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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 January 8, 2020.

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

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APPEARANCES

COMMISSION MEMBERS PRESENT:

CHAIRPERSON: NANE ALULI

VICE-CHAIRPERSON: ROY UMENO

COMMISSIONERS: ALBERTA DE JETLEY

LESLIE ANN YOKOUCHI (9:10)

ROBERTO ANDRION, JR. (9:03)

JERRYBETH DE MELLO

JAMIE BECRAFT

STAFF PRESENT:

DEPUTY CORPORATION COUNSEL: EDWARD KUSHI, JR.

DIRECTOR: GLENN MUKAI

DEPUTY DIRECTOR: GEORGETTE TYAU

LIQUOR CONTROL OFFICER III: LAYNE SILVA

COMMISSION SECRETARY: MARIA KHANGSENGSING

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(January 8, 2020, 9:01 a.m.)

* * *

CHAIR ALULI: All right. Let's call the liquor control, liquor commission meeting for January 8, 2020, to order. (Gavel.) Can we start with the roll call, please.

Oh, before we start, again, we're not going to have a recording secretary, so we need to make sure that we announce our names before we speak because everything is going to be on the tape-recorder. Okay?

COMMISSIONER BECRAFT: Mr. Chair. Jamie Becraft, Wailuku.

CHAIR ALULI: Hold on.

Maria.

MS. KHANGSENGSING: Maria Khangsengsing, department of liquor control.

COMMISSIONER BECRAFT: Jamie Becraft, Wailuku.

COMMISSIONER DE MELLO: Jerrybeth De Mello from Lahaina.

COMMISSIONER DE JETLEY: Alberta de Jetley from Lanai.

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

CHAIR ALULI: Aloha. Nane Aluli.

COMMISSIONER UMENO: Roy Umeno.

DIRECTOR MUKAI: Glenn Mukai, liquor control.

MS. TYAU: Georgette Tyau, liquor control.

1 OFFICER LAYNE SILVA: Layne Silva, liquor control.

2 CHAIR ALULI: Thank you very much. Now can I get
3 approval for the agenda for this meeting, January 8th, 2020.

4 VICE CHAIR UMENO: So move.

5 COMMISSIONER DE MELLO: Second.

6 CHAIR ALULI: All in favor?

7 (Response.)

8 CHAIR ALULI: Let the record show that Commissioner,
9 yeah, Roberto Andrion has shown up.

10 Okay. So we have a motion for approval. All in
11 favor?

12 (Response.)

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

14 Okay. Let's move on to Public Testimony, General
15 Licensing Matters, Items A through NN. Can I get a motion for
16 approval?

17 VICE CHAIR UMENO: I move to approve A through NN.

18 COMMISSIONER DE MELLO: So moved.

19 CHAIR ALULI: All in favor?

20 (Response.)

21 CHAIR ALULI: Any opposed?

22 (No response.)

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

24 DIRECTOR MUKAI: Chair.

25 CHAIR ALULI: Yes, sir. Yes, director.

1 DIRECTOR MUKAI: We have to -- you skipped approval
2 of liquor control commission minutes for November 13th.

3 CHAIR ALULI: Oh, sorry about that. What was that
4 again, Glenn?

5 DIRECTOR MUKAI: The minutes, Item IV on the agenda.

6 CHAIR ALULI: We did that, I think.

7 COMMISSIONER DE MELLO: No.

8 MR. KUSHI: We approved the agenda, but not the --

9 CHAIR ALULI: Okay. Then I will ask for a motion
10 for approval of the liquor commission minutes for
11 November 13th, 2019.

12 VICE CHAIR UMENO: I move to approve the minutes of
13 November 13th.

14 COMMISSIONER DE MELLO: Second.

15 CHAIR ALULI: All in favor?

16 (Response.)

17 CHAIR ALULI: Any opposed?

18 (No response.)

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

20 Okay. Let's move on to general licensing matters.
21 Again, motion for approval for Items A through NN. Can I get
22 a motion for approval?

23 VICE CHAIR UMENO: So moved, but we already did
24 that.

25 COMMISSIONER DE JETLEY: I second. We already did

1 that.

2 CHAIR ALULI: All right. So motion was approved.

3 All right. Let's move on to Public Hearings.

4 Application No. 02, Moku Roots.

5 MR. KUSHI: Wait, hold on.

6 CHAIR ALULI: Oh, sorry.

7 MR. KUSHI: Mr. Chair, I think on Item NN as in nuts

8 nuts.

9 CHAIR ALULI: Yeah.

10 MR. KUSHI: I think the commission should discuss

11 that.

12 CHAIR ALULI: Okay.

13 MR. KUSHI: Because we are granting a temporary,
14 temporary license to the applicant Moku Roots.

15 Staff?

16 OFFICER LAYNE SILVA: Moku Roots LLC doing business
17 as Moku Roots appeared -- was approved last month, which was
18 negated. They were ready for issuance of their liquor
19 license; however, because they weren't able to obtain approval
20 from the commission, corp. counsel advised that they were able
21 to receive a temporary license. And I guess at this time it's
22 for the commission to consider whether to go forward or how to
23 move forward.

24 CHAIR ALULI: So let -- since they approved it, it's
25 good, I mean --

1 MR. KUSHI: Well, Mr. Chair, Members,
2 administratively the department, the director can approve
3 temporary licenses under certain conditions. In this case,
4 the applicant Moku Roots did not fulfill the conditions as set
5 in the rules; however, this commission has the authority to
6 do -- to approve temporary licenses in exceptional
7 circumstances.

8 CHAIR ALULI: Right.

9 MR. KUSHI: The circumstances here was that Moku
10 Roots appeared last month, December 11th --

11 CHAIR ALULI: Right.

12 MR. KUSHI: -- and we went through the procedures as
13 a public hearing. They did the filing, the publication, etc.,
14 but come to find out the next day, we were notified that
15 the -- the meeting of December 11th never happened because of
16 an agenda was not posted. By law, the meeting, as a matter of
17 law, did not happen. However, the applicant did show up,
18 nobody came and testified in response to the public hearing,
19 so here we are. In discussing with the staff, we felt that
20 the applicant should proceed ahead because the glitch in
21 posting was not their fault.

22 CHAIR ALULI: Right.

23 MR. KUSHI: So the applicant -- so we advised the
24 staff, with the approval of the applicant, to apply for a
25 temporary license up to the time that the commission finally

1 decides, which is on the agenda today, which was posted.

2 CHAIR ALULI: Right.

3 MR. KUSHI: So, again, that's where we are. So I
4 think that the commission needs to confirm the temporary
5 license.

6 CHAIR ALULI: In a separate motion?

7 MR. KUSHI: Right.

8 CHAIR ALULI: Okay.

9 VICE CHAIR UMENO: So we need to approve everything,
10 but NN?

11 MR. KUSHI: I think you should separately approve
12 NN.

13 CHAIR ALULI: Okay. Corp. Counsel, since we've
14 already approved NN in our initial motion, do we now have to
15 go in, withdraw that motion, and approve Items A through MM.

16 MR. KUSHI: Yes. For the record you should, yes.
17 So reconsider the previous motion.

18 CHAIR ALULI: Okay.

19 COMMISSIONER DE JETLEY: Move to withdraw the
20 previous motion.

21 VICE CHAIR UMENO: I withdraw the previous motion.
22 And in its place, approve A to MM.

23 COMMISSIONER DE JETLEY: I second the motion.

24 CHAIR ALULI: All in favor?

25 (Response.)

1 CHAIR ALULI: Any opposed? No opposition?

2 (No response.)

3 CHAIR ALULI: Motion carries, then. All right. So
4 the motion for approval of General Licensing Matters A through
5 MM has been approved.

6 The chair would like to entertain a motion now to
7 approve Item NN, which is the -- which was the temporary
8 license for Moku Roots. The chair would like to entertain a
9 motion for approval for Item NN.

10 COMMISSIONER DE JETLEY: Mr. Chair, I move to
11 approve the temporary license NN for Moku Roots.

12 VICE CHAIR UMENO: I second.

13 CHAIR ALULI: Any further discussion?

14 (No response.)

15 CHAIR ALULI: All in favor?

16 (Response.)

17 CHAIR ALULI: Any opposed?

18 (No response.)

19 CHAIR ALULI: Motion carries for Item NN, so the
20 temporary license was approved.

21 Okay. Now we can move on to --

22 MR. KUSHI: Correct.

23 CHAIR ALULI: -- licensing matters, Public Hearing
24 Item No. 7.

25 Okay. Let the record reflect that Commissioner

1 Leslie-Ann Yokouchi is present.

2 Applicant No. 2.

3 MR. KUSHI: Is moku.

4 CHAIR ALULI: Is already --

5 MR. KUSHI: -- done.

6 CHAIR ALULI: No, no, that's already approved.

7 Okay.

8 MR. KUSHI: No, no, no.

9 CHAIR ALULI: Okay. So what --

10 MR. KUSHI: You've got to go over Item A, Moku

11 Roots, Application No. 2 again, because technically it never

12 happened.

13 CHAIR ALULI: Oh, okay. That's right, because the

14 temporary license is what was approved.

15 MR. KUSHI: Right.

16 CHAIR ALULI: Yeah. All right. Okay. So

17 application No. 2, Moku Roots.

18 Layne.

19 MS. GALE: Hi, good morning. Erica Gale, owner/
20 manager Moku Roots.

21 CHAIR ALULI: Okay, Erica. Our apologies for this.

22 We're gonna get through this quick.

23 Okay, Layne.

24 OFFICER LAYNE SILVA: Application No. 2, applicant

25 is Moku Roots LLC doing business as Moku Roots. The proposed

1 premises is located at 335 Keawe Street, No. 211, Lahaina,
2 Maui, Hawaii.

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

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

8 Notice of public hearing was published in the Maui
9 News on October 16th and 23rd, 2019.

10 There are a total of 149 owners and licensees
11 situated within 500 feet of the proposed premises.

12 The department did not receive any protests.

13 CHAIR ALULI: Thank you, Layne.

14 Erica, do you have anything further to add?

15 MS. GALE: No.

16 CHAIR ALULI: Since this is a public hearing, is
17 there anybody in the audience that would like to give
18 testimony?

19 (No response.)

20 CHAIR ALULI: Not having any -- or not seeing any,
21 any questions by any of the commissioners?

22 (No response.)

23 CHAIR ALULI: If not, can I have a motion for
24 approval?

25 COMMISSIONER ANDRION: So moved.

1 COMMISSIONER DE JETLEY: I second.

2 COMMISSIONER DE MELLO: Second.

3 CHAIR ALULI: All in favor.

4 (Response.)

5 CHAIR ALULI: Anybody opposed?

6 (No response.)

7 CHAIR ALULI: Not seeing any opposition, motion
8 carries. Thank you very much, Erica.

9 MS. GALE: Thank you guys so much.

10 CHAIR ALULI: Appreciate your coming back in.

11 Let's move on to Item B, Application No. 10, Haumana
12 Maui LLC.

13 Layne.

14 OFFICER LAYNE SILVA: Please state your name.

15 MS. MEHLING: Good morning. Keri Mehling on behalf
16 of the applicant. With me at the table is Donnie Abernathy
17 and then I have the balance of the member/managers with me as
18 well.

19 CHAIR ALULI: Okay. Thank you.

20 Layne.

21 OFFICER LAYNE SILVA: Applicant No. 10, the
22 applicant is Haumana Maui, LLC doing business as Ekolu Kitchen
23 1279. The proposed premises is located at 1279 South Kihei
24 Road, Suite 201, Kihei, Maui, Hawaii.

25 This is a public hearing for a new Restaurant

1 General License, Category B(ii).

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

5 Notice of public hearing was published in the Maui
6 News on November 20th and 27th, 2019.

7 There are a total of 17 owners and lessees situated
8 within 500 feet of the proposed premises.

9 The department did not receive any protests.

10 CHAIR ALULI: Thank you, Layne.

11 Keri, anything further to add?

12 MS. MEHLING: Nothing further.

13 CHAIR ALULI: And, again, our apologies for all of
14 this.

15 MR. KUSHI: This is not (inaudible).

16 CHAIR ALULI: Huh?

17 MR. KUSHI: This one is new.

18 CHAIR ALULI: Yeah, I realize that. Yeah.

19 MR. KUSHI: Yeah.

20 CHAIR ALULI: Any further questions?

21 (No response.)

22 CHAIR ALULI: No. Okay. Since this is a public
23 hearing, is there anybody in the audience that wishes to
24 provide public testimony?

25 (No response.)

1 CHAIR ALULI: Not seeing, do any of the
2 commissioners have any questions of the applicant?

3 COMMISSIONER YOKOUCHI: Chair, I have a question.

4 CHAIR ALULI: Yes.

5 COMMISSIONER YOKOUCHI: Do you have another
6 restaurant or another kind of -- do you have another
7 restaurant and this is the same one that you came before us?

8 MR. ABERNATHY: This is the same one, yes.

9 COMMISSIONER YOKOUCHI: It is the same one. Okay.

10 CHAIR ALULI: Yeah. No further questions?

11 (No response.)

12 CHAIR ALULI: Not having any further questions, can
13 we have a motion for approval?

14 VICE CHAIR UMENO: I move to approve Application
15 No. 10.

16 COMMISSIONER DE MELLO: Second.

17 CHAIR ALULI: Anybody -- all in favor?

18 (Response.)

19 CHAIR ALULI: Any opposed?

20 (No response.)

21 CHAIR ALULI: Seeing no opposition, motion carries.
22 Thank you very much.

23 MS. MEHLING: Thank you.

24 And, Commissioner de Jetley, I understand this is
25 your last meeting?

1 COMMISSIONER DE JETLEY: Yes, it is.

2 MS. MEHLING: Thank you for your service.

3 COMMISSIONER DE JETLEY: Thank you for being --
4 letting me be a -- be a part of this commission.

5 CHAIR ALULI: Okay. Let's move on to Item C,
6 Application No. 28, Guava Tree LLC.

7 MR. KAEHU: Good morning. Alvin Kaehu, Guava Tree,
8 LLC.

9 CHAIR ALULI: Thank you, Alvin.
10 Layne.

11 OFFICER LAYNE SILVA: Application No. 28, the
12 applicant is Guava Tree LLC doing business as Guava Tree Bar &
13 Grill. The proposed premises is located at 270 Waiehu Beach
14 Road, Suite 106, Wailuku, Maui, Hawaii.

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

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

20 Notice of public hearing was published in the Maui
21 News on October 16th and 23rd, 2019.

22 There are a total of 46 owners and lessees situated
23 within 500 feet of the proposed premises.

24 The department did not receive any protests.

25 CHAIR ALULI: Thank you, Layne.

1 Alvin, you got anything further to add?

2 MR. KAEHU: No.

3 CHAIR ALULI: No. Okay. Since -- again, since this
4 is public testimony, is there anybody in the audience that
5 wishes to provide any testimony?

6 (No response.)

7 CHAIR ALULI: Not seeing any, any questions by any
8 of the commissioners?

9 COMMISSIONER DE JETLEY: Mr. Chair.

10 CHAIR ALULI: Yes, Alberta.

11 COMMISSIONER DE JETLEY: I'd like -- I would like
12 to --

13 CHAIR ALULI: Please state your name.

14 COMMISSIONER DE JETLEY: Alberta de Jetley. I would
15 like you for your perseverance in going through the process.
16 Starting a new business in Maui County can be difficult and
17 applying for a liquor license can also be a very, very long
18 process, so congratulations on being here and being a part of
19 the process.

20 MR. KAEHU: Thank you.

21 CHAIR ALULI: Any further comments or questions?

22 (No response.)

23 CHAIR ALULI: Not having any, can I get a motion for
24 approval?

25 COMMISSIONER DE JETLEY: I move to --

1 COMMISSIONER ANDRION: Motion to approve. Second.

2 CHAIR ALULI: All in favor?

3 (Response.)

4 CHAIR ALULI: Any opposed?

5 (No response.)

6 CHAIR ALULI: Not having any, the motion carries.

7 Thank you very much.

8 MR. KAEHU: Thank you.

9 CHAIR ALULI: Okay. Let's move on to Item D, Paia
10 Inn Cafe LLC.

11 MR. NAKAMURA: Good morning, Mr. Chair, Members of
12 the Commission and Staff. Happy new year. Craig Nakamura,
13 attorney on behalf of the licensee, and with me is Mr. Michael
14 Baskin, who is a principal of the company.

15 CHAIR ALULI: Thank you, Craig.

16 Layne.

17 OFFICER LAYNE SILVA: The applicant is Paia Inn Cafe
18 LLC doing business as Vana, License No. 472, Dispenser General
19 License, Category C(ii).

20 Manager of the manager-managed LLC is listed in the
21 investigator's report.

22 The nature of the request is the licensee is
23 requesting commission approval to change to a Class 2
24 Restaurant General License, Category B(ii).

25 The rules of the liquor commission are listed in the

1 investigator's report.

2 A financial report was submitted by the licensee on
3 October 9th, 2019. After reviewing the 12-month financial
4 report, it is found that the licensee does meet the
5 requirements in which at least 30 percent of the
6 establishment's gross revenue is derived from the sales of
7 foods for a Class 2 Restaurant license.

8 CHAIR ALULI: Thank you, Layne.

9 Craig, anything further to add?

10 MR. NAKAMURA: Yeah, just as briefly as I can. You
11 know, we were here a month ago regarding this matter and
12 the -- at that time the commission approved it, I understand
13 we have to have a hearing again. But what this is, this is a
14 relatively small matter. It's a -- I think in the past this
15 is actually called a downgrade because we're actually asking
16 for a restaurant license or that the current dispenser license
17 be converted to a restaurant license. And that's why,
18 pursuant to the rules, we're -- we are allowed to do this with
19 just applying without having to apply for a new license.

20 So I'd ask that you turn to the investigative report
21 that Ms. Molina did a very good job on. She describes the
22 restaurant license on the first page under Section 08-101-22
23 and, really, one of the reasons to obtain a restaurant license
24 is it allows you to provide off-premises catering of food and
25 liquor. So what we're trying to do here is get -- is to allow

1 the restaurant to do catering, basically, and that would
2 require a conversion from a -- the current dispenser license
3 to a restaurant license. And, you know, that's to help the
4 community. I think Mr. Baskin will, you know, have some
5 thoughts on exactly why he's doing this.

6 But as I mentioned, in the past this was really
7 considered a downgrade because we're actually focusing more on
8 the food operation because of the requirement that you provide
9 a statement that -- a financial statement showing that more
10 than 30 percent of your sales are in food, which we have done.
11 So we're focusing more on the food operation than the drinking
12 part, the drinks, you know, so this is actually -- as I
13 mentioned, would be considered a downgrade in the past and
14 different from a bar or a nightclub-type license.

15 The report goes on to say on the second page if we
16 want to change under Class 2, which we are a dispenser, desire
17 to change the category, the establishment shall apply for a
18 new license. So if you want to change to a different type of
19 license, you have to apply for a new license, but on
20 Section 5, we may approve at a public hearing without notice
21 the change from a -- to a Class 2 Restaurant license from a
22 Class 5 Dispenser license. So I hope that's not confusing,
23 but what it says, again, is if we want to convert from a
24 dispenser to a restaurant, we can do it at one hearing and it
25 does say without notice. But if you want to change from a

1 dispenser to any kind of other -- other kind of license, you
2 have to go through the public hearing process and actually
3 apply for a new license.

4 Under Category 6, it says a Restaurant -- this is,
5 really, the requirements for how you can obtain a restaurant
6 license granted to a place which regularly in a bona fide
7 manner is used and kept open for the serving of meals to
8 patrons for compensation, which we do. You know, as mentioned
9 the last time, this is the Vana Restaurant in Paia, it's
10 been -- just this year it was voted by the -- the subscribers
11 to the Maui News as the Best New Restaurant on Maui, so it is
12 serving the -- as a restaurant.

13 Number 2, it has suitable State Department of Health
14 and County of Maui Department of Fire Control approved kitchen
15 facilities, and both of those requirements we are -- we have
16 provided with the application for -- when the original liquor
17 license was granted, we provided a certificate from the fire
18 department and the health department saying that, you know,
19 that this premises was approved. Containing any necessary
20 equipment and supplies for cooking an assortment of foods
21 which may be required for ordinary meals. Additionally, the
22 premises must have been continuously operated for one year
23 prior to any application, and we have done that, you know. We
24 have -- this license was issued, I believe, in 2017, but it
25 has been operated for a year. And the applicant must provide

1 a financial report of gross revenue of that year of which at
2 least 30 percent of the establishment's gross revenue must be
3 derived from the sale of food. So this is what I was talking
4 about, you have to show through providing a financial
5 statement that most of your revenue is coming from the sale of
6 foods.

7 CHAIR ALULI: Right.

8 MR. NAKAMURA: And we have done that and as
9 concluded by Ms. Molina, the licensee does meet the
10 requirements and at least 30 percent of the establishment's
11 gross revenue is derived from the sale of foods.

12 So I'd like to just point that we have met all of
13 the requirements necessary to obtain -- to transfer or convert
14 from a dispenser to a restaurant license. We have -- we want
15 to do that because of the catering aspect of the business.

16 And I understand that there is some opposition, we'd
17 like to reserve the right to address that --

18 CHAIR ALULI: Right.

19 MR. NAKAMURA: -- after the public hearing portion
20 is completed. And I'd be happy to any questions.

21 CHAIR ALULI: Okay.

22 MR. NAKAMURA: And Mr. Baskin would also.

23 CHAIR ALULI: Thank you, Craig.

24 Commissioners, any questions of the applicants?

25 COMMISSIONER ANDRION: Mr. Chair. Roberto Andrion,

1 commissioner. I just want to clarify something. When you --
2 you're basically applying for a restaurant license, but, yet,
3 you're allowed to -- to dispense liquor, is that while you're
4 catering outside of the restaurant?

5 MR. NAKAMURA: So we -- this is to convert -- this
6 hearing today is to allow us to convert from a dispenser
7 license --

8 CHAIR ALULI: Right.

9 MR. NAKAMURA: -- we already have, we've had it for
10 quite some time, to convert that to a restaurant license. And
11 under a restaurant license, we're allowed to do catering of
12 food and beverages.

13 CHAIR ALULI: Right.

14 MR. NAKAMURA: So liquor would -- can be served on
15 off premises, not on the licensed premises, but outside. And
16 it's typical catering, you know, as you're probably familiar
17 with. If you go to an event at a private function and there
18 might be somebody catering food and liquor and that's how it's
19 done.

20 COMMISSIONER ANDRION: Okay. Thank you.

21 CHAIR ALULI: Any further questions by any of the
22 commissioners?

23 (No response.)

24 CHAIR ALULI: Since this is public testimony, is
25 there anybody in the audience that wishes to provide

1 testimony?

2 I see a hand raised. If you would please step up to
3 the microphone, give your name, and you've got three minutes.
4 Thank you very much.

5 MS. AARONA: Mahalo. My name is Aunty Mopsy,
6 Protect Paia, that's what I go by, but my real name is
7 Francine K. Aarona and I live in Paia. I live in the area
8 where the venues are located.

9 As you can see, Paia Town has become a well-known
10 place for visitations of tourists. We have a lot of eating
11 places. And I am sorry to say that when the process of the
12 liquor license came to this board in 2011 for Paia Cafe,
13 although I have been going back and forth with emails saying
14 that the people that live in the radius of 500 feet were
15 supposed to be notified and, of course, I'm kupuna status, so
16 I may have not gotten it, my neighbors don't remember
17 receiving a notification, so we were not able to come forward
18 to say or oppose for or against this venue.

19 The certificate of occupancy -- and I could be
20 corrected because now I am going back and forth clarifying
21 information. The certificate of occupancy for Paia Cafe was a
22 takeout deli and then later on there are a lot of construction
23 going on. I filed a lot of RFSs for this venue. There was a
24 bar that was constructed without a permit, there were several
25 things. But in Paia Town we have many venues who have liquor

1 license, how much more will this board give to these venues?
2 My grandchildren have lost friends through drunk driving and
3 this only adds that. And this license that he's asking for
4 will allow him to cater food to his other venues that he has
5 around within his complex, which I am totally against.

6 So I am very cautious about what you give the venues
7 a liquor license to continue in the manner that they have
8 been. Our local people don't visit the towns anymore unless
9 they have a special occasion, so who are we benefiting? Are
10 we benefiting the people that live there or are we benefiting
11 the tourists that come? It's all about money.

12 So, anyway, thank you, I -- like I said, I'm very
13 sorry that I wasn't here from the get-go. What surprises me
14 is it was approved in 2011, but it was issued in 2018, so I
15 have mixed feelings about all of that, maybe permits were in
16 order, so I ask the board to take a very good look at this
17 before you say yes. Mahalo so much.

18 CHAIR ALULI: Okay. Thank you, Francine.

19 Please state your -- okay.

20 MS. PADILLA: My name -- my name is Melissa Padilla
21 and I'm the marketing and community outreach manager with Paia
22 Inn and Vana and I've been with Michael and the property since
23 August. I owned my own event and planning company for ten
24 years prior to that, so I'm extremely aware and have a lot of
25 background in public events, catering events, and community

1 outreach. And one of my goals has been to -- I would say more
2 than 50 percent of my job has been to make sure that our
3 surrounding community is included, involved, and aware of what
4 is happening within the properties, especially at Vana.

5 We've done lots of meetings with cultural advisors
6 to come out and help us with the prospects of putting
7 strategies in line to make sure that there are no drinking and
8 driving, that there are -- that there isn't going to be an
9 over abundance of the catering cocktails that had been.
10 Basically, what we're -- what we've come is a lot of our
11 clients want private chef dinners, they want Vana, they want
12 opportunities for the restaurant to be within their facilities
13 and their own residence. And so while we're a very popular
14 restaurant in Paia, we've done and are in the process of doing
15 many, many things to make sure that we're supporting our local
16 community.

17 We've -- we've reached out to Aunty Mopsy, we want
18 to make the community better, we want to resolve issues, and
19 that's where my kuleana has come in and I feel that I'm -- you
20 know, I'm -- I personally, just from my lineage, would like to
21 see the community be more embraced and that's what I'm doing.
22 And I really, really want you to know that there are
23 procedures and controls in place that are gonna make sure that
24 the catering side and the restaurant are very well
25 represented. Thank you.

1 CHAIR ALULI: Thank you, Melissa.

2 Craig.

3 MR. NAKAMURA: Yeah, just very briefly. I want -- I
4 guess, again, to clarify that, you know, we already have a
5 license. There's already an existing license for this
6 restaurant that's been in place for quite some time. What
7 we're doing now is just asking to convert to a restaurant
8 license to allow -- allow catering and we're not -- so the
9 issue here today is not the --

10 MR. KUSHI: Excuse me. Hold on. Hold on.

11 CHAIR ALULI: (Conferring with corp counsel.)

12 Are there any further testifiers from the public?

13 (No response.)

14 CHAIR ALULI: Okay? Then if not, then I'm gonna
15 close public testimony at this point.

16 Okay, Craig.

17 MR. NAKAMURA: So, again, sorry, just to clarify --

18 CHAIR ALULI: Sorry. Hold on. Is there -- is there
19 somebody that wants to file -- or give public testimony? If
20 so, please step up to the microphone, state your name.

21 MR. LEAUANAE: Aloha.

22 CHAIR ALULI: You've got three minutes.

23 MR. LEAUANAE: My name is Wilton Leauanae and I just
24 wanted to stand up quickly and just say I do work for Michael
25 Baskin. One of the main purposes was to come in to his

1 organization and just reach out to those who have concerns in
2 the community. One of those who have concerns is Aunty Mopsy
3 and I -- for the last two and a half years, I've been working
4 with Michael, my door is always open. You know, we see each
5 other, we're -- you know, any concerns that she has, I
6 always -- I always try to, you know, address them. And being,
7 you know, just be there for her and any concerns and I still
8 continue to do that in the future from this point on. We have
9 good relationship, she can text me or call me any time, you
10 know, we're sitting next to each now and we say hi, there's
11 nothing -- so it's only -- not only her, but the rest of the
12 Paia community or the Maui community, you know, that's
13 something that Melissa wants to emphasize too is that, you
14 know, we're just trying to make this get along, you know,
15 basically. The island is too small to start anything and our
16 families know each other, you know, you're gonna see each
17 other at first birthdays and things like that, so... My door
18 and Michael's door and the whole organization's doors are
19 always open for any concerns of the community and we try our
20 best to -- to reach out them and -- and resolve them. And so
21 that's all I want to say.

22 CHAIR ALULI: Okay.

23 MR. LEAUANAE: And I have -- I have deep respect for
24 the neighbors all around.

25 CHAIR ALULI: Hold on a minute.

1 Any commissioners have any questions of the
2 testifier? No?

3 COMMISSIONER YOKOUCHI: Chair.

4 CHAIR ALULI: Yes. State your name, please.

5 COMMISSIONER YOKOUCHI: Leslie Yokouchi.

6 When you mentioned community outreach, what -- can
7 you give me a specific example as to what are you doing?

8 MR. LEAUANAE: Well, the main -- one of the main
9 things is having this open communication. And the only person
10 really having issues with Michael and his properties is Aunty
11 Mopsy and her -- you know, her people, her friends or -- but
12 I've never received anything from other neighbors other than
13 her.

14 COMMISSIONER YOKOUCHI: And do these people know
15 that your doors are open? How would the community know that
16 they are able to come in and talk to you and get some
17 questions answered?

18 MR. LEAUANAE: Well, a lot of times, it's through
19 Aunty Mopsy, 'cause she has been -- you know, everyone --
20 everyone recognizes her in Maui County, the Maui Planning
21 Commission, we all know Aunty Mopsy. She does have a good
22 heart, but -- and so when she represents -- when she says
23 that, you know, she talks on behalf of Protect Paia, this
24 group, that's a big group, you know, of local people. And so
25 when I -- when I talk to Aunty Mopsy, that's the open

1 communication. Right? She can text me any time and we've
2 done that. For the last two and a half years, I've talked to
3 her back and forth. But to answer your question directly, I
4 could go to the neighbors if you needed to and talk to them.

5 COMMISSIONER YOKOUCHI: Well, no, 'cause you
6 mentioned that you folks are doing the community outreach, so
7 I just wanted to know specifically what are you guys doing?
8 Not just this term community outreach, but actually what is
9 going on.

10 MR. LEAUANAE: Yeah. So I would say for -- for that
11 particular -- I've just talked to Aunty Mopsy 'cause she's the
12 one that's -- you know, has brought up concerns, but I'm
13 always willing to talk --

14 COMMISSIONER YOKOUCHI: So as far as the community
15 in general, nothing else is done, it's only to Aunty Mopsy.

16 MR. LEAUANAE: Nothing that I -- I mean, in our
17 organization -- I mean, maybe Michael could address it
18 further, what he's done, but we've helped -- we've helped --
19 we've had the Paia Inn open to invite people to come tour, you
20 know, to look at the facilities, that goes for his other
21 properties. We invite the public, Michael sent out notices to
22 the public, Hey, come, look and see what's going on here.
23 It's a good thing happening in -- around you.

24 COMMISSIONER YOKOUCHI: So how would that help the
25 community?

1 MR. LEAUANAE: Well, first off, they could now
2 how -- what it is, what's happening there.

3 COMMISSIONER YOKOUCHI: Well, when I hear the term
4 helping the community, community outreach, I'm look -- I'm
5 feeling that the community is gonna benefit somehow, so is the
6 community benefiting?

7 MR. LEAUANAE: I'm going to defer to Michael,
8 because he -- he's the owner and he knows the history of
9 everything, you know, the specifics, so he can answer it.

10 COMMISSIONER YOKOUCHI: All right. Thank you.

11 MR. LEAUANAE: Okay. Thank you.

12 CHAIR ALULI: Are there any further testifiers?

13 MS. PADILLA: I can --

14 CHAIR ALULI: Melissa, you want to testify further?

15 MS. PADILLA: Yes.

16 CHAIR ALULI: You've got one minute. Okay?

17 MS. PADILLA: I got -- I just want -- so I can
18 answer your question about community outreach. We've gone,
19 actually, to all the neighbors and offered them gift cards to
20 all of the restaurants. Moving forward, we've also worked
21 with Surfrider Foundation -- is that what you're looking for?
22 The Surfrider Foundation are coming to the property and having
23 their annual event there. We've reached out to Wailua
24 Cultural Advisors, they're basically a group that come to the
25 property and do spiritual gatherings, movement classes, free

1 yoga classes for all the community around us. We're
2 implementing that next week. We've reached out to -- Michael
3 for the past ten years has been paying the electric bill for
4 the Paia Youth Center down the road.

5 COMMISSIONER YOKOUCHI: That's the kind of stuff.

6 MS. PADILLA: Yeah. They use our facility for
7 parking, they use our beach front access to shower and to
8 clean off of. They also have access to Surf Club Tacos.
9 We've reached out to Women Helping Women who want to hold
10 their annual events at our property, so -- and these are all
11 going to be -- like free of charge and supportive of that
12 community outreach and that's -- that's what I'm doing. And
13 we've met with the Pacific Cancer Foundation on allowing
14 patients who are newly diagnosed to have some respite at the
15 hotel for free. Also, patients that travel out to Hana and go
16 to the neighbor islands, they have a facility to come to if
17 they can't make the trip after chemo. So there's been a lot
18 of movement.

19 COMMISSIONER YOKOUCHI: Thank you. That's what I
20 was looking for.

21 MS. PADILLA: Yeah, okay. Thank you, Melissa.

22 CHAIR ALULI: Any further testifiers?

23 (No response.)

24 CHAIR ALULI: Okay. Craig or Mr. Baskin, do you
25 want to add anything further?

1 MR. NAKAMURA: Yeah, so just -- just to wrap, I
2 mean, for my portion, again, I just wanted to focus on why
3 we're here today. You know, we're not applying for a new
4 license.

5 CHAIR ALULI: Right.

6 MR. NAKAMURA: All we're doing is asking to convert
7 to a restaurant license to allow us to do catering.

8 Mr. Baskin has been on Maui for quite some time and
9 I would like to give him the opportunity talk about his back-
10 ground and other things that his companies have done for Paia.

11 MR. BASKIN: Thank you. I'll just be brief.

12 CHAIR ALULI: Yes, thank you.

13 MR. BASKIN: First off, my mom had a smoothie shop
14 in the front of Charley's in 1977 where I got my first job, so
15 I've been in Paia for over 40 years. I'm a Seabury Hall grad
16 and I grew up in Paia and my kids were born in Paia, my dad
17 lives in Kuau, so we are deeply rooted in the community. I've
18 owned the building where Vana is for 20 years, I purchased it
19 from Ms. Bursman back then. We feel that we've done an
20 excellent job in the community. I'd say that 99 percent of
21 the people like what we're doing. It is true that the -- that
22 the Maui News voters voted Vana the Best New Restaurant on the
23 Island of Maui.

24 What we want to do is we want to now be able to
25 reach out with the catering side, go and have birthdays,

1 weddings, parties, and that's what people have been asking us
2 to do. And so in order to do that, we want to just continue.
3 We've been in great standing for the last year in terms of
4 operating. We've been working closely with Layne and any time
5 there's any -- been any question that's come up, so I feel
6 like we have a very good relationship with the community.

7 It is unfortunate that Auntie Mopsy has been
8 appearing in protest and against. You know, for myself, I
9 think that protecting Paia, it's gonna change. The town is
10 not the same as it was 20 or 40 years ago. I think we have
11 actually helped to clean it up. There was lots of problems,
12 drugs and dilapidation of the buildings, we've been very
13 responsible and if you look at what we've done, I think you'll
14 see that we've actually been very mindful and very sensitive
15 to the community.

16 We're not sure why she keeps coming up against us.
17 We've tried to be Hono Pono Pono, have meetings, she refuses
18 to meet with us. There's emails and communications saying
19 that she has a mission, that mission, we believe, is to damage
20 us, to harm us. I've hired people beyond me to try to reach
21 out to her so that we can sit down, we would still welcome
22 that opportunity.

23 I will note that there is a Mopsy pizza on Flatbread
24 right next door to us. Okay? They have a liquor license,
25 they sell a lot. Mopsy pizza, I understand, is the largest

1 selling pizza at Flatbread. I'm not sure exactly what the
2 connection there is, but we do know from talking to the
3 managers, they do get free food from Flatbread, so I'm not
4 sure exactly what her full motivation is, but that's a fact,
5 you can find it right on there, Mopsy pizza directly next door
6 to us.

7 However, that said, we still have a good
8 relationship with the people that own the building at
9 Flatbread and with the owners there. So from our standpoint,
10 we will continue to reach out to the community. I have walked
11 all of the properties around there. It's a small town, so
12 I've met with each and every one of the owners adjacent to us
13 and we've welcomed them to come in. Many people have come to
14 Vana and had their birthday parties there. One of the
15 neighbors recently celebrated their 90th birthday that lives
16 right next to Mopsy. So we have good relationships with most
17 everybody in the community and so we're proud of that, we just
18 want to continue in that process and we will continue to reach
19 out to her and, hopefully, we can have a good relationship
20 with her in the future.

21 CHAIR ALULI: Thank you, Mr. Baskin.

22 Commissioners, any further questions by any of the
23 commissioners?

24 (No response.)

25 CHAIR ALULI: Not having -- not seeing any -- okay.

1 Aunty Mopsy, I'll give you one minute. Okay?

2 MS. AARONA: Thank you.

3 CHAIR ALULI: Okay? That's it. Please.

4 MS. AARONA: I just want to --

5 CHAIR ALULI: Thank you.

6 MS. AARONA: -- share the manao that has been given
7 by Michael Baskins. The Mopsy pizza has nothing to do with
8 gain, it was a friendship. I am honored that they chose my
9 name. They asked us how we prepare the emu, the pig, and we
10 gave them that and they prepare the pizza. I'm honored. I
11 get nothing from it. We have no -- so what he's insinuating
12 that --

13 I speak for our neighbors, the people. They are
14 definitely afraid of Michael Baskins because if they say
15 anything, they get sued like me. I'm being sued by Michael
16 Baskins, okay, because of a 3-foot path. Since he's bringing
17 up all that doesn't pertain to what is here today for the
18 liquor commission, he's bringing up all these things that
19 involve me. Yes, I am the spokesperson for our community, but
20 you can go to them individually, if you want, and if you want
21 all of them -- unfortunately, they're all working, so they
22 cannot be here. I'm retired, I'll be 74 this year, so I have
23 much time on my hands to do the job for the community. But if
24 you want to see them, have an evening meeting, you will see
25 them. But I speak for our neighbors, so...

1 He has reached out to me, but the problem with
2 Mr. Baskins is that if you say yes, it is his way or no way.
3 I've been burned in the past, so I leave it at that. Mahalo.

4 CHAIR ALULI: Any further public testimony?

5 (No response.)

6 CHAIR ALULI: Not seeing anything, I'm closing
7 public testimony. Thank you very much.

8 Commissioners, any further questions of either
9 testifiers or the applicants?

10 (No response.)

11 CHAIR ALULI: Not having -- not seeing any
12 questions, can I have a motion? Excuse me, Leslie-Ann.

13 COMMISSIONER YOKOUCHI: Leslie Yokouchi. I have a
14 question.

15 CHAIR ALULI: Yes, yeah.

16 COMMISSIONER YOKOUCHI: There was mention that you
17 have other venues that you might be catering to, there was a
18 mention about something like that.

19 MR. BASKIN: We don't know exactly how we're gonna
20 use the catering. I mean, you know, it will be potentially at
21 other properties that we own, but it also will be outside of
22 that as well. So once we get --

23 COMMISSIONER YOKOUCHI: So how many properties,
24 other properties you own?

25 MR. BASKIN: There's one other down the street that

1 we would consider having events at.

2 CHAIR ALULI: Okay.

3 COMMISSIONER YOKOUCHI: Thanks.

4 MR. BASKIN: We currently employ over 80 people in
5 the town of Paia, local people that are -- you know, jobs are
6 important. With the catering, we will add probably 20 to 30
7 more people as well, so, you know, from our standpoint, we do
8 feel that we are, you know, contributing, paying taxes, and
9 helping the community. And so once we have the catering
10 portion, we will be adding additional jobs as well.

11 COMMISSIONER DE JETLEY: Mr. Chair.

12 CHAIR ALULI: State your name, please.

13 COMMISSIONER DE JETLEY: Alberta de Jetley from
14 Lanai. What I've noticed over the years is you have gathered
15 quite a lot of opposition and, again, services for one reason
16 or another, but you do contribute a lot to the community
17 through jobs and through your support of all of the island's
18 nonprofit agencies. So what I would suggest that you do, is
19 you have Melissa toot your own horn. Even if it sounds
20 self-serving, you need to let the general public know how much
21 your company contributes back into the community. And in
22 every small community, you will have people that oppose
23 operations regardless of the size of the community, regardless
24 of what that business is, but stay true to your goal of
25 providing jobs and supporting our island's less fortunate

1 organizations the way that you already are. So thank you.

2 MR. BASKIN: Thank you very much for that
3 recommendation. Yes.

4 CHAIR ALULI: Any further questions or comments by
5 any other commissioners?

6 (No response.)

7 CHAIR ALULI: Not seeing, can I have a motion for
8 approval?

9 VICE CHAIR UMENO: I move to approve this
10 application.

11 COMMISSIONER DE JETLEY: I second the motion.

12 CHAIR ALULI: All in favor?

13 (Response.)

14 CHAIR ALULI: Any opposed?

15 (No response.)

16 CHAIR ALULI: Not seeing any opposition, motion
17 carries. Thank you very much.

18 MR. NAKAMURA: Thank you for your time very much.
19 We appreciate it. Happy new year.

20 Thank you for your service.

21 COMMISSIONER DE JETLEY: Thank you.

22 MR. NAKAMURA: We appreciate it.

23 CHAIR ALULI: Okay. We'll move on to Preliminary
24 Hearings, Application No. 11, Velez Enterprises.

25 MS. BOYLE: Good morning.

1 CHAIR ALULI: Good morning.

2 MS. BOYLE: Happy new year.

3 CHAIR ALULI: Layne.

4 OFFICER LAYNE SILVA: Please state your name.

5 MS. BOYLE: My name is Mary Ann Boyle with a B, I'm
6 the member agent of the Velez Enterprises LLC doing business
7 as Olowalu General Store.

8 CHAIR ALULI: Layne.

9 Sorry. Thank you. Thank you, Mary Ann.

10 OFFICER LAYNE SILVA: Application No. 11, the
11 applicant is Velez Enterprises LLC doing business as Olowalu
12 General Store applying for a retail general license.

13 The member and agent of the member-managed limited
14 liability company, personal history statements, criminal
15 history statements, and lease are all listed in the
16 investigator's report.

17 The proposed premises is a single-story concrete
18 building consisting of approximately 3,400 square feet located
19 at 820 Olowalu Village Road, Lahaina, Maui, Hawaii.

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

22 There are 145 licenses of this class and kind
23 currently issued within Maui County.

24 The applicant initially plans to be open seven days
25 a week from 5:00 a.m. to 11:00 p.m. The applicant is aware of

1 the hours for which the sale of liquor is allowed and that
2 they will need to submit an application for permit to be open
3 outside of those hours.

4 A site inspection was conducted of the proposed
5 premises on January 10, 2019.

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

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

13 CHAIR ALULI: Thank you, Layne.

14 Mary Ann, do you have further to add?

15 MS. BOYLE: No, sir.

16 CHAIR ALULI: I've got a question. How long do
17 you -- has your family owned this store?

18 MS. BOYLE: Sixteen years this year, sir.

19 CHAIR ALULI: Sixteen years.

20 MS. BOYLE: Yes.

21 CHAIR ALULI: Okay. Thank you.

22 Since this is public testimony, is there anybody in
23 the audience that wishes to provide testimony?

24 (No response.)

25 CHAIR ALULI: Not seeing any, Commissioners, are

1 there any questions on any of the commissioners' part.

2 COMMISSIONER DE JETLEY: I have a statement.
3 Alberta de Jetley.

4 MS. BOYLE: Good morning.

5 COMMISSIONER DE JETLEY: As long as you keep making
6 those boiled peanuts, I'll vote for you.

7 (Laughter.)

8 MS. BOYLE: For sure. Thank you.

9 COMMISSIONER DE JETLEY: And hot dogs.

10 MS. BOYLE: Thank you.

11 CHAIR ALULI: Thank you.

12 With no further questions, can I get a motion for
13 approval?

14 COMMISSIONER DE JETLEY: I move to approve this
15 application.

16 COMMISSIONER DE MELLO: Second.

17 COMMISSIONER YOKOUCHI: Second.

18 CHAIR ALULI: All in favor.

19 (Response.)

20 CHAIR ALULI: Any opposed? Not having any
21 opposition, motion carries, Mary Ann. Thank you very much.

22 MS. BOYLE: Thank you so much.

23 CHAIR ALULI: Okay. Let's move on to Other
24 Licensing Matters, Item No. 8 -- or, yeah Item A, WFM Hawaii
25 LLC.

1 MR. GOTA: Good morning, Members of the Commission.

2 CHAIR ALULI: Please.

3 MR. GOTA: Neil Gota appearing on behalf of Whole
4 Foods Market. To my right is Beth Witfield, a construction
5 manager.

6 CHAIR ALULI: Thank you very much.

7 Layne.

8 OFFICER LAYNE SILVA: Applicant is WFM Hawaii LLC
9 doing business as Whole Foods Market, retail general license.
10 Members of the member-managed LLC are listed in the
11 investigator's report.

12 Requesting for approval to extend the existing
13 premises approximately 3,626 square feet in the Paia
14 direction. Licensee requesting approval to modify the
15 existing premises by including a new corridor, new enclosed
16 dry storage area, and new restroom as plans submitted.

17 Original application for a retail general license,
18 which was filed on November 9, 2009, for a premises located at
19 70 East Kaahumanu Avenue, Space D, Kahului, Maui, Hawaii. The
20 premises consists of approximately 26,300 square feet.
21 Original floor plan is attached.

22 A public hearing for this application took place on
23 February 10th, 2010. There were no protests.

24 A third amendment to lease, by and between W-ADP
25 Maui VII, LLC, a Delaware limited liability company (as

1 successor-in-interest to A&B Properties, Inc., a Hawaii
2 corporation as the landlord) and WFM Hawaii, LLC, a Hawaii
3 limited liability company (as successor-in-interest to
4 Mrs. Gooch's Natural Food Markets, Inc., as the tenant) dated
5 August 1st, 2015, indicates that the licensee has the use and
6 exclusive control of the area being requested.

7 The rules and laws are listed in the investigator's
8 report.

9 The department is recommending approval of this
10 request with the condition that licensee submit all necessary
11 clearances from other governmental agencies.

12 CHAIR ALULI: Thank you, Layne.

13 Anything further to add?

14 MR. GOTA: Nothing further.

15 CHAIR ALULI: Since this is a public -- a public
16 hearing, is there anybody in the audience that wishes to
17 provide testimony?

18 (No response.)

19 CHAIR ALULI: Not seeing any, Commissioners, any
20 questions of the applicants?

21 (No response.)

22 CHAIR ALULI: Not having -- not any questions, can I
23 get a motion for approval?

24 VICE CHAIR UMENO: I so move.

25 COMMISSIONER DE MELLO: Second.

1 COMMISSIONER YOKOUCHI: I so move.

2 CHAIR ALULI: Okay. All in favor?

3 (Response.)

4 CHAIR ALULI: Any opposed?

5 (No response.)

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

7 MR. GOTA: Thank you very much.

8 CHAIR ALULI: Okay. Let's move on to Item B, Maui
9 Tacos H6. Please.

10 MR. JORGENSEN: Good morning, Commissioner Aluli,
11 Members of the Liquor Commission, and Staff. My name is Dave
12 Jorgenson, I'm the attorney for applicant Maui Tacos H6, Inc.
13 dba Maui Tacos.

14 CHAIR ALULI: Thank you.
15 Layne.

16 OFFICER LAYNE SILVA: Applicant Maui Tacos H6, Inc.
17 doing business as Maui Tacos, Dispenser General License,
18 Category C(ii).

19 Officer, director, and stockholder of the
20 corporation is listed in the investigator's report.

21 Request for approval to extend the existing premises
22 18 feet by 22 feet, approximately 414 square feet, in the
23 mauka direction for outside patio dining.

24 Original application for a Dispenser General
25 License, Category C(ii), which was filed on February 13, 2018,

1 for a premises located at 58 Hookele Street, Space 520,
2 Kahului, Maui, Hawaii. The premises consists of approximately
3 1,202 square feet. Original floor plan is attached.

4 A public hearing for this application took place on
5 May 9th, 2018. There were no protests.

6 A copy of a Second Amendment of Lease, by and
7 between ABP Puunene LLC, a Hawaii limited liability company as
8 the landlord, and Maui Tacos H6, Inc., period, a Delaware
9 corporation as the tenant dated October 2nd, 2018, indicates
10 that the licensee has the use and exclusively control of the
11 area being requested.

12 The rules and laws are listed in the investigator's
13 report.

14 The department is recommending approval of this
15 request with the condition that the licensee submit all
16 necessary clearances from other governmental agencies.

17 CHAIR ALULI: Layne, thank you.

18 Dave, any further comments or --

19 MR. JORGENSEN: I guess my only comment -- and this
20 is not at all a criticism of the department and, you know,
21 Layne's been great on this, but this is in the Target center
22 over across the parking lot from Planet Fitness and Ulta
23 Cosmetics. The additional area goes from the restaurant in
24 that direction. The 500-foot radius doesn't reach any other
25 properties. My comment is really hoping to have this, you

1 know, be able to open that lanai before the holidays, but
2 because the current rules require pretty much any
3 modification, any extension of premises like this to come
4 before the commission, you know, that's -- that takes that
5 much more time.

6 So as far as for this application, you know, the --
7 I believe you got the pictures, I don't know if they're in
8 color, but the -- we're gonna use planters with bamboo coming
9 up out of them, I mean, they'll be together, people won't be
10 able to just bob in and out. The area as, Layne said, you
11 know, it's approximately 18 -- 18 is on one side, 22 is on the
12 side and then across the front is 15, but then we have the
13 diagonal opening, so the exact dimensions, you know, it's
14 approximately the area.

15 And we certainly ask that you favorably consider
16 this, but I would also ask if you could maybe look at if not
17 today, another time to have some criteria where something like
18 this could be approved administratively without it having to
19 come to the commission. It's an -- frankly, it's just an
20 unnecessary waste of time for the client, particularly, you
21 know, the holiday season we just passed. And I know
22 previously there was situations where things could be
23 approved, there's also been several where it has needed to
24 come to the commission, but my point would be if nobody new
25 is -- you know, if nobody new is affected and in this case --

1 you know, there's times when there might not be any new
2 properties, but there might be new owners. Everybody involved
3 here, it's all the same.

4 CHAIR ALULI: Right.

5 MR. JORGENSEN: It's the Target, it's the owner of
6 the project was the same person. We -- if you said we had to
7 notify people, it would have been the exact same people that
8 got noticed a year ago. So just -- I guess, if anything, food
9 for thought, just something to consider that maybe there can
10 be a way to have an exception or vest the department with
11 authority which, you know, the director and his staff are very
12 qualified to -- to make, you know, decisions like this. But,
13 you know, out of an abundance of caution, they -- you know,
14 they need to make sure that the commission is aware. Sorry,
15 that was my -- my little editorial for the morning. I'll stop
16 now.

17 CHAIR ALULI: Thank you, David.

18 Since this is public testimony, is there anybody in
19 the audience that wishes to file public testimony?

20 (No response.)

21 CHAIR ALULI: Not seeing any, Commissioners, any
22 questions on your behalf?

23 COMMISSIONER DE JETLEY: Yes. Alberta de Jetley.
24 You made me aware that over the past year or so we've let --
25 we've loosened up a lot of things where it can now be done

1 administratively rather than coming back to the commission.

2 MR. JORGENSEN: Yes.

3 COMMISSIONER DE JETLEY: But what I'm wondering
4 about is with this owner, since he knew he was going to be
5 doing this expansion or wanting to expand before the holidays,
6 why didn't he come to us six months before?

7 MR. JORGENSEN: Well, we -- I'm not sure that when
8 we specifically started the process, but, number one, we
9 didn't know we had to come to you until it was put on the
10 agenda. I got a call saying it was on the agenda and I said,
11 Why does it have to be on the agenda?

12 COMMISSIONER DE JETLEY: Oh.

13 MR. NAKAMURA: It's not affecting anybody. We were
14 hopeful it wouldn't have to go on the agenda. As far as for
15 the client, there was some discussion with A&B about the
16 barrier, they wanted a white picket fence and then they wanted
17 a black wrought iron fence like by Starbucks over there and my
18 client preferred to have bamboo, so there were some
19 discussions like that that prevented us from submitting more
20 early than we did. But we were hopeful that because of the
21 nature of it and the non-affect on any other property owners,
22 that it wouldn't have to come to the commission. As much as I
23 love coming here.

24 (Laughter.)

25 MR. JORGENSEN: But you're right, I mean, my client

1 could have submitted it a couple months earlier and then we
2 would have had -- maybe had the hearing in December, which we
3 didn't have. So, anyway, I understand your question and, yes,
4 we could have submitted earlier, but we were -- we were
5 hopeful that it wouldn't need to come to the commission.

6 COMMISSIONER DE JETLEY: Yes. Because we've found
7 Layne to be very responsive.

8 MR. JORGENSEN: Yes. Yes. And, again, I'm not
9 criticizing the department, I understand why, you know,
10 it's -- it's -- I'm not saying an overabundance of caution,
11 I'm saying an abundance of caution.

12 COMMISSIONER DE JETLEY: Thank you.

13 CHAIR ALULI: Any further questions?

14 (No response.)

15 CHAIR ALULI: Not seeing any, can I have a motion
16 for approval?

17 COMMISSIONER ANDRION: So move.

18 COMMISSIONER DE JETLEY: I second.

19 CHAIR ALULI: All in favor?

20 (Response.)

21 CHAIR ALULI: Any opposed?

22 (No response.)

23 CHAIR ALULI: Seeing no opposition, motion is
24 approved. Thank you very much.

25 MR. JORGENSEN: Thank you very much. Appreciate it.

1 CHAIR ALULI: Okay. Let's move on to Item IX, New
2 Business. Item A, Discussion and action regarding the process
3 and procedure for Liquor Commissioners' interaction with the
4 Department. Just wanted to have that put on the agenda to
5 have -- see if there is any further discussion needed for any
6 questions from any of the commissioners regarding that?

7 (No response.)

8 CHAIR ALULI: Okay. Let's now move on to
9 Administrative Matters, item A, Approval of Form DLC-001,
10 License Application Checklist. Which is basically what we did
11 at the last meeting, so -- which wasn't a valid meeting.

12 MR. KUSHI: No, this is -- so we didn't -- it wasn't
13 on the --

14 CHAIR ALULI: I'm sorry. Yeah, it was. Yeah.

15 OFFICER LAYNE SILVA: This is -- this is --

16 CHAIR ALULI: It's the same -- it's the form; right?

17 OFFICER LAYNE SILVA: A similar form, but we didn't
18 go over this in December.

19 CHAIR ALULI: Oh, okay. Sorry. Okay. So if we can
20 take a look at that checklist form.

21 Layne, can you go through it real quick and tell
22 us --

23 OFFICER LAYNE SILVA: Absolutely. The only thing
24 that's changing is on page 2 and to be consistent with state
25 law, state law removed the requirement for a bond or a

1 personal guarantee as a required document to submit your
2 application for a liquor license, so all we're doing at this
3 point is removing that from the checklist.

4 CHAIR ALULI: Okay. And that's the only change?

5 OFFICER LAYNE SILVA: That's the only change.

6 CHAIR ALULI: Oh, okay. Do we need a motion to
7 approve this?

8 DIRECTOR MUKAI: Yes.

9 CHAIR ALULI: Okay. So are there any questions by
10 any of the commissioners regarding the checklist?

11 (No response.)

12 CHAIR ALULI: If I don't -- if there aren't any, can
13 I get a motion for approval?

14 COMMISSIONER ANDRION: Motion to approve.

15 VICE CHAIR UMENO: Second.

16 CHAIR ALULI: All in favor?

17 (Response.)

18 CHAIR ALULI: Any opposition?

19 (No response.)

20 CHAIR ALULI: No. Motion carries. Thank you very
21 much. The checklist is approved.

22 Okay, all right. Item B, Director's Monthly Report.

23 DIRECTOR MUKAI: Okay. The Director's Monthly
24 Report, the liquor certification and education classes and
25 sites on Lanai and Molokai for 2020 were posted on the

1 department website and licensees were informed.

2 Item 2, Acting Liquor Officer IV Layne Silva
3 conducted a two-hour class on liquor laws and rules of the
4 liquor commission for the Maui Police Department recruit class
5 training program.

6 Item 3, the Proposed Bill For Ordinance Relating to
7 Attendance At the Board, Commission, Or and Committee Meetings
8 was included in last months commission packet. That's for
9 your information.

10 Item 4, the required Annual Financial Disclosure
11 Statement Form was included in the commission packet. Please
12 be aware of the filing deadline of April 15th. And, also, on
13 the face page it requires you to turn it in to the commission
14 secretary instead of directly to the ethics commission.

15 Item 5, the department included the state attorney
16 general advisory opinion on liquor-infused ice cream within
17 the commission packet for your information 'cause there is
18 some question on liquor-infused ice cream. It falls under the
19 department of health, not the department of liquor control.

20 County Ordinance Bill 70 OUI Motor Vehicle Tow Bill
21 which was signed into law by Mayor Victorino in December is
22 included within the commission packet for your information.

23 Item 8, review of department's budget by the
24 commission chairman.

25 CHAIR ALULI: Yeah. I just wanted to see if there

1 were any further questions regarding the budget. The one item
2 that was discussed is no longer on the budget and that was the
3 item that pertained to having a full-time counsel or attorney
4 assigned to the liquor department and that was taken out of
5 the budget. Are there any other -- were there any other
6 questions regarding the budget that any of the commissioners
7 had?

8 (No response.)

9 CHAIR ALULI: Okay. Do we need to approve that
10 budget? Or that was already done.

11 DIRECTOR MUKAI: It's been approved.

12 CHAIR ALULI: Yeah, yeah.

13 DIRECTOR MUKAI: Yes.

14 CHAIR ALULI: Okay, all right.

15 DIRECTOR MUKAI: The December 2019 liquor control
16 adjudication board hearing was cancelled due to there were no
17 quorum.

18 And the summary of the liquor control adjudication
19 board decisions of January 2, 2020, has been provided to
20 members of the commission.

21 That's all the department has.

22 CHAIR ALULI: Okay. Move on to Item D. This item
23 is a personnel item, so we're -- we need to go into executive
24 session. So with that being said, can I get -- have a motion
25 to adjourn out of open session and go into executive session?

1 COMMISSIONER YOKOUCHI: So moved.

2 COMMISSIONER DE MELLO: Second.

3 CHAIR ALULI: All in favor?

4 (Response.)

5 MR. KUSHI: Mr. Chair.

6 CHAIR ALULI: Yes.

7 MR. KUSHI: Before you -- before you go into
8 executive session, for the record, you're going into executive
9 session pursuant to HRS Sections 92-4 and 92-5(a)(4) to
10 consult with the attorney on the commission's powers, duties,
11 liabilities, privileges, immunities, and liabilities; and also
12 pursuant to Section 92-4 and 92-5(a)(2) to consider the
13 evaluation of an officer or employee where consideration of
14 matters affecting privacy will be involved. That is your
15 basis to getting into executive session.

16 CHAIR ALULI: Okay. Thank you very much.

17 COMMISSIONER DE JETLEY: Mr. Chair, Alberta de
18 Jetley. We have three people left and I believe one of them
19 wanted to talk to us, present testimony about the liquor-
20 infused ice cream, so could we maybe hear their testimony
21 before we go into executive session so that they can leave.

22 UNIDENTIFIED SPEAKER: We don't have any comments at
23 this time.

24 COMMISSIONER DE JETLEY: You don't have?

25 UNIDENTIFIED SPEAKER: No, no. Just wondering what

1 was going to happen.

2 COMMISSIONER DE JETLEY: Okay. I just --

3 UNIDENTIFIED SPEAKER: Thank you.

4 COMMISSIONER DE JETLEY: I just --

5 CHAIR ALULI: All right.

6 COMMISSIONER DE JETLEY: -- wanted to see whether or
7 not if we had you, that you could be excused and not wait,
8 wait on -- wait outside until we come back into regular
9 session.

10 UNIDENTIFIED SPEAKER: Thank you. We're good.

11 COMMISSIONER DE JETLEY: You're good. All right.

12 Thank you.

13 CHAIR ALULI: Thank you.

14 Okay. With that being said, can I have a motion to
15 exit from open session and move into executive session?

16 COMMISSIONER YOKOUCHI: So moved.

17 COMMISSIONER DE JETLEY: I second.

18 CHAIR ALULI: All in favor?

19 (Response.)

20 CHAIR ALULI: Motion carries. No opposition.

21 Motion carries. Thank you very much.

22 MR. KUSHI: Take a recess.

23 CHAIR ALULI: Yeah. Let's take a ten-minute break
24 before we actually go into executive session. Or let's make
25 it five so we can move fast.

1 (Pause in Proceedings: 10:07 a.m.-11:20 a.m.)

2 CHAIR ALULI: Okay. So I'll entertain a motion for
3 adjournment.

4 COMMISSIONER: So moved.

5 COMMISSIONER DE JETLEY: I wanted to make a
6 statement.

7 CHAIR ALULI: Sorry. Okay. Go ahead.

8 COMMISSIONER DE JETLEY: I just wanted to thank my
9 fellow commissioners.

10 CHAIR ALULI: Oh, that's right.

11 COMMISSIONER DE JETLEY: This was supposed to be my
12 last meeting, but I'll see you again. But I wanted you to
13 officially know how much I've appreciated all of you. Thank
14 you.

15 CHAIR ALULI: Thank you, Alberta, and we'll miss
16 you, my dear.

17 That being said, meeting adjourned. (Gavel.)

18 (The proceedings were adjourned at 11:21 a.m.)

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