate difficulties
03:10:03 15 or is it that it's all under -- like you said, under page 5
03:10:09 16 where we have no control over that at all; right? Page 5 when
03:10:13 17 you start talking about, you know, public works, those are
03:10:16 18 their criteria that we can't -- that we don't address. Is it
03:10:21 19 there or is there anything we can do on the other side that
03:10:26 20 might be helpful?

03:10:28 21 OFFICER LAYNE SILVA: You know, I -- to be perfectly
03:10:31 22 with you, in my time of doing this, I'd like to say that at
03:10:37 23 the point where we're at now, seems like it's been streamlined
03:10:42 24 quite a bit as compared to 15 years ago. It's a lot less
03:10:51 25 complicated now.

03:10:52 1 COMMISSIONER BECRAFT: Right.

03:10:53 2 OFFICER LAYNE SILVA: But that's me telling you that

03:10:55 3 and I do this every day --

03:10:57 4 COMMISSIONER BECRAFT: Right.

03:10:58 5 OFFICER LAYNE SILVA: -- for the past 20 years. You

03:11:03 6 may have never done this in your life and I'm explaining it to

03:11:08 7 you and it --

03:11:09 8 COMMISSIONER BECRAFT: I was gonna say --

03:11:18 9 OFFICER LAYNE SILVA: It sounds like --

03:11:21 10 COMMISSIONER BECRAFT: That was going to be my

03:11:22 11 follow-up question, 'cause from the inside it looks different

03:11:27 12 than from the outside.

03:11:32 13 OFFICER LAYNE SILVA: Absolutely.

03:11:34 14 COMMISSIONER BECRAFT: So do you still have -- do

03:11:38 15 you have people complaining at all, like somebody puts it in

03:11:42 16 and goes, you know, like what, I -- how am I going to get that

03:11:48 17 completed, like one of our requirements, or is that --

03:11:54 18 OFFICER LAYNE SILVA: Not so much, no.

03:11:56 19 COMMISSIONER BECRAFT: Okay.

03:11:58 20 OFFICER LAYNE SILVA: And that's why I say I believe

03:12:01 21 that it's been streamlined quite a bit. It's a lot more user

03:12:05 22 friendly now than it has been in the past.

03:12:08 23 COMMISSIONER BECRAFT: Okay. So we're not receiving

03:12:13 24 complaints?

03:12:14 25 OFFICER LAYNE SILVA: I don't know if I'll go as far

03:12:18 1 as to say that.

03:12:20 2 (Laughter.)

03:12:26 3 OFFICER LAYNE SILVA: But it can be complicated and
03:12:28 4 we try to explain it to the best of our ability.

03:12:33 5 COMMISSIONER BECRAFT: Okay.

03:12:36 6 OFFICER LAYNE SILVA: We try to keep it in layman's
03:12:39 7 terms, because we understand that majority of the people we
03:12:43 8 deal with has never done this.

03:12:46 9 COMMISSIONER BECRAFT: Right. It's the complaints
03:12:51 10 that I really want to know about, if we are -- if we are
03:12:54 11 receiving complaints.

03:12:56 12 CHAIR ALULI: Well, I think any -- any time you're
03:12:59 13 going to deal with laws, HR this or HR that and the need to
03:13:07 14 comply and follow those laws, when the public gets involved in
03:13:12 15 that process, you know it's going to cause issues and if
03:13:19 16 you -- when we have testimony, how many times -- or when a
03:13:24 17 licensee comes in and applies for their license, how many
03:13:28 18 times are there attorneys? I guess it -- for me, it addresses
03:13:36 19 the complications that the applicant sees and, therefore, has
03:13:42 20 to hire legal advice. So I think because of the fact that
03:13:48 21 there are HR requirements to be followed, that's where the
03:13:53 22 complication comes in.

03:13:54 23 COMMISSIONER BECRAFT: Certainly, Mr. Chair. I
03:13:56 24 fully agree with you, especially when you talk about HRs, but
03:14:01 25 HRs are complaints that if I were to hear the complaints, then

03:14:06 1 I would know there's nothing we can do about that.

03:14:18 2 CHAIR ALULI: Yeah.

03:14:20 3 COMMISSIONER BECRAFT: But if the complaints are
03:14:24 4 other, then that --

03:14:30 5 CHAIR ALULI: We could --

03:14:32 6 COMMISSIONER BECRAFT: There you go. That's --
03:14:39 7 those are the complaints that I'm really most -- because we
03:14:47 8 can't do anything about requirements from Hawaii Revised
03:14:54 9 Statutes, that's done.

03:14:56 10 OFFICER LAYNE SILVA: I think the majority of what
03:15:00 11 I -- and I don't know if I'd even consider them complaints,
03:15:05 12 but it's confusing.

03:15:07 13 COMMISSIONER BECRAFT: That's right.

03:15:10 14 OFFICER LAYNE SILVA: And it's where you'll come to
03:15:13 15 a point in your application where you're not really quite sure
03:15:17 16 and you need some clarification and explanation and that's why
03:15:21 17 we're here, that's what we do. When they get to that point,
03:15:27 18 they give us a call or -- or they'll arrange an appointment
03:15:39 19 and come in and sit with us and we'll go through it.

03:15:42 20 COMMISSIONER BECRAFT: Okay.

03:15:44 21 COMMISSIONER DE JETLEY: Mr. Chair, just this past
03:15:48 22 weekend I got one of those and I think it's a language problem
03:15:51 23 that they're having, so I assured them that our department is
03:15:59 24 user friendly now and that I will find out who they need to
03:16:02 25 talk to, which will be you. But thank you.

03:16:07 1 OFFICER LAYNE SILVA: Sure.

03:16:10 2 CHAIR ALULI: Any other questions?

03:16:10 3 (No response.)

03:16:11 4 CHAIR ALULI: Okay. Next?

03:16:15 5 DIRECTOR MUKAI: We need commission approval for the
03:16:19 6 change of the form.

03:16:21 7 CHAIR ALULI: Okay. So can I have a motion to
03:16:24 8 approve the final draft?

03:16:35 9 COMMISSIONER UMENO: I move to approve except for
03:16:38 10 the wording on --

03:16:41 11 COMMISSIONER DE JETLEY: Proportionate.

03:16:44 12 COMMISSIONER BECRAFT: Yes. May I -- Mr. Chair.

03:16:49 13 CHAIR ALULI: Yes.

03:16:51 14 COMMISSIONER BECRAFT: May I ask in regards that?

03:16:55 15 CHAIR ALULI: Yes.

03:16:56 16 COMMISSIONER BECRAFT: Are we approving this as it
03:17:00 17 is without changing it to proportional or proportionate or is
03:17:09 18 that what we're approving right now?

03:17:11 19 CHAIR ALULI: Wait. Hold on.

03:17:13 20 Ed.

03:17:14 21 MR. KUSHI: Yeah, about, you know, whether you
03:17:17 22 change the word scale or proportionate or whatever, I think we
03:17:21 23 need to check the rules on that. If your rules state to
03:17:29 24 scale --

03:17:36 25 OFFICER LAYNE SILVA: I would have to verify what it

03:17:43 1 states in the rules.

03:17:44 2 MR. KUSHI: If it doesn't, then you can put whatever
03:17:49 3 you want.

03:17:50 4 CHAIR ALULI: And you don't know -- you don't have
03:17:53 5 an answer to that question right now; right?

03:17:56 6 OFFICER LAYNE SILVA: No, I don't.

03:17:59 7 CHAIR ALULI: Okay. So can we approve it without --

03:18:10 8 MR. KUSHI: Approve it subject to if -- if your
03:18:13 9 rules or the state statute says to scale --

03:18:17 10 CHAIR ALULI: To scale will have to remain.

03:18:21 11 MR. KUSHI: And then you can make -- the commission
03:18:24 12 can always make a process to amend the rules.

03:18:29 13 COMMISSIONER BECRAFT: Yeah, 'cause the word
03:18:33 14 scale -- I'm sorry, Mr. Chair. Jamie Becraft. And I guess
03:18:37 15 this is to Corporation Counsel Kushi: The word scale is --
03:18:43 16 that's a -- that's not really -- that's not up for our
03:19:12 17 interpretation, is that not correct? Scale is scale, it's
03:19:18 18 not --

03:19:23 19 MR. KUSHI: I think it's an engineering or a
03:19:26 20 draftsman --

03:19:29 21 COMMISSIONER BECRAFT: Right.

03:19:32 22 MR. KUSHI: -- term of art, you know, word of art,
03:19:38 23 so don't ask me.

03:19:44 24 COMMISSIONER BECRAFT: I mean, the common -- I think
03:19:48 25 we all would have to agree that the common reading or the

03:19:55 1 common definition of the word scale is this is -- you know,
03:20:01 2 it's one tenth of what we're looking at and it's going to --
03:20:08 3 you could take an exact measurement off that drawing and go
03:20:12 4 somewhere and take ten feet --

03:20:17 5 CHAIR ALULI: Right, right.

03:20:20 6 COMMISSIONER BECRAFT: -- and it should be exactly
03:20:23 7 there at ten feet.

03:20:36 8 MR. KUSHI: (Inaudible).

03:20:38 9 CHAIR ALULI: Okay.

03:20:41 10 DIRECTOR MUKAI: Chair.

03:20:44 11 CHAIR ALULI: Yes.

03:20:45 12 DIRECTOR MUKAI: Glenn. According to our Rule
03:20:55 13 08-101-30 Application, it does say floor plans drawn to scale.

03:21:04 14 CHAIR ALULI: Okay. And that's the HR rule?

03:21:24 15 DIRECTOR MUKAI: No. That's the commission rules.

03:21:31 16 CHAIR ALULI: Oh, the commission rule. Okay.

03:21:35 17 MR. KUSHI: What section is that?

03:21:38 18 DIRECTOR MUKAI: 08-101-30, page 76, No. 2.

03:21:53 19 CHAIR ALULI: It does say scale and that's the --
03:21:57 20 this is our -- this is the commission, ours; right?

03:22:00 21 MR. KUSHI: Mr. Chair, just to expand on that, under
03:22:05 22 your rules 01 -- 08-101-30, Application, when you're applying
03:22:15 23 for a license, a(2), (3) -- and (2) and (3) says, Floor plan:
03:22:30 24 Floor plans (not construction plans) drawn to scale. Tax map
03:22:38 25 (drawn to scale).

03:22:42 1 COMMISSIONER BECRAFT: That's -- maybe -- I think --
03:22:45 2 Mr. Chair. Jamie Becraft. I would believe that we should
03:22:54 3 move -- move to get rid of that verbiage and change it because
03:22:59 4 that's -- it's very clear to me.

03:23:02 5 MR. KUSHI: Okay. Well, you know, again, the
03:23:06 6 commission has a procedure to amend your rules and you will be
03:23:10 7 going through a process shortly, hopefully next month, to
03:23:14 8 approve your amendment of rules, you could include that in
03:23:21 9 there. And what wording you want to use, again, it's a word
03:23:29 10 of art and I leave it to the commission.

03:23:32 11 CHAIR ALULI: So at this point we could approve
03:23:35 12 it --

03:23:37 13 MR. KUSHI: Tell the department to make a
03:23:43 14 substitution.

03:23:45 15 OFFICER LAYNE SILVA: When it refers to scale on the
03:23:48 16 tax map, that's where we're talking about actual --

03:23:53 17 CHAIR ALULI: Yes, scale.

03:23:54 18 OFFICER LAYNE SILVA: -- scale what is -- by inches
03:24:04 19 to feet comparison, so the tax map would need to remain as
03:24:10 20 scale. Floor plan and site plan, proportionate.

03:24:23 21 COMMISSIONER UMENO: No one has problems with that?

03:24:25 22 COMMISSIONERS: No.

03:24:27 23 OFFICER LAYNE SILVA: But, I mean, I understand the
03:24:29 24 proper use --

03:24:30 25 CHAIR ALULI: Yeah, I understand what you're talking

03:24:33 1 about. I don't think --

03:24:47 2 COMMISSIONER BECRAFT: I don't think (inaudible)
03:24:51 3 misunderstands it, I think.

03:24:54 4 CHAIR ALULI: Yeah. I would suggest that we approve
03:24:58 5 it as written because I think that everybody understands that,
03:25:03 6 then I will call for the motion approve this final draft as it
03:25:10 7 is. Do I have motion for approval?

03:25:14 8 COMMISSIONER DE JETLEY: Mr. Chair, I move to
03:25:20 9 approve the final draft as is.

03:25:24 10 CHAIR ALULI: Do I have a second?

03:25:26 11 COMMISSIONER BOLOSAN: Second.

03:25:32 12 COMMISSIONER YOKOUCHI: Second.

03:25:33 13 CHAIR ALULI: All in favor?

03:25:36 14 (Response.)

03:25:37 15 CHAIR ALULI: Opposed?

03:25:40 16 (No response.)

03:25:43 17 CHAIR ALULI: Motion carries. Thank you very much.

03:25:47 18 MR. KUSHI: Yeah, Mr. Chair, so like I said, you'll
03:25:52 19 be hearing about some rule changes and maybe the department
03:25:56 20 can remind me to adjust that one wording.

03:26:05 21 CHAIR ALULI: Okay.

03:26:10 22 DIRECTOR MUKAI: Item 2, the 2020 Liquor Commission
03:26:29 23 Meeting Schedule was included in the commission packet.

03:26:38 24 And Item 3, Conditions Imposed on Licensees by the
03:26:46 25 Liquor Commission was included in the commission packet. This

03:27:29 1 was provided for commission information. The majority of this
03:27:42 2 condition that was placed on the license was a result of
03:27:49 3 mutual agreement between the applicant and residents of the
03:27:54 4 surrounding neighborhood.

03:27:59 5 Item 4, IT Service. Department of management and
03:28:13 6 information technology services division has completed and
03:28:18 7 provided the no bail proof wise mailbox for mass emailing
03:28:33 8 requested by the department, but that is assigned to
03:28:40 9 licensing, permit, and liquor education section to configure
03:28:47 10 and put all licensee email addresses and set up the groups,
03:28:57 11 etc.

03:28:58 12 And for the commission information, Ron Antoine, the
03:29:08 13 former communication director of the county is the new
03:29:23 14 executive director of the Maui Hotel and Lodging Association.

03:29:33 15 And the last item is approval of the fiscal 2021
03:29:41 16 budget. Deputy Director Tyau will make the presentation.

03:30:03 17 CHAIR ALULI: Glenn, excuse me, I have one question.
03:30:06 18 Sorry, you got past me. Regarding these conditions imposed by
03:30:10 19 the liquor commission, all of these current conditions are in
03:30:17 20 place; right?

03:30:20 21 DIRECTOR MUKAI: Yes.

03:30:23 22 CHAIR ALULI: And they are in place as long as that
03:30:26 23 licensee holds the license; right?

03:30:29 24 DIRECTOR MUKAI: Yes.

03:30:31 25 CHAIR ALULI: It's not renewed on an annual basis?

03:30:36 1 DIRECTOR MUKAI: No.

03:30:37 2 CHAIR ALULI: Correct?

03:30:39 3 DIRECTOR MUKAI: As long as they hold it.

03:30:41 4 CHAIR ALULI: As long as they hold that license,
03:30:47 5 these conditions apply?

03:30:49 6 DIRECTOR MUKAI: Yes.

03:30:50 7 CHAIR ALULI: Okay. Thank you.

03:30:58 8 Okay. So now we move on to the budget.

03:31:07 9 MS. TYAU: Did you want me to speak on --

03:31:10 10 CHAIR ALULI: Oh, yeah. Yeah, why don't -- Eric,
03:31:15 11 why don't you step up to the podium and make your comments
03:31:19 12 regarding the budget.

03:31:26 13 MR. CORREA: Hi, good morning again, Commissioners.
03:31:34 14 The reason that I wanted to address the budget is because
03:31:42 15 on -- I'm also in attendance of the multimodal meetings being
03:31:53 16 held by Councilmember Yuki Lei Sugimura, who I'm sure you guys
03:32:02 17 are all familiar with, and sometimes within those meetings
03:32:07 18 there -- the budget -- your guy's budget comes up as part of
03:32:14 19 the conversation. So I attend these meetings and I attend
03:32:26 20 those meetings and there seems to be sometimes some kind of
03:32:31 21 disconnect because there's a -- I know Georgette was there
03:32:36 22 last time and Layne as well, with what the discussions contain
03:32:42 23 here regarding what's being done and what's being discussed in
03:32:46 24 the council. So like the last -- and I, you know, I just
03:32:54 25 needed clarification. The last commission meeting, the budget

03:33:00 1 was said there was going to be a cut -- no, that the -- sorry.
03:33:06 2 It was mentioned that the council had cut the enforcement and
03:33:11 3 education portion of the budget for the liquor department, is
03:33:18 4 what I understand was said. And what that entirely means, I
03:33:25 5 don't know, but it didn't seem that way in the conversations
03:33:30 6 that were going on at council.

03:33:33 7 So I don't know -- I don't know what -- you know, I
03:33:41 8 don't know -- so I talked to some council members, they didn't
03:33:46 9 think that that was the case, that it was specifically cut
03:33:50 10 from enforcement and education, but -- but they were -- they
03:33:54 11 couldn't give me a direct answer as well. Because I know the
03:33:59 12 commission had a -- had a few concerns about -- about somebody
03:34:06 13 cutting enforcement and education, so -- so I'm -- I wanted to
03:34:14 14 mention that because that seemed to be like a -- this gap
03:34:17 15 where there need to be -- this void needs to be kind of
03:34:22 16 compensated for. Maybe somebody from the commission can
03:34:42 17 attend the meetings or get an update or something directly,
03:34:48 18 but there's a lot of conversation going on and -- especially
03:34:59 19 in the multimodal meeting about the liquor control and --
03:35:13 20 'cause they're looking at a vision zero program. So all these
03:35:18 21 agencies coming together in different ways, prosecutors,
03:35:23 22 police, department of transportation, and then -- and,
03:35:30 23 hopefully, the liquor department to prevent traffic
03:35:35 24 fatalities. So they're looking at roadway design, they're
03:35:39 25 looking at towing cars of people who are caught drunk driving,

03:35:48 1 you know, impounding them right away or at the arrest and
03:35:58 2 stuff like that. And so this partnership would be very
03:36:05 3 valuable there from the commission, because you're the
03:36:09 4 decision makers, you know. You guys make the rules, you guys
03:36:14 5 write the rules and that's -- and to understand what the
03:36:18 6 concerns are there would be very helpful, I think, so
03:36:22 7 that's -- that's all I have to say.

03:36:24 8 CHAIR ALULI: Okay. Any questions by the -- any of
03:36:28 9 the commissioners?

03:36:30 10 (No response.)

03:36:31 11 CHAIR ALULI: No. Okay. Eric, thank you very much.

03:36:36 12 And I'm not sure what specifically he's addressing,
03:36:41 13 I didn't attend any of those meetings. Did any of the
03:36:45 14 commissioners attend any of those?

03:36:47 15 COMMISSIONER DE JETLEY: Well, Mr. Chair. Alberta
03:37:03 16 de Jetley. I've been hearing that the council was going to be
03:37:09 17 cutting our budget and I -- I am adamantly opposed to them
03:37:16 18 cutting our budget, especially where it -- it is on education,
03:37:23 19 because we need the money to be able to go out there and take
03:37:27 20 care of our licensees and make sure that our licensees are
03:37:34 21 kept informed not just once or twice during the year, but at
03:37:39 22 least every other month. We need our inspectors out there, we
03:37:42 23 need to be out there doing classes for the servers, so we need
03:37:48 24 to make sure that we have --

03:37:49 25 CHAIR ALULI: Right.

03:37:51 1 COMMISSIONER DE JETLEY: -- the money to do that.

03:37:55 2 CHAIR ALULI: I think we're all concerned about
03:37:57 3 that. So I think at this point what we need is to kind of get
03:38:02 4 an overview of what that budget is for -- going into 2020.

03:38:07 5 So, Georgette, I'll turn it over to you. Georgette
03:38:13 6 has really been responsible for taking a look at the budget to
03:38:25 7 present -- to be presented to the mayor and the council and
03:38:30 8 she's going to fill in the gaps for us. So, Georgette,
03:38:34 9 please.

03:38:36 10 MS. TYAU: Okay. So I'm not familiar with what
03:38:40 11 you're talking about, cutting the education, but what we are
03:38:44 12 doing -- we're going to be looking at two funds, the liquor
03:38:49 13 education fund, which is funded by licensees, and the liquor
03:38:55 14 fund. So I'm going to go over the liquor fund, which is our
03:38:59 15 fund that is solely funded by liquor license fees, we don't
03:39:06 16 get any monies from the general fund, but what we do is we put
03:39:13 17 in 70 percent of salaries into the general fund, that's
03:39:21 18 included in our budget.

03:39:22 19 CHAIR ALULI: So, Georgette, tell us what
03:39:30 20 spreadsheet you're going to be dealing with.

03:39:35 21 MS. TYAU: Okay. So you guys don't have the A
03:39:39 22 account right now, A account is salaries. So what you may be
03:39:44 23 referring to is we're asking that the council refund three of
03:39:50 24 our liquor control officer positions that they did not fund
03:39:55 25 last year, so that amount is \$276,600.92. You don't have

03:40:16 1 salaries, so what we're doing is we're just looking at
03:40:19 2 refunding three of the liquor control officer positions, so
03:40:25 3 that is what he might be referring to. I didn't say we were
03:40:29 4 cutting back on education at any -- any time, that is
03:40:32 5 referenced in another area, which is the liquor education
03:40:35 6 fund. So in this budget for salaries, we're just looking at
03:40:40 7 refunding those three positions that they unfunded last year
03:40:45 8 and we're also asking for an in-house legal counsel, which is
03:40:52 9 130,000. That we can look at Attachment 5-1.

03:41:01 10 CHAIR ALULI: Okay. What's the section and
03:41:10 11 attachment number? Section 5.

03:41:17 12 MS. TYAU: Section 5, Attachment 5-1.

03:41:26 13 CHAIR ALULI: 5-1. Okay.

03:41:34 14 MS. TYAU: So aside from ongoing salaries and the
03:41:38 15 refunding of those three liquor control officer positions,
03:41:42 16 we're asking for an in-house legal counsel.

03:41:45 17 CHAIR ALULI: Which is that 130,000; right?

03:41:47 18 MS. TYAU: Yes. And that's the only thing in A.

03:41:53 19 COMMISSIONER BECRAFT: Mr. Chair.

03:41:56 20 CHAIR ALULI: Yes.

03:41:57 21 COMMISSIONER BECRAFT: Jamie Becraft. May I ask for
03:42:08 22 clarification on this? So are we saying that we no longer
03:42:13 23 want corporation counsel here --

03:42:15 24 CHAIR ALULI: No.

03:42:17 25 COMMISSIONER BECRAFT: -- we want our own --

03:42:22 1 CHAIR ALULI: Sorry. Yes. Corporation counsel
03:42:26 2 comes over for council, it's not an --

03:42:29 3 Why don't you explain it. You explain it better
03:42:33 4 than I can, Georgette.

03:42:38 5 MS. TYAU: Do you want to go through that?

03:42:38 6 Okay. Well, I can just read you my justification
03:42:41 7 first to maybe give you an idea, yeah. So currently a deputy
03:42:47 8 corporation counsel is assigned to the department of liquor
03:42:51 9 control by the corporation counsel and may be reassigned at
03:42:56 10 any time. It takes approximately three years minimum for the
03:43:00 11 deputy corporation counsel to understand and be up to speed on
03:43:06 12 federal codes, state liquor laws, rules of the liquor
03:43:11 13 commission, court decisions, and other liquor-related issues.
03:43:16 14 The department allocates funds for the training and education
03:43:21 15 of the deputy corporation counsel and reassignment means a
03:43:28 16 drain in knowledge, education, and cost.

03:43:32 17 In addition, because the deputy corporation counsel
03:43:36 18 is also assigned to numerous other county departments, county
03:43:42 19 council, etc., the department has many issues that may be left
03:43:48 20 pending to the frustration of the public, applicant, and
03:43:53 21 licensees. The deputy corporation counsel provides the
03:43:59 22 required review of documents, the needed research on pending
03:44:04 23 issues and legal inquiries, ensures the County of Maui and the
03:44:10 24 department and its employees are not subject to criminal or
03:44:13 25 civil liabilities, and provide legal guidance. An in-house

03:44:18 1 legal counsel would eliminate delays in addressing issues. An
03:44:24 2 in-house legal counsel would improve the efficiency and
03:44:36 3 effectiveness of the department and will reduce the cost for
03:44:39 4 an appointed deputy corporation counsel to be assigned to the
03:44:44 5 department. This in-house legal counsel would be funded by
03:44:48 6 the liquor fund and not the general fund.

03:44:53 7 As far as the legalities of having that, that would
03:45:10 8 be something that they would work out after because they would
03:45:15 9 still be part of the department of the corporation counsel.

03:45:19 10 CHAIR ALULI: Right. But they would be totally --
03:45:24 11 their total responsibility would be to the liquor --

03:45:29 12 MS. TYAU: Assignment would be to liquor control.

03:45:34 13 CHAIR ALULI: Liquor control, right.

03:45:36 14 COMMISSIONER BECRAFT: Mr. -- I'm sorry. Go ahead.

03:45:41 15 DIRECTOR MUKAI: But under the corporation counsel,
03:45:43 16 because we cannot have our own, the way we were explained.
03:45:52 17 Like Mr. Kushi is assigned to us -- this is for instance --
03:45:57 18 and this is approved, we would pay his -- his salary, which is
03:46:05 19 subject to corporation counsel.

03:46:07 20 COMMISSIONER BECRAFT: So where would Mr. Kushi's
03:46:11 21 office be?

03:46:15 22 MS. TYAU: That's the legalities that they're going
03:46:19 23 to work out after. That is what they're going to look into.

03:46:24 24 COMMISSIONER BECRAFT: Because what I -- what my
03:46:28 25 concern -- well, first, may I ask, Mr. Kushi, is this through

03:46:32 1 corporation counsel? Whose idea was this, who wanted this,
03:46:41 2 corporation counsel or did our -- did we want this?

03:46:45 3 DIRECTOR MUKAI: This was an ongoing discussion for
03:46:50 4 many years because the City and County of Honolulu at one time
03:46:57 5 had a corporation counsel that was stationed within their
03:47:06 6 department office.

03:47:08 7 COMMISSIONER BECRAFT: Okay.

03:47:09 8 DIRECTOR MUKAI: And it was very effective the way
03:47:13 9 we -- the feedback we got. But when they tried -- when they
03:47:18 10 switched back to the -- how we are now, now they're getting
03:47:23 11 bogged down with different issues.

03:47:31 12 COMMISSIONER ANDRION: You mean other than --

03:47:36 13 DIRECTOR MUKAI: Yeah. And, you know, when you
03:47:41 14 change --

03:47:44 15 COMMISSIONER BECRAFT: Mr. Chair.

03:47:46 16 DIRECTOR MUKAI: -- people --

03:47:50 17 COMMISSIONER BECRAFT: Jamie Becraft again. I guess
03:47:53 18 I have a litany of questions because -- one would be I heard
03:47:59 19 everything you're saying on the justification, then it would
03:48:03 20 become sort of like the -- when I was talking about the
03:48:07 21 verbiage of scale or not, it was brought up that, Well, if
03:48:11 22 we -- have we been having problems with that, you know. So
03:48:15 23 then with all these justifications, have we been having
03:48:22 24 trouble with getting representation from corporation counsel?
03:48:26 25 You know, do we need -- because it says it would be more

03:48:30 1 readily available and things of that nature, so are we saying
03:48:34 2 that corporation counsel has not been readily available to us?

03:48:40 3 MS. TYAU: Well, of course, because they have other
03:48:43 4 departments that they have also, so it's not something that
03:48:48 5 you can always provide your immediate attention, you have to
03:48:51 6 schedule meetings, set up times and so forth.

03:48:55 7 COMMISSIONER BECRAFT: Okay.

03:48:57 8 MS. TYAU: So it's not something that's always just
03:49:00 9 readily available as we need.

03:49:02 10 COMMISSIONER BECRAFT: And then my other to it is,
03:49:05 11 you know, it was brought up that, okay, it takes three years
03:49:09 12 to come up to speed, so corporation counsel can be a moving
03:49:14 13 entity, you know, because we know that the mayor -- you know,
03:49:18 14 you get a new boss at any point and maybe they, I guess, were
03:49:23 15 concerned that they may say, Okay, I -- Mr. Kushi, you're no
03:49:28 16 longer going to have liquor as a commission, you're going to
03:49:34 17 go somewhere else. They could put somebody else, so the
03:49:38 18 thought is that we get one person that would be doing it. But
03:49:44 19 to me, I see that as putting all your eggs in one basket
03:49:49 20 because Mr. Kushi goes back and still communicates with his
03:49:57 21 superiors or subordinates and this is a shared communication,
03:50:02 22 if I'm not -- if I'm wrong, please correct me, Mr. Kushi.
03:50:11 23 Because what happens here is if you only have one person here
03:50:15 24 and you hire me -- which, obviously, I'm not qualified, but if
03:50:20 25 as an example you hire me and I'm here and then I up and quit,

03:50:28 1 then where are you? Because corporation counsel is out of the
03:50:31 2 loop and you had everybody -- all the knowledge is with one
03:50:36 3 person and then now how to we feed that? Because if he's not
03:50:46 4 here, you have a backup system which is who -- who replaces
03:50:54 5 you, Mr. Kushi, if you're not here for today? It would be --

03:51:01 6 MS. TYAU: But he's not our corporation counsel.

03:51:05 7 COMMISSIONER BECRAFT: I'm sorry.

03:51:07 8 MS. TYAU: He's not our corporation counsel.

03:51:13 9 COMMISSIONER BECRAFT: Well, he's --

03:51:16 10 MS. TYAU: So we have another one, so, technically,
03:51:21 11 we do have just one that's assigned to us.

03:51:24 12 COMMISSIONER BECRAFT: Correct.

03:51:25 13 MS. TYAU: So it's just a matter of just -- but
03:51:29 14 they're assigned to other departments too. So with this,
03:51:33 15 we're just saying so that we always have their time. Because
03:51:37 16 we'll still have the same person, whether or not they're just
03:51:41 17 solely for us or not, we always just have one person. So the
03:51:45 18 idea behind this is just having them -- they can just
03:51:50 19 concentrate on our department. So it's not like we have a
03:51:53 20 variety -- a lot of people, we do only have one person.

03:52:00 21 CHAIR ALULI: From -- I'm sorry.

03:52:03 22 COMMISSIONER BECRAFT: Go ahead.

03:52:05 23 CHAIR ALULI: Nane Aluli. From a structural
03:52:09 24 standpoint and from an organizational standpoint, would the
03:52:18 25 corp. counsel that is assigned to liquor be direct line to the

03:52:29 1 head of corporate -- corp. counsel or direct line to the
03:52:32 2 director of the liquor control, the liquor department?

03:52:40 3 MS. TYAU: It's my understanding that they would
03:52:43 4 still be under the corporation counsel.

03:52:46 5 CHAIR ALULI: Direct line?

03:52:47 6 MS. TYAU: Once -- that was my understanding. But I
03:52:52 7 said as far as the legalities of setting this up, the mayor's
03:52:58 8 office would be the one working it out on how this would
03:53:02 9 happen. So what we're asking for is just can we have one, can
03:53:08 10 we fund -- can we fund it? But the legalities of setting it
03:53:18 11 up, the mayor's office would --

03:53:21 12 CHAIR ALULI: The responsibilities.

03:53:26 13 MS. TYAU: -- and corporation counsel to work out
03:53:30 14 how it would actually be structured.

03:53:34 15 CHAIR ALULI: Okay. And that's something that would
03:53:36 16 take a real in-depth HR definition in terms of a job
03:53:43 17 description and who the direct report is and who the indirect
03:53:47 18 report is. I mean, there are a lot of issues that would have
03:53:51 19 to be really clearly defined in terms of who that -- who that
03:53:58 20 corp. counsel really is responsible to and what's first
03:54:05 21 priority. It would have to be liquor in every situation.
03:54:10 22 But, anyway, that -- we're getting into the weeds on this
03:54:14 23 issue.

03:54:15 24 COMMISSIONER BECRAFT: Mr. Chair.

03:54:17 25 CHAIR ALULI: Yeah.

03:54:18 1 COMMISSIONER BECRAFT: Jamie Becraft. My concern is
03:54:24 2 really heavily in -- is heavily based upon if you're going to
03:54:32 3 separate this -- 'cause I know that -- you know, I know that
03:54:35 4 there's people that can step in if Mr. Kushi couldn't make it
03:54:39 5 today 'cause there's people that are -- are still in the loop
03:54:46 6 of liquor, you know, that they can cross train over there,
03:54:50 7 they've got more people. My concern is if it -- we make an
03:54:55 8 individual and we have one person and that one person decides
03:55:00 9 one day after three years or two years or five years, seven
03:55:06 10 years, whatever, that that's it, I'm leaving, I'm leaving
03:55:11 11 Wednesday, that then we really in a -- in a knowledge void
03:55:14 12 because as it was brought up, it takes years to come up to
03:55:18 13 speed. But that -- in corporation counsel, how they work --
03:55:25 14 or to my understanding, because there's backups built in over
03:55:30 15 there and they do discuss amongst themselves, there's multiple
03:55:35 16 attorneys, that there's people that have some type of an
03:55:39 17 education and can come in not completely blind. I'm afraid if
03:55:47 18 we go with one person and that person up and leaves, putting
03:55:52 19 all our eggs in one basket, we're almost hostage to them. If
03:55:58 20 they were to leave, then -- then where are we? We're waiting
03:56:03 21 for three years for somebody to catch up and maybe I know more
03:56:08 22 than them, which would be a dangerous world.

03:56:16 23 DIRECTOR MUKAI: Well, the department is assigned
03:56:20 24 two corporation counsel, one is for the commission and the
03:56:26 25 second one is for the department.

03:56:30 1 COMMISSIONER BECRAFT: Right. And what I'm saying
03:56:33 2 in that regard is that there's a shared knowledge amongst
03:56:40 3 them. And not just them, I'm -- and maybe I'll -- maybe it's
03:56:45 4 just -- instead of being theoretical about this, I'll turn it
03:56:50 5 over and ask Mr. Kushi to explain how the system is with
03:56:54 6 backups and, you know, and knowledge sharing that occurs
03:56:58 7 amongst them.

03:56:59 8 MR. KUSHI: Yeah. Mr. Chair, if I may.

03:57:02 9 CHAIR ALULI: Yeah. Ed.

03:57:06 10 MR. KUSHI: You know, when the director brought this
03:57:14 11 up last year --

03:57:15 12 DIRECTOR MUKAI: Yes.

03:57:18 13 MR. KUSHI: -- I said, Oh, it's a good idea, a
03:57:24 14 full-time dedicated deputy corp. counsel only assigned to the
03:57:32 15 department. It's a good idea, you know, and the funding is
03:57:38 16 around that level for a full-fledged senior deputy. The
03:57:44 17 arrangements as far -- let's say this goes through -- and by
03:57:50 18 the way, the commission has the authority per HRS to hire
03:57:55 19 attorneys, the commission, so technically you could hire
03:58:00 20 whoever you want and assign them to the department. You don't
03:58:04 21 have to go through -- in my mind, because it's a state law,
03:58:08 22 you don't have to go through the charter. Council approves
03:58:12 23 special counsel and you don't want to go through that.

03:58:12 24 COMMISSIONER BECRAFT: No.

03:58:16 25 MR. KUSHI: Okay. But so bear that in mind, you

03:58:19 1 have the authority to hire and they'd be assigned to the
03:58:24 2 department. The logistics of where this person will be -- and
03:58:31 3 by the way, his name is Gary Murai. You've seen him; right?
03:58:37 4 And the reason why -- we're in the same office, I'm his
03:58:42 5 supervisor, but we try to split department and commission
03:58:49 6 because you sometimes have conflicts, like the planning
03:58:53 7 department and the planning commission. Although we're in the
03:58:58 8 same house, we wear different hats.

03:59:03 9 The other attorney involved with the department is
03:59:05 10 the prosecutor's office. Those of you who have been on the
03:59:12 11 board, the adjudication board, the prosecutors on behalf of
03:59:17 12 the department presents the case for violations. I sit on the
03:59:21 13 commission and I sit on the board. But if you hire this one
03:59:33 14 dedicated corporation counsel, deputy corp. counsel, one -- an
03:59:37 15 attorney to represent the department, I think it's good for
03:59:43 16 the department, he's there full time, but where is he going to
03:59:48 17 be housed? You know, I'm not sure what the arrangements was
03:59:53 18 with the city and county -- and I recall Kauai had a dedicated
03:59:59 19 attorney also a long time ago. But I think the arrangement
04:00:04 20 with city and county was that that deputy was housed in the
04:00:09 21 could corporation counsel's office, but the liquor paid for
04:00:13 22 that. That presents a problem with our office, you know,
04:00:19 23 somebody who's sitting and working in my office, I want to
04:00:32 24 know what he's doing.

04:00:35 25 COMMISSIONER BECRAFT: Yeah.

04:00:36 1 MR. KUSHI: I want to have him clock in, clock out,
04:00:41 2 and, you know, see what -- but if he's only going to be
04:00:46 3 dedicated to the department, why don't you have -- hire and
04:00:56 4 house him yourself? Otherwise, we're gonna charge you rent.

04:01:05 5 (Laughter.)

04:01:07 6 MR. KUSHI: You know, unless --

04:01:10 7 DIRECTOR MUKAI: City and county, he was in the
04:01:14 8 department and had her office in the liquor control commission
04:01:27 9 office.

04:01:28 10 MR. KUSHI: So that attorney's boss was Anna?

04:01:36 11 DIRECTOR MUKAI: No. Anna was the corporation
04:01:40 12 counsel assigned.

04:01:44 13 MR. KUSHI: Okay. She was housed in the department?

04:01:48 14 DIRECTOR MUKAI: Yes.

04:01:50 15 MR. KUSHI: So to me that would be the best
04:01:53 16 situation in this case.

04:01:55 17 CHAIR ALULI: Yes.

04:01:56 18 MR. KUSHI: I'm sure if the 130 includes his fringe
04:02:03 19 benefits too.

04:02:06 20 DIRECTOR MUKAI: Well, then that -- that 70 percent
04:02:14 21 of pay --

04:02:15 22 MS. TYAU: The \$91,000 that is on there is for
04:02:47 23 (inaudible).

04:02:48 24 MR. KUSHI: So fringe benefits are done?

04:03:00 25 MS. TYAU: Fringe benefits right now is included in

04:03:05 1 overhead, the 70 percent of salaries. So if you look further
04:03:09 2 down, the other costs with funding this position would be the
04:03:15 3 91,000 --

04:03:24 4 CHAIR ALULI: 91,000.

04:03:26 5 MS. TYAU: -- which is -- which goes into the
04:03:29 6 general fund.

04:03:30 7 MR. KUSHI: Overall, Mr. Chair, you know, when I
04:03:35 8 initially heard this, I thought it was a good idea if it can
04:03:40 9 be worked out.

04:03:41 10 COMMISSIONER BECRAFT: Mr. Chair.

04:03:44 11 Mr. Kushi, if -- Jamie Becraft. The -- my question
04:03:50 12 was more rooted on knowledge base, not -- not -- in an ideal
04:03:57 13 world if you had one person that stayed or she stayed, then I
04:04:08 14 see what -- then I would agree with you, but I guess where I
04:04:15 15 disagree and what I'm asking you is based upon knowledge, when
04:04:24 16 you -- do you feel that if you leave tomorrow, that there's
04:04:28 17 nobody from corporation counsel that's -- has the knowledge
04:04:32 18 base to step in and assist us in the next meeting? Because
04:04:37 19 that's my concern if we have only one person, whether they're
04:04:42 20 housed over there and you don't know what they're doing or you
04:04:47 21 do because they only have one assignment, I don't see the
04:04:50 22 sharing of knowledge. So my fear is putting -- once again,
04:04:59 23 all our eggs are in one basket. You know, like you said, I --
04:05:04 24 my personal belief is if you couldn't make it to the next
04:05:08 25 meeting or the next two, that someone like Gary Murai could

04:05:17 1 step in or -- and there could be others. Now, that -- that
04:05:23 2 was the root of my question, you know, are there backup
04:05:27 3 systems? Do you guys at least share enough information to --
04:05:32 4 even if it's with Ms. Lutey, you know, that there's knowledge
04:05:40 5 shared in that way that we have a -- we have backups built in
04:05:45 6 by keeping it in your office?

04:05:48 7 MR. KUSHI: Yeah. We have backup attorneys for
04:05:51 8 every -- for all deputies on every -- areas that they serve.
04:05:57 9 In the case of liquor, my backup is Gary, so the department --
04:06:02 10 Gary's backup is me.

04:06:07 11 COMMISSIONER BECRAFT: So in this situation, then
04:06:09 12 there is some knowledge sharing that you guys are --

04:06:15 13 MR. KUSHI: Yeah.

04:06:16 14 COMMISSIONER BECRAFT: -- up to speed somewhat so
04:06:20 15 we're not starting from zero again like how -- how it was
04:06:24 16 mentioned that it takes three years to come up to speed. That
04:06:29 17 if we were to put it all in one person, if he -- he or she
04:06:34 18 were to resign, then we would be in a three-year void. In
04:06:39 19 this situation we would switch people and then let's say you
04:06:43 20 were to retire and Gary was still on, then another backup
04:06:47 21 would be brought in or another person and they would be
04:06:51 22 brought up to speed. Is that accurate?

04:06:55 23 MR. KUSHI: Correct. In the case of resignations or
04:07:01 24 retirement -- in the case of a retirement, we try to -- the
04:07:07 25 deputy who's going to retire tries to train the next person

04:07:12 1 coming in.

04:07:14 2 CHAIR ALULI: Right.

04:07:15 3 MR. KUSHI: I guess if a sudden resignation or
04:07:25 4 termination, then, you know, we've gotta scramble. I wouldn't
04:07:30 5 put a rookie in here.

04:07:32 6 CHAIR ALULI: Yeah.

04:07:33 7 MR. KUSHI: I'd put somebody who represented like
04:07:37 8 the planning commission.

04:07:44 9 CHAIR ALULI: Right. Who understands the processes.

04:07:49 10 MR. KUSHI: Well, who understands administrative
04:07:52 11 law.

04:07:53 12 CHAIR ALULI: Right, law.

04:08:00 13 COMMISSIONER BECRAFT: And that's my point in that
04:08:03 14 you have -- you do have Gary right now and that, like I said,
04:08:09 15 you don't want -- we don't want to start from zero, you know,
04:08:17 16 neither would you folks or you wouldn't be putting in a brand
04:08:21 17 new attorney that just came in.

04:08:25 18 MR. KUSHI: Yeah, but in the case -- let's say I'm
04:08:29 19 not here and Gary's my backup and if it's a contentious
04:08:39 20 situation between the commission and the department, I'd put
04:08:43 21 somebody else because they would (inaudible).

04:08:54 22 COMMISSIONER BECRAFT: Right.

04:08:54 23 MS. TYAU: Just to clarify, we're not talking about
04:08:57 24 the commission, the commission attorney, yeah, which is Ed
04:09:03 25 right now and whoever's going to back him up. We're talking

04:09:09 1 about the department assigned counsel, which we only have the
04:09:13 2 same person. Should he retire, we're going to be assigned
04:09:17 3 someone new.

04:09:18 4 COMMISSIONER BECRAFT: You would -- well, for
04:09:20 5 clarification --

04:09:22 6 MS. TYAU: We're going to be assigned someone new.

04:09:25 7 COMMISSIONER BECRAFT: -- you have -- it's Gary;
04:09:34 8 right --

04:09:35 9 MS. TYAU: Yeah.

04:09:40 10 COMMISSIONER BECRAFT: -- is who assists.

04:09:45 11 MS. TYAU: So we're not talking about the attorney
04:09:50 12 that sit in commission, we're not talking about the attorney
04:09:53 13 that sits in the board, we're talking about our department.

04:09:57 14 COMMISSIONER BECRAFT: I apologize. I'm saying --

04:09:57 15 MS. TYAU: Yeah.

04:09:59 16 COMMISSIONER BECRAFT: -- it in reverse. I should
04:10:02 17 be saying if Gary were out, then Mr. Kushi could step in
04:10:07 18 because Mr. Kushi does have a working knowledge.

04:10:07 19 COMMISSIONER: Yes.

04:10:11 20 COMMISSIONER BECRAFT: So I'm saying it in reverse,
04:10:14 21 I apologize.

04:10:15 22 MS. TYAU: So I would think that it would -- I mean,
04:10:22 23 still have something like that.

04:10:24 24 COMMISSIONER BECRAFT: Right.

04:10:24 25 MS. TYAU: Yeah.

04:10:25 1 COMMISSIONER BECRAFT: Right. So my -- everything I
04:10:29 2 said, though, stands, just we just reverse it. That if -- if
04:10:38 3 Mr. -- if Murai were to, for some reason, retire or be
04:10:49 4 term- -- whatever, you know, something happens and he's out
04:10:55 5 suddenly or in the case of maybe just could be he resigns, you
04:11:01 6 know, that we do have someone with a knowledge base that would
04:11:04 7 be stepping in. And I'm saying that if we separate and make
04:11:10 8 it an individual, then that knowledge sharing may not be
04:11:13 9 occurring because they're no longer -- they no longer work
04:11:18 10 under him, you know. Gary works under Ed and so he -- but
04:11:24 11 even if they didn't work -- if they were coworkers even at the
04:11:30 12 same level, there would be knowledge sharing that I'm afraid
04:11:34 13 would be lost.

04:11:36 14 And back to my other earlier was I understood the
04:11:39 15 examples, but if we're going to make examples of, okay, more
04:11:43 16 readily available, somebody right there in every -- if that's
04:11:55 17 the situation, then I would like to see some examples of where
04:11:59 18 that hasn't occurred, where we have actually encountered that
04:12:05 19 problem. And, you know, I'm not trying to insult corporation
04:12:10 20 counsel or anything, but that would be something we have to
04:12:14 21 bring up and see -- not assume may have occurred or may be
04:12:28 22 about to occur, has it been occurring? So do we -- is it a --
04:12:34 23 is it a necessity to address this because in reality, we're
04:12:41 24 not getting support from corporation counsel that we feel that
04:12:45 25 we should. And if that's the case, then that's a whole

04:17:05 1 'nother ball of wax too that -- but I would like to have that
04:17:09 2 information before approving a hundred thousand dollars plus
04:17:15 3 for something that I'm assuming that is presently being
04:17:19 4 handled and being handled well by corporation counsel.

04:17:25 5 MS. TYAU: That's not what we're saying. What we're
04:17:30 6 saying is that they are assigned to other departments, so they
04:17:34 7 have to spread their time, it's not a hundred percent. So
04:17:38 8 what I'm saying is that when we need something, you have to
04:17:41 9 wait, you know, you may have to wait because you have to make
04:17:45 10 appointments, you have to -- so things get pushed back that
04:17:52 11 way. We're not saying that they don't address our things,
04:17:57 12 what we're saying is that the in-house -- what we're looking
04:18:02 13 at is just having someone that's only one department as if
04:18:09 14 they were in corporation counsel, but instead of being
04:18:13 15 assigned three departments or however many they may have,
04:18:22 16 you're just assigned to liquor. So that's what we're --

04:18:25 17 COMMISSIONER BECRAFT: I understand.

04:18:26 18 MS. TYAU: -- looking at, just so that it's -- it's
04:18:34 19 just faster, that's --

04:18:37 20 COMMISSIONER BECRAFT: I understand, but I guess --
04:18:40 21 and I would like to know what we're talking about. Are we
04:18:43 22 talking about getting an automatic dishwasher because it might
04:18:51 23 makes my life a little bit easier, but it's costing me a
04:18:56 24 hundred thousand dollars a year, or are we talking about
04:19:00 25 legit -- like really bigger issues, like, Man, you know, we

04:19:08 1 really needed this and because we didn't get this, that caused
04:19:13 2 a ripple effect and that caused people to lose, you know,
04:19:19 3 \$60,000 down the line because they had to push back their, you
04:19:23 4 know, whatever. And I don't know. So I guess I'm asking for
04:19:28 5 a legit -- I'd like to see the justifications.

04:19:34 6 I understand the theory and what you're saying, but
04:19:40 7 I don't -- I would like to see something substantial in front
04:19:42 8 of me that says, Well, even though corporation counsel didn't
04:19:48 9 mean any -- have no ill will, but because they have to wear
04:19:55 10 multiple hats and they couldn't get to us within -- you know,
04:19:59 11 we told them, Hey, this is important and it's an emergency and
04:20:04 12 they say, Hey, sorry, the best I've got for you is three weeks
04:20:10 13 from Tuesday you can meet with me, and that caused A, B, and
04:20:18 14 C, as a result, to fail and then put everybody behind. That's
04:20:24 15 what I'd like to see, the actual, This is -- this is the
04:20:30 16 example that's going on.

04:20:37 17 If we're only talking that theory that -- that we
04:20:42 18 could encounter problems and in theory we could lose a bunch
04:20:48 19 of money or cause hardships to businesses and mom-and-pop
04:20:54 20 places and -- and contribute to them closing; well, then I get
04:21:01 21 it, then, yeah, we need to move forward. But I don't -- I
04:21:07 22 don't -- I've never heard of any of that occurring. I'm new,
04:21:16 23 so, obviously, you know, I get that I don't have the knowledge
04:21:20 24 base, but from the knowledge base that I do have because I
04:21:25 25 know of corporation counsel, I've never heard that there's any

04:21:29 1 issues with -- with the fact that they're not readily
04:21:34 2 available.

04:21:34 3 And I know Mr. Mukai, he's a pretty compliant
04:21:38 4 person, so I don't know what type of -- you know, and there
04:21:43 5 could be -- but I'd like to see them if -- if we're going
04:21:47 6 to -- for me to approve this, I'd like to see tangible
04:21:54 7 evidence or representations like, Hey, this just isn't
04:21:58 8 working, you know, we've gotta look for another angle.

04:22:19 9 COMMISSIONER DE JETLEY: I agree. Mr. Chair, I have
04:22:20 10 a question, but for Georgette.

04:22:42 11 How many -- Georgette, how many times have you had
04:22:44 12 to have delays on issues that you're facing? I mean, what's
04:22:50 13 the actual caseload? Like I -- what I can see would be a real
04:22:59 14 problem is if every department in the county and every
04:23:05 15 commission and board suddenly turned around and said, Well, we
04:23:11 16 want our own attorney too. It's not as if we have a surplus
04:23:15 17 of attorneys in this county, so I would -- I would have
04:23:20 18 serious concerns about having somebody exclusively for us. So
04:23:28 19 can you -- can you give us examples of when you have had
04:23:33 20 problems and delays?

04:23:39 21 MS. TYAU: Okay. You'd better answer that one.

04:23:39 22 DIRECTOR MUKAI: Well, some of the delays were like
04:23:42 23 some of the rules, rule amendments, get pushed back and, you
04:23:48 24 know, corp. counsel has to review it and, I guess, you know,
04:26:25 25 write it up and those things 'cause they're busy too. And

04:26:42 1 like Gary assigned to council and everything else, so we're
04:28:30 2 not priority people. And also, you know, we get personnel
04:28:36 3 matters that we have to meet with corporation counsel to
04:28:43 4 discuss the thing on how to move forward on personnel matters.
04:28:52 5 And also opinions, 'cause we get a lot of -- or we have
04:28:58 6 licensees' attorneys here ask us an interpretation, so corp.
04:29:09 7 counsel would have to review, research, and do all of these
04:29:16 8 court things for us before they can get back to us. And a lot
04:29:24 9 of times, you know, I'm sure corp. counsel is very, very busy,
04:29:31 10 as you can see, you see them -- 'cause some of the things
04:29:38 11 that, you know (pause) --

04:29:47 12 CHAIR ALULI: Has that ever really caused -- and
04:29:50 13 Jamie, I think, has a really valid point. Has that really
04:29:59 14 caused disruption within the department so that your ability
04:30:06 15 to function has been obstructed?

04:30:11 16 DIRECTOR MUKAI: Well, it pushes back everything and
04:30:14 17 plus, also, it -- a lot of these things are -- frustrate the
04:30:23 18 licensees and applicants.

04:30:27 19 COMMISSIONER BECRAFT: Mr. Chair.

04:30:32 20 DIRECTOR MUKAI: And their attorneys.

04:30:35 21 CHAIR ALULI: Yes, Jamie.

04:30:38 22 COMMISSIONER BECRAFT: Mr. Chair, Jamie Becraft.
04:30:40 23 You know, I -- if we're going to say that it's frustrated -- I
04:30:46 24 asked earlier, you know, what -- what are our complaints from
04:30:51 25 our applicants and I'm being told that that isn't happening,

04:30:56 1 now I'm hearing that it frustrates them and everything. Well,
04:31:10 2 that's what I was asking earlier on, I want to know what's --
04:31:16 3 what's the problem. So first I was told that there are no
04:31:21 4 problems, essentially, now I'm being told that there are
04:31:28 5 problems with corporation counsel. So I would ask again that
04:31:33 6 that -- I would like to see those, you know, those cases
04:31:37 7 where, you know, John Doe applied for a liquor license and
04:31:42 8 because of this, we're looking for a ruling and corporation
04:31:49 9 counsel took three months to get back to us. Because I'm
04:31:55 10 still hearing theory, you know, we -- and I'm listening to the
04:32:01 11 other things, like, one, we say, Okay, we've got to wait for
04:32:07 12 corporation counsel's opinion; I'd rather send it to a group
04:32:16 13 of people, of attorneys if there's an opinion, a ruling of
04:32:20 14 law. Of course, they do their research on case law and stuff
04:32:24 15 first, but they -- I know that they hui their information, you
04:32:29 16 know, and make sure that they're going down the right path,
04:32:33 17 that's how they -- you know, that's the advantage to having a
04:32:38 18 group of people instead of one singular person doing -- making
04:32:44 19 opinions.

04:32:46 20 And, again, like you said, personnel matters, I'd
04:32:51 21 like to see examples. If you have a personnel matter and it
04:32:55 22 can be anything from harassment in the workplace, you know,
04:33:00 23 discriminatory, anything that you want to say that needs
04:33:06 24 corporation counsel's opinion, you know, like, Hey, we're
04:33:12 25 headed down a potential lawsuit, catastrophic failure

04:33:19 1 situation, great. But I'd like to see the situation where it
04:33:23 2 was thrown up to corporation counsel and they don't -- they
04:33:26 3 don't respond. You know, I -- I get these are -- you're
04:33:34 4 listing what they do, but not what I'm asking. And what I'm
04:33:38 5 asking is, is: Where did they fail? Where is -- did this
04:33:46 6 happen? I get what their -- their job is, but where did you
04:33:51 7 guys send up a personnel issue and corporation counsel said,
04:33:56 8 I'll get back to you in three, four months? You know, that
04:34:02 9 disruption.

04:34:03 10 And then we talk about, like, Okay, they've got to
04:34:08 11 do rules; well, my understanding is that's only a limited time
04:34:14 12 where we change rules. You know, I don't want to employ a
04:34:19 13 person for a year because it takes -- you know, during rule
04:34:24 14 changes, you know, they've got to review it. And I guess and
04:34:28 15 the last is, is that you can say like on rules, Oh, yeah, that
04:34:33 16 does take them a couple months. Well, maybe they don't feel
04:34:39 17 it's urgent. Is there a situation where you go, Hey, listen,
04:34:43 18 we have an urgent situation here, one of our rules is really
04:34:48 19 hampering us, we didn't see this, somebody brought it up,
04:34:53 20 there's a problem; and they go, once again, Yeah, I'll get
04:34:57 21 back to you in two, three months. You know, do we have that
04:35:02 22 or are we saying that could -- because all I'm hearing is that
04:35:07 23 could happen and so because it could happen, we're going to
04:35:12 24 spend a hundred plus thousand dollars instead of leaving it in
04:35:19 25 the system to me is working.

04:35:21 1 And I -- and I personally prefer the system. I like
04:35:31 2 the system of multiple people and back up, redundancies built
04:35:38 3 in instead of I'm really -- I've always disliked eggs in one
04:35:46 4 basket or if a person leaves, we're like, Oh, well, now what,
04:35:52 5 you know, who are we going to hire next? So do we have any of
04:35:59 6 those hard examples? I -- other than saying, This is what
04:36:06 7 they're supposed to do, that I really want to see where they
04:36:10 8 failed.

04:36:15 9 COMMISSIONER ANDRION: Mr. Chair, Roberto Andrion.
04:36:21 10 You know, we're talking about -- I'm hearing Commissioner
04:36:26 11 Jamie here is saying repeatedly things in one basket, is that
04:36:47 12 going to be the case if we did have? And I'm not going either
04:36:55 13 way right now, I just want to clarify something. If we did
04:36:59 14 have a separate counsel, would it be just specific without --
04:37:04 15 'cause I'm pretty sure there's going to be still communication
04:37:11 16 to corporate as far as that goes, right, or is it just going
04:37:15 17 to be that person there that's hired, it's only that person
04:37:20 18 and there's no -- any communication with corporate counsel.

04:37:28 19 DIRECTOR MUKAI: I believe in this -- this case, we
04:37:32 20 were looking at like -- like, for example, if Mr. Murai or
04:37:38 21 some -- we retain him, it still will be under Mr. Kushi,
04:37:46 22 because he's still assigned to corporation counsel, he's
04:37:56 23 subject to their, I guess, rule and directions.

04:38:01 24 COMMISSIONER BECRAFT: I would ask -- I would --
04:38:03 25 Mr. Chair.

04:38:04 1 CHAIR ALULI: Yes.

04:38:05 2 COMMISSIONER BECRAFT: Jamie Becraft. I would ask,
04:38:09 3 actually, that question be -- if we could just direct that
04:38:13 4 question to Mr. Kushi, because my -- my understanding of that
04:38:19 5 is even if he technically was under that section where you
04:38:25 6 were going to do your budgeting for payment or for some
04:38:29 7 logistical issues, if it's a lone entity and he's only
04:38:36 8 response here -- he's only responsibilities over here, then
04:38:45 9 they're not going to be going through -- if they're going to
04:38:50 10 be going through corporation counsel, then corporation counsel
04:38:54 11 is going to have to verify all their work and research and
04:38:58 12 opinion also, so you're -- you're duplicitous at this point.
04:39:04 13 You know, it's -- you're paying two people to do one job if
04:39:08 14 that's what -- if that's what you're -- if that's what's being
04:39:13 15 implied here, that they're still going to be answering and
04:39:19 16 oversight by them. If the oversight is going to be by them,
04:39:28 17 then all you've done is hired a clerk, you know, because
04:39:31 18 you've still got to do all the work.

04:39:36 19 I believe -- and, Mr. Kushi, if you'd please explain
04:39:44 20 if I'm right or wrong. I believe if that were the situation,
04:39:49 21 that technically they may be under there, but they wouldn't be
04:39:54 22 coming to there and asking for their approval and their -- you
04:39:57 23 guys, you know, whoever has them would just be listening to
04:40:01 24 their attorney and it would all -- again, all that information
04:40:06 25 would just be in one place. What is your opinion, Mr. Kushi,

04:40:12 1 on that?

04:40:14 2 MR. KUSHI: Well, Chair, I'll respond to that one.

04:40:21 3 If it's paid by the liquor department and it's
04:40:27 4 housed in our office and it's technically under our office,
04:40:33 5 we'd be responsible for his actions, good or bad. But, again,
04:40:39 6 he would be -- the plan is he would be dedicated full time to
04:40:44 7 the department, liquor department, no other departments, no
04:40:50 8 other boards or commissions. And he'd be a licensed attorney,
04:41:01 9 he would have the knowledge to give advice and opinions. The
04:41:07 10 only concern I have is if it hits the fan and some licensee
04:41:18 11 sues the department and the commission, who's going to
04:41:24 12 represent the department and the commission? By charter, it's
04:41:31 13 our office and --

04:41:33 14 CHAIR ALULI: Corp. counsel's office.

04:41:37 15 MR. KUSHI: Corporation counsel.

04:41:40 16 CHAIR ALULI: Right.

04:41:42 17 MR. KUSHI: In a legal representation --

04:41:44 18 CHAIR ALULI: Yes.

04:41:46 19 MR. KUSHI: -- capacity. Would this deputy special
04:41:53 20 in-house counsel defend you? I'm not sure. If he's under my
04:41:58 21 office, he would get assigned to defend you because he's
04:42:04 22 licensed. But, again, that's a whole can of worms looking
04:42:12 23 down the road. But before a lawsuit is filed, you would hope
04:42:18 24 that that in-house would check --

04:42:20 25 CHAIR ALULI: Yes. Oh, yeah, for sure.

04:42:26 1 MR. KUSHI: -- with our department.

04:42:36 2 COMMISSIONER: Mr. Chair.

04:42:38 3 MR. KUSHI: I can only speculate at this point.

04:42:44 4 CHAIR ALULI: Right. And --

04:42:51 5 COMMISSIONER YOKOUCHI: Mr. Chair, could I ask
04:42:53 6 Mr. Kushi, so would it be confusing to have an attorney for
04:42:59 7 the department that's still under corp. counsel even if he's
04:43:05 8 being paid by the liquor commission? I mean, I know -- I
04:43:11 9 think for me, if I was in that position, I wouldn't know who
04:43:14 10 is my boss.

04:43:16 11 MR. KUSHI: Correct. And if he's under our office,
04:43:19 12 if something should happen, he -- he screws up, he's under our
04:43:25 13 supervision, okay, his license comes under office, so we'd be
04:43:29 14 on the line for any of his mishaps, not the department. Now,
04:43:34 15 I think what the department is basically asking for is their
04:43:38 16 own separate --

04:43:38 17 COMMISSIONER: Position.

04:43:39 18 MR. KUSHI: -- dedicated --

04:43:39 19 COMMISSIONER: Right.

04:43:40 20 MR. KUSHI: -- in-house counsel stays in their
04:43:43 21 office and gives them -- helps them out as an attorney. But
04:43:47 22 not from my office, because I have no supervision over him.

04:43:50 23 CHAIR ALULI: Yeah, right.

04:43:53 24 COMMISSIONER: Mr. Chair.

04:43:55 25 CHAIR ALULI: That's a tough one too.

04:43:58 1 DIRECTOR MUKAI: I believe how it's -- the -- based
04:44:04 2 on the discussion was that attorney will be of corp. counsel,
04:44:11 3 all we do is pay for his fees and he provides full-time
04:44:15 4 service to our office instead of going to these different
04:44:19 5 departments to service.

04:44:22 6 COMMISSIONER BECRAFT: Mr. Chair.

04:44:23 7 CHAIR ALULI: Yes.

04:44:24 8 COMMISSIONER BECRAFT: Let me ask Mr. Kushi another
04:44:27 9 question. Jamie Becraft. You're -- you're deputy, right,
04:44:39 10 Mr. Kushi, you're second in charge?

04:44:42 11 MR. KUSHI: Yes.

04:44:44 12 COMMISSIONER BECRAFT: Okay. So this question is a
04:44:47 13 managerial question. If at this point in time you could get
04:44:53 14 enough employees, let's say, that you had a -- well, I won't
04:45:02 15 even do that. Would you deem it feasible to have one of your
04:45:07 16 employees working with -- in your office, would it occupy
04:45:11 17 their 40-hour week to just handle liquor? Would that be what
04:45:18 18 you -- if you had one of your deputies that the only thing
04:45:21 19 they did the whole time was just liquor, would you consider
04:45:26 20 them to be loaded down, you know, have a full workload, or do
04:45:31 21 you think that they would have a lot of time on their hands?

04:45:36 22 MR. KUSHI: I'm not sure whether it's 20 hours, 40
04:45:43 23 hours, or 60 hours, because, you know, frankly, deputies in my
04:45:48 24 office, we don't keep time sheets.

04:45:50 25 COMMISSIONER BECRAFT: I understand that.

04:45:53 1 MR. KUSHI: We're task oriented.

04:45:59 2 CHAIR ALULI: You're task, yes.

04:46:02 3 MR. KUSHI: You know, if it takes us two, three
04:46:06 4 hours to do something, so be it. If it takes eight hours to
04:46:12 5 do one thing, so be it, you stay until you finish that job.
04:46:18 6 But, again, aside from that question, maybe there is one way
04:46:25 7 to do -- do this, if the council approves, is somehow
04:46:32 8 rearrange our organizational chart, my department's chart, to
04:46:38 9 add this dedicated deputy, but still under our supervision.
04:46:47 10 He may not be -- those questions may come up, How much is this
04:46:52 11 deputy going to cost us? It may be, you know, at the rate --
04:46:58 12 less overhead charges, can only dedicate 80 percent of his
04:47:05 13 time to the department, he would be there 80 percent of the
04:47:10 14 time. I don't know. This is so confusing.

04:47:15 15 But, again, in the -- at the end of the day, if it
04:47:20 16 can be worked out, fine. 'Cause the department needs the
04:47:27 17 representation on various issues, like the director said,
04:47:30 18 personnel issues takes a lot of his time. Licensing issues
04:47:41 19 and -- I think has been worked out, but previously there's a
04:47:47 20 mountain of work to do 'cause we had all these complaints from
04:47:53 21 the licensees. Rules and regulations, all these people
04:47:56 22 showing up, you remember? Again, so, you know, if an in-house
04:48:02 23 deputy was there, it could have helped process the office
04:48:05 24 procedures. I stand here just representing the commission --

04:48:10 25 COMMISSIONER: Right.

04:48:14 1 MR. KUSHI: We as supervision over the department
04:48:18 2 through your supervision over the director.

04:48:23 3 CHAIR ALULI: I think that it -- Jamie's point's
04:48:28 4 well taken and I think that's a question that needs to be very
04:48:32 5 thoughtfully given to if it -- if there was a counsel
04:48:39 6 specifically assigned to the liquor department, are they going
04:48:43 7 to have demands on them that are really going to occupy their
04:48:49 8 time, 40 hours or -- a week, you know, 52 weeks or -- 50 weeks
04:48:56 9 a year, I just -- I -- for \$130,000.

04:49:09 10 COMMISSIONER VENENCIANO: Commissioners, not only
04:49:15 11 130,000, 'cause --

04:49:15 12 CHAIR ALULI: Or plus the 91. Plus the 91, yeah,
04:49:20 13 you're talking two hundred --

04:49:20 14 COMMISSIONER VENENCIANO: You're looking at 290.

04:49:23 15 CHAIR ALULI: Yeah, that's a lot of money for that
04:49:26 16 individual, wow, and then all the -- all the benefits and
04:49:31 17 office and everything else, wow. Yeah, so --

04:49:35 18 COMMISSIONER BECRAFT: Mr. Chair. And I would --
04:49:37 19 Mr. Chair.

04:49:37 20 CHAIR ALULI: Yes.

04:49:39 21 COMMISSIONER BECRAFT: Jamie Becraft. And I would
04:49:44 22 like to just again reiterate the whole thing is that I'm not a
04:49:55 23 hundred percent against it if we can bring examples.

04:50:01 24 CHAIR ALULI: Justify it.

04:50:04 25 COMMISSIONER BECRAFT: And I mean hard core

04:50:08 1 examples, not --

04:50:09 2 CHAIR ALULI: Right, right.

04:50:13 3 COMMISSIONER BECRAFT: -- theoretical, Well, could

04:50:16 4 be.

04:50:16 5 CHAIR ALULI: Right.

04:50:17 6 COMMISSIONER BECRAFT: And there should be.

04:50:19 7 CHAIR ALULI: Right.

04:50:21 8 COMMISSIONER BECRAFT: And I think there was

04:50:22 9 somebody who might have been unset. No, no. I want to see,

04:50:28 10 Okay, yeah, this is failing, this is causing catastrophic

04:50:33 11 failure and it's causing loss of money on another end. You

04:50:40 12 know, if -- because then it's measuring; right? And even if

04:50:45 13 you've got one example that says, Okay, we lost \$10,000;

04:50:50 14 compared to \$250,000, we're going to lose the ten grand. I

04:50:57 15 mean, depending on what it -- of course, as long as it doesn't

04:51:04 16 cause -- it's not causing --

04:51:07 17 CHAIR ALULI: You know, I think that we --

04:51:10 18 COMMISSIONER BECRAFT: -- obvious legal issues.

04:51:12 19 CHAIR ALULI: Yeah. I think we would -- we would

04:51:14 20 like to ask the department if they could come back with the

04:51:19 21 specific examples. I think that's something that all of the

04:51:22 22 commissioners would appreciate, some really very specific

04:51:26 23 examples of how that corporate -- how that -- how counsel's

04:51:33 24 position fully dedicated to liquor would be used and what

04:51:38 25 examples do you have that can be provided to us that clearly

04:51:42 1 define where those needs are. 'Cause I think it is very
04:51:46 2 difficult for us as commissioners to understand that kind of
04:51:50 3 an expense to have a full-time person, full-time counsel
04:51:55 4 within the department. So if you can provide us with very
04:51:59 5 specific examples, it would be a lot easier for us to make a
04:52:05 6 valid decision.

04:52:07 7 COMMISSIONER BECRAFT: And Mr. --

04:52:11 8 MR. KUSHI: Mr. Chair, if also -- I mean, it just
04:52:18 9 came to my mind, if the scheme is to house that person in my
04:52:22 10 office and dedicate him strictly to the department, not only
04:52:27 11 his fringe benefits, but we usually assign a secretary to help
04:52:33 12 him out.

04:52:36 13 CHAIR ALULI: You know, I think that at the end of
04:52:39 14 the day, the bottom line --

04:52:40 15 MR. KUSHI: I want to charge that cost to the
04:52:42 16 department too.

04:52:46 17 (Laughter.)

04:52:47 18 CHAIR ALULI: And I would say that the bottom line
04:52:50 19 is from an organizational standpoint, it would have to be a
04:52:54 20 direct line to the director and a dotted line to corp.
04:52:58 21 counsel; otherwise, it's just not going to work. If it's a
04:53:02 22 direct line to corp -- to corp. counsel and a dotted line to
04:53:10 23 the director, it's going to be really difficult, 'cause I've
04:53:14 24 been in -- I think we've been all been in enough organizations
04:53:18 25 where the direct line report is, is where the pressure is

04:53:22 1 going to be exerted and that's who they're going to respond to
04:53:29 2 at the end of the day, is the direct line report, not the
04:53:36 3 dotted line report.

04:53:38 4 COMMISSIONER BECRAFT: Mr. Chair.

04:53:40 5 CHAIR ALULI: So I think we need -- we need to get
04:53:42 6 some really solid examples of how that corp. counsel's
04:53:46 7 position is going to be used. Okay?

04:53:49 8 COMMISSIONER BECRAFT: And Mr. Chair.

04:53:51 9 CHAIR ALULI: Yes.

04:53:53 10 COMMISSIONER BECRAFT: One more point. Jamie
04:53:59 11 Becraft. If we can also get Mr. -- Gary's input, it would
04:54:05 12 probably be helpful in regard to what his feelings are as far
04:54:09 13 as where they are right now and whether he feels that he can
04:54:16 14 maintain proper service. 'Cause -- or -- and/or if it was
04:54:23 15 dedicated, what -- he'd probably have a better idea too on
04:54:28 16 could he have a full 40-hour week if his only assignment was
04:54:37 17 liquor, because that's who -- that's who it -- we're talking
04:54:42 18 about, right, the position that Gary's --

04:54:46 19 MS. TYAU: I'm not sure if he's presenting --

04:54:47 20 CHAIR ALULI: No, I don't think we've come up with
04:54:50 21 an individual at this point.

04:54:55 22 COMMISSIONER BECRAFT: Oh, but it's for that -- that
04:54:59 23 department, though; right?

04:55:01 24 MS. TYAU: For the department.

04:55:03 25 COMMISSIONER BECRAFT: So that's who -- that's what

04:55:05 1 Gary does now; is that correct?

04:55:07 2 MS. TYAU: Yes.

04:55:10 3 COMMISSIONER BECRAFT: Okay. So Gary would have a
04:55:14 4 firsthand knowledge.

04:55:15 5 CHAIR ALULI: Firsthand knowledge, yeah.

04:55:21 6 COMMISSIONER BECRAFT: Right?

04:55:22 7 CHAIR ALULI: Yeah.

04:55:25 8 COMMISSIONER BECRAFT: So he would probably be -- if
04:55:28 9 we can get -- also get him -- his input on this and maybe our
04:55:34 10 ability to talk to him about it.

04:55:36 11 MR. KUSHI: I don't know if he wants to tell it when
04:55:49 12 I'm present.

04:55:49 13 (Laughter.)

04:55:54 14 COMMISSIONER BECRAFT: Well, but --

04:55:56 15 CHAIR ALULI: Well, let me -- let me ask this
04:55:58 16 question.

04:55:59 17 COMMISSIONER BECRAFT: If that's his only
04:56:07 18 assignment, is it --

04:56:08 19 CHAIR ALULI: Let me ask this question: Would it be
04:56:13 20 appropriate for myself as the chair to ask him that question?

04:56:19 21 MR. KUSHI: Go ahead.

04:56:21 22 CHAIR ALULI: Okay. Then I will take it upon myself
04:56:25 23 to address that question with Gary on behalf of the
04:56:31 24 commissioners. And if I come up with an answer that is going
04:56:39 25 to be a valid answer for that or not, then I will share that

04:56:44 1 with the commissioners. But I'll take it upon myself to have
04:56:48 2 that -- to address that issue with Gary. Okay?

04:56:51 3 COMMISSIONER BECRAFT: Thank you.

04:56:53 4 COMMISSIONER YOKOUCHI: Mr. Chair.

04:56:54 5 CHAIR ALULI: Yes, Leslie-Ann.

04:56:58 6 COMMISSIONER YOKOUCHI: One question.

04:57:00 7 CHAIR ALULI: Yes.

04:57:01 8 COMMISSIONER YOKOUCHI: What if we were to give Gary
04:57:06 9 a little higher pay from our department, would that in itself
04:57:11 10 kind of work itself out that Gary feels a little more
04:57:15 11 obligated to us?

04:57:23 12 COMMISSIONER: No.

04:57:27 13 CHAIR ALULI: No, I don't --

04:57:31 14 COMMISSIONER BECRAFT: No, that --

04:57:32 15 CHAIR ALULI: I really do think that it needs to be
04:57:36 16 a person -- if a counsel is assigned to this department, the
04:57:48 17 direct report needs to be to the director, it can't be to the
04:57:55 18 head of corp. counsel, no way. 'Cause you know what's going
04:57:59 19 to happen, he's going to get -- that individual is going to
04:58:03 20 get pulled into some of the responsibilities that corp.
04:58:07 21 counsel's going to assign them, guaranteed, guaranteed.

04:58:11 22 COMMISSIONER DE JETLEY: Mr. Chair.

04:58:12 23 CHAIR ALULI: That's where the dotted line -- if
04:58:16 24 that's where the direct line is. Yes.

04:58:19 25 COMMISSIONER DE JETLEY: Mr. Chair. Alberta

04:58:22 1 de Jetley. I have a comment. I'd be really adverse to this.
04:58:27 2 If I were a licensee and I was paying for the -- my fees were
04:58:35 3 paying for this department, I'd rather see us clone someone
04:58:40 4 like Layne, who is out actually physically assisting the
04:58:46 5 licensees, than having an attorney sitting in an office just
04:58:50 6 in the off chance that we need his services. I could see the
04:58:53 7 planning department wanting their own in-house counsel, I can
04:58:57 8 see the police department, I can see every single department
04:59:01 9 in this county asking for their own in-house counsel. I think
04:59:06 10 that we need to concentrate on improving our services to the
04:59:10 11 people who are paying our bill and that would be to the
04:59:13 12 licensees. So we -- we could probably spend half this amount
04:59:18 13 of money and get in an assistant who can directly help the
04:59:23 14 licensees. This is -- I -- there is no way that I could
04:59:28 15 support an in-house attorney for this department.

04:59:34 16 CHAIR ALULI: I will -- as I said, let me address
04:59:38 17 this with Gary and then at this point what -- what do we have
04:59:45 18 to do in terms of approval or disapproval of -- moving forward
04:59:51 19 with this?

04:59:52 20 MS. TYAU: If you don't approve it, then I just
04:59:55 21 wouldn't put it forth to budget, to the mayor.

04:59:59 22 CHAIR ALULI: Okay.

05:00:00 23 MR. KUSHI: What's your time?

05:00:02 24 CHAIR ALULI: Yeah, what's your time frame on that?

05:00:06 25 MS. TYAU: I mean, we're like in budget right now,

05:00:13 1 but it doesn't go before council until -- mayor will normally
05:00:22 2 propose his budget in March, but at least by the end of this
05:00:26 3 year.

05:00:27 4 CHAIR ALULI: Yeah. Okay. So let's do this: By
05:00:30 5 our next meeting I will meet with Gary to get some more
05:00:35 6 information, at our next meeting I will share that with --
05:00:46 7 with the board. And if you could come up with some specific
05:00:50 8 examples as Gary -- as Jamie asked for, that will help us
05:00:57 9 understand why you think a counsel -- counsel specifically
05:01:02 10 assigned to this department would be extremely helpful. It
05:01:07 11 would -- it would help us make a decision.

05:01:10 12 COMMISSIONER BECRAFT: Mr. Chair.

05:01:12 13 CHAIR ALULI: Yes.

05:01:13 14 COMMISSIONER BECRAFT: If I can just ask for a
05:01:15 15 little clarification. Not just -- whatever examples there
05:01:18 16 are, not just like, Okay, here's one and this is an example of
05:01:24 17 the other things that are going on. If you're going to -- I'd
05:01:28 18 like more. If there's 42 of them, then give us the 42. I
05:01:34 19 don't -- I wouldn't want one and then -- and the verbiage, And
05:01:38 20 this is an example of things that do happen. I'd like to see
05:01:43 21 them all if we're going make a reference.

05:01:46 22 MR. KUSHI: Mr. Chair.

05:01:47 23 CHAIR ALULI: Yes.

05:01:48 24 MR. KUSHI: I guess my last word on this and, like I
05:01:51 25 said, initially I said when Glenn brought this up, the

05:01:56 1 director brought it, I thought it was a good idea, you know,
05:02:02 2 whatever you can do, 'cause you guys got the money. In the
05:02:08 3 alternative, you may want to take a step back after you talk
05:02:11 4 to Gary and instead of a dedicated deputy corp. counsel,
05:02:16 5 change your position to maybe a paralegal or like what the
05:02:20 6 council services does, a legal analyst or an analyst, you
05:02:26 7 know, not a full-fledged attorney, but -- and versed in liquor
05:02:32 8 laws and legal ramifications. Then our office wouldn't be
05:02:43 9 involved.

05:02:43 10 CHAIR ALULI: Yeah. Yeah. Good suggestion.

05:02:55 11 Whoop, you can't have a conversation. You can't
05:02:57 12 have a conversation, give it out to all of us. Okay?

05:03:02 13 So at this point we're not going to approve this,
05:03:05 14 okay, we need more information as we've asked. If you guys
05:03:10 15 can provide that, I'll meet with Gary and then we'll at
05:03:14 16 November's meeting bring this up again. Okay?

05:03:20 17 All right. You want to move on to the next item.

05:03:24 18 MS. TYAU: Okay. So as far as B account operations,
05:03:29 19 that would be --

05:03:34 20 CHAIR ALULI: What section and what attachment?

05:03:40 21 MS. TYAU: Section 4, Attachment 3-1.

05:03:43 22 CHAIR ALULI: Okay.

05:04:06 23 MS. TYAU: So operations were 444,954 last year,
05:04:18 24 we're asking for 506,954 and the increases would be -- should
05:04:32 25 we move to the new service center within next fiscal year,

05:04:44 1 we're putting in 15,000 for moving expenses to the new service
05:04:49 2 center.

05:04:50 3 CHAIR ALULI: Do me a favor, when you're -- when
05:04:53 4 you're -- when you're explaining something, give us the line
05:04:57 5 item you're dealing with, please, so we can look at. That's
05:05:01 6 6129 you're talking about; right?

05:05:05 7 MS. TYAU: Yes.

05:05:06 8 CHAIR ALULI: Yeah.

05:05:14 9 COMMISSIONER BECRAFT: I'm sorry, Mr. Chair, I'm not
05:05:17 10 following.

05:05:17 11 COMMISSIONER DE JETLEY: Mr. Chair, I'm totally
05:05:20 12 lost. Where are we?

05:05:23 13 CHAIR ALULI: Okay. We're --

05:05:24 14 MS. TYAU: Section 4, Attachment 3-1.

05:05:30 15 CHAIR ALULI: If you look up in the right-hand
05:05:34 16 corner.

05:05:34 17 COMMISSIONER DE JETLEY: Yes.

05:05:34 18 CHAIR ALULI: Section 4, Attachment 3-1.

05:05:41 19 COMMISSIONER DE JETLEY: Okay.

05:05:43 20 CHAIR ALULI: It's the Liquor Control, Liquor
05:05:46 21 Control Program, and then the line item --

05:05:50 22 COMMISSIONER DE JETLEY: Index code.

05:05:53 23 CHAIR ALULI: -- she's talking about is 6129. I'm
05:05:57 24 sorry. All of them are -- the index code is the same, so if
05:06:02 25 you take a look at the second column, the line item, you have

05:06:07 1 a sub --

05:06:09 2 COMMISSIONER DE JETLEY: Oh, Other Services?

05:06:12 3 CHAIR ALULI: Second column, the line item number is
05:06:15 4 6129, Other Services, that's what Georgette is addressing
05:06:20 5 right now. Okay? Everybody there?

05:06:23 6 COMMISSIONER DE JETLEY: Yeah.

05:06:24 7 COMMISSIONER BECRAFT: Okay.

05:06:25 8 CHAIR ALULI: Okay.

05:06:27 9 MS. TYAU: So the 15,000 for moving expenses to the
05:06:31 10 new service center should it fall within the next fiscal year.

05:06:38 11 CHAIR ALULI: And quick explanation in case people
05:06:40 12 aren't aware of the fact that there is the possibility that
05:06:48 13 the liquor department will be moving to the new service center
05:06:52 14 which is being built down by the new Safeway in Kahului.
05:06:56 15 Okay?

05:06:57 16 All right.

05:06:59 17 MS. TYAU: Then I would just like to clarify that
05:07:06 18 although we collect the council approved budget, anything --
05:07:13 19 because we're solely funded by liquor license fees, anything
05:07:19 20 that doesn't get used throughout the year gets refunded to the
05:07:27 21 licensee. So it's not a loss, it just gets put back into
05:07:34 22 the fee and they don't pay, yeah. So whatever we don't use
05:07:50 23 goes back to the licensees.

05:07:52 24 CHAIR ALULI: And it's realized by them with lower
05:07:55 25 fees, that's how -- is that how --

05:07:56 1 MS. TYAU: There's a lot of variables, but it would
05:07:59 2 affect the percentage fee, it would bring down the percentage
05:08:15 3 fee --

05:08:16 4 CHAIR ALULI: The fee.

05:08:18 5 MS. TYAU: -- if you had more carryover savings.

05:08:25 6 CHAIR ALULI: Okay.

05:08:28 7 COMMISSIONER DE JETLEY: Mr. Chair, I have a
05:08:31 8 question. So what are we paying for rent on this building?
05:08:37 9 Are we going to save money by moving to the service center?

05:08:47 10 MS. TYAU: We don't know what the new service center
05:08:51 11 fees -- yeah, that is still in the process, so we're not --
05:08:55 12 we're just preparing in case. This is preparing for the move
05:08:59 13 should we go, that is just -- that is another thing, we don't
05:09:03 14 know what the cost of it is at this time.

05:09:06 15 CHAIR ALULI: I don't know. Yeah. This is just the
05:09:11 16 moving fee, this is isn't the rent or the lease, yeah. Okay.

05:09:24 17 MS. TYAU: We're also asking to increase
05:09:27 18 professional services by \$50,000 for legal services. This is
05:09:34 19 for like any investigations that we need to pay for and so
05:09:38 20 forth. Like when the commission approves a -- approves the
05:09:44 21 use of --

05:09:45 22 CHAIR ALULI: Out side counsel.

05:09:47 23 MS. TYAU: -- outside counsel, we need to be able to
05:09:51 24 pay for it because we're getting charged for it and it was not
05:09:56 25 budgeted last.

05:09:58 1 COMMISSIONER BECRAFT: Mr. Chair.

05:10:02 2 CHAIR ALULI: Yeah, Jamie.

05:10:04 3 COMMISSIONER BECRAFT: Jamie Becraft. Just so --
05:10:08 4 just for clarification, this is like getting money up front
05:10:12 5 just so that we're -- in case something goes?

05:10:14 6 MS. TYAU: Yes.

05:10:15 7 COMMISSIONER BECRAFT: And if it doesn't go, it's no
05:10:19 8 trouble, because we're just going to give it back to the
05:10:22 9 licensees --

05:10:23 10 MS. TYAU: Yes.

05:10:25 11 COMMISSIONER BECRAFT: -- after the fact. So we
05:10:27 12 just being -- being ready in case something goes wrong?

05:10:32 13 MS. TYAU: Yes.

05:10:34 14 COMMISSIONER BECRAFT: Okay.

05:10:37 15 MS. TYAU: Because unlike other departments that can
05:10:41 16 go in for a budget amendment because they get money from the
05:10:45 17 general fund, once it's set, we're only going to collect our
05:10:54 18 budget and we collect the percentage fees in the year we're
05:10:59 19 in, so it's not like we can go back and ask for more because
05:11:03 20 it's a done deal --

05:11:06 21 CHAIR ALULI: Right.

05:11:07 22 MS. TYAU: -- because we're collecting it from the
05:11:09 23 licensee through percentage fees.

05:11:12 24 COMMISSIONER BECRAFT: Yeah. That makes sense.

05:11:14 25 MS. TYAU: And then 6152, Cellular Telephones,

05:11:20 1 liquor control officers have been asking for new phones, but
05:11:25 2 rather than just outright buying the phones, which would be
05:11:30 3 about \$17,000, the 12,000 is just paying that monthly so that
05:11:38 4 we can upgrade it at any time should -- should we need to.

05:11:50 5 CHAIR ALULI: What cellphones do you have in the
05:11:53 6 department?

05:11:56 7 MS. TYAU: Well, each liquor control officer --

05:11:59 8 CHAIR ALULI: Has their own cellphone.

05:12:02 9 MS. TYAU: -- has one. So that's what we're looking
05:12:05 10 at, the liquor control officers and administrative services
05:12:09 11 and enforcement, so those are the phones that we're looking at
05:12:13 12 upgrading.

05:12:15 13 COMMISSIONER BECRAFT: Mr. Chair.

05:12:16 14 CHAIR ALULI: Yes, Jamie.

05:12:19 15 COMMISSIONER BECRAFT: Jamie Becraft. The -- this
05:12:22 16 is sort of the same system that most everyone else in the
05:12:26 17 county is following also; right? You just go on the payment
05:12:30 18 plan and it keeps them updated and that way you have, you
05:12:35 19 know, fresh phones every couple years or whatnot; right?

05:12:39 20 MS. TYAU: Yes. So previously we've bought them, so
05:12:42 21 this was an idea brought forth by the mayor's office that
05:12:46 22 maybe we can look into just doing, so that's what this is.

05:12:58 23 COMMISSIONER BECRAFT: This kind of keeps you in the
05:13:02 24 updated --

05:13:04 25 MS. TYAU: Yeah.

05:13:06 1 COMMISSIONER BECRAFT: -- phone world instead of
05:13:08 2 just --

05:13:10 3 MS. TYAU: And you have more of an option.

05:13:12 4 COMMISSIONER BECRAFT: -- the flip phone. Okay.
05:13:17 5 Yeah.

05:13:19 6 MS. TYAU: Okay. So 6201, Airfare, the 27,000,
05:13:26 7 we're just asking that it gets put back into the 913012. Last
05:13:36 8 year council created a different index code, if you look at
05:13:47 9 the bottom of the page, and I'm just -- we're just asking to
05:13:51 10 move it back to the liquor fund 913012 without provisos. So
05:14:02 11 that's what the continuation request is, so it's not an
05:14:06 12 increase, just moving it back under 913012 liquor fund.

05:14:15 13 COMMISSIONER DE JETLEY: I have a question,
05:14:16 14 Mr. Chair. On that, does that include the airfare for Lanai
05:14:22 15 and Molokai commissioners?

05:14:22 16 MS. TYAU: Yes.

05:14:24 17 COMMISSIONER DE JETLEY: Or where do we come in?

05:14:26 18 MS. TYAU: No, that's it.

05:14:29 19 DIRECTOR MUKAI: That's it.

05:14:31 20 MS. TYAU: So the continuation budget. The only
05:14:41 21 increase we're asking for is \$5,000, that is --

05:14:50 22 COMMISSIONER DE JETLEY: For the conference.

05:14:52 23 MS. TYAU: -- five people -- well, Hawaii is hosting
05:14:56 24 the NCSLA next year because the Honolulu Liquor Commission --
05:15:14 25 she's not a deputy, the administrator, she's the president, so

05:15:26 1 Hawaii is responsible. So we're required -- or at least was
05:15:30 2 asked to provide two people to help run, run the conference,
05:15:35 3 because it takes a lot of people. And then the other three
05:15:39 4 that we're looking for is just to send three other people to
05:16:04 5 maybe like the NLEA conference.

05:16:10 6 And then that goes with the 6222 per diem 5,000
05:16:21 7 increase. And this is just an estimate that we probably -- if
05:16:27 8 we don't use it all, like I said, it goes back to the
05:16:31 9 licensees.

05:16:35 10 And then that would be all for our operations
05:16:40 11 budget, everything else just remains the same.

05:16:46 12 Liquor -- like I said, overhead that we pay to the
05:16:52 13 general fund, overhead is where our fringe benefits get paid
05:16:58 14 out of, is estimated at one million two hundred four
05:17:10 15 hundred -- two hundred thousand four hundred twenty-five. So
05:17:24 16 overhead is -- that gets paid to the general fund has always
05:17:30 17 been a little more -- about one-third of our budget. We don't
05:17:50 18 have a say in that.

05:17:51 19 And then the C account, we're continuing for our
05:17:59 20 copier lease, that section for Attachment 3-2.

05:18:13 21 COMMISSIONER DE JETLEY: Leased Equipment.

05:18:17 22 MS. TYAU: So that's just our main copier, so it's a
05:18:22 23 continuation for the copier lease. We're asking to replace
05:18:26 24 one vehicle at \$32,000 and that's just across the county for a
05:18:39 25 hybrid, a mini SUV is what we've been getting, as a

05:18:52 1 replacement for the administrative services vehicle.

05:19:01 2 COMMISSIONER BECRAFT: I'm so sorry. What --

05:19:06 3 CHAIR ALULI: That's Section 5 dash -- 5-3; right?

05:19:12 4 MS. TYAU: Yes.

05:19:14 5 COMMISSIONER BECRAFT: Okay. I'm sorry.

05:19:17 6 COMMISSIONER DE JETLEY: Is that would be an

05:19:19 7 electric hybrid?

05:19:22 8 MS. TYAU: No, just the regular hybrid --

05:19:26 9 CHAIR ALULI: No, that's --

05:19:29 10 MS. TYAU: -- is we're required to have at the

05:19:32 11 county.

05:19:33 12 COMMISSIONER DE JETLEY: I see.

05:19:44 13 MS. TYAU: Yeah. And then the last item would be

05:19:46 14 \$50,000 for furniture should we move into the new service

05:19:52 15 center next -- next fiscal year.

05:19:57 16 COMMISSIONER BECRAFT: You ain't gonna get a lot of

05:20:00 17 furniture for that. It's so expensive.

05:20:06 18 MS. TYAU: Well, we're not looking at everything,

05:20:09 19 we're going to use -- but what we're looking at probably is

05:20:19 20 desks or workstations for the enforcement and licensing

05:20:23 21 sections.

05:20:40 22 COMMISSIONER DE JETLEY: Mr. Chair, I have a

05:20:46 23 question for Glenn.

05:20:50 24 DIRECTOR MUKAI: Yes.

05:20:51 25 COMMISSIONER DE JETLEY: Glenn, how do you feel

05:20:52 1 about moving to the new service center, if it happens? Do you
05:20:58 2 think it will help?

05:20:59 3 DIRECTOR MUKAI: I believe it would help and --
05:21:03 4 because as you can see, this building is very old and --

05:21:12 5 COMMISSIONER YOKOUCHI: And the parking sucks.

05:21:15 6 DIRECTOR MUKAI: Yeah, and parking. Because the new
05:21:18 7 service center, the county bought two lots, one lot would have
05:21:22 8 the new service center, the other lot will be vacant, so there
05:21:29 9 will be a lot of parking and -- because the bottom floor of
05:21:34 10 the new service center will be the motor vehicles division, so
05:21:42 11 they require a lot of parking also. So we can move all of our
05:21:51 12 cars comfortably down there and they'll be readily available.
05:21:56 13 Plus, we can set up our conference room, which will be bigger,
05:22:02 14 where like now everybody's squeezed in and not enough space
05:22:08 15 for the public. So it will be an improvement.

05:22:17 16 CHAIR ALULI: Okay. Any questions for the
05:22:21 17 department regarding the budget?

05:22:25 18 (No response.)

05:22:25 19 CHAIR ALULI: No? If not, you've got the request
05:22:29 20 that we have. If there are no further questions by --

05:22:37 21 MS. TYAU: Okay. That was liquor fund.

05:22:40 22 CHAIR ALULI: I'm sorry. Okay. Go ahead.

05:22:43 23 MS. TYAU: I wanted to -- if you can just take a
05:22:46 24 look at the two-page Fiscal Year '21 Liquor Education Fund
05:22:55 25 Proposed Budget.

05:22:57 1 COMMISSIONER BECRAFT: Okay.

05:22:58 2 MS. TYAU: So this is our resolving fund that is
05:23:02 3 made up of the fines and this is governed under HRS 281-17, so
05:23:18 4 the only new things on here is --

05:23:26 5 CHAIR ALULI: Does everybody have that?

05:23:29 6 COMMISSIONER DE JETLEY: Mm-hmm.

05:23:31 7 CHAIR ALULI: Okay.

05:23:32 8 MS. TYAU: So pretty much it's -- we're still asking
05:23:35 9 for all of the same things. Office supplies is six -- that is
05:23:42 10 for like our (inaudible) and we buy the binders and
05:23:51 11 everything. We do the mass -- the mass reproduction, which is
05:23:58 12 like five hundred something binders and then -- that we make
05:24:04 13 for the public, the ones that we sell also. (Inaudible)
05:24:18 14 binding if there's new rules. So these are just
05:24:21 15 continuations.

05:24:23 16 Jetco, the maintenance fee. Airfare is -- this is
05:24:30 17 our education and certification training. We also have the
05:24:39 18 department of health mandatory certification for sound level
05:24:45 19 meters for enforcement. The publication, we've always provide
05:24:50 20 the ID checking guides for licensees. The per diem goes with
05:24:58 21 the certification and educational training.

05:25:04 22 And then this year we're asking -- we can do 10
05:25:12 23 percent of fines accumulated and right now we're just
05:25:19 24 around --

05:25:20 25 DIRECTOR MUKAI: 300,000.

05:25:20 1 MS. TYAU: -- 300,000. So at the time they do the
05:25:23 2 grant, it's going to depend on what 10 percent is, but roughly
05:25:27 3 it's going to be 30,000, is what we're asking for grants for
05:25:43 4 the public liquor related education or enforcement programs.
05:25:52 5 Where it goes to hasn't been decided yet, but that would be
05:25:56 6 the overall, the 30,000.

05:26:00 7 And then the other thing is registration and
05:26:02 8 training fees. One is for the department, it's, I think, LLC
05:26:12 9 training for the department. Nane might be able to explain
05:26:21 10 that.

05:26:22 11 CHAIR ALULI: Yeah. I think LLC is a training
05:26:30 12 seminar that I think would help the department to better
05:26:37 13 address conflict resolutions. And the presentation on this
05:26:45 14 training program was provided for us at the conference in
05:26:50 15 Honolulu. The company is very highly regarded, has been very
05:26:54 16 successful in its efforts to provide a really constructive way
05:27:03 17 of dealing with conflict, and I think it would be -- I think
05:27:07 18 in any kind of a department situation, it would be very
05:27:11 19 helpful training for the liquor department, so I approached
05:27:15 20 Glenn and Georgette about funding this and that's the reason
05:27:19 21 for this amount.

05:27:24 22 MS. TYAU: And then various education for licensees
05:27:29 23 and their employees, the liquor commission and staff, 10,000.
05:27:36 24 And as far as liquor education fund goes, this is not money
05:27:41 25 that we're going to collect from the licensees, it's monies

05:27:45 1 that we've already -- we already have, it's in our revolving
05:27:49 2 fund. So previously the department would just use it;
05:27:53 3 however, it never went before council. Around three or four
05:27:58 4 years ago they decided that revolving funds, they wanted to
05:28:08 5 look at. So whatever gets approved, it's money we already
05:28:12 6 have in our fund separate from the liquor fund.

05:28:23 7 That's it.

05:28:24 8 CHAIR ALULI: Is that it?

05:28:25 9 MS. TYAU: Yes.

05:28:26 10 CHAIR ALULI: Okay. Any questions?

05:28:27 11 COMMISSIONER BECRAFT: Yes, Mr. Chair.

05:28:30 12 CHAIR ALULI: Yes.

05:28:32 13 COMMISSIONER BECRAFT: Jamie Becraft. A couple of
05:28:35 14 different areas. One is just the -- probably like the
05:28:42 15 training for conflict resolution, I was just wondering, do you
05:28:46 16 guys work at all with the Maui Police Department in regard to
05:28:49 17 their Verbal Judo training? 'Cause that's the same thing,
05:28:56 18 it's -- I'm not -- when I say same thing, I shouldn't have
05:29:01 19 said that. I mean it's similar in the sense that it's verbal
05:29:08 20 techniques on how to gain voluntary compliance.

05:29:08 21 CHAIR ALULI: Right.

05:29:14 22 COMMISSIONER BECRAFT: Do your -- do the folks on
05:29:16 23 the road get that training?

05:29:20 24 MS. TYAU: No, we haven't -- maybe years ago, yeah.
05:29:25 25 Yeah, a long time ago they may have done it. But this would

05:29:33 1 be something different.

05:29:34 2 CHAIR ALULI: This -- yeah. This is a --

05:29:37 3 MS. TYAU: Totally different.

05:29:45 4 COMMISSIONER BECRAFT: I'm not against that at all.
05:29:47 5 I'm just saying maybe an additive, just to throw out there
05:29:52 6 that you may want to look into getting -- because I'm certain
05:29:56 7 that -- you know, I'm hopeful that the Maui Police Department
05:30:01 8 is still happy to have liquor come and do some cross training,
05:30:06 9 'cause that's -- when you brought that up, it's always a good
05:30:11 10 idea to teach people verbal techniques on getting people --

05:30:18 11 CHAIR ALULI: Disarm.

05:30:23 12 COMMISSIONER BECRAFT: Yeah, to disarm them and --
05:30:28 13 really what you're doing is empowering them. They believe
05:30:34 14 they made the decision to stop fighting with you, so -- but
05:30:41 15 that's what Verbal Judo does, right. So if you want to look
05:30:47 16 into that to be an additive to what you're -- what you're
05:30:52 17 suggesting.

05:30:52 18 And then the other is, is that under 6225, the
05:30:59 19 publications and subscriptions and stuff -- oh, is that the
05:31:07 20 one? You have one where you were talking about like
05:31:10 21 driver's -- you guys send out, I take it, how to identify
05:31:15 22 driver's licensing, fake driver's licenses and things of that
05:31:21 23 nature, and is that the one -- is that the right section there
05:31:26 24 where it's a total of \$24,000?

05:31:29 25 MS. TYAU: Yes.

05:31:31 1 COMMISSIONER BECRAFT: Okay. And I don't know that
05:31:33 2 this is possible. I'm just wondering: Is that something we
05:31:37 3 can start lowering our cost? Because I'm assuming the cost is
05:31:41 4 in printing, most of it, to get the booklets.

05:31:45 5 MS. TYAU: We actually get it from -- it's a
05:31:49 6 publication, yeah, an official publication.

05:31:52 7 CHAIR ALULI: Yeah.

05:31:52 8 MS. TYAU: So the department has always from -- you
05:31:57 9 know, provided it to the licensees because it has all of --
05:32:06 10 Layne can bring it and show it to you.

05:32:08 11 CHAIR ALULI: Yeah.

05:32:09 12 MS. TYAU: So it's not something that we have
05:32:12 13 control over, it's just a matter of you get it from the --

05:32:15 14 CHAIR ALULI: It's already published.

05:32:18 15 MS. TYAU: -- the publisher, yeah.

05:32:21 16 CHAIR ALULI: Yeah, it's already published.

05:32:24 17 COMMISSIONER BECRAFT: I was just wondering if now
05:32:27 18 with modern day things if we can't contact them, I'm not sure
05:32:32 19 if we can't start looking at trying to get that to be -- you'd
05:32:38 20 still have to pay, you know, you're still gonna pay --

05:32:44 21 CHAIR ALULI: Do it online?

05:32:47 22 COMMISSIONER BECRAFT: -- because -- yeah. And
05:32:50 23 you're going to pay, you know, them anyway, but it would be
05:32:54 24 less than having them print the books and sending it to us and
05:32:59 25 then we could get things online, if we've looked into that.

05:33:04 1 MS. TYAU: Well, the idea is that they have it on
05:33:07 2 the premises so that they can physically --

05:33:13 3 CHAIR ALULI: Flip through.

05:33:17 4 MS. TYAU: -- have the rule book that we provide.

05:33:22 5 CHAIR ALULI: Yeah.

05:33:24 6 MS. TYAU: So that has always been the concept of
05:33:28 7 them having it firsthand, yeah.

05:33:30 8 CHAIR ALULI: But that's the copies you give to all
05:33:33 9 of us too; right?

05:33:36 10 MS. TYAU: Yes.

05:33:38 11 CHAIR ALULI: So you give us the same copies, yeah.

05:33:45 12 MS. TYAU: Yes.

05:33:45 13 OFFICER LAYNE SILVA: So it's United States and
05:33:47 14 Canada and international.

05:33:51 15 COMMISSIONER BECRAFT: Okay. Now, that I see the
05:34:01 16 book and the size of the book, I -- I retract my question.
05:34:08 17 'Cause nobody's printing this.

05:34:12 18 (Multiple speakers.)

05:34:12 19 DIRECTOR MUKAI: -- the police department with
05:34:15 20 copies because they have requested.

05:34:17 21 COMMISSIONER VENENCIANO: And I guess we're through
05:34:18 22 the budget review?

05:34:20 23 CHAIR ALULI: Yeah.

05:34:20 24 COMMISSIONER VENENCIANO: Are we deferring it or we
05:34:23 25 can -- I mean, this seems like we have only one problem area

05:34:27 1 and they're working on the budget real hard, so they're
05:34:31 2 crunching the numbers.

05:34:33 3 CHAIR ALULI: Right.

05:34:36 4 COMMISSIONER VENENCIANO: They're 90 percent there.

05:34:39 5 CHAIR ALULI: Right, right.

05:34:41 6 COMMISSIONER VENENCIANO: So we have quorum.

05:34:44 7 CHAIR ALULI: Yes.

05:34:45 8 COMMISSIONER VENENCIANO: We've been digging through
05:34:49 9 the numbers.

05:34:49 10 CHAIR ALULI: The budget, right.

05:34:52 11 COMMISSIONER VENENCIANO: Asking the right
05:34:54 12 questions.

05:34:55 13 CHAIR ALULI: Right.

05:34:57 14 COMMISSIONER VENENCIANO: I think --

05:34:58 15 CHAIR ALULI: Do we approve the budget at this
05:35:02 16 point? No.

05:35:03 17 MS. TYAU: No, you didn't.

05:35:04 18 CHAIR ALULI: No, we don't.

05:35:06 19 MS. TYAU: No, you do need --

05:35:08 20 CHAIR ALULI: Oh, we do need to --

05:35:11 21 MS. TYAU: Yeah.

05:35:12 22 CHAIR ALULI: -- approve this?

05:35:16 23 MS. TYAU: So that I can put it forth to the mayor.

05:35:24 24 CHAIR ALULI: Okay, all right.

05:35:28 25 COMMISSIONER VENENCIANO: And then we can just defer

05:35:30 1 on --

05:35:34 2 CHAIR ALULI: All right.

05:35:36 3 COMMISSIONER VENENCIANO: Attachment 5-1

05:35:53 4 (inaudible).

05:35:54 5 CHAIR ALULI: Yes. Yeah, okay.

05:36:00 6 MR. KUSHI: (Inaudible) budget.

05:36:03 7 CHAIR ALULI: Everything except the counsel.

05:36:12 8 MR. KUSHI: Right.

05:36:13 9 CHAIR ALULI: Okay. So do I have a motion to

05:36:17 10 approve this budget with the exception of the individual

05:36:24 11 counsel for the department?

05:36:27 12 COMMISSIONER BECRAFT: Mr. Chair. Jamie Becraft. I

05:36:31 13 move to approve.

05:36:40 14 COMMISSIONER YOKOUCHI: Second.

05:36:48 15 COMMISSIONER VENENCIANO: Pedro Venenciano. Second.

05:36:49 16 CHAIR ALULI: All in favor?

05:36:54 17 (Response.)

05:36:56 18 CHAIR ALULI: Any opposed?

05:36:58 19 (No response.)

05:37:00 20 CHAIR ALULI: Motion carries.

05:37:01 21 Yes, you do.

05:37:02 22 Okay. Approval to present the budget to the mayor

05:37:07 23 except for the request for the counsel, in-house counsel.

05:37:14 24 Okay.

05:37:15 25 DIRECTOR MUKAI: The last item on the agenda is the

05:37:24 1 Summary of the Liquor Adjudication Board Decision of November
05:37:30 2 7, 2019. It was provided to the members of the commission in
05:37:37 3 your packets.

05:37:41 4 CHAIR ALULI: Okay. That summary is in the packet,
05:38:03 5 in the packet. Oh, yeah, adjudication board. Okay.

05:38:16 6 All right. If there are no other questions, can I
05:38:18 7 get a motion for adjournment?

05:38:22 8 COMMISSIONER DE JETLEY: Mr. Chair. Alberta
05:38:30 9 de Jetley. I move to adjourn.

05:38:34 10 COMMISSIONER DE MELLO: Second.

05:38:35 11 CHAIR ALULI: Is there a second?

05:38:35 12 COMMISSIONER VENENCIANO: Pedro Venenciano. Second.

05:38:40 13 CHAIR ALULI: All in favor?

05:38:42 14 (Response.)

05:38:44 15 CHAIR ALULI: Okay. Motion carries. Meeting is
05:38:48 16 adjourned. (Gavel.)

04:15:39 17 (The proceedings were adjourned at 11:38 a.m.)

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