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LIQUOR COMMISSION
DEPARTMENT OF LIQUOR CONTROL
COUNTY OF MAUI, STATE OF HAWAII

TRANSCRIPT OF PROCEEDINGS
REGULAR MEETING

Held at the Department of Liquor Control Conference Room, David K. Trask, Jr. Office Building, 2145 Kaohu Street, Room 108, Wailuku, Maui, Hawaii, commencing at 9:00 a.m., on February 12, 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:	LEON BOLOSAN
	LESLIE ANN YOKOUCHI
	ROBERTO ANDRION, JR.
	JERRYBETH DE MELLO

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

1 (February 12, 2020, 9:00 a.m.)

2 * * *

3 CHAIR ALULI: (Gavel.) Good morning, everyone. I
4 would like to call the liquor commission meeting of
5 February 12, 2020, to order. Before we actually go through
6 the roll call, I would just like to take a minute to provide a
7 retirement resolution for our retiring director, Glenn Mukai,
8 who has decided to retire at the end of this month. And,
9 Glenn, I just want to say on behalf of the commission, thank
10 you for your service to the commission and to the community.
11 Thank you very much.

12 (Applause.)

13 CHAIR ALULI: And I'd just like to take a minute to
14 read the resolution.

15 Retirement Resolution Honoring Mr. Glenn Mukai.

16 Whereas, Mr. Mukai, Director, is retiring on
17 February 29th, 2020, after three and one-half years of
18 dedicated public service to the Department of Liquor Control,
19 County of Maui; and

20 Whereas, the member -- members of the Liquor
21 Commission of the Department of Liquor Control have
22 appreciated the expertise, diligent work, and professionalism
23 demonstrated by Mr. Mukai in the performance of his duties
24 rendering -- rendered during said period as director; now,
25 therefore,

1 Be It Resolved that members of the Liquor Commission
2 and the Department of Liquor Control, do hereby express their
3 sincere appreciation and gratitude to Mr. Mukai for his
4 dedication and service to the Department of Liquor Control and
5 do hereby wish him much success, happiness, and good health in
6 the years to come; and

7 Be It Further Resolved that this resolution be
8 entered upon the minutes of this Commission and be forwarded
9 to Mr. Mukai.

10 Adopted this 12th day of February, 2020.

11 Glenn, again, thank you very much.

12 DIRECTOR MUKAI: Thank you.

13 CHAIR ALULI: Appreciate it.

14 (Applause.)

15 MR. KUSHI: You have to have a motion to approve the
16 resolution.

17 CHAIR ALULI: Okay. I would like to ask for --

18 MR. KUSHI: Entertain a motion.

19 CHAIR ALULI: -- entertain a motion to approve this
20 resolution for Mr. Mukai.

21 COMMISSIONER BOLOSAN: I move to approve.

22 COMMISSIONER YOKOUCHI: Second.

23 CHAIR ALULI: All in favor?

24 (Response.)

25 CHAIR ALULI: Anybody opposed?

1 (No response.)

2 CHAIR ALULI: Motion carries. Thank you very much.
3 All right. Let's move on to the meeting. Roll
4 call, Maria.

5 MS. KHANGSENGSING: Maria Khangsenssing, department
6 of liquor control.

7 COMMISSIONER DE MELLO: Jerrybeth De Mello, Lahaina.

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

9 CHAIR ALULI: Nane Aluli, commissioner.

10 VICE CHAIR UMENO: Roy Umeno.

11 COMMISSIONER ANDRION: Roberto Andrion,
12 commissioner.

13 COMMISSIONER BOLOSAN: Leon Bolosan.

14 COMMISSIONER YOKOUCHI: Good morning. Leslie
15 Yokouchi.

16 DIRECTOR MUKAI: Glenn Mukai, liquor control.

17 MS. TYAU: Georgette Tyau, liquor control.

18 OFFICER LAYNE SILVA: Layne Silva, liquor control.

19 CHAIR ALULI: Thank you. One other point I just
20 want to reiterate is, again, we have no recording secretary,
21 so please make sure that you state your name and clearly
22 express what you are saying. We appreciate that.

23 I'd now like to get an approval for the agenda for
24 this meeting. Can I have a motion for that?

25 COMMISSIONER YOKOUCHI: So move.

1 COMMISSIONER DE MELLO: Second.

2 CHAIR ALULI: All in favor?

3 (Response.)

4 CHAIR ALULI: Any opposed?

5 (No response.)

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

7 Move on to the minutes, Approval of Liquor

8 Control -- Or Liquor Commission Minutes of January 8, 2020.

9 Do I have a motion for approval?

10 COMMISSIONER YOKOUCHI: So move.

11 CHAIR ALULI: Please state your name.

12 COMMISSIONER YOKOUCHI: Leslie Yokouchi. I move

13 that we approve the minutes.

14 COMMISSIONER BOLOSAN: Second. Leon Bolosan.

15 CHAIR ALULI: All in favor?

16 (Response.)

17 CHAIR ALULI: Any opposed or any discussion?

18 (No response.)

19 CHAIR ALULI: Motion moves -- or motion is approved.

20 Thank you very much.

21 Okay. Let's move on to Public Testimony, General
22 Licensing Matters, Items A through E. Do I have a motion for
23 approval for those general licensing matters?

24 VICE CHAIR UMENO: I move to accept Items A through

25 E.

1 COMMISSIONER DE MELLO: Jerrybeth De Mello. Second
2 the motion.

3 CHAIR ALULI: Any discussion?

4 (No response.)

5 CHAIR ALULI: All in favor?

6 (Response.)

7 CHAIR ALULI: Any opposed?

8 (No response.)

9 CHAIR ALULI: Motion carries. Thank you very much.
10 All right. Let's move on to Preliminary Hearing,
11 Item No. 7, Application No. 4, Makena Beverage Club.

12 MR. NAKAMURA: Good morning, Mr. Chair, Members of
13 the Commission and Staff. Craig Nakamura, attorney on behalf
14 of the applicant, and with me is Mr. Richard Tramontin, that's
15 T-R-A-M-O-N-T-I-N, who is the director of the applicant.

16 CHAIR ALULI: Thank you, Craig.

17 Layne.

18 OFFICER LAYNE SILVA: Application No. 4, applicant
19 is Makena Beverage Club, Inc. doing business as Kilohana
20 Restaurant applying for a Club General License, Category
21 B(ii).

22 Officers/directors of the corporation, personal
23 history statements, criminal history statements, past history,
24 and management agreement are all included in the
25 investigator's report.

1 The proposed premises is a single-story structure
2 including outside lanai areas consisting of approximately
3 4,278 square feet located at Makena Beach & Golf Resort Hotel
4 at 5415 Makena Alanui Road, Makena, Maui, Hawaii.

5 The restroom facilities are located outside of the
6 proposed premises. The men's and women's restrooms are
7 located on the mauka side of the premises approximately 115
8 feet from the premise entrance. The landlord reports that
9 employees and patrons will have the right to use the common
10 area restrooms during all hours of operation.

11 There are three licenses of this class and kind
12 currently issued within Maui County.

13 Plans of the Applicant: The applicant initially
14 plans to be open six days a week, closed on Mondays, from 6:00
15 a.m. to 2:00 a.m.

16 A site inspection was conducted on April 31st, 2019,
17 at approximately 11:30 a.m.

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

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

25 CHAIR ALULI: Layne, thank you.

1 Craig, anything further to add?

2 MR. NAKAMURA: Nothing further at this time. Thank
3 you.

4 CHAIR ALULI: This being public testimony, is there
5 anybody in the public that wishes to provide testimony at this
6 point?

7 (No response.)

8 CHAIR ALULI: Commissioners, any -- I don't see any,
9 so, Commissioners, any questions on any of the commissioners'
10 part?

11 (No response.)

12 CHAIR ALULI: No.

13 Yes.

14 MR. KUSHI: Mr. Chair, if I may.

15 Craig, this -- is this a private club?

16 MR. NAKAMURA: Yes, it is.

17 MR. KUSHI: Okay. Like the next application too?

18 MR. NAKAMURA: Yes.

19 MR. KUSHI: So it's only members only?

20 MR. NAKAMURA: Yes.

21 CHAIR ALULI: Thanks, Craig.

22 Any further questions?

23 (No response.)

24 CHAIR ALULI: If not, can I --

25 MR. KUSHI: I want to join. How much is the entry

1 fee?

2 (Laughter.)

3 MR. KUSHI: I'm serious.

4 MR. NAKAMURA: I'm sorry, I don't know. I think it
5 might be open to -- it's mainly for the owners of the
6 properties.

7 CHAIR ALULI: Oh, of the properties in Makena?

8 MR. NAKAMURA: Yes.

9 CHAIR ALULI: Okay. So it's an exclusive club?

10 MR. NAKAMURA: Yeah.

11 MR. TRAMONTIN: It is, yes.

12 CHAIR ALULI: Okay, all right. So not having any
13 further testimony, any questions by the commissioners, can I
14 get a motion for approval?

15 VICE CHAIR UMENO: I move to accept Application
16 No. 4.

17 CHAIR ALULI: And don't forget, please state your
18 names, 'cause we're --

19 VICE CHAIR UMENO: Roy Umeno.

20 CHAIR ALULI: Okay. Do I have a second?

21 COMMISSIONER BOLOSAN: Leon Bolosan. Second.

22 CHAIR ALULI: All in favor?

23 (Response.)

24 CHAIR ALULI: Any opposed?

25 (No response.)

1 CHAIR ALULI: No opposition. Motion carries. Thank
2 you very much.

3 Let's move on to Application No. 5, Makena Beverage
4 Club. Craig.

5 MR. NAKAMURA: Again, Craig Nakamura, attorney on
6 behalf of the applicant, and with me is Mr. Richard Tramontin,
7 who is the director of the applicant.

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

10 OFFICER LAYNE SILVA: Application No. 5, the
11 applicant is Makena Beverage Club, Inc. doing business as
12 Makena OP Hale Bar applying for a General -- a Club General
13 License, Category B(ii).

14 Officers and directors of the corporation, personal
15 history statements, criminal history statements, past history,
16 and management agreement are all listed in the investigator's
17 report.

18 The proposed premises is a single-story structure
19 including outside lanai areas consisting of approximately
20 1,227 square feet. That should be a comma --

21 CHAIR ALULI: Yeah.

22 OFFICER LAYNE SILVA: -- on the report, not a -- not
23 a period.

24 CHAIR ALULI: A period.

25 OFFICER LAYNE SILVA: Yeah. So square feet located

1 at four thousand -- 4500 Makena Alanui Road, Makena, Maui,
2 Hawaii.

3 There are three licenses of this class and kind
4 currently issued within Maui County.

5 Applicant initially plans to be open six days a
6 week, closed on Mondays, from 6:00 a.m. to 2:00 a.m.

7 A site inspection still needs to be conducted of the
8 premises.

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

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

16 CHAIR ALULI: Thank you, Layne.

17 Craig.

18 MR. NAKAMURA: Yeah. The reason that the site
19 inspection hasn't been conducted is because this premises
20 hasn't been constructed yet, it hasn't been built yet, it's in
21 the process of being constructed.

22 CHAIR ALULI: Okay. Thank you.

23 Again, because this is a public testimony time, is
24 there anybody in the public that wishes to provide testimony
25 at this time?

1 (No response.)

2 CHAIR ALULI: Not seeing any, Commissioners, any
3 questions on your part?

4 (No response.)

5 CHAIR ALULI: May I get a motion for approval? And
6 don't forget to please state your name with the motion.

7 COMMISSIONER YOKOUCHI: Leslie Yokouchi. I -- I
8 approve.

9 COMMISSIONER DE MELLO: Jerrybeth De Mello. I
10 second.

11 CHAIR ALULI: All in favor?

12 (Response.)

13 CHAIR ALULI: Any opposed?

14 (No response.)

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

16 MR. NAKAMURA: Thank you. Thank you for your time.

17 And, Glenn, thank you very much for your service,
18 we --

19 DIRECTOR MUKAI: Thank you.

20 MR. NAKAMURA: -- congratulate you on your
21 retirement and I'm very jealous.

22 (Laughter.)

23 MR. TRAMONTIN: Thank you, Commissioners.

24 CHAIR ALULI: Okay. Let's move on to Application
25 No. 12, The Empanada Lady LLC. Please state your name.

1 MS. POLANCO: Good morning. My name is Sara
2 Polanco, I'm the Empanada Lady.

3 CHAIR ALULI: Thank you very much, Sara.
4 And?

5 MS. HOLMES: Good morning. I'm Kristin Holmes, I'm
6 her agent.

7 CHAIR ALULI: Thank you, Kristin.

8 MS. HOLMES: Yes.

9 CHAIR ALULI: Layne.

10 OFFICER LAYNE SILVA: Application No. 12, the
11 applicant is The Empanada Lady, LLC doing business as The
12 Empanada Lady applying for a Dispenser General License,
13 Category C(ii).

14 Member and agent of the member-managed limited
15 liability company, personal history statements, criminal
16 history statements, and lease agreement are all included in
17 the investigator's report.

18 The proposed premises consisting of approximately
19 5,015 square feet is a single-story wood frame building with
20 enclosed dining, covered dining, and open-air courtyard
21 settings. It is located at 2119 West Vineyard Street,
22 Wailuku, Maui, Hawaii.

23 The applicant has been made aware that they --
24 because they have separate -- separated dining areas within
25 the restaurant, that they will be required to have certified

1 employees in those areas.

2 Calvary Chapel Church, Central -- Calvary Chapel
3 Central Maui, Good Shepherd Episcopal Church, and Pentecostal
4 Missionary Church of Christ are located within a radius of 500
5 feet.

6 There is one retail general licensee and one
7 dispenser general licensee, the Wai Bar, located within a
8 radius of 500 feet.

9 There are 112 licenses of this class and kind
10 currently issued within Maui County.

11 Applicant initially plans to be open seven days a
12 week from 11:00 a.m. to 2:00 a.m.

13 A site inspection needs to be scheduled for this
14 premises.

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

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

22 CHAIR ALULI: Thank you, Layne.

23 Ladies, anything further to add?

24 MS. HOLMES: I don't think so.

25 MS. POLANCO: I don't think so.

1 CHAIR ALULI: Okay. Again, since this is public
2 testimony, is there anybody in the audience who wishes to
3 provide any testimony at this time?

4 (No response.)

5 CHAIR ALULI: Not seeing any, Commissioners, any
6 question on any of the commissioners' part?

7 VICE CHAIR UMENO: Roy Umeno. I just need to --
8 what is an empanada?

9 (Laughter.)

10 MS. POLANCO: It's a -- a pantry (*sic*) made with
11 flour and it -- inside with -- you can choose from chicken,
12 beef, pork, vegetarian, or banana. And it's a dough, so I
13 roll it, cut it in like a round and put the meat and close it
14 and fry it.

15 VICE CHAIR UMENO: Oh.

16 MS. POLANCO: Yeah. I became the Empanada Lady in
17 Hana 2008.

18 VICE CHAIR UMENO: Thank you.

19 MS. HOLMES: And they're delicious.

20 (Laughter.)

21 MS. POLANCO: Yeah. Please come to our restaurant.

22 VICE CHAIR UMENO: We will.

23 MS. POLANCO: It's not just empanada, I -- I'm only
24 the Caribbean restaurant in the whole island, so I serve
25 Cuban, Puerto Rican, Jamaica, and Dominican Republic dishes.

1 CHAIR ALULI: And you are already open as a
2 restaurant?

3 MS. POLANCO: Yes.

4 CHAIR ALULI: Right? 'Cause I've seen your sign,
5 yeah, so...

6 MS. POLANCO: Yes, yeah. Yes, it's a family
7 restaurant.

8 CHAIR ALULI: Restaurant.

9 MS. POLANCO: Yeah.

10 CHAIR ALULI: Okay.

11 VICE CHAIR UMENO: Thank you.

12 CHAIR ALULI: Thank you very much.

13 So do I have a -- can I get a motion for approval?

14 VICE CHAIR UMENO: I move to approve Application
15 No. 12, Empanada. Roy Umeno.

16 CHAIR ALULI: Okay.

17 COMMISSIONER ANDRION: Roberto Andrion. I second.

18 CHAIR ALULI: All in -- is there any further
19 discussion?

20 (No response.)

21 CHAIR ALULI: All in favor?

22 (Response.)

23 CHAIR ALULI: Any opposed?

24 (No response.)

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

1 MS. POLANCO: Thank you.

2 MS. HOLMES: Thank you.

3 CHAIR ALULI: Okay. Let's move on to Application
4 No. 14, Noodles and Rice by Nutcharee Inc. dba.

5 Good morning.

6 MR. KAWAGISHI: Good morning, Chairman Aluli,
7 Members of the Liquor Commission. Michael Kawagishi on behalf
8 of the applicant and with me is Nutcharee Case, who is the
9 sole officer, director, and stockholder of the company.

10 CHAIR ALULI: Thank you, Mike.

11 Layne.

12 OFFICER LAYNE SILVA: Application No. 14, applicant
13 is Noodles and Rice by Nutcharee Inc. doing business as
14 Noodles and Rice by Nutcharee applying for a Dispenser Beer
15 and Wine License, Category C(ii).

16 Officer, director, and stockholder of the
17 corporation; personal history statement; criminal history
18 statement; and lease agreement are all included in the
19 investigator's report.

20 The proposed premises containing approximately 1,200
21 square feet of floor space is located within the Azeka
22 Shopping Center at 1280 South Kihei Road, Suite No. 128,
23 Kihei, Maui, Hawaii.

24 There are no schools or churches located within a
25 radius of 500 feet. There is one license of the same and

1 class kind located within a radius of 500 feet. There are ten
2 dispenser general, one restaurant general, and two retail
3 general licenses located within a radius of 500 feet.

4 There are nine licenses of this same class and kind
5 currently issued within Maui County.

6 The applicant initially plans to be open seven days
7 a week from 8:00 a.m. to 2:00 a.m.

8 Past History: Nutcharee R. Case is still the member
9 of Nutcharee's Authentic Thai Food LLC doing business as
10 Nutcharee's Authentic Thai Food, Dispenser Beer and Wine
11 Category C(ii), Liquor License No. 240. A copy of their past
12 history is attached.

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

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

20 CHAIR ALULI: Thank you, Layne.

21 Michael, anything further to add?

22 MR. KAWAGISHI: Nothing further to add.

23 CHAIR ALULI: Okay. Again, since this is public
24 testimony, is there anybody in the audience that wishes to
25 provide testimony at this time?

1 (No response.)

2 CHAIR ALULI: Not seeing any, are there any
3 questions on the part of any of the commissioners?

4 (No response.)

5 CHAIR ALULI: If not, is there any further
6 discussion?

7 (No response.)

8 CHAIR ALULI: Nope. Can I get a motion for
9 approval, then?

10 COMMISSIONER ANDRION: Roberto Andrion. Motion to
11 approve.

12 COMMISSIONER BOLOSAN: Leon Bolosan. I second.

13 CHAIR ALULI: All in favor?

14 (Response.)

15 CHAIR ALULI: Any opposed?

16 (No response.)

17 CHAIR ALULI: Motion carries. Thank you very much,
18 Michael.

19 MR. KAWAGISHI: Thank you.

20 MS. CASE: Have a nice day.

21 CHAIR ALULI: Okay. Let's move on to Item No. 8,
22 Communications: This particular agenda item refers to a
23 letter of appreciation that we received from the Maui
24 Coalition For a Drug-Free Youth and it's enclosed in your
25 packet. And I'd just like to -- I noticed Ashlee is in the

1 audience and -- or in the -- in the wings and, Ashlee, would
2 you like to say anything at this point in time?

3 MS. KLEMPERER: Sure.

4 CHAIR ALULI: You can do it at the podium.

5 MS. KLEMPERER: At the podium?

6 CHAIR ALULI: Yes. Thank you.

7 MS. KLEMPERER: Good morning, Commissioners. My
8 name is Ashlee Klemperer, I'm a coordinator for the Maui
9 Coalition For a Drug-Free Youth. And we really just wanted to
10 express gratitude and appreciation for the funding provided to
11 us by the Liquor Commission Education Fund. We are -- our
12 coalition started about six years ago and we got our start
13 with county funding and part of the -- the liquor education
14 fund has helped us achieve greater financial sustainability.
15 We now have an operating budget of \$250,000 and are on a
16 federal and state grant, so we actually are not applying for
17 the funding again. We're very, very grateful that it's
18 available and we look forward to partnering with those that
19 receive the funding in the future. So thank you.

20 CHAIR ALULI: Commissioners, any questions of
21 Ashlee?

22 (No response.)

23 CHAIR ALULI: If not, Ashlee, I'd just like to say
24 on behalf of the commission, thank you for the service you
25 guys have provided, especially for the youth of this county,

1 that is really important and critical going forward. So much
2 success to you as you do go forward and happy to hear you're
3 getting better funding.

4 MS. KLEMPERER: Thank you so much.

5 CHAIR ALULI: Thank you. Thank you very much.

6 Okay. Let's move on to Item No. 9, Administrative
7 Affairs. Glenn.

8 DIRECTOR MUKAI: Approval of Form DLC-029,
9 application of -- for renewal of liquor license.

10 Layne.

11 OFFICER LAYNE SILVA: Okay. I believe you guys all
12 got a copy of the proposed application.

13 CHAIR ALULI: Yeah, yep.

14 OFFICER LAYNE SILVA: The only change that's taken
15 place, and you'll see it's highlighted, is that we're adding a
16 space for other contact phone, that that should provide more
17 ways to get in touch with the applicant if that needs to
18 happen.

19 CHAIR ALULI: That was the only change?

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

21 CHAIR ALULI: Oh, okay. All right. With that being
22 said, can I get a motion for approval?

23 VICE CHAIR UMENO: Roy Umeno. Motion to approve.

24 COMMISSIONER BOLOSAN: Leon Bolosan. Second.

25 CHAIR ALULI: Any further discussion?

1 (No response.)

2 CHAIR ALULI: If not, all in favor?

3 (Response.)

4 CHAIR ALULI: Any opposed?

5 (No response.)

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

7 The form has been approved.

8 Okay. Move on to Item B, Director's Monthly Report.

9 Glenn.

10 DIRECTOR MUKAI: Yes. On the director's monthly
11 report, a list -- a fully updated list of licensee -- licensee
12 in force dated January 1st, 2020 and the newly revised county
13 Travel Policy and Procedure Manual revised January 1st, 2020,
14 were included in the commission packet for your information.

15 The second item: Act 015 that was passed in 2019
16 which made unlicensed manufacture and sale of liquor a felony
17 subject to forfeiture including the -- in the definition of
18 organized crime and racketeering activity effective. We shift
19 this to the enforcement to the police effective April 23rd,
20 2019. The chief of Maui Police Department announced that the
21 police have successfully concluded their first investigation
22 with three arrests under this statute and thank the department
23 of liquor control, primarily Deputy Director Georgette Tyau,
24 for providing the requested briefing, assistance, and
25 information.

1 State Legislature: The liquor directors and
2 administrators are tracking over 30 plus liquor-related
3 legislation that may have a direct impact on our respective
4 licensing communities.

5 Testimonies have and will be submitted as the bills
6 are heard at community level. And the department have
7 notified representatives of the affected classes of license
8 during the pending bills. We included Proposed Bill SB
9 No. 22.41 to Debbie Cabebe, who is the member of the nonprofit
10 executive board of directors, so they can track that bill
11 because that bill has -- if you've reviewed it, basically I
12 believe it's a Honolulu bill because of the outdoor
13 activities, but this bill will be statewide where any outdoor
14 activity will be restricted to 3,000 square feet and you have
15 to have a beer garden and you have to put barriers, concrete,
16 wood, and whatever else. And as you know, we have that
17 Yokouchi Estate that is used extensively by the nonprofit
18 Dustin license which may be affected. They have to prepare,
19 you know, the ambiance and everything else. A couple of wine
20 festivals, you know, all of those that exceed 3,000 square
21 feet.

22 CHAIR ALULI: Square feet, sure, yeah.

23 DIRECTOR MUKAI: So hopefully -- and I believe it
24 also passed first reading already, so hopefully the nonprofit
25 will go and provide testimony to the bill. It's very -- not

1 very good for Maui County.

2 CHAIR ALULI: The restriction, yeah. Okay.

3 DIRECTOR MUKAI: And Financial Disclosure Statement,
4 just a reminder the deadline for filing your financial
5 disclosure statement is April 30th, 2020. Please submit the
6 statement in a timely manner to our secretary of boards and
7 commissions. If you guys need additional -- if you have
8 misplaced your form, please contact Maria and she'll provide
9 it to you.

10 And I would like to thank all of you for your
11 support, assistance, and guidance during my tenure years as
12 director. I recognize several things that occurred. I would
13 like to thank the staff for their outstanding dedication
14 (inaudible) and efficiency and all the research they do to
15 make sure any decision we make, it does follow county charter,
16 state laws, commission rules.

17 And the department's small business review advisory
18 committee, as you know, it's composed of many members from
19 different classes of license. They review all the proposed
20 rules to make sure that under the Small Business Flexibility
21 Act of state law -- because we have to do post -- pre and post
22 notification to DBED on the rules and they would submit their
23 findings. And they have actually reviewed over 150 proposed
24 rules that may have been submitted from the mayor, members of
25 council, members of the commission, other governmental

1 agencies, and they have to see how it affects licensee as a
2 whole, if the -- if it does provide a financial burden or any
3 burden on small businesses. So we thank them for all their
4 dedication.

5 And also the highlight of that was, as you remember,
6 in 2019 they proposed -- well, they stepped up to the plate,
7 actually, 'cause no one else wanted to address the federal tax
8 clearance requirement and the Class 10 requirements. As you
9 remember, the federal tax clearance requirement was -- we were
10 the only state in the Union that required --

11 CHAIR ALULI: That required that --

12 DIRECTOR MUKAI: -- to have a federal tax clearance.

13 CHAIR ALULI: Right.

14 DIRECTOR MUKAI: And as you remember, Maui County
15 Tax Office was open only one day a week and in one year, the
16 person took a vacation during our renewal period, which put a
17 undue burden on the licensee where they had to fly to Big
18 Island or to Honolulu to make the appointment. And it was
19 kind of ironic, because we had one report where a person had
20 to charter a plane to fly to the Big Island, make the
21 appointment, get their tax clearance, and fly back in time to
22 file their tax clearance with the department to renew their
23 application. So (inaudible) stepped up to the plate and
24 introduced the bill and we told them that we will back them
25 up, the liquor administrators, we had a meeting. So working

1 in partnership, the requirement was eliminated.

2 The same with the small -- the Class 10, the state
3 legislature repealed the exemption that the -- so the Class 10
4 nonprofits had to do all the governmental agency's
5 fingerprinting, background check, 'cause of the repeal of
6 state legislation. So Debbie Cabebe of the small business --
7 department of small business committee stepped up to the
8 plate, she introduced it, and, again, working with licensees
9 and administrators, the exemption was put back into law.
10 Well, they really did an out standing job.

11 And thank the liquor commission for their support
12 and assistance which allowed the department to accomplish all
13 its mission and goals. As you know, there were many
14 challenges and I believe you guys had eight or nine public
15 hearings, you guys passed over a hundred plus rule amendments
16 which deleted antiquated rules, streamlined the liquor license
17 process, and provide level playing field for all licensees and
18 applicants, which was way long overdue. And also you guys
19 provided funding for public liquor education to Ashlee and
20 them, which was never done before under the HRS.

21 And I would like to commend the commission chair,
22 because you guys have a very proactive in promoting and
23 efficiency, effectiveness, and -- like meeting with other
24 department heads to try to resolve some of the issues of
25 clearances.

1 And, lastly, I would like to thank First Deputy Ed
2 Kushi, Deputy Gary Murai of corporation counsel for their
3 review, assistance, and guidance to ensure the compliance with
4 state law, county charter, rules of the commission by the
5 department, commission, board, licensee, applicants, and all
6 others. You guys did an outstanding job.

7 Thank you.

8 CHAIR ALULI: Thank you, Glenn.

9 Commissioners, any comments or statements you'd
10 like -- any of the commissioners would like to make at this
11 point?

12 (No response.)

13 CHAIR ALULI: If not, is there anybody in the
14 audience that would like to -- I see Dave, you're anxious to
15 get up here, so, Dave, the podium is yours, you've got three
16 minutes, please.

17 MR. JORGENSEN: I'll be real quick.

18 CHAIR ALULI: And please announce your name too,
19 please.

20 MR. JORGENSEN: David Jorgensen, an attorney in
21 Wailuku. I apologize, I wasn't aware of this Bill SB
22 No. 2241. I greatly appreciate Director Mukai's comments.
23 This is a huge problem and I just wasn't even aware of it, for
24 the Kapalua Wine and Food Festival, probably for Taste of
25 Wailea, probably for every other festival that goes on on

1 Maui. For the Grand Tasting at the Montague, the tent is 100
2 by 40, that's 1,000 square feet.

3 CHAIR ALULI: Wow. Feet.

4 MR. JORGENSEN: And the area that the -- the rest of
5 the area is probably at least double that. And to have to
6 have a beer garden -- I mean, it allows -- it's a solid
7 structure, but it could be, you know, constructed of rope, so
8 I don't know -- I'm not quite sure what that means, but -- and
9 it's just more emphasizing what the director said. But if
10 there's any way the department, the commission, anybody can
11 give comments. In addition, when I leave here, I'm going to
12 call everybody --

13 CHAIR ALULI: Right.

14 MR. JORGENSEN: -- and tell them -- including my law
15 partner, who's, you know, a state senator, who is supposed to
16 let me know these things on the record. But this is a
17 problem. I mean, if you're opposed to the wine festival -- I
18 don't mean you, but if people are opposed to the wine
19 festival, maybe it's a good thing, this would slow it down or
20 stop it. But I think it is an Oahu-centric bill to try and
21 address problems over there. Now, they have festivals over
22 there that encompass a lot more than 3,000 square feet, so I
23 would hope people over there would -- would be doing
24 something, but this is -- this is problematic. It
25 certainly -- you know, the festivals could work within this,

1 but it would -- it would certainly limit, probably cut in half
2 the people who could attend just to ensure just size.

3 VICE CHAIR UMENO: Right.

4 MR. JORGENSEN: So, anyway, I just wanted to
5 emphasize what the director had said.

6 And, again, I express my gratitude to Director Mukai
7 for all the years prior to his first retirement and over the
8 last few years. Thank you very much for your service.

9 Thank you.

10 CHAIR ALULI: Dave, I'd only offer hope -- a hopeful
11 comment that you'll be able to get a lot of the nonprofits,
12 because those are the entities that are going to be hit pretty
13 severely if this restrictive ordinance go -- takes place, so I
14 would hope that you'll take some of -- or a leadership role
15 in -- in putting this -- putting a really large group together
16 to go and testify --

17 MR. JORGENSEN: Yeah.

18 CHAIR ALULI: -- before the legislature on this.

19 MR. JORGENSEN: Yes. I mean, I -- thank you.

20 CHAIR ALULI: Yeah, absolutely.

21 MR. JORGENSEN: It's -- a lot of the nonprofits,
22 like Debbie Cabebe's name was mentioned, I mean, I'll make
23 sure she's aware of it. Most of those can operate within the
24 3,000 square foot area, it's more the -- the burden of having
25 to have a beer garden. But if it can be constructed of rope

1 and, you know, if the department has the latitude to allow not
2 wrought iron fencing and --

3 CHAIR ALULI: Right.

4 MR. JORGENSEN: -- concrete walls and all of that,
5 but to allow rope as a barrier with stanchions, whatever, most
6 of the nonprofits, I think, could live with that, but it's
7 more the big events that are very important to the community
8 as fundraisers for the nonprofits. So, yes, that will be on
9 my list of people to call.

10 CHAIR ALULI: Okay. Great.

11 MR. JORGENSEN: (Inaudible.) Thank you very much --

12 CHAIR ALULI: All right. Thank you.

13 MR. JORGENSEN: -- for allowing me to speak.

14 CHAIR ALULI: Thank you.

15 (Chair consulting with corporation counsel.)

16 CHAIR ALULI: Before we adjourn, I just would like
17 to make a comment that at our next commission meeting in
18 March, we will go through the process of the hiring for the
19 next director, so we will go through that process at our March
20 meeting. Okay?

21 That being done -- Item 5, are you going to do that?

22 Okay. All right. There is one last item, Item
23 No. 5, the update on the status of Maui County Code Chapter
24 2.41 and Ed's going to give us that information. Okay.

25 MR. KUSHI: Pass that around.

1 Yes, Mr. Chair, Members, Staff, I was asked to give
2 an update on this code amendment, Maui County Code amendment
3 to Chapter 2.41. I -- it -- it's going through the council,
4 county council right now, it hasn't passed second and final
5 reading, but what it -- what I'm passing out to you is the
6 latest draft. This concerns attendance of -- of you board and
7 commission members to meetings. Not so much this commission
8 and not so much the board, liquor board, but some of our other
9 boards and commissions in the county, we've had a problem with
10 obtaining quorum and no matter what you do, you can only lead
11 a horse to water, you cannot make them drink, you know what I
12 mean, but -- so under the charter -- and some of these
13 members, we've -- the mayor has -- the mayor's staff has asked
14 them to resign, politely resign, and they said no.

15 (Laughter.)

16 MR. KUSHI: You know, it looks good on my resume, so
17 I'm not resigning. But under the charter, only the mayor can
18 remove by resolution and the council has to approve. The
19 mayor appoints you guys and the council approves it, but only
20 the mayor can initiate a removal process, and that's by the
21 charter.

22 This ordinance was designed to -- and the charter
23 says the mayor may remove, for cause, board and commission
24 members subject to council approval. This ordinance was
25 designed to give the mayor ammunition to define what for cause

1 is. So we came up with some -- some -- the very first draft
2 was that, you know, in any one year, if you miss 50 percent or
3 more, then the chair would -- shall send a letter to the
4 council and the mayor telling the council and the mayor, Hey,
5 this board member has been absent, for whatever reason, 50
6 percent or more, and the chair would recommend that the mayor
7 remove that person. That was the original draft.

8 It has morphed into what you see before you where
9 the responsibility has been lifted to all the chair people and
10 it's been placed on the staff. So, Maria, you need to take
11 roll, you know, and from a one-year period it comes out to a
12 six-month period, that anybody absent 50 percent or more in
13 any six-month period, then the staff shall send a letter to
14 the council and the mayor.

15 What the mayor does with the letter, I don't know,
16 it's up to him. Okay? But in the event the mayor initiates a
17 removal process, then the council knows the background for it.
18 This -- that's all this ordinance says. It doesn't say 50
19 percent or more, you're automatically out. Okay?

20 For your information, the state law, state boards
21 and commissions, they have a rule, a law on the book, on their
22 books saying that -- and it's a really funky one -- any time
23 you miss so many meetings that 'cause a lack of quorum, you're
24 automatically out. Maui County doesn't have that and we have
25 to go by the charter, so this is what's going on.

1 I expect it -- I probably expect it to pass within
2 the next month or so, probably before budget. But if you look
3 at the language in subsection E as in Ed, it says 50 percent
4 or more in a six-month period and then it also has a blurb
5 about 25 percent or more and I don't know what the hell that
6 means, so that needs to be cleared up.

7 COMMISSIONER ANDRION: Can I ask a question?

8 MR. KUSHI: 'Cause 25 percent of six months, what is
9 it, two and a half? How can you have two and a half meetings?
10 So, you know, that needs to be cleared up. But, anyway, just
11 to inform you, I was asked to give you an update, and this is
12 what is going through our council chambers right now.

13 Any questions?

14 CHAIR ALULI: Anybody have any questions of Ed?

15 (No response.)

16 CHAIR ALULI: No. I think it's pretty clear except
17 that it's confusing so hopefully that get cleared up. Okay.
18 So you're going to keep -- you're going to keep us kind of up
19 to date or aware of this? When do you think this will go
20 before council?

21 MR. KUSHI: It passed first reading, it has to go
22 through --

23 CHAIR ALULI: It passed first reading.

24 MR. KUSHI: I mean, it passed committee hearings.

25 CHAIR ALULI: Review, right.

1 MR. KUSHI: It's come up for first reading probably
2 next week and then there's one -- still another reading, so...

3 CHAIR ALULI: It's three readings; right?

4 MR. KUSHI: Two.

5 CHAIR ALULI: Two. Two, okay.

6 All right. Since there are no further questions --
7 Glenn, do you have something?

8 DIRECTOR MUKAI: Yeah. Item C, Liquor Control
9 Adjudication Board.

10 CHAIR ALULI: Yeah.

11 DIRECTOR MUKAI: A summary of the board decision on
12 February 6, 2020, was included in your packet.

13 CHAIR ALULI: Right.

14 DIRECTOR MUKAI: That's all we have.

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

17 (No response.)

18 CHAIR ALULI: If not, I'd like a motion for
19 adjournment.

20 COMMISSIONER DE MELLO: Jerrybeth De Mello. A
21 motion to adjourn.

22 COMMISSIONER BOLOSAN: Leon Bolosan. Second.

23 CHAIR ALULI: All in favor?

24 (Response.)

25 CHAIR ALULI: Any opposed?

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(No response.)

CHAIR ALULI: Motion carries. Meeting adjourned.

Thank you very much. (Gavel.)

(The proceedings were adjourned at 9:39 a.m.)

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C E R T I F I C A T E

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

I, Sandra J. Gran, Certified Shorthand Reporter for the State of Hawaii, hereby certify that on February 12, 2020, at 9:00 a.m. the proceedings was taken down by me in machine shorthand and was thereafter reduced to typewritten form under my supervision; that the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

I further certify that I am not an attorney for any of the parties hereto, nor in any way concerned with the cause.

DATED this 25th day of February, 2020, in Maui, Hawaii.



Sandra J. Gran, RPR
Hawaii CSR 424