

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

TRANSCRIPT OF PROCEEDINGS
REGULAR MEETING

Held via Blue Jeans video conference, commencing at
9:02 a.m., on August 12, 2020.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES

COMMISSION MEMBERS PRESENT:

CHAIRPERSON: NANE ALULI
VICE CHAIR LEON BOLOSAN
COMMISSIONERS: ROBERTO ANDRION, JR.
JAMIE BECRAFT
AARON BOSWELL
JERRYBETH DE MELLO
STANLEY RUIDAS
BRUCE U'U
LESLIE ANN YOKOUCHI

STAFF PRESENT:

DEPUTY CORPORATION COUNSEL: MIMI DESJARDINS
ACTING DIRECTOR: GEORGETTE TYAU
LIQUOR CONTROL OFFICER III: LAYNE SILVA
LIQUOR CONTROL OFFICER III: GENE SILVA
LIQUOR CONTROL OFFICER IV: KARILEE YOSHIZAWA
COMMISSION SECRETARY: MARIA KHANGSENGSING

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(August 12, 2020, 9:02)

* * *

CHAIR ALULI: Okay. So I would like to call to order our liquor commission meeting for August 12th, 2020, and start with the roll call. I'll call everybody's name. Aaron Boswell. Aaron.

COMMISSIONER BOSWELL: Present.

CHAIR ALULI: Okay. Thank you. Bruce U'u.

COMMISSIONER U'U: Here.

CHAIR ALULI: Jerrybeth De Mello.

COMMISSIONER DE MELLO: Here.

CHAIR ALULI: Leslie Ann Yokouchi.

COMMISSIONER YOKOUCHI: Here.

CHAIR ALULI: Leon Bolosan.

VICE CHAIR BOLOSAN: Here.

CHAIR ALULI: Stan Ruidas.

COMMISSIONER RUIDAS: Present.

CHAIR ALULI: Jamie Becraft.

COMMISSIONER BECRAFT: Present.

CHAIR ALULI: Maria.

MS. KHANGSENGSING: I'm here.

CHAIR ALULI: I'm sorry. Oh, Bobbie, I'm sorry. Bobbie Andrion.

COMMISSIONER ANDRION: Yes, I'm here.

CHAIR ALULI: Okay. Good. All right. Nane Aluli

1 present. Maria's present. Georgette Tyau.

2 ACTING DIRECTOR TYAU: Present.

3 CHAIR ALULI: Kari. Oh, shoot.

4 LCO YOSHIZAMA: Present.

5 CHAIR ALULI: Layne.

6 LCO LAYNE SILVA: Present.

7 CHAIR ALULI: And Gene.

8 LCO YOSHIZAMA: Gene's present.

9 CHAIR ALULI: Gene's present. Okay. Have I missed
10 anybody? Oh, sorry.

11 CORP COUNSEL DESJARDINS: Me.

12 CHAIR ALULI: Yeah, Mimi. Mimi.

13 CORP COUNSEL DESJARDINS: I'm here.

14 CHAIR ALULI: Okay. Thank you. All right. Have I
15 missed anybody?

16 (No response.)

17 CHAIR ALULI: No. Okay. Good. All right. Let's
18 go on to the agenda. Can I get a motion for approval for our
19 agenda of August 12th, 2020.

20 VICE CHAIR BOLOSAN: Leon Bolosan. I move to
21 approve the agenda for August 12th, 2020.

22 COMMISSIONER DE MELLO: I second that motion.

23 CHAIR ALULI: All in favor?

24 (Response.)

25 CHAIR ALULI: Anybody opposed?

1 (No response.)

2 CHAIR ALULI: Motion carries. Thank you.

3 Move on to the minutes, approval of the liquor
4 control commission minutes of July 8, 2020. Can I have a
5 motion for approval?

6 Bruce, yes. You're muted, Bruce.

7 COMMISSIONER U'U: Motion for approval.

8 CHAIR ALULI: Okay.

9 COMMISSIONER U'U: I make a motion.

10 CHAIR ALULI: Okay. Thank you. Second?

11 COMMISSIONER DE MELLO: I second that motion.

12 CHAIR ALULI: All in favor?

13 (Response.)

14 CHAIR ALULI: Any opposed?

15 (No response.)

16 CHAIR ALULI: Motion carries. Thank you.

17 Okay. For public testimony, what I'm going to do is
18 before each area where public -- public testimony is open, I'm
19 going to ask for anybody in the audience to provide their
20 testimony for any of the items that are on that particular
21 area at the time and then I'm going to close public testimony.
22 So I'm going to ask for that at the beginning of each hearing
23 area and then I'm going to close it and then we will go
24 through the individual applicants.

25 So I'll start off with General Licensing Matters,

1 Items A through H. Can I get a motion of -- for approval for
2 those items?

3 COMMISSIONER BECRAFT: Mr. Chair, Jamie Becraft. I
4 make a motion for approval.

5 CHAIR ALULI: Thank you, Jamie. Second?

6 COMMISSIONER U'U: Second. I'll make a second,
7 Mr. Chair.

8 CHAIR ALULI: Good. Any discussion on these items?

9 (No response.)

10 CHAIR ALULI: All in favor?

11 (Response.)

12 CHAIR ALULI: Anybody opposed?

13 (No response.)

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

15 Okay. We'll go on to Item VII, Public Hearings,
16 Item A. Before I go -- before I go, actually, to the item, to
17 the applicant, is there any public testimony for Application
18 No. 19?

19 (No response.)

20 CHAIR ALULI: Not seeing any, I will close public
21 testimony for Item 19 and let's move on to A, Application
22 No. 19, The Breakfast Caffe. Kari.

23 LCO YOSHIZAMA: Application No. 19, the applicant is
24 The Breakfast Caffe LLC doing business as Kihei Caffe Lahaina.
25 The proposed premises is located at 315-355 Keawe Street,

1 No. 601, Lahaina, Maui, Hawaii. This is a public hearing for
2 a new Restaurant General License, Category B(ii).

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

6 Notice of public hearing was published in the Maui
7 News on May 20th and 27th, 2020.

8 There are a total of 137 owners and lessees situated
9 within 500 feet of the proposed premises.

10 The department did not receive any protests.

11 We have Dave Jorgensen here representing The
12 Breakfast Caffe LLC. Dave.

13 MR. JORGENSEN: Good morning. Good morning, Chair
14 Aluli, Members of the Commission and Staff. Dave Jorgensen
15 appearing on behalf of applicant The Breakfast Caffe LLC dba
16 Kihei Caffe Lahaina. My clients wanted to participate, but,
17 unfortunately, due to some technical difficulties and one of
18 them is in Chicago dealing with some COVID-related issues, so
19 they're not able to participate, but I'm here to answer any
20 questions you may have.

21 CHAIR ALULI: Okay. Thank you, Dave.

22 Commissioners, any question for Mr. Jorgensen?

23 (No response.)

24 CHAIR ALULI: Dave, I have a question. What are --
25 when are you guys planning to open at this point? Do you have

1 an opening date at all, an estimated time?

2 MR. JORGENSEN: Three months -- three months ago,
3 but construction is ongoing and it looks like, unfortunately,
4 for various reasons that -- and this time and I'll -- I'll say
5 it, it's not as much the county's fault as COVID's fault, but
6 there's been delays in construction. In the buildout, the
7 building's there. This is by where Barnes & Noble was in that
8 shopping center right on the corner. But we're looking at
9 around Thanksgiving.

10 CHAIR ALULI: Okay, all right. Any --

11 MR. JORGENSEN: God willing.

12 CHAIR ALULI: Yeah, God willing.

13 Any questions on the part of any -- any questions on
14 any -- on the part of any of the commissioners?

15 (No response.)

16 CHAIR ALULI: If not, can I get a motion for
17 approval?

18 COMMISSIONER U'U: I'll make a motion to approve,
19 Chair.

20 CHAIR ALULI: Okay. Second?

21 COMMISSIONER BECRAFT: Jamie Becraft. Second.

22 CHAIR ALULI: Any further discussion?

23 (No response.)

24 CHAIR ALULI: If not, can I get a -- a motion for
25 approval?

1 MR. JORGENSEN: I think you just did.

2 CORP COUNSEL DESJARDINS: You have a motion to
3 approve.

4 CHAIR ALULI: Oh, sorry.

5 CORP COUNSEL DESJARDINS: Chair, you need to vote
6 now.

7 CHAIR ALULI: Yeah, yeah. Sorry.

8 MR. JORGENSEN: Okay. Sorry.

9 CHAIR ALULI: Okay. Excuse me, Dave. Thank you
10 very much.

11 MR. JORGENSEN: I thought it was on a loop.

12 COMMISSIONER BECRAFT: Yes.

13 COMMISSIONER BECRAFT: We still need to vote,
14 Mr. Chair.

15 CHAIR ALULI: Yeah. Sorry, I kind of -- oh, okay.
16 Let me call for the vote. Leslie Ann.

17 COMMISSIONER YOKOUCHI: Yes.

18 CHAIR ALULI: Jerrybeth.

19 COMMISSIONER DE MELLO: Aye.

20 CHAIR ALULI: Leon Bolosan.

21 VICE CHAIR BOLOSAN: Aye.

22 CHAIR ALULI: Jamie Becraft.

23 COMMISSIONER BECRAFT: Aye.

24 CHAIR ALULI: Aaron Boswell.

25 COMMISSIONER BOSWELL: Aye.

1 CHAIR ALULI: Bobbie Andrion.

2 COMMISSIONER ANDRION: Aye.

3 CHAIR ALULI: Bruce U'u.

4 COMMISSIONER U'U: Aye.

5 CHAIR ALULI: Stan Ruidas.

6 COMMISSIONER RUIDAS: Aye.

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

8 MR. JORGENSEN: Thank you very much.

9 CHAIR ALULI: Okay. Let's move on to Preliminary
10 Hearings. Again, I'll open up to if there is any public
11 testimony, anybody out there that wants to provide any public
12 testimony for Items A to D?

13 (No response.)

14 CHAIR ALULI: Not having any, I am closing public
15 testimony on these items. And go to Item A, Application 01,
16 GW Manager LLC dba Makana. Gene.

17 LCO GENE SILVA: Good morning, everybody.

18 MR. NAKAMURA: Good morning.

19 CHAIR ALULI: Good morning, Gene.

20 LCO LAYNE SILVA: Craig should introduce himself and
21 (inaudible).

22 MR. NAKAMURA: Yeah. I'd be happy to do that. This
23 is Craig Nakamura, attorney on behalf of the applicant, and I
24 believe Bart Santiago is on the line, at least he's been
25 trying to call in. I think he may have had some technical

1 difficulties as well, but, Bart, are you on the line?

2 MR. SANTIAGO: Yes, I am.

3 MR. NAKAMURA: Okay. Great. This is Bart Santiago
4 with me on this application. Thank you.

5 CHAIR ALULI: Thank you.

6 LCO GENE SILVA: Application No. 01, GW Manager LLC
7 doing business as Makana - Gifts With Aloha applying for a
8 retail general license.

9 Manager, member, and organizer of the
10 manager-managed LLC; personal history statements; criminal
11 history statements; management agreement are all listed in the
12 investigator's report.

13 The proposed premises is located wholly within the
14 Grand Wailea Resort Hotel and Spa, Haleakala Wing,
15 approximately 2,600 square feet, located at 3850 Wailea Alanui
16 Drive, Units D and E, Wailea, Maui, Hawaii.

17 There are no schools located within a radius of 500
18 feet.

19 Wailea Seaside Chapel is located within a radius of
20 500 feet.

21 Cafe Kula is a license of the same class and kind
22 located within a radius of 500 feet.

23 There is one hotel license located within a radius
24 of 500 feet.

25 There are 136 licenses of this class and kind

1 currently issued within Maui County.

2 Applicant initially plans to be open from 7:00 a.m.
3 to 10:00 p.m. seven days a week.

4 A site inspection was conducted on July 17th, 2020.

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

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

12 CHAIR ALULI: Okay. Thank you, Gene.

13 Craig, anything further?

14 MR. NAKAMURA: Yeah. Thank you, Gene. Yeah. Thank
15 you, Gene.

16 Yeah, Mr. Chair, Members of the Commission, this is
17 a preliminary hearing for a new retail liquor license for a
18 new gift shop at the Grand Wailea Hotel. You'll see that the
19 applicant is a -- is a new LLC and this is, basically, the
20 first of three applications that we're going to file to
21 transfer the liquor licenses at the Grand Wailea to a new
22 entity. This is what I would call, basically, a corporate
23 reorganization. You might remember the hotel was sold about a
24 year ago and Hilton has been looking to restructure the
25 management of this property, so the license is being

1 transferred to this new entity, GW Manager LLC, but that's
2 still a Hilton entity. Operations of the hotel are not
3 changing, it's just, basically, a change of the entity
4 that's -- that's carrying the liquor license. So we're going
5 to have today -- this is a new retail store, there's another
6 application later on on the agenda for the -- another retail
7 application and we're working very hard on the transfer of the
8 hotel liquor license, which we hope to have on the agenda next
9 month.

10 Bart Santiago, who is on the line, is the manager of
11 the applicant LLC. As you can see from his personal history
12 statement, Bart is a graduate of Lahainaluna High School and
13 he's worked in various capacities in Maui and the mainland in
14 the hotel industry since 1987. He is a resident of Kula. And
15 we are very, very happy that he's representing the hotel in
16 this capacity.

17 We'd be happy to answer any questions that you might
18 have.

19 CHAIR ALULI: Yeah. I have a question, Craig. So
20 are all of the liquor licenses that the Grand Wailea holds
21 now, they're all going to come under that GW Manager LLC.

22 MR. NAKAMURA: Yes. Yeah, that's correct,
23 Mr. Chair.

24 CHAIR ALULI: Oh, okay, all right.

25 Commissioners, any -- any questions from any of the

1 commissioners?

2 (No response.)

3 CHAIR ALULI: If not, can I get a motion of
4 approval?

5 COMMISSIONER BECRAFT: Mr. Chair, Jamie Becraft. I
6 motion for approval.

7 CHAIR ALULI: Get a second?

8 VICE CHAIR BOLOSAN: Leon Bolosan. Second.

9 CHAIR ALULI: Okay. All in favor? Leslie Yokouchi.

10 COMMISSIONER ANDRION: You're on mute.

11 CHAIR ALULI: You're mute --

12 COMMISSIONER YOKOUCHI: Yes.

13 CHAIR ALULI: Unmute yourself, Leslie.

14 COMMISSIONER YOKOUCHI: Yes.

15 CHAIR ALULI: Okay. Jerrybeth De Mello.

16 COMMISSIONER DE MELLO: Yes.

17 CHAIR ALULI: Leon Bolosan.

18 VICE CHAIR BOLOSAN: Aye.

19 CHAIR ALULI: Bobbie Andrion.

20 COMMISSIONER ANDRION: Yes.

21 CHAIR ALULI: Aaron Boswell.

22 COMMISSIONER BOSWELL: Aye.

23 CHAIR ALULI: Stan Ruidas.

24 COMMISSIONER RUIDAS: Aye.

25 CHAIR ALULI: Bruce U'u.

1 COMMISSIONER U'U: Aye.

2 CHAIR ALULI: Any opposed?

3 (No response.)

4 CHAIR ALULI: Motion carries. Thank you very much,
5 Craig.

6 COMMISSIONER BECRAFT: Mr. Chair.

7 MR. NAKAMURA: Thank you very much. Thank you.

8 CHAIR ALULI: Oh, sorry. Leon.

9 COMMISSIONER BECRAFT: Mr. Chair, Jamie Becraft.

10 CHAIR ALULI: Yes, Jamie.

11 COMMISSIONER BECRAFT: I vote aye also.

12 CHAIR ALULI: Sorry. Sorry, Jamie. I can't see --

13 COMMISSIONER BECRAFT: That's all right.

14 CHAIR ALULI: -- everybody on the screen. I don't
15 have everybody's name here. I don't have --

16 COMMISSIONER BECRAFT: That's fine. I'm sorry.

17 CHAIR ALULI: -- that chart. So, thank you,
18 appreciate that.

19 Okay. Motion carries. Thank you very much.
20 Thanks, Craig.

21 MR. NAKAMURA: Thank you. Thank you very much.

22 CHAIR ALULI: Okay. Let's move on to Item B,
23 Application No. 2, Valley Isle Distilling Company LLC. Layne.

24 LCO LAYNE SILVA: Okay. Good morning. First off,
25 Item B is Valley Isle Distilling. I believe we're supposed to

1 have John LeVecke as well as Kainoa Horcajo should be on
2 somewhere.

3 CHAIR ALULI: Yeah, they're on.

4 MR. LeVECKE: I'm on now.

5 CHAIR ALULI: I see them in the people. Okay.

6 MR. HORCAJO: Yeah. Aloha. This is Kainoa.

7 CHAIR ALULI: Oh, Kainoa.

8 MR. HORCAJO: I'm on.

9 CHAIR ALULI: Okay.

10 MR. LeVECKE: I believe we want Joe LeVecke as well.

11 LCO LAYNE SILVA: No. As of right now, we're just
12 doing the application that is going for preliminary hearing,
13 so, yeah, it's just you two. If you can go ahead and
14 introduce yourselves.

15 MR. LeVECKE: My name is John LeVecke and I'm part
16 of Valley Isle Distillery. I'm presently on the mainland
17 living in California and I will -- I'm -- I share the
18 membership of the new title ownership.

19 CHAIR ALULI: Okay.

20 MR. HORCAJO: And aloha, good morning, Chair,
21 commissioners and -- and staff of the department. My name is
22 Kainoa Horcajo. I'm currently at my closed-down office at the
23 Grand Wailea, but happy -- happy to be here this morning
24 and -- and be moving forward at this preliminary hearing. I'm
25 here to answer any questions there might be. And thank you to

1 all of you and to Layne for all of the work that he's done
2 with us. I'm going to keep my video off and muted unless --
3 unless there's questions, just so you guys can all see each
4 other.

5 CHAIR ALULI: Okay. Thanks, Kainoa.

6 LCO LAYNE SILVA: Okay.

7 CHAIR ALULI: Okay.

8 LCO LAYNE SILVA: Okay. Application --

9 CHAIR ALULI: Layne.

10 LCO LAYNE SILVA: -- No. 2, applicant is Valley Isle
11 Distilling Co. LLC doing business as Valley Isle Distilling
12 Co. LLC applying for a Manufacturer D, Other Specified Liquor
13 License.

14 The members of the manager-managed limited liability
15 company, personal history statements, criminal history
16 statements, and the letter of intent to lease are all listed
17 in the investigator's report.

18 The proposed premises containing approximately 8,000
19 square feet of floor space is located at 873 Haliimaile Road,
20 Makawao, Maui, Hawaii.

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

23 There is one restaurant general license located
24 within a radius of 500 feet.

25 There are three licenses of this class and kind

1 currently issued within Maui County.

2 The applicant plans to be open seven days a week, 24
3 hours a day.

4 A site inspection was conducted of the proposed
5 premises on July 22nd, 2020.

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 the issuance of the
11 liquor license have not been submitted. Those items are
12 listed in the investigator's report.

13 CHAIR ALULI: Okay. Thank you, Layne. I just want
14 to make a comment and that's just because my Hawaiian language
15 ear, which is limited, just kind of grates every time I hear
16 this. And it's not a criticism of you, Layne, it's -- yeah.
17 The correct -- the correct pronunciation of Haliimaile is
18 Ha-li-i-mai-le, so please pronounce it correctly; otherwise,
19 it just -- just please pronounce it correctly. Thank you.

20 LCO LAYNE SILVA: Sure.

21 CHAIR ALULI: Okay. Kainoa or John, do you have
22 anything further to add to that? Kainoa.

23 MR. HORCAJO: Yes, sir. No, from me, nothing
24 further. We've been very -- just very appreciative of all the
25 work that Kari and Layne and the department has put into

1 making sure we've dotted all our i's and crossed our t's so
2 far. We know we've got a lot of work ahead, but appreciative
3 of the process and the work. Thank you.

4 CHAIR ALULI: Okay, all right.

5 MR. LeVECKE: And I stand with Kainoa on that. John
6 LeVecke.

7 CHAIR ALULI: And, John, where are you located right
8 now?

9 MR. LeVECKE: I'm -- I'm in Running Springs,
10 California, outside San Bernardino.

11 CHAIR ALULI: Okay, all right. All right. Thank
12 you.

13 Commissioners, any questions of the -- of either
14 John or Kainoa?

15 (No response.)

16 CHAIR ALULI: If not, can I get a motion for
17 approval?

18 VICE CHAIR BOLOSAN: Leon Bolosan. I move to
19 approve the application.

20 COMMISSIONER BECRAFT: Jamie Becraft. I second the
21 motion.

22 CHAIR ALULI: Okay. Stan Ruidas. Motion for
23 approval or --

24 COMMISSIONER RUIDAS: Aye.

25 CHAIR ALULI: Stan Ruidas.

1 COMMISSIONER RUIDAS: Aye.
2 CHAIR ALULI: Jerrybeth De Mello.
3 COMMISSIONER DE MELLO: Aye.
4 CHAIR ALULI: Jamie Becraft.
5 COMMISSIONER BECRAFT: Aye.
6 CHAIR ALULI: Bobbie Andrion.
7 COMMISSIONER ANDRION: Aye.
8 CHAIR ALULI: Aaron Boswell.
9 COMMISSIONER BOSWELL: Aye.
10 CHAIR ALULI: Leon Bolosan.
11 VICE CHAIR BOLOSAN: Aye.
12 CHAIR ALULI: Leslie Yokouchi.
13 COMMISSIONER YOKOUCHI: Aye.
14 CHAIR ALULI: Bruce U'u.
15 COMMISSIONER U'U: Aye.
16 CHAIR ALULI: Anybody opposed?
17 (No response.)
18 CHAIR ALULI: Motion carries. Thank you very much.
19 MR. HORCAJO: Mahalo Nui.
20 CHAIR ALULI: Thanks, Kainoa. Thank you, John.
21 MR. LeVECKE: Thank you.
22 CHAIR ALULI: Okay. Let's --
23 MR. LeVECKE: Thank you all very much.
24 CHAIR ALULI: Thank you.
25 All right. Move on to Item C, Application 3,

1 Wailuku Distillery LLC dba Wailuku Distillery LLC. Layne.

2 LCO LAYNE SILVA: Okay. Application No. 3, Waikulu
3 Distillery. Dave, that's you?

4 CHAIR ALULI: Oh, Waikulu. I'm sorry.

5 MR. NAKAMURA: See. Gotcha. Gotcha, Chair.

6 CHAIR ALULI: Bad me. Ouch. Okay. Waikulu
7 Distillery LLC. Bad me. Sorry. Go ahead.

8 MR. JORGENSEN: Dave Jorgensen appearing on behalf
9 of applicant Waikulu Distillery LLC dba Waikulu Distillery
10 L -- and my client, Paul Turner, is -- has joined us and he is
11 the principal of the LLC.

12 CHAIR ALULI: Okay.

13 MR. TURNER: Good morning, everyone.

14 CHAIR ALULI: Good morning, Paul.

15 MR. TURNER: Good morning.

16 CHAIR ALULI: Layne.

17 LCO LAYNE SILVA: Application No. 3, the applicant
18 is Waikulu Distillery LLC doing business as Waikulu Distillery
19 LLC applying for a Manufacturer D, Other Specified Liquor
20 License.

21 The member, manager, agent, and organizer of the
22 member-managed limited liability company; personal history
23 statement; criminal history statement; and lease agreement are
24 all listed in the investigator's report.

25 The proposed premises containing approximately 2,240

1 square feet of floor space is located at 3275 Baldwin Avenue,
2 Makawao, Maui, Hawaii.

3 There are no churches, schools, or licensees of the
4 same class and kind located within a radius of 500 feet.

5 There are three licenses of this class and kind
6 currently issued within Maui County.

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

9 A site inspection was conducted on July 24th, 2020.

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

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

17 CHAIR ALULI: Okay. Thank you, Layne.

18 Dave or Paul, anything further to add? Dave.

19 MR. JORGENSEN: Just that the distillery is located
20 below the cemetery in Makawao and there's quite -- if you
21 drive by there and happen to, if you're coming downhill, turn
22 to your right, you'll see a lot of the agave plants that
23 Mr. Turner has been nurturing for years now. And Paul could
24 elaborate a little bit, but I -- I actually was going to have
25 a picture to show you, but these are ginormous agave plants.

1 So we're very excited to move forward and Mr. Turner will be
2 able to begin distilling and producing his agave liquor.

3 MR. TURNER: Yeah. I have about 6 acres of the
4 agave in cultivation already and it's a plant traditionally
5 grown in Mexico, but it seems to be extremely happy growing in
6 Makawao. The climate and everything is actually more
7 favorable than Mexico, so the plants are doing really well.
8 And I think I'll have another -- another acre or two planted
9 out by the end of the year.

10 CHAIR ALULI: Good.

11 MR. JORGENSEN: And we're available for any
12 questions you might have.

13 CHAIR ALULI: Yeah. Commissioners, any questions of
14 the applicants? Yes, Bruce.

15 COMMISSIONER U'U: Yeah. Question: What is
16 currently on the site there now?

17 MR. TURNER: Well, there -- I have a building,
18 it's -- it's the basic structure, it's not finished, I'm
19 waiting for the building permit to issue so I can finish out
20 electrical and plumbing and so forth. So, basically, there's
21 the building that's going to be the distillery, there's a
22 shipping container with an awning on the side, and then pretty
23 much the rest of the property is planted out with the agave
24 except for about an acre and a half, 2 acres that's yet to be
25 planted.

1 COMMISSIONER U'U: And one -- one more question,
2 'cause I'm -- I'm still new. So the license you're applying
3 for, does it allow you to sell and serve there or -- can you
4 clarify that for me? And sorry for my lack of understanding.

5 MR. JORGENSEN: If I can, he would be able to sell
6 as the other distilleries on the island sell retail, he'd be
7 able to provide to other people and he would have a tasting
8 room for, you know, minor kine tasting.

9 COMMISSIONER U'U: Okay.

10 CHAIR ALULI: Yeah, Bruce. You have another
11 question?

12 COMMISSIONER U'U: Yeah, just a follow-up. I
13 just -- you know, we all know the Veteran's Cemetery that's
14 abutting there, I just would hope and -- that you keep it as
15 respectful as possible. 'Cause, granted, there's no churches
16 there, but there's a lot of families, mine included, that is
17 buried alongside, so, you know --

18 MR. TURNER: Absolutely.

19 COMMISSIONER U'U: -- any way we can keep it as
20 respectful as possible to all the veterans and the people
21 buried there, I would really appreciate it.

22 MR. TURNER: I'm fully on board with that. I have
23 the same respect for that cemetery. For the most part, it's a
24 pretty quiet operation, you know, the -- it's -- for the most
25 part, it's farming. People are coming in for the tours, it's

1 not -- it's not in direct view or, you know, in any way that
2 would disturb the people who are visiting the cemetery or
3 their, you know, family or friends they have buried there.

4 MR. JORGENSEN: And if I may, Commissioner U'u, to
5 maybe more directly respond to part of your question, there's
6 another form of license we could've applied for that would've
7 allowed more of a pub and that's not what we're applying for.

8 MR. TURNER: Right.

9 MR. JORGENSEN: You know, so there maybe could've
10 been more of a service and bar atmosphere and that's not what
11 we're doing, not what Mr. Turner is doing.

12 COMMISSIONER U'U: Okay.

13 CHAIR ALULI: Good. And that's -- it's very
14 similar, I would imagine, to what Ocean Vodka's setup is like?

15 MR. JORGENSEN: Frankly, probably a little less than
16 what they have there.

17 CHAIR ALULI: Less than they have, okay.

18 MR. JORGENSEN: But, yes, they don't have a bar
19 there. They have a more --

20 CHAIR ALULI: Right.

21 MR. JORGENSEN: -- a more elaborate tasting room --

22 CHAIR ALULI: Oh, okay.

23 MR. JORGENSEN: -- and they have events. Currently,
24 Mr. Turner is not looking to have events, but, you know,
25 that's -- that is Ocean Vodka, that's my understanding that

1 it's a more --

2 CHAIR ALULI: Right.

3 MR. JORGENSEN: They're a more active operation.

4 CHAIR ALULI: They are. Okay. Yeah. And I want --
5 you know, it needs to be respectful, 'cause that's where I'm
6 gonna be buried, so, please, be respectful, I'm going to be
7 buried there.

8 MR. TURNER: Absolutely.

9 CHAIR ALULI: Okay. Can I get a motion for
10 approval?

11 COMMISSIONER YOKOUCHI: Chair.

12 CHAIR ALULI: Any -- or any further -- oh, sorry,
13 before I do that.

14 COMMISSIONER YOKOUCHI: I just have a question.

15 CHAIR ALULI: Are there any further questions of the
16 applicants.

17 COMMISSIONER YOKOUCHI: Yes, I would like to know
18 what you --

19 CHAIR ALULI: Leslie, awful question.

20 COMMISSIONER YOKOUCHI: -- what you're making.

21 Distilling vodka too or what are you making?

22 MR. TURNER: No. It would be a tequila-type
23 product, you know, it's the -- it's the exact same as tequila,
24 it's just that tequila, Mexico has the domain origin rights to
25 the name and brand of tequila, so this would be labeled as a

1 hundred percent blue agave spirit. And the TTB has a
2 classification for that, because there's a number of people
3 who are making this type of product on the mainland as well,
4 but they're doing it with syrup that they source from Mexico.
5 The plants don't grow well in almost everywhere on the
6 mainland, it's too cold, they can't handle the winter. So
7 that -- that's pretty much the -- as its planned now, that
8 would be the sole product that we're selling --

9 COMMISSIONER YOKOUCHI: Thank you.

10 MR. TURNER: -- is the blue agave spirit.

11 CHAIR ALULI: Okay. Commissioners, any -- any
12 further questions --

13 VICE CHAIR BOLOSAN: Yes.

14 CHAIR ALULI: -- of the applicant.

15 VICE CHAIR BOLOSAN: I just wanted to ask --

16 CHAIR ALULI: Yeah, Leon.

17 VICE CHAIR BOLOSAN: -- a minor question. I just
18 wanted to find out how -- how long before you can harvest.
19 And I know I have three big agave plants in front of my house,
20 3 feet high. Okay?

21 MR. TURNER: Yeah.

22 VICE CHAIR BOLOSAN: So I know they're hard to work
23 around with 'cause, you know --

24 MR. TURNER: Yeah.

25 VICE CHAIR BOLOSAN: -- the thorn and the -- the end

1 of that plant, man, you can get hurt, really.

2 MR. TURNER: Oh, yeah. Yeah.

3 VICE CHAIR BOLOSAN: I mean, you know what I'm
4 talking about, Paul.

5 MR. TURNER: Absolutely, absolutely.

6 VICE CHAIR BOLOSAN: But, anyway, I just wanted to
7 find out if -- how long before you can harvest and after you
8 harvest, I know they -- they have babies around them.

9 MR. TURNER: Yeah.

10 VICE CHAIR BOLOSAN: You get, you know, that agave
11 plants right away or can you harvest after --

12 MR. TURNER: If it -- if it's the blue agave, you
13 know, like I'm growing, it's six or seven years here on Maui,
14 it looks like.

15 VICE CHAIR BOLOSAN: Okay. Yes.

16 MR. TURNER: I was hoping to have this all done
17 about a year ago, so my first planting of the agave is really
18 ripe. I mean, I have ones that are almost going to seed now.
19 It's a little --

20 VICE CHAIR BOLOSAN: Okay.

21 MR. TURNER: -- disconcerting. But it takes six,
22 seven years.

23 VICE CHAIR BOLOSAN: Wow.

24 MR. TURNER: And they'll get -- they get very big.

25 VICE CHAIR BOLOSAN: Yes.

1 MR. TURNER: They're getting much bigger than what
2 I've seen in Mexico. Mine are 8 feet tall and some of them
3 are 14 feet across.

4 VICE CHAIR BOLOSAN: Yes.

5 MR. TURNER: They're enormous.

6 VICE CHAIR BOLOSAN: Yes.

7 MR. TURNER: Yeah. And there are special tools you
8 use to -- to harvest them that keep you away from the thorns.

9 VICE CHAIR BOLOSAN: Yes.

10 MR. TURNER: And there's other tools to pop the
11 keikis out that you replant. And once those have a ball of
12 about the size of a softball, you know, the base of it, then
13 they're ready to transfer and replant.

14 VICE CHAIR BOLOSAN: Okay. Thank you, Paul.

15 MR. TURNER: Sure.

16 VICE CHAIR BOLOSAN: Thank you, Mr. Chair.

17 CHAIR ALULI: All right. Thank you.

18 Any -- any further questions?

19 (No response.)

20 CHAIR ALULI: If not, can I have a motion for
21 approval.

22 VICE CHAIR BOLOSAN: And in that case, I -- Leon
23 Bolosan.

24 COMMISSIONER U'U: I'll --

25 VICE CHAIR BOLOSAN: I'm sorry. Go ahead.

1 COMMISSIONER U'U: I'm sorry. No. Go on, Leon.
2 VICE CHAIR BOLOSAN: Okay. Thank you, Bruce. I
3 move to approve the application.
4 CHAIR ALULI: Okay. Do I have a second?
5 COMMISSIONER YOKOUCHI: Second.
6 CHAIR ALULI: Leslie. Any further discussion?
7 (No response.)
8 CHAIR ALULI: Okay. Stan Ruidas.
9 COMMISSIONER RUIDAS: Aye.
10 CHAIR ALULI: Jerrybeth.
11 COMMISSIONER DE MELLO: Aye.
12 CHAIR ALULI: Leslie Ann.
13 COMMISSIONER YOKOUCHI: Aye.
14 CHAIR ALULI: Bobbie Andrion.
15 COMMISSIONER ANDRION: Aye.
16 CHAIR ALULI: Bruce U'u.
17 COMMISSIONER U'U: Aye. And good luck.
18 MR. TURNER: Thank you, Bruce.
19 CHAIR ALULI: Leon Bolosan.
20 VICE CHAIR BOLOSAN: Aye.
21 CHAIR ALULI: Aaron Boswell.
22 COMMISSIONER BOSWELL: Aye.
23 CHAIR ALULI: Jamie Becraft.
24 COMMISSIONER BECRAFT: Aye.
25 CHAIR ALULI: Anybody opposed?

1 (No response.)

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

3 MR. JORGENSEN: Thank you all very much.

4 MR. TURNER: Thank you.

5 MR. JORGENSEN: Have a good day.

6 CHAIR ALULI: All right. Let's move on to Item D,
7 Application No. TA-01 GW Manager LLC dba Cafe Kula.

8 MR. NAKAMURA: Yeah. Good morning, Mr. Chair.
9 Craig Nakamura and Bart Santiago I believe is still on the
10 line --

11 MR. SANTIAGO: Yes, I am.

12 MR. NAKAMURA: -- representing the applicant.

13 CHAIR ALULI: Okay. Thank you very much.
14 Gene.

15 LCO GENE SILVA: Transfer Application 01, GW Manager
16 LLC doing business as Cafe Kula applying for a transfer of a
17 retail general license from 90210 Management Company LLC doing
18 business as Cafe Kula.

19 Manager, member, and organizer of the manager-
20 managed LLC; personal history statements; criminal history
21 statements; management agreement; and consent to transfer are
22 all listed in the investigator's report.

23 The proposed premises is located wholly within the
24 Grand Wailea Resort Hotel and Spa, Haleakala Wing,
25 approximately 3 ,600 square feet, located at 3850 Wailea

1 Alanui Drive, Wailea, Maui, Hawaii.

2 There are no schools located within a radius of a
3 500 feet.

4 Wailea Seaside Chapel is located within a radius of
5 500 feet.

6 There are no licenses of the same class and kind
7 located within a radius of 500 feet.

8 There is one hotel license located within a radius
9 of 500 feet.

10 There are 136 licenses of this class and kind
11 currently issued within Maui County.

12 CHAIR ALULI: Okay. Thank you.

13 LCO GENE SILVA: 90210 Management Company LLC doing
14 business as Cafe Kula was issued a new retail general license
15 on April 12, 2006. The license was transferred from KSL
16 Management Operations LLC doing business as Cafe Kula on May
17 25th, 2006. A change from member-managed LLC to manager-
18 managed LLC on May 16th, 2019.

19 Plans of -- oh. Applicant initially plans to be
20 open seven days a week from 5:30 a.m. to 8:00 p.m.

21 A site inspection was conducted on July 17th, 2020.

22 In the opinion of the investigator, the applicant
23 appears to be fit and proper and does not appear to be
24 disqualified by any provisions as stated within Section 281-56
25 of the HRS from obtaining or exercising a liquor license.

1 All documents necessary for an issuance of a liquor
2 license have not been submitted. Those items are listed in
3 the investigator's report.

4 CHAIR ALULI: Thank you, Gene.

5 Craig, anything further?

6 MR. NAKAMURA: Yeah. Thank you, Mr. Chair. As --
7 as mentioned during the previous application, this is the
8 second application at the Grand Wailea. This is for the
9 existing Cafe Chow -- excuse me, Cafe Kula, which is the deli
10 at the hotel. So we're transferring the retail license from
11 that deli -- from that licensee to the new manager. We'd be
12 happy to answer any questions you have.

13 CHAIR ALULI: Thank you, Craig.

14 Commissioners, any questions of the applicants?

15 (No response.)

16 CHAIR ALULI: Not having any, can I get a motion for
17 approval?

18 COMMISSIONER U'U: Motion to approve.

19 COMMISSIONER YOKOUCHI: Second.

20 CHAIR ALULI: Okay. Jerrybeth De Mello.

21 COMMISSIONER DE MELLO: Approve.

22 CHAIR ALULI: Leon Bolosan.

23 VICE CHAIR BOLOSAN: Aye.

24 CHAIR ALULI: Bobbie Andrion.

25 COMMISSIONER ANDRION: Aye.

1 CHAIR ALULI: Leslie Ann.

2 COMMISSIONER YOKOUCHI: Aye.

3 CHAIR ALULI: Aaron Boswell.

4 COMMISSIONER BOSWELL: Aye.

5 CHAIR ALULI: Bruce U'u.

6 COMMISSIONER U'U: Aye.

7 CHAIR ALULI: Stan Ruidas.

8 COMMISSIONER RUIDAS: Aye.

9 CHAIR ALULI: Jamie Becraft.

10 COMMISSIONER BECRAFT: Aye.

11 CHAIR ALULI: Any opposed?

12 (No response.)

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

14 MR. NAKAMURA: Great. Thank you very much.

15 CHAIR ALULI: Appreciate it, Craig.

16 All right. Let's move on to Item VIII, Other
17 Licensing Matters. Again, I'm going to open it up to public
18 testimony. Is there anybody in the audience that wishes to
19 provide public testimony at this time?

20 (No response.)

21 CHAIR ALULI: Not seeing or hearing any, I'm going
22 to close. I'm closing public testimony and moving on to Item
23 A, Three's Catering LLC dba Three's Bar and Grill. Layne, who
24 are -- who's here for the applicant?

25 MR. NAKAMURA: Mr. Chair, Craig Nakamura, attorney

1 on behalf of the applicant, and I believe -- I believe Jaron
2 Blosser is supposed to be on the line, he's one of the
3 managers. Jaron, are you there?

4 MR. BLOSSER: I'm here.

5 CHAIR ALULI: Oh, good.

6 MR. BLOSSER: How's it going, everyone?

7 CHAIR ALULI: Okay. Layne.

8 LCO LAYNE SILVA: Okay. A request for modification
9 of licensed premises and increase in area of licensed
10 premises. The applicant is Three's Catering LLC doing
11 business as Three's Bar and Grill, a Dispenser General
12 License, Category C(ii).

13 Members, managers, and agent of the manager-managed
14 LLC are listed in the investigator's report.

15 The nature of the request is the request for
16 approval to extend the existing premises approximately 154
17 square feet on the front outdoor lanai on the Wailuku makai
18 side and approximately 704 square feet on the side outdoor
19 lanai mauka side.

20 Licensee is requesting approval to modify the
21 existing premises by increasing the surface area of the front
22 and side outdoor lanais, widening the existing stairs on the
23 side lanai, and repositioning the stairs on the front lanai as
24 plans submitted. Both areas are for outside dining.

25 The department is requesting commission

1 determination whether a 100- and 500-foot radius notification
2 needs to be done.

3 Background Information: The original application
4 for a Dispenser General License, Category C(ii), which was
5 filed on January 10th, 2010, for a proposed premises located
6 at 1945-G South Kihei Road, Kihei, Maui, Hawaii. The premises
7 consists of approximately 4,432 square feet. Original floor
8 plan is attached.

9 A public hearing for this application took place on
10 April 14th, 2010. There were two protests.

11 Review of Property Owners and Lessees Within a 500-
12 Foot Radius: After reviewing the current list of property
13 owners and lessees submitted, one out of four property owners
14 within a radius of 100 feet and 82 out of the 159 property
15 owners within a radius of 500 feet were not identified as
16 owners or lessees of record within the original license
17 application.

18 The lease is listed in the investigator's report.

19 The Rules and Laws: Just to go over Section
20 08-101-39, Notice of public hearing; license application.

21 (B) Immediately upon the commission's fixing a day
22 for the public hearing of the application, the applicant shall
23 mail a notice setting forth the time and place of the hearing
24 on the application to each of the following:

25 Not less than two-thirds of the owners of record of

1 real estate, lessees of record of real estate, and owners of
2 record of shares in a cooperative apartment or to those
3 individuals on the list of owners as provided by the managing
4 agent or governing body of the shareholders association
5 situated within a distance of 500 feet from the nearest point
6 of the premises for which the license is asked to the nearest
7 point of such real estate or cooperative apartment; provided
8 that in meeting this requirement, the applicant shall mail a
9 notice to not less than three-fourths of the owners of record
10 of real estate and lessees of record of real estate and owners
11 of record of shares in a cooperative apartment situated within
12 a distance of 100 feet from the nearest point of the premises
13 for which the license is asked. Notice by mail shall be
14 addressed to the last known address as shown in the records
15 with the county department of finance, real property tax
16 division, as filed by the person or the person's agent or
17 representative; if a -- if address is unavailable, to the last
18 known address of the person concerned;

19 Section 08-101-46, which applies to Reduction or
20 increase in area of licensed premises. The commission may, in
21 its discretion, permit the reduction or the increase in the
22 area of a licensed premises of any licensee without
23 publication of notice at a public hearing; provided that,
24 where an increase in premises may significantly impact the
25 public, the commission may require hearings pursuant to

1 section 281-39.5 and 281-57 to 281-60 HRS. The licensee shall
2 be subject to notice requirements of sections 281-57, 58, and
3 59, HRS, whenever there is a substantial increase of the
4 licensed premises and there are any owners or lessees of real
5 estate of record or owners of record of shares in cooperative
6 apartment or individuals on the list of owners as provided by
7 the managing agent or governing body of the shareholders
8 association situated within a distance of five hundred feet
9 from the nearest point of the premises for which the extension
10 is asked to the nearest point of such real estate or
11 cooperative apartment that were not previously notified.

12 Whenever any reduction or increase is permitted, the same
13 shall be endorsed in some appropriate manner upon the license.

14 That's all.

15 CHAIR ALULI: Okay. Craig, do you have anything
16 further to add to that?

17 MR. NAKAMURA: Yeah. Thank you. Thank you, Layne.

18 The commissioners may recall that at the last
19 meeting, last month's meeting and the meeting before, we were
20 discussing, you know, things that could be done to assist the
21 licensees during the hardships that they're undergoing because
22 of the COVID situation and one of the things that was
23 discussed was the -- as you know, the restaurants,
24 particularly, are being required to limit the number of
25 customers within their restaurants, the interior spaces,

1 because of the social-distancing requirements. So one thing
2 restaurants are doing are moving to expanding their outdoor
3 spaces to try and accommodate customers while still meeting
4 the -- the social-distancing requirements, and that's what's
5 being done here. Three's is an existing longstanding
6 restaurant over in Kihei and if you look at the floor plan,
7 you'll see that what they're doing is they're modifying or
8 extending their existing deck spaces in both the mauka and the
9 makai sides of the restaurant, basically, to accommodate more
10 customers.

11 And we appreciate the commission's review and
12 assistance in -- with this licensee. I don't think this will
13 be the first one that you'll see, but, you know, this is kind
14 of the -- the coming thing as far as trying to be able to
15 expand their spaces to -- to deal with the COVID situation.

16 We'd be happy to answer any questions you might
17 have.

18 CHAIR ALULI: Commissioners, any questions of the
19 applicants?

20 COMMISSIONER ANDRION: Mr. Chair, Roberto Andrion.
21 I do have a question.

22 CHAIR ALULI: Okay. Go ahead, Bobbie.

23 COMMISSIONER ANDRION: And this is just going back
24 to the background information where it says there were two
25 protests. What -- is it okay to ask what -- what became of

1 the protests? Was that taken care of or it's still going on?

2 MR. NAKAMURA: Well, I -- I think I can answer that
3 and maybe the staff can help as well. You know, this is a
4 restaurant in the Kihei Kalama Village. Commissioner Andrion,
5 I don't know if you were on the -- on the commission at that
6 time, but, you know, just prior to or around the time of the
7 application, you know, that -- that particular shopping center
8 had numerous problems. You know, there were a multiple
9 licensees, you know, they had a lot of complaints about loud
10 noise and music, problems in the parking lot, you know, and
11 that kind of thing.

12 There is residential properties immediately on mauka
13 side and there's a condominium project on the -- on the Wailea
14 side and so the problems became so significant there that the
15 commission at the time I believe imposed a time restriction on
16 noise -- or, excuse me, on music on the entire -- all of the
17 licensees in the shopping center. So when -- when this
18 application was filed, I think the concern was raised, I can't
19 remember specifically who, but as with any kind of public
20 hearing, two of the -- of the neighboring owners came and were
21 concerned about the possible impacts from a new restaurant, a
22 you know, new restaurant operation and how, you know, adding a
23 restaurant might increase the problems at the -- at the
24 shopping center.

25 I think over the years, due to the efforts of the --

1 of the commission and the staff, the complaints have really
2 dropped. I don't know that this particular licensee has
3 any -- has had any noise complaints during the period and
4 they've operated -- I think they've gotta a very good
5 reputation. You may have seen some of the articles that were
6 written by the -- by the three partners that are involved in
7 this operation and, basically, what they're doing here is
8 they're being -- they're asking to be able to help get some
9 assistance in dealing with the -- the COVID situation.

10 Does that -- does that help, Commissioner?

11 COMMISSIONER ANDRION: Yes. Yes, it definitely
12 does. I'm looking at the floor plan and I'm just looking at
13 the extension of it, which I believe is this -- the 32 feet by
14 22 -- 22 feet. Okay.

15 MR. NAKAMURA: Yeah.

16 COMMISSIONER ANDRION: Thank you.

17 MR. NAKAMURA: On the mauka side.

18 COMMISSIONER ANDRION: Yes.

19 MR. NAKAMURA: And also on the makai side, yeah.

20 COMMISSIONER BECRAFT: Mr. Chair, Jamie Becraft.

21 CHAIR ALULI: Okay. Yes, Jamie Becraft.

22 COMMISSIONER BECRAFT: I just want to add on to what
23 he's speaking of in regards to Three's. I was still employed
24 as a police officer at that time and in 2009 and then two
25 thousand -- there was a lot of special operations to try and

1 control that area 'cause there was a lot of fighting, there
2 was all sorts of problems, that's -- I think that's what's
3 going on. And what we're talking about is 2010, I believe, is
4 when the public -- when Three's opened and when the public
5 came out and that's what they were concerned about is we were
6 already having fighting and a lot of problems. But that was
7 never, in my career, in my mind, I had gone on there on
8 several operations, that -- Three's wasn't our problem and, to
9 my knowledge, they never did become the problem. And that
10 problem in the -- known as The Triangle isn't as -- how it was
11 back in 2009-2010 when it was pretty -- when it was pretty --
12 pretty active with problems. Just wanted to add that for
13 clarification on Roberto's question on what was going on at
14 that time. Thank you.

15 COMMISSIONER ANDRION: Thank you.

16 MR. NAKAMURA: Thank you.

17 CHAIR ALULI: Any other questions on the applicants?
18 Any -- Bruce.

19 COMMISSIONER U'U: Yeah, question, Craig. So you
20 guys -- you're right about the last couple meetings about what
21 was going on. My question to you, you mentioned that to add
22 more customers, is what you said, so you're adding a little
23 over 800 square feet, with the social distancing that's
24 recommended now, is it about -- is it about the same number or
25 would that be less with this increase of square footage?

1 MR. NAKAMURA: So, Commissioner, you're asking with
2 the -- with the extension, are we having about -- would we
3 have about the same number of customers that were taken away
4 without the extension?

5 COMMISSIONER U'U: Give or take, yes.

6 MR. NAKAMURA: Is that -- yeah.

7 MR. BLOSSER: I can answer that question.

8 MR. NAKAMURA: Maybe, Jaron, can you answer that?

9 MR. BLOSSER: Yeah. Can you all hear me okay?

10 CHAIR ALULI: Yep.

11 MR. BLOSSER: Yeah. So my name is Jaron, I'm one of
12 the owners and partners of Three's, Three's Bar and Grill.
13 Thanks for having me today. So the way that our -- our
14 building is designed, we actually -- we're going to lose more
15 than half of our customers with the 50 percent reduction, just
16 the way that it's spaced. Just how we've seen this whole
17 thing done over the last five months, in order to survive as a
18 business, we want to provide, you know, a little more than six
19 feet. We want to make sure that the majority of our customers
20 are going to be outside, just for the safety of our employees
21 and our customers. So our kind of plan to tackle this as a
22 restaurant was to go above and beyond on the safety protocols.
23 So with the extra seating, we actually won't be able to get
24 our full capacity back, but we believe we'll able to provide
25 social distancing, more safety, and, hopefully, enough where

1 we can survive as a business that -- to bridge the gap to the
2 other side of this thing.

3 So to answer your question, no, we don't get our
4 full seating back, but a lot of that is based on how strict
5 we're going to be on the safety protocols. Our plan, really,
6 is just to provide primarily outdoor seating because it seems
7 that's the safest thing to do.

8 COMMISSIONER U'U: One more question.

9 MR. BLOSSER: Thank you.

10 CHAIR ALULI: Yeah. Go ahead, Bruce.

11 COMMISSIONER U'U: It does and I kind of -- I kind
12 of assumed that even with this added square -- square foot,
13 that you wouldn't even match the existing with the new rules
14 in place.

15 My second question and I guess, Mr. Nakamura, it was
16 brought up again I think by the Restaurant Hui of one of
17 their -- one of the hopes that they could streamline this
18 process. How long was this process for you to do, to take
19 it -- and, in fact, how long will you think would it take for
20 actually from the start to actually making it legal where you
21 open? What would the -- the length of time be on average?
22 'Cause the last meeting, if I'm not mistaken, we had, I heard
23 something was thrown out to be said ten days and I -- I wasn't
24 clear on what the ten days was. Ten days that we -- I don't
25 know if it was ten days with the application or ten days we

1 make a phone call, there was no clarity on my part and I
2 want -- I want to hear some factual, I guess, a thought
3 process that could go through my mind that can come up with
4 the questions that I need to ask.

5 MR. NAKAMURA: Yeah. Thank you. Thank you,
6 Commissioner. You know, and I'm sure the staff can add or
7 correct me if I'm wrong. What -- what I believe Georgette
8 mentioned at the last hearing was that it -- they ask for a
9 ten-day leeway in terms of processing a permit. So this is a
10 permit for extension of the premises, you usually need to file
11 that ten -- or they ask that it be filed ten days before you
12 want that permit to go into effect. The same thing applies
13 for minors on the premises, gaming devices, you know, I mean,
14 there's various -- there's numerous kinds of permits that can
15 be asked for and they usually ask for a ten-day leeway before
16 those are granted.

17 And they're very good about -- about, you know,
18 dealing with those, especially if you need them on an
19 emergency basis. You know, I represent a lot of hotels, they
20 have events that come up, the convention of some sort and the
21 people want to have a special event, special type of
22 arrangements and they don't -- they don't know until last
23 minute and the staff is very good about accommodating those.

24 In this situation, we applied for the -- this permit
25 in June, in July they told us that we would be required to

1 submit a list of the owners within the 500- and 100-foot
2 radius. So it took us about, I don't know, a day or a couple
3 days to prepare that list and it was resubmitted in July and
4 here we are today in August having a hearing on this.

5 I think the issue is that the commission -- the
6 staff needs to make a determination as to whether or not the
7 neighborhood is being affected and I believe in Layne's -- or
8 was that Gene's presentation, he read the provisions of the
9 statute and I think he even asked that the commission make a
10 determination as to whether or not this -- this notice was
11 required. And if you look at that report, the rules, the Rule
12 08-101-46 says that -- that if there's -- if the commission
13 determines, in its discretion, that the increase in premises
14 may significantly impact the public, the commission may
15 require hearings, you know, so -- and one of the factors is
16 whether there is a substantial increase of the licensed
17 premises.

18 So I believe the staff is asking the commission to
19 make a determination as to whether or not a public hearing is
20 required. And in reviewing that, the commission would need to
21 look at whether or not this increase that we're asking for
22 significantly impacts the public and whether it's a
23 substantial increase of the licensed premises. So in this
24 case, the staff defers -- deferred to the commission in making
25 that decision given the area that's being add, the 850 square

1 feet or so that's being -- being added to the premises, that I
2 believe the staff didn't feel comfortable making that
3 determination on its own, so it's deferring that decision to
4 the commission to determine whether or not a public hearing is
5 required.

6 Of course, on our -- in our perspective, that's not
7 a large extension. I did mention at the -- the last hearing
8 that, you know, in the -- in the past, you know, I can
9 remember Frank Silva telling me that if the extension doubled
10 the -- if the extension doubled the size of the existing
11 premises, that he would require a public hearing. Georgette
12 mentioned that she didn't recall that being the policy and
13 it's certainly not the policy now. So I believe we're here
14 because -- because we -- they're asking the commission to make
15 a decision as to whether or not a public hearing is required.

16 COMMISSIONER U'U: Can I have a follow-up, one last
17 follow-up?

18 CHAIR ALULI: Yeah. Go ahead, Bruce. Yeah. Go
19 ahead.

20 COMMISSIONER U'U: And, again, and that's why I'm
21 asking the -- I'm kind of lost at the process, obviously, and,
22 you know, you're actually decreasing the amount of people, so
23 I -- is that -- the effect will be adverse, in essence, as an
24 opposite than an effect, but -- and in my eyes, you wouldn't
25 need a public hearing, this is just me speaking. So I don't

1 know what the process is after this, I just wanted to know the
2 exact process.

3 One last question: Say you needed the public
4 hearing, say you needed, how long much -- how much more time
5 would that be needing? Say we say no -- which I won't, you
6 don't need it. Say we say, yeah, you need the public hearing,
7 how long will of a time span would that add on to a -- to --
8 from June till whenever you get the process going to open up?

9 MR. NAKAMURA: I'm sorry.

10 COMMISSIONER U'U: After the commission -- sorry.

11 MR. NAKAMURA: Yeah.

12 COMMISSIONER U'U: So if we -- if we had to get a
13 public hearing -- my question, if you had get a public hearing
14 and construction-wise you had to build that out, whatever you
15 need to do, what would be the length of time that would take
16 you to get it legally permitted?

17 MR. NAKAMURA: Okay. I -- thank you, Commissioner.
18 I'm not certain of the -- the specific answer to that, we
19 might have to defer to the corporation counsel, but what the
20 rule says is that it's publication of a notice of a public
21 hearing and, generally speaking, my understanding is public
22 hearings require 45-day notice. I could be wrong of that, but
23 it's probably a -- you know, the commission -- one of the
24 difficulties that we have is that our commission only meets
25 once a month. In Honolulu, and I do do applications in

1 Honolulu as well, the commission meets weekly, so it's --
2 although they have, you know, many, many more licensees,
3 it's -- it's often quicker to get a hearing than it is here on
4 Maui. So I would say, to answer your question, it's probably
5 between 45 and 30 days, at least, because the commission won't
6 meet for another month.

7 CORP COUNSEL DESJARDINS: Chair.

8 COMMISSIONER U'U: Thank you.

9 CHAIR ALULI: Yes, Mimi. Mimi.

10 CORP COUNSEL DESJARDINS: So I -- you know, one
11 thing that has gone in between time that I believe this
12 application was submitted is the emergency rules that were
13 promulgated on July 22nd, Rule 10 specifically, which talks
14 about liquor control officers having the authority to enforce
15 emergency rules and attached to that is Exhibit A and
16 Exhibit A has some -- some detailed, new sort of, you know,
17 regulations having to do with reconfiguring spaces to
18 accommodate for social distancing and limiting the occupancy
19 to no more than 50 percent of the normal occupancy. So I
20 haven't heard in this discussion yet how that emergency rule
21 has affected this application.

22 Because, Mr. Nakamura, if I understand, you
23 submitted this application long before this rule was
24 promulgated, so has staff for the department taken into
25 consideration these emergency rules with respect to this

1 application or, Mr. Nakamura, have you looked at those rules
2 to determine whether that is going to come -- slide in and
3 sort of change out some of what you're asking for here?

4 MR. NAKAMURA: I haven't, but the staff has not
5 notified us of any -- any effect that any kind of emergency
6 rules would've had on this. We've just been processing this
7 in the -- in their usual course.

8 CHAIR ALULI: So, Mimi, the answer to the questions
9 regarding that --

10 MR. NAKAMURA: So I think just to -- I just wanted
11 to add to Commissioner U'u's question. You know, I'm not
12 saying that for every extension of a licensed premises that
13 this is the process that's going to be required, I think it's
14 left to the discretion of the -- of the staff to make a
15 decision as to whether or not we need to come to a hearing on
16 this and in this particular case, they have -- they have
17 decided to -- that a -- that a hearing was required.

18 COMMISSIONER BECRAFT: Jamie Becraft. I have a
19 question to that.

20 CHAIR ALULI: Jamie, go ahead.

21 COMMISSIONER BECRAFT: Okay. So but your request
22 was not -- the request is not to have live music out there and
23 a -- you know, bands and we're going to be making a stage and
24 anything of that nature; right? This is a -- if I read this
25 correctly, this is a simple request saying we've lost our

1 occupancy in our building because of COVID and we're trying to
2 expand to be safe and we're only going to be doing, you know,
3 same thing, meals. Nothing different is being added here; am
4 I correct?

5 MR. NAKAMURA: That's correct, Commissioner. You
6 know, for -- that's one of the kinds of permits that we need,
7 so if you're going to -- if you're going to have live music or
8 entertainment, we're required to submit another permit request
9 for a stage or an entertainment area or that kind of thing and
10 that's not being done here. We're just asking for the
11 additional space.

12 COMMISSIONER BECRAFT: And I'm on board with you,
13 I'm just trying to make it very clear what's occurring here.
14 So it's still this process is taking at least right now an
15 additional two months. I mean, if we give you the -- if it
16 would've been pulled off in July -- or June when you first
17 started, then I wouldn't -- I guess I'm not going to count
18 that time, but at least another two and a half months have
19 been added on to this process just to get to where we are
20 today; correct?

21 MR. NAKAMURA: Yeah, about, about that.

22 COMMISSIONER BECRAFT: Okay. Thank you.

23 CHAIR ALULI: Yeah. And I -- any other questions?

24 COMMISSIONER BOSWELL: Commissioner, I have a
25 question.

1 CHAIR ALULI: Yes. Go ahead, Aaron.

2 COMMISSIONER BOSWELL: So I actually have a couple
3 of questions. How does the extension affect foot traffic and
4 other businesses? And I'm only wondering because if there is
5 a -- even a remote possibility of there being an effect to
6 other businesses, I really do think it does need to go out for
7 public testimony. If you can answer that first.

8 MR. NAKAMURA: I'm sorry. How does -- go ahead. Go
9 ahead, Jaron.

10 MR. BLOSSER: Yeah. Our belief is that it doesn't
11 affect foot traffic, it doesn't block any sidewalks or streets
12 or anything like that. I guess, in my opinion as the owner, I
13 don't think it would negatively affect any businesses. If
14 anything, it could be hopefully a positive thing to the other
15 businesses in the area just for sake of visibility and some
16 energy out there.

17 I did want to also make note on I believe it was one
18 of Jamie's comments. We're not planning on doing any events.
19 We close at 10:00, we're just, you know, food and beverage.
20 Our goal here, we're just a restaurant. We used to do events
21 back in the day, which is why you see some of those back in
22 2010, which was over ten years ago. Our primary business
23 these days is just serving food and beverage and no events,
24 just to make that clear.

25 COMMISSIONER BOSWELL: Okay. So I have one more

1 question. I really do believe that square footage wise, this
2 is substantial increase and after COVID is said and done, does
3 this not also increase your maximum capacity occupancy? Like
4 is this a temporary thing or -- I mean, if this gets approved
5 now, when COVID is over, you have the potential to have quite
6 a bit of increase in your maximum occupancy; is that correct?

7 MR. BLOSSER: That is correct and that's a good
8 question. You know, right now we're basically in survival
9 mode. We haven't opened, by the way, we're waiting till it's
10 financially feasible to do so. We don't believe we have
11 enough customers even to fill the seats that we will have just
12 'cause I'm in the area every day and it's pretty much a ghost
13 town over there at the moment. So we've lost hundreds of
14 thousands of dollars in this process and we don't even know if
15 we're honestly going to be able to open up our doors, so --
16 depending on how long this lasts.

17 That being said, if we do get through it and we are
18 able to open, we would like to keep the extended premises. We
19 don't believe it's going to have a -- any sort of negative
20 impact on the community at all and we have some catching up to
21 do at that point for our business, because we're going to be
22 in some serious debts at that -- at this point. So we as a
23 business, you know, hopefully, we can survive till we thrive
24 and when we are able to thrive again, we're going to have to
25 catch up for years, so that's -- that's my comment there.

1 COMMISSIONER YOKOUCHI: I just want to add a
2 comment.

3 CHAIR ALULI: Go ahead, Leslie.

4 COMMISSIONER YOKOUCHI: These three young men,
5 Three's Grill and Bar, they have a really, really good
6 reputation out in the community. And I think they've been
7 really proactive when COVID hit, 'cause I remember their other
8 restaurants, Fork and Salad, I think they were one of the
9 first who shut down, even before the mayor asked people to
10 shut down. So they care about the community and I'm hoping
11 that we, as commissioners, will help these guys out when they
12 need the help. I think that's part of what we're supposed to
13 be doing with the licensees, we're supposed to be working with
14 them to help them whenever we can and if this can help them
15 get through this COVID thing, then I'm all for it.

16 MR. NAKAMURA: Thank you very much.

17 CHAIR ALULI: Thank you, Leslie.

18 Any other questions on the part of any of the
19 commissioners?

20 COMMISSIONER ANDRION: Mr. Chair.

21 CHAIR ALULI: Yes, Bobbie.

22 COMMISSIONER ANDRION: Roberto Andrion.

23 CHAIR ALULI: Yes.

24 COMMISSIONER ANDRION: Mr. Chair, just going back to
25 the regulations, Reduction or increase in area of licensed

1 premise, and, you know. It says, The commission may -- and
2 I'm just reading it out loud here -- in it's discretion,
3 permits the reduction or the increase in the area. So does
4 that mean that it's our jurisdiction as far as when they
5 increase? That's a new -- that's an addition, so wouldn't
6 that be a -- I mean, I'm assuming you guys have your permits,
7 right, for that new -- for that extension?

8 MR. BLOSSER: We are --

9 MR. NAKAMURA: Are you talking about building --

10 COMMISSIONER ANDRION: Yes.

11 MR. BLOSSER: We are still in the process of getting
12 our SMA permit right now. It's been a couple of months and
13 it's in process, so that's where we're at with that. When it
14 comes down to building permits, there's no electrical or
15 plumbing, it's just a basic extension, nothing over 6 feet,
16 the construction's around \$10,000, so we haven't really got to
17 that point quite yet.

18 COMMISSIONER ANDRION: No. I just -- I just want to
19 know that the -- if we are making a decision just for that,
20 but as far as the extension part, if there's -- everything is
21 in place, then, so it is our area to say, Hey, yes or no as
22 far as the extension or the increase of the area, that's it.
23 I guess that's my question to legal, if that is a -- something
24 that we should venture into or look at for maybe in the
25 future.

1 CHAIR ALULI: No.

2 CORP COUNSEL DESJARDINS: Chair.

3 CHAIR ALULI: Yes. Go ahead.

4 CORP COUNSEL DESJARDINS: So listening to this
5 conversation, it sounds like there's two different -- there's
6 two possibilities here.

7 CHAIR ALULI: Yes.

8 CORP COUNSEL DESJARDINS: One is what I hear is from
9 Mr. Blosser, if you're still in the SMA process and all of
10 that, this is not an immediate -- you know, something that
11 isn't going to immediately happen here, there's a lot of
12 permit processing that you're still going through. And then I
13 hear you saying that you're looking to, you know, whether or
14 not financially or feasibly you're even able to pull this off.
15 What I'm trying to emphasize is, is that Rule 10 provides for a
16 quick emergency reconfiguration through the mayor's office,
17 through a letter to the mayor's office for COVID-related
18 compliance with Rule 10. If that's all you're trying to do is
19 to comply with COVID requirements under this new emergency
20 rule, then you have to follow that.

21 What I hear happening here, though, is that you're
22 looking at more long-term situation in which you do follow the
23 rules, that's not emergency situation. Your jurisdiction then
24 is to listen to the recommendations of the liquor department
25 in terms of complying with the rules to either expand or

1 contract the square footage of the -- of the premises. Okay?
2 But if this is an emergency COVID-related thing, then you
3 would be following the -- I'm hearing that that's not actually
4 where you're at.

5 Is that clear, Mr. Blosser? You're not opening and,
6 you know, requesting this quick fix to keep your business
7 open?

8 MR. BLOSSER: We would like to get past every step
9 we can get past. My -- what I would like today is to get past
10 this step so that we can move on to other steps. There's a
11 lot of steps along this process that are -- just in order to
12 open. We have successfully, you know, secured some funding
13 and we believe we can, we just don't know when we're going to
14 be able to open. But any step that we can get past today,
15 tomorrow, the next day, is a road block that -- that we would
16 like to feel good about. So we would like today to ask
17 permission to be able to get past this particular step.

18 I can explain, you know, how -- how hard this has
19 been for -- for us as owners and other restaurants, I'm sure
20 you've heard all the stories and have seen. You know,
21 anything that just gets in our way is really -- is really hard
22 and so to make it one step easier, you know, that's what we're
23 asking for today and we'd really appreciate just to get
24 approval to move past this step to serve beverages on these
25 extended areas when we are able to, so that's, I guess, what

1 we're asking today.

2 COMMISSIONER BECRAFT: What she was asking, though,
3 is are you asking for under COVID --

4 CHAIR ALULI: Hold it. Hold it, Jamie. Jamie,
5 Jamie, hold it.

6 Bruce, Bruce -- I'm sorry. If you put your hands
7 up, then I can --

8 CORP COUNSEL DESJARDINS: I think Mr. Becraft is
9 about to ask my question.

10 CHAIR ALULI: Oh.

11 CORP COUNSEL DESJARDINS: Are you asking for this
12 expansion because of COVID or are you asking for this
13 expansion anyway, regardless of COVID?

14 MR. BLOSSER: Well, we're only doing this expansion
15 because of COVID. You know, we wouldn't be doing this
16 extension --

17 CORP COUNSEL DESJARDINS: Okay.

18 MR. BLOSSER: -- not because -- you know, that's
19 the -- that's the point why we're -- we're doing this
20 extension.

21 CORP COUNSEL DESJARDINS: Okay. And so my point is
22 since the time that you filed your application, the governor
23 has -- this new emergency rule regarding reconfiguration for
24 premises has been promulgated as of July 22nd, so that was my
25 point. So prior to July 22nd when Mr. Nakamura filed for

1 this, there wasn't a rule that covered this, that's my
2 understanding of why you did what did you. But I'm telling
3 you now, just --

4 Go ahead, Mr. Becraft.

5 COMMISSIONER BECRAFT: Yeah. I -- Mr. Chair.

6 CHAIR ALULI: Jamie. Jamie, go ahead.

7 COMMISSIONER BECRAFT: I believe I can clarify this.
8 I think what he's missing is this: Mr. Blosser, she's asking
9 do you want a temporary fix under the COVID, new COVID rules?
10 But once COVID rules go away, the fix is gone, you lose -- you
11 lose the ability to have outside seating. So she's asking do
12 you want it under this new COVID rule, but that goes away as
13 soon as COVID -- that proclamation ends, or are you doing --
14 are you asking to have it approved today on the process in
15 which you've been doing, which is a permanent change?

16 MR. NAKAMURA: I think we want -- I think, we --
17 Jaron, I think we want to just proceed just because there's an
18 emergency rule that allows us -- that may allow us to get some
19 kind of exemption because of the situation, the COVID
20 situation, it doesn't prohibit us from also requesting an
21 extension under the regular liquor commission rules, which is
22 what we're doing. So we've gone through the process, we've
23 gone this far, we'd like to proceed and just get the extension
24 approved.

25 COMMISSIONER BECRAFT: Okay. So we're under --

1 we're not going under COVID, that's the answer to what
2 corporation counsel's --

3 MR. NAKAMURA: Yes.

4 COMMISSIONER BECRAFT: -- question is.

5 MR. BLOSSER: Yes.

6 CHAIR ALULI: All right. So, Bruce. Bruce, you had
7 your hand up? Do you have another question?

8 COMMISSIONER U'U: No. Sorry, it was answered.
9 Thank you.

10 CHAIR ALULI: Okay. Aaron, I saw your hand up.
11 Yes. Do you have a question?

12 COMMISSIONER BOSWELL: Yes. So if it does get
13 approved today to increase the space, does that also mean like
14 after COVID is done, would you have to come back and ask for
15 an increase in occupancy? I guess that's what I'm getting at.
16 I would assume that under normal practices without the COVID,
17 if you were to increase your occupancy size, you would need
18 possibly public hearings and that type of thing. Are we
19 bypassing this just because COVID is here? Are you taking
20 advantage of it, is what I'm trying to figure out. If you
21 want keep it long term and you also want to increase
22 occupancy, then I think it should go through the complete
23 process.

24 MR. NAKAMURA: Well, the rules -- as far as I know,
25 Commissioner, the rules don't relate to occupancy. They limit

1 occupancy based on the size of the premises. So if you look
2 that the rule, I believe it discusses the area of the licensed
3 premises and it doesn't really take into consideration how
4 many occupants are in there.

5 COMMISSIONER BOSWELL: Right. But under the COVID
6 rules, your occupancy is cut in half, which is why you're
7 asking for an extension.

8 CHAIR ALULI: Craig, we lost you. Hold on. We're
9 having -- Craig, can -- we've lost you, Craig. Are you there?

10 VICE CHAIR BOLOSAN: Mr. Chair, I think you muted
11 him.

12 CHAIR ALULI: No, I didn't mute him. I didn't touch
13 him at all.

14 COMMISSIONER BECRAFT: Oh, somebody -- okay. Aaron,
15 I think you're muted. Try look your screen. There you go.

16 COMMISSIONER BOSWELL: Yeah. So under the COVID
17 rules, your occupancy automatically gets cut in half, which is
18 why you're asking for the extension. But in the long term
19 what you're essentially doing is increasing your occupancy and
20 under normal circumstances that would require possibly public
21 testimony. My question is: Is there way for to allow you to
22 increase the space and later on when COVID is lifted, you have
23 to come back for public testimony in order increase your
24 occupancy?

25 MR. NAKAMURA: My -- I would imagine that you could

1 put a condition on it that we would have to come back if
2 that's the case, but in doing that, you know, I mean, you --
3 then the commission would need to make a determination
4 according to the rule whether it's a substantial increase of
5 the licensed premises and whether that increase significantly
6 impacts the public. And it's our position that the small
7 extension of the decks that we're seeking doesn't do either of
8 those two things.

9 CHAIR ALULI: Can I make a comment? I think one of
10 the key issues that we need to consider is, obviously, the
11 current situation, 'cause this is what we have to deal with,
12 what's at hand, and that is the pain and suffering that so
13 many of these small businesses are going through. I think the
14 other thing to consider is what their reputation was pre-COVID
15 and my understanding is that their reputation is excellent.
16 They -- it's food service and they close down at ten o'clock,
17 there's minimum intrusion as far as the neighbors are
18 concerned.

19 And I think that during this particular time with
20 the pain and suffering that so many businesses are going
21 through, that it is something we as commissioners have to give
22 absolute serious consideration to to keep some of these small
23 businesses alive, because it means employing so many other
24 people too. And because, you know, really they've been a good
25 neighbor, which I think is evidenced by what kind of record

1 they've had, that we need to take into consideration those
2 conditions currently and what happened pre-COVID in terms of
3 their relationship with their neighbors. So I just want to
4 add that comment that it is something that we as commissioners
5 really have to think about the reputation they had pre, which
6 is really good, and the conditions currently, which are really
7 bad, and what's really in the best interests for this business
8 that is a good neighbor and the economy we're currently in.

9 COMMISSIONER YOKOUCHI: Yes.

10 CHAIR ALULI: Leslie.

11 COMMISSIONER YOKOUCHI: Well said, Nane. I mean, I
12 totally agree with you. And I would also like to add the
13 recovery of COVID will take a long time. It's not like once
14 COVID is done, everything is gonna be back to normal.

15 CHAIR ALULI: Right.

16 COMMISSIONER YOKOUCHI: It's gonna take a while for
17 businesses to come back to where they were. So even if we ask
18 them -- talk about asking them to come back, if they need to
19 come back because their occupancy went up, I mean, I think
20 that's unnecessary because, you know, these business -- it's
21 gonna take three, four years from what I'm hearing from all
22 these economists once COVID is over for business to come back
23 and so we need to stand -- stand with them and help these guys
24 as much as we can, any business.

25 CHAIR ALULI: Roberto. Bobbie.

1 COMMISSIONER ANDRION: Yeah, I -- I do agree with
2 that. And the only reason why I was asking those questions is
3 I want you guys to -- but the whole part is I don't want to go
4 through the same process again or something coming back to the
5 commission where we didn't do all of our part. So we're
6 asking those hard questions in the hopes that you do open, but
7 we don't want you coming back and reapplying for something
8 when if you could do it and do access, try to get your permit
9 and at the same time open your business. But I just don't
10 want the public coming back and saying, You know what, you
11 guys didn't go your due diligence by not asking these
12 questions. So I think that's the -- that's the whole purpose
13 of all of this. I mean, I don't think there's any
14 commissioner here that -- and I'm just speaking for myself
15 here, anyway, but I -- we want you guys to open, but we just
16 want you guys to open in a way that nothing comes back and you
17 would have to shut down for something that was missing.

18 CHAIR ALULI: Okay. Bruce, yeah.

19 COMMISSIONER U'U: And to add to that, Commissioner
20 Andrion, this still might not come back, because it still
21 might go under, because there's no guarantees of what is
22 happening.

23 COMMISSIONER YOKOUCHI: Right.

24 COMMISSIONER U'U: And I believe that every
25 restaurant and hotel that is currently closed or under-

1 occupied is directly affected by COVID. So I have hard time
2 adjusting, is this COVID related or not, because if this
3 wasn't COVID related, we wouldn't be having this discussion
4 currently.

5 COMMISSIONER ANDRION: Sure.

6 COMMISSIONER U'U: They would be open, they would be
7 operating, you know, they could take their time through the
8 process. But if you are closed or you are minimal, you are
9 directly affected by COVID. Just my two cents.

10 CHAIR ALULI: Any further questions? Okay.

11 ACTING DIRECTOR TYAU: Chair, I would want to -- oh,
12 excuse me, Jamie. Go ahead.

13 COMMISSIONER BECRAFT: Well, I was about to try and
14 make a motion, if you have something to add before I do that.

15 CHAIR ALULI: Yes.

16 ACTING DIRECTOR TYAU: Yeah. I would just like
17 to -- yeah. I would just like to clarify the reason that
18 they're here on the agenda -- and this was the earliest that
19 they could be put on the agenda per the requirements -- is
20 because this is a permanent extension of premises, so that's
21 how we need to treat it. And because once they do have a
22 permanent extension of premises, they could come in and apply
23 for music, entertainment, and so forth unless there's some
24 kind of condition. So we just need to address it as a
25 permanent extension of premises because this is what this

1 request is.

2 One of the other factors is also that out of the
3 original people being notified -- because there has been past
4 complaints this area, but it could never be pinpointed which
5 specific premises -- it was always addressed as an area, but a
6 specific premises could never be pinpointed on who was causing
7 the noise and so forth. The other thing is because 82 of the
8 159 property owners in the 500-foot radius are not -- were not
9 identified in the original, so they never had their say in
10 public hearing. So this is just the basic reason why it's
11 being brought forth to the commission, because it is in your
12 discretion to decide whether or not they need to go out for
13 public hearing for this extension. But the department had to
14 treat as a permanent extension of premises because that's what
15 the request is, so that's why it was brought forth.

16 CHAIR ALULI: Okay. Any further questions? Okay.
17 Yes, Jamie.

18 COMMISSIONER BECRAFT: Mr. Chair, I wanted to make a
19 motion for this, if I may to get this moving.

20 CHAIR ALULI: Yes. I was gonna call for the motion.
21 Yep.

22 COMMISSIONER BECRAFT: Thank you. So, Chair, I
23 motion that we move forward with permitting them their
24 extension without having public hearing and further that --
25 well, let's just do that motion first and then I'll go over

1 the new motion.

2 CHAIR ALULI: Okay. Do I have a second on --

3 COMMISSIONER YOKOUCHI: Second.

4 CHAIR ALULI: -- Jamie's -- I'm sorry. Who's the
5 second? Leslie Ann.

6 COMMISSIONER YOKOUCHI: Leslie Yokouchi.

7 CHAIR ALULI: Okay. So I'm going to call for the
8 vote. Bruce U'u. Bruce U'u.

9 COMMISSIONER U'U: Oh, are we going -- are we
10 discussing --

11 CHAIR ALULI: No further -- I'm calling for the
12 vote. We can go to further discussion when we get --

13 VICE CHAIR BOLOSAN: We're not gonna discuss after
14 the motion.

15 CHAIR ALULI: I'm sorry. I'm sorry. Yeah, you're
16 right. Yes. Okay. Go ahead.

17 COMMISSIONER BECRAFT: May I just support my motion
18 first and then open for discussion, please.

19 CHAIR ALULI: Yes. Yes, go ahead.

20 COMMISSIONER BECRAFT: Okay. In support of my
21 motion --

22 CHAIR ALULI: There's a motion on the table, do I
23 have a second?

24 COMMISSIONER YOKOUCHI: Second.

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

1 COMMISSIONER YOKOUCHI: Second.

2 CHAIR ALULI: Moved and seconded. Okay. Further
3 discussion?

4 COMMISSIONER U'U: Thank you.

5 CHAIR ALULI: Bruce.

6 COMMISSIONER U'U: Oh, no. Jamie, sorry.

7 COMMISSIONER BECRAFT: Yeah. Mr. Chair, I wanted
8 to -- Jamie Becraft. I wanted to support my motion and then
9 open it for discussion, if we may.

10 CHAIR ALULI: Okay.

11 COMMISSIONER BECRAFT: In support of my motion --

12 CHAIR ALULI: Bruce. Sorry, sorry. Go ahead,
13 Jamie.

14 COMMISSIONER BECRAFT: In support of my motion, I'd
15 like to point out a few things: 1) I don't believe COVID is
16 going away. COVID, you know, we went from the bird flu, some
17 other COVID types of, you know, flus that go in between
18 animals and humans, it's been a continuous thing that's going
19 on right now, so this may be our -- our future. We don't know
20 what's next and I think we can learn from what we've seen from
21 our Asian traveller friends that come to Hawaii, we've seen
22 them for years wearing masks and using all these safety things
23 that we've always looked at as -- I guess I'll use the word
24 for myself, a little strange, but now we see that that's going
25 to be our life too. They were just ahead of us on that

1 because they've already been having problems.

2 I believe that we need to make the process easier.
3 As pointed out by -- by the licensee, you know, they're in
4 a -- they're in a tough spot, you know, they're looking at
5 probably losing their homes, so, you know, mental defeats
6 from -- even from us just not getting some help is -- carries
7 a lot of weight. And I think that in situations like this, we
8 can -- we can make this process easier and I don't -- I don't
9 want processes to be harder.

10 And the last thing for those who may not be
11 completely familiar with where Three's is, this is The
12 Triangle. They're not gonna be affecting roadway traffic.
13 This is an area with just multiple, multiple businesses, other
14 bars, other gift shops, things of that nature in Kihei that
15 it's -- really, that's what it's for, it's a -- it's a
16 business area. They're not -- they're not going to be making
17 a difference and impacting.

18 So, personally, I wish this would've been handled
19 well before us and giving them the okay, so that'll be my next
20 motion to try and establish that, but I believe that we really
21 need to move forward and make this as easy as possible for
22 them. And that's -- that's all I have. Thank you.

23 CHAIR ALULI: Okay. Who -- I'm sorry. Who seconded
24 the motion?

25 COMMISSIONER BECRAFT: Leslie Ann.

1 CHAIR ALULI: Leslie Ann. Okay. All right.
2 Further discussion. Bruce, you had your hand up, you wanted
3 to make a comment?
4 COMMISSIONER U'U: No, I'm fine.
5 CHAIR ALULI: Okay.
6 COMMISSIONER U'U: Thank you.
7 CHAIR ALULI: All right. I'm going to call for the
8 individual votes. Bruce U'u.
9 COMMISSIONER U'U: Aye.
10 CHAIR ALULI: Leslie Ann Yokouchi.
11 COMMISSIONER YOKOUCHI: Aye.
12 CHAIR ALULI: Leon Bolosan.
13 VICE CHAIR BOLOSAN: Aye.
14 CHAIR ALULI: Bobbie Andrion.
15 COMMISSIONER ANDRION: Yes.
16 CHAIR ALULI: Aaron Boswell.
17 COMMISSIONER BOSWELL: No.
18 CHAIR ALULI: Stan Ruidas.
19 COMMISSIONER RUIDAS: Aye.
20 CHAIR ALULI: Jerrybeth.
21 COMMISSIONER DE MELLO: Aye.
22 CHAIR ALULI: Who am I missing?
23 COMMISSIONER BECRAFT: Jamie. Mr. Chair, Jamie
24 Becraft.
25 CHAIR ALULI: Yeah, sorry. Jamie Becraft.

1 COMMISSIONER BECRAFT: Aye.

2 CHAIR ALULI: Five, six, seven, eight. One, two,
3 three, four -- we've got one -- we've got seven yeses and one
4 no, motion carries. Thank you very much.

5 MR. NAKAMURA: Thank you. Thank you very much,
6 Commissioners. Thank you for your time addressing this issue,
7 we appreciate it very much.

8 MR. BLOSSER: Appreciate it. Our intentions are
9 good. We'll make sure that we do a good job.

10 COMMISSIONER BECRAFT: Mr. Chair.

11 CHAIR ALULI: Okay. Jamie. Yes, Jamie.

12 VICE CHAIR BOLOSAN: Now, do we -- are we going to
13 make a motion and clarification on whether or not these types
14 of situations --

15 CHAIR ALULI: No.

16 COMMISSIONER BECRAFT: -- have to come to us or not?

17 CHAIR ALULI: No. We've already approved this
18 motion that it's not restricted, it's open, that's what the
19 application was for. So what did you -- I'm sorry. What do
20 you want to ask, Jamie?

21 COMMISSIONER BECRAFT: I guess what I'm moving
22 forward like we were talking earlier about if we need to
23 define what substantial or what -- you know, what -- I guess
24 my bottom line is I don't want everything come to us. If it's
25 a small increase and especially in an area such as this one

1 where -- another one like if Three's wanted to do outside
2 bigger in -- you know, in Azeka Plaza where that's all --
3 again, all businesses and, you know, if they're going to
4 expand out there and they would let them, I don't know that we
5 need to be having that come to us.

6 CORP COUNSEL DESJARDINS: Chair.

7 CHAIR ALULI: Yes, Mimi.

8 CORP COUNSEL DESJARDINS: So the rules require --
9 8-101-46 do require expansions or reductions in the size if it
10 deviates from the original license, it does come before the
11 commission. Your discretion, you have the discretion whether
12 to grant that or not on an individual basis. You have the
13 discretion to determine whether the increased premises may
14 significantly impact the public and if you make a decision
15 that it doesn't, then you can just move forward at that time.
16 If you do make a determination that it does, then that would
17 require a public hearing. So you're not -- well, there's no
18 real shortcut on that.

19 But, like I said, and I think that the acting
20 director will probably bring this up when she has her
21 discussion about Rule 10, there is a shortcut version to this
22 for COVID. But these are for long-term permanent changes, so
23 that's the way that that rule, you know, is gonna -- is gonna
24 work on a long-term basis unless you amend the rule.

25 CHAIR ALULI: Jamie.

1 COMMISSIONER BECRAFT: Okay, Mr. Chair.

2 Thank you, Mimi. I appreciate that. I understand
3 what you're saying.

4 So to add to what Mimi just said, the only thing is
5 for businesses -- I feel for them if we're gonna be doing it
6 just under the COVID, they're gonna have to put out thousands
7 and thousands of dollars for these decks and improvements and
8 stuff which could go away, you know, as soon as the
9 proclamation's done, so I kind of feel for them. So going
10 with what Mimi says, then maybe I present it to the board if
11 the board would be more willing -- or not more willing, I
12 don't know that we've ever been asked -- willing to do more
13 than once month. If we could be notified maybe by -- by the
14 director like, Hey, we've got a new permit that just came in,
15 you know. 'Cause a permit comes in or a request comes in
16 tomorrow, they've gotta wait a month until we meet, so maybe
17 we could be more open to -- open to like getting an email
18 saying. We just got this -- this request, are you guys
19 available, you know, to have another meeting? Of course, we
20 have to have the six-day notice for Sunshine Law for the
21 public and -- but, you know, I'm just saying, I'd like to do
22 what we can to -- to help in this process.

23 CHAIR ALULI: That's, really, I think our call as
24 far -- as long as -- correct me if I'm -- well, Mimi, you
25 answer that question.

1 CORP COUNSEL DESJARDINS: Well, I, you know -- well,
2 first of all, this isn't on the agenda. I mean, to be real
3 strict, when you have this discussion, there may be public
4 input that would be -- you know, people from the public that
5 would want to comment on what we're discussing right now.
6 And, you know, other than that, like I said, you know, Rule 10
7 is gonna determine on a short-term basis how people can
8 reconfigure their spaces in order to comply with the emergency
9 rules. And if they want to make that a more long-term
10 process, they're gonna need to come before -- you know, before
11 the commission for approval. I don't know that you can really
12 shortcut that. And like this applicant, he still has to go
13 through the SMA process, he's got to get a building permit, so
14 there's, you know, way more involved than just getting
15 permission from the commission, you know, to increase or
16 decrease their footprint.

17 CHAIR ALULI: Right. And, Mimi, correct me if I'm
18 wrong, but as far as special meetings are concerned, we could
19 call a special meeting as far -- as long as we follow the
20 proper notifications --

21 CORP COUNSEL DESJARDINS: That's right.

22 CHAIR ALULI: -- correct, to the public?

23 CORP COUNSEL DESJARDINS: Yep.

24 CHAIR ALULI: Okay. So to answer your question,
25 Jamie, yeah, absolutely, I agree with you. If something were

1 to come up that required to us react to it, as long as we
2 follow the proper procedures for notification, I agree with
3 you.

4 COMMISSIONER BECRAFT: Thank you.

5 CHAIR ALULI: I think we need to step up to the
6 plate and hold that meeting.

7 COMMISSIONER BECRAFT: We're going to have to
8 agendize this for further discussion, I believe. Sorry.

9 CHAIR ALULI: Yes, right. For discussion purposes,
10 correct.

11 COMMISSIONER BECRAFT: I shouldn't have brought it
12 up.

13 CHAIR ALULI: Yes, right.

14 COMMISSIONER BECRAFT: Thank you. Sorry, my bad.

15 CHAIR ALULI: Okay. Thank you. Okay. You know
16 what, I want to call for a ten-minute recess and then we'll go
17 on into Item 9, Administrative Affairs. So let's call for --
18 I'm calling for a ten-minute recess. We'll reconvene at
19 ten -- let's make it 10:45. Okay? 10:45 we'll reconvene.

20 (Pause in Proceedings: 10:34 a.m.-10:45 p.m.)

21 CHAIR ALULI: All right. I am going to call the
22 meeting back to order. We'll move on to Item 9,
23 Administrative Affairs. Before I go into the agenda, I -- is
24 there anybody in the public that wants to provide public
25 testimony on any of the items under Administrative Affairs at

1 this point?

2 (No response.)

3 CHAIR ALULI: Not hearing or seeing any, I'm going
4 to close public testimony and turn it over to Director's
5 Monthly Report. Georgette.

6 ACTING DIRECTOR TYAU: Good morning. Okay. So
7 gross liquor sales reports were collected, it's in the process
8 of being compiled and once we get our official carryover
9 savings from the department of finance, it will be --
10 determine the new percentage fee. People won't be able --
11 they won't get billed until mid-September, that would be the
12 normal, so payment wouldn't be due till October or November.

13 As far as Rule 10 goes, violation of Rule 10s
14 currently is being processed under our normal process of
15 issuing a notice of violation citing under HRS 281-38
16 violation of Rule 10 and that would take the normal (change
17 chapters) will be working and will be meeting with corp.
18 counsel and MPD to determine procedures for the immediate
19 shutdown of premises, should that need to take place. But as
20 of right now, it's just the normal process of -- the normal
21 adjudicatory process of if you violate Rule 10, you would be
22 cited under HRS 281-38.

23 Also included in your packets were the campaign
24 restrictions set by the Board of Ethics. And that's it for
25 our report.

1 CHAIR ALULI: Okay. Commissioners, any questions of
2 Georgette? Do any of the -- yeah, Jamie.

3 COMMISSIONER BECRAFT: Mr. Chair, Jamie Becraft.
4 Georgette, Rule 10.

5 ACTING DIRECTOR TYAU: Uh-huh.

6 COMMISSIONER BECRAFT: I'm sorry. The question is
7 Rule 10, that's the rule where COVID allows them to expand
8 their business; is that correct?

9 ACTING DIRECTOR TYAU: Well, I look at Rule 10 as
10 where we have the authority to do the enforcement, so I would
11 need to ask for the specific area that she's talking about.
12 Because as far as Rule 10, it was where he gave the liquor
13 control officers the authority to enforce the emergency rules
14 by immediately shutting down if they're not in compliance, so
15 that's what we've been addressing. But we haven't had any
16 requests that came in specifically on not being a permanent --
17 anything not permanent.

18 COMMISSIONER BECRAFT: And have we -- have we -- is
19 that up on our webpage? How have we distributed that
20 information to the licensees?

21 ACTING DIRECTOR TYAU: What information are you
22 speaking of?

23 COMMISSIONER BECRAFT: Of Rule 10 or of either their
24 ability to expand upon -- expand upon their business during
25 COVID under just the proclamation and -- I guess I just want

1 to make sure they have all the information, so I want to make
2 sure they also have --

3 ACTING DIRECTOR TYAU: No, I would -- I would have
4 to ask what corp. counsel on what area she's speaking of in
5 Rule 10.

6 COMMISSIONER BECRAFT: I'm actually asking like you
7 just gave the report on -- that you guys are gonna be
8 enforcing under 281-38 and whatnot, has all of this -- I just
9 want to make sure that our licensees are aware of what we're
10 doing and how we're going to be handling things and -- and
11 what their -- what their abilities are, what -- what we can do
12 to help them.

13 ACTING DIRECTOR TYAU: Well, like I said, Rule 10,
14 what we were addressing is the ability for liquor control
15 officers to enforce the emergency proclamation, that is what
16 Rule 10 is about. So what I'm saying is that we're not doing
17 immediate shutdown now until procedures are in place, but the
18 violation of Rule 10, whether it's social distancing or not
19 wearing masks or anything in the mayor's proclamation that
20 they should be following, Rule 10 gives liquor control
21 officers the authority to shut down a premises, but actually
22 gives them the authority to enforce -- be the enforcers of the
23 emergency proclamation made by the mayor, that's what Rule 10
24 we're addressing. What I'm saying is that we are working with
25 MPD and so forth to set procedures on the immediate shutdown,

1 but until then, we are still continuing our -- we are still
2 continuing our regular enforcement of writing a notice of
3 violation if they're violating Rule 10, but that would take
4 the normal adjudicatory process.

5 What you're mentioning about coming in, I would need
6 to see where she's talking about, because if you read Rule 10,
7 we're talking about the penalties and liquor control officers
8 having the ability to enforce now the mayor's rules. So I'm
9 not quite sure --

10 CORP COUNSEL DESJARDINS: Chair, if I could respond.

11 CHAIR ALULI: Yes. Yes, Mimi.

12 CORP COUNSEL DESJARDINS: So on July 22nd there was
13 a -- the Office of the Mayor for Maui County promulgated
14 public health emergency rules and you've been hearing a lot
15 about Rule 10. I will tell you that these rules were signed
16 and approved by corp. counsel, by the mayor, and then also
17 reviewed on behalf of the governor's office and the governor
18 also signed off on our rules, so they are well sanctioned by
19 both the state and the county.

20 What Rule 10 basically says is that liquor control
21 officers have the authority to enforce emergency rules at any
22 established license -- any establishment licensed to sell
23 alcohol pursuant to HRS Chapter 281. An establishment that is
24 not in compliance with these rules, including those listed in
25 Exhibit A that are attached, shall be subject to immediate

1 closure for a 24-hour period effected by either MPD or by an
2 LCO. Liquor licensees not in compliance with the requirements
3 of these rules will also be subject to penalties that are
4 enforceable under Chapter 281, which could include reprimand,
5 fine, suspension, and/or revocation of the liquor license.
6 These rules take effect on July 23rd and then unless otherwise
7 specified and repealed, the emergency rules promulgated on
8 June 30th, they shall remain in effect, I guess, subject to
9 subsequent promulgation or August 27th. So the rules clearly
10 in their language state that there are two penalties: One is
11 an immediate 24-hour shutdown if you're not in compliance and
12 also, in addition to that, the rules that Georgette has
13 explained under Chapter 281.

14 If you look at Exhibit A attached, it's very, very
15 detailed and it describes very specifically what every
16 business in the County of Maui is supposed to comply with in
17 order to comply with these emergency rules. No. 1 of those
18 rules states that businesses may request reconfiguration of
19 the customer usage area, such as expansion of table seating or
20 merchandise display, into the business's parking lot in order
21 to provide for adequate physical distancing which is required
22 under these emergency rules and that's done by letter to the
23 mayor's office.

24 The rest of the rules are extremely explicit. Corp.
25 counsel's position is, is that there is no other regulation

1 that needs to be put into place, the rules are what they are.
2 They are very detailed in terms of social distancing, masks,
3 sanitizing, 50 percent of your occupancy is to be reduced, so
4 I don't -- I'm not privy to any conversations that are taking
5 place with respect to promulgating rules before these rules
6 can be put into effect. My understanding is, is that they are
7 what they are and they should be enforced. But if the acting
8 director is having conversations with MPD about how to close
9 down, that I'm not -- you know, I'm not part that. But corp.
10 counsel's position is, is that these rules are very self-
11 explanatory and that the department needs to promulgate them.

12 I don't know if anybody has any specific questions
13 about Rule 10 other than that. You can also get a copy of
14 them. I would encourage you to read them. If you go on to
15 the -- just Google Emergency Rule 10. If it's not already on
16 the liquor department's website, you can find the rules pretty
17 quickly and they're very detailed and I encourage you to read
18 them.

19 CHAIR ALULI: Thank you, Mimi.

20 COMMISSIONER BECRAFT: Thank you, Mimi.

21 Mr. Chairman.

22 CHAIR ALULI: Yes, Jamie. Yeah.

23 COMMISSIONER BECRAFT: Yeah. Jamie Becraft. So,
24 Georgette, that was my -- one of my questions. Are these
25 rules, is this all posted on our website for our -- for our --

1 for everyone to read and particularly our licensees?

2 ACTING DIRECTOR TYAU: We didn't repost the
3 mayor's -- we didn't repost the mayor's public health
4 emergency rules, but we could repost the mayor's public health
5 emergency rules on our website if -- but it's still the same
6 County of Maui website and the mayor has all of his
7 proclamations and so forth on his, but we could put it on
8 there.

9 COMMISSIONER BECRAFT: Yeah. I'm not -- I know I
10 can only make requests. I get that you can find it other
11 places, I would just -- in my view if I want a liquor question
12 asked, I want to be able to go to the liquor website and have
13 it there, so I would ask if it's possible -- I know I can't
14 demand it, but I would ask to have that updated and then if
15 there's a new update, that it be updated as soon as we get it.
16 It just seems to make sense to me.

17 CHAIR ALULI: Okay. Any -- any other questions or
18 comments?

19 (No response.)

20 CHAIR ALULI: Okay. Let's move on to Item B, then,
21 and to do so, I would like to entertain a motion that we go
22 into executive session to -- pursuant of Hawaii Revised
23 Statute 92-5(a)(2) to discuss matters relating to the hiring
24 of a new director for the department of liquor control. I
25 would like to entertain a motion for that. Leslie, unmute

1 yourself. Are you making the motion?

2 COMMISSIONER YOKOUCHI: Yes. I so move.

3 CHAIR ALULI: Okay. And a second?

4 COMMISSIONER DE MELLO: Second.

5 CHAIR ALULI: Any discussion?

6 (No response.)

7 CHAIR ALULI: Okay. Before we do -- yes, sorry.

8 Before we do, I'd like to make sure that everybody secures
9 where they are, close the doors if you're in a room, so that
10 nobody else can come into where you're located. Because we're
11 going into executive session, there can be no other people in
12 the room or close to where you are, so make sure you're in a
13 secure position. Okay? And that nobody else comes in to
14 where you are while we are in executive session, nobody comes
15 in to the premises where you are. Okay? So there's -- I'm
16 sorry. Leslie Ann, you -- who made -- I'm sorry, I've lost
17 track of who made the motion.

18 COMMISSIONER YOKOUCHI: I did.

19 CHAIR ALULI: You made the motion and it was
20 seconded by Jerrybeth.

21 COMMISSIONER DE MELLO: JB.

22 CHAIR ALULI: Okay, all right. All in favor?

23 (Response.)

24 CHAIR ALULI: Okay. Okay. We'll go into executive
25 session. So you've got the executive session link, click on

1 that link, we're going to go to a separate -- to a different
2 screen. Okay?

3 CORP COUNSEL DESJARDINS: Oh, I'm sorry. Chair,
4 before we go forward, can we just make sure we had six members
5 who have approved the -- going into executive session.

6 CHAIR ALULI: Oh, I'm sorry. Okay.

7 CORP COUNSEL DESJARDINS: That's okay. Can you ask
8 whether there's anybody who is opposed to it or --

9 CHAIR ALULI: Yeah. Is there anybody opposed to
10 going into executive session?

11 (No response.)

12 CHAIR ALULI: Okay. The motion carries. Okay, all
13 right. So click on the link to executive session. Okay?

14 (Pause in Proceedings: 10:57 a.m.-12:21 p.m.)

15 CHAIR ALULI: Okay. We're out of executive session,
16 back in regular session.

17 Do we have to get everybody back on board?

18 CORP COUNSEL DESJARDINS: I think everybody is
19 there, yeah.

20 CHAIR ALULI: Is everybody -- is everybody here?

21 COMMISSIONER DE MELLO: Yep.

22 CHAIR ALULI: No, I'm talking not the -- the admin.
23 of the department.

24 MS. KHANGSENGSING: I'm here.

25 CHAIR ALULI: Okay. Everybody's there. Okay, all

1 right. So --

2 LCO LAYNE SILVA: I'm here.

3 CHAIR ALULI: All right. Can I have a motion to
4 adjourn our --

5 CORP COUNSEL DESJARDINS: I'm sorry. You've got to
6 go to the --

7 CHAIR ALULI: Oh, I'm sorry.

8 CORP COUNSEL DESJARDINS: The report of the liquor
9 control adjudication board.

10 CHAIR ALULI: Yeah. Georgette, are you there or
11 who's going to -- who's going to address --

12 ACTING DIRECTOR TYAU: Yes.

13 CHAIR ALULI: -- Item C, the report on the --

14 ACTING DIRECTOR TYAU: Yes.

15 CHAIR ALULI: -- liquor control adjudication board.

16 ACTING DIRECTOR TYAU: I'm here. Can you hear me?

17 CHAIR ALULI: Yeah. Okay. Good. I can hear you.

18 All right. I see that -- is there anything to report?

19 ACTING DIRECTOR TYAU: No. There was no August
20 meeting, there were no cases that went forward.

21 CHAIR ALULI: Okay, all right. Thank you,
22 Georgette.

23 All right. Okay. Our next meeting is scheduled for
24 September --

25 COMMISSIONER ANDRION: 8th? 9th?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS. KHANGSENGSING: September 9th.

CHAIR ALULI: It's September 9th. Okay.

CORP COUNSEL DESJARDINS: Okay.

CHAIR ALULI: All right. Can I have a motion for adjournment?

COMMISSIONER DE MELLO: I make a motion.

VICE CHAIR BOLOSAN: Motion to adjourn.

COMMISSIONER DE MELLO: Second.

CHAIR ALULI: Okay. All in favor.

(Response.)

CHAIR ALULI: Any opposed?

(No response.)

CHAIR ALULI: Motion carries. Thank you, everybody.
See you next month.

(The proceedings were adjourned at 12:23 p.m.)

