

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

TRANSCRIPT OF PROCEEDINGS
SPECIAL MEETING

Held via Blue Jeans video conference, commencing at
9:00 a.m., on September 22, 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
STANLEY RUIDAS
BRUCE U'U
LESLIE ANN YOKOUCHI

STAFF PRESENT:

DEPUTY CORPORATION COUNSEL: MIMI DESJARDINS
ACTING DIRECTOR: GEORGETTE TYAU
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

(September 22, 2020, 9:00 a.m.)

* * *

CHAIR ALULI: Okay. It is nine o'clock. I would like to call the special meeting for the Liquor Control Commission, Department of Liquor Control, for the County of Maui for Tuesday, September 22nd, 2020. And I'll start with the roll call. Jamie Becraft.

(No response.)

CHAIR ALULI: Jamie Becraft.

(No response.)

CHAIR ALULI: Okay. Leon Bolosan.

VICE CHAIR BOLOSAN: Present.

CHAIR ALULI: Aaron Boswell.

COMMISSIONER BOSWELL: Present.

CHAIR ALULI: Jerrybeth De Mello is excused.
Stanley Ruidas.

COMMISSIONER RUIDAS: Present.

CHAIR ALULI: Bruce U'u.

COMMISSIONER U'U: Present.

CHAIR ALULI: Leslie Ann Yokouchi.

COMMISSIONER YOKOUCHI: Present.

CHAIR ALULI: Okay. Jamie Becraft.

(No response.)

CHAIR ALULI: Roberto Andrion.

COMMISSIONER ANDRION: Mr. Chair, present.

1 CHAIR ALULI: Thank you. All right. We do have a
2 quorum. Let's see. Let's -- is anybody from the department
3 on the call? I don't see --

4 ACTING DIRECTOR TYAU: Georgette is present.

5 CHAIR ALULI: Oh, Georgette. Georgette. Thank you,
6 Georgette. Are you the only department member that's on -- on
7 line, Georgette?

8 MS. KHANGSENGSING: No. I'm present too.

9 CHAIR ALULI: I'm sorry. Who's that?

10 MS. KHANGSENGSING: It's Maria.

11 CHAIR ALULI: Oh, Maria. I'm sorry, Maria. Yes,
12 Maria. Thank you, Maria.

13 Okay. Thank you. Can I get a motion for the
14 approval for the agenda for today?

15 COMMISSIONER U'U: Motion to approve.

16 COMMISSIONER ANDRION: A motion to approve the
17 agenda, Roberto Andrion.

18 CHAIR ALULI: Okay. It's been -- motioned approval
19 by Roberto and I have a second from Bruce U'u. All in favor?

20 (Response.)

21 CHAIR ALULI: Anybody opposed?

22 (No response.)

23 CHAIR ALULI: Thank you. Motion carries.

24 Okay. Move on to Item No. 4, public testimony. Oh,
25 excuse me. Before I go there, I see that Jamie Becraft has

1 joined us. Jamie Becraft, just want to make sure, are you
2 present?

3 COMMISSIONER BECRAFT: Yes, present. Sorry, I
4 was -- thank you.

5 CHAIR ALULI: Okay, okay. Thank you, Jamie Becraft.

6 Okay. Move on to Item No. 4, Public Testimony. I
7 checked with Maria this morning, she said that nobody had
8 signed up for public testimony at this point. That being the
9 case, I -- let's see. If there -- I would like to see if
10 there is anybody that would like to provide public testimony
11 at this point.

12 Okay. I see Mr. Jorgensen, you've raised your hand.

13 Maria, you have the three-minute timer.

14 Okay, all right. Dave, you've got three minutes.
15 You've got the floor. Please provide your name.

16 MR. JORGENSEN: Good morning, Chairman Aluli,
17 Members of the Commission, and Staff. My name's Dave
18 Jorgenson. Just -- I'll try and be brief. Regardless of what
19 was commission decides to do, I think the focus of the
20 commission in hiring a new director must be to change the
21 perception from the liquor department being a law enforcement
22 agency and more that it should be a customer and community
23 service agency. If you look on the website and the different
24 statements on there, it does refer to licensees as customers
25 and that really should be the focus. The water department,

1 the planning department, they all have enforcement divisions,
2 but they're not law enforcement agencies. They're community
3 service agencies and departments who assist the people that
4 come in and if there's a problem, there are -- there are
5 fines, there are civil fines, but they are not law enforcement
6 agencies.

7 If the commission's position in general on the
8 eligibility requirements must be interpreted to require five
9 years experience working for a law enforcement agency, you're
10 eliminating an enormous pool of highly qualified potential
11 candidates and I would strongly suggest that the criteria be
12 changed. The rules of the liquor department are not black and
13 white and they should not be read that way. The department
14 itself makes allowances and exceptions when and where
15 appropriate and I urge the commission to select a new director
16 who understands and agrees that every situation with licensees
17 must be evaluated on its own merits.

18 I did submit an application, I believe I am
19 eligible. I might not be the most qualified person for the
20 job, but I certainly believe I'm eligible and if I'm not, that
21 I should be and people similarly situated should be eligible.
22 There are -- there are many, many people I talked to who would
23 have been interested in applying, but because of the
24 understanding about the way the eligibility requirements are
25 being interpreted, they did not or they did and they didn't

1 make it past whatever first steps.

2 So I commend the commission, I commend the committee
3 for your efforts, and I look forward to whatever your decision
4 is. Thank you.

5 CHAIR ALULI: Thank you, Mr. Jorgensen.

6 Any questions for Mr. Jorgensen from any of the
7 commissioners?

8 (No response.)

9 CHAIR ALULI: Okay. Not having any or not seeing
10 any, thank you, Mr. Jorgensen.

11 So I see that Laren Gartner, you raised your hand.
12 You've got the floor, you've got three minutes. Please
13 provide -- give us your name.

14 MS. GARTNER: Thank you. My name is -- let me
15 get --

16 My name is Laren Gartner. I'm the founder and CEO
17 of Cheeseburger in Paradise. Our Front Street restaurant has
18 been operating for over 30 years in Lahaina. During this
19 time, we have had for many years been visited nightly by the
20 Maui Liquor Commission inspectors. These were never visits
21 designed to encourage us in our application of Maui County
22 liquor laws; these visits were meant to intimidate us. The
23 attitude of the inspectors were what you would expect from law
24 enforcement officers, nearly all male inspectors who raised
25 their voice and threatened us every single night. Our

1 managers were scared and our customers were made
2 uncomfortable. Not once in 30 years did an inspector offer
3 assistance or a remedy for us to use to navigate Maui's
4 restrictive rules and regulations, not once did an inspector
5 shake a hand of a manager. They come in the door looking to
6 find us guilty of anything, no matter how small or routine the
7 infraction. To have an angry male inspector yelling and
8 threatening our managers, male and female, is extremely
9 stressful on the staff and the customers.

10 As operators for 30 years in this environment, we
11 are constantly aware that this angry inspector has our life in
12 his hands. The threat of losing our liquor license is always
13 there night after night in Maui. Because we also operate
14 several restaurants and bars on Oahu, we have the opportunity
15 to experience a much different application of liquor control
16 officers. Hawaiian -- Oahu inspectors do not use bullying
17 tactics like Maui inspectors do.

18 I urge you to select a director who wants to improve
19 relations between operators in the liquor commission, a
20 director who is capable of common sense discussions meant to
21 improve our ability to run our operations lawfully, while at
22 the same time having the wisdom and power to see what is
23 reasonable oversight of the rules and regulations. All of are
24 adults here -- we're all adults committed to running our
25 restaurants, bars, and breweries within reasonable guidelines.

1 Please select a professional who can work with us to
2 restriction -- restructure an antiquated system of bullying
3 through the liquor inspectors on Maui. Thank you.

4 CHAIR ALULI: Commissioners, any questions for
5 Ms. Gartner? Jamie Becraft.

6 COMMISSIONER BECRAFT: Yes. Thank you, Mr. Chair.
7 Jamie Becraft. Ms. Gartner.

8 CHAIR ALULI: We're getting feedback. Okay.

9 COMMISSIONER BECRAFT: Ms. Gartner, I just have a --
10 pretty much a yes, no, and a number question. So I just want
11 to know whether or not in those 30 years of every night being
12 bullied, did you ever file a complaint? And if yes, how many?

13 MS. GARTNER: Okay. I'm trying navigate this.

14 Absolutely not. I would've been afraid to go up
15 against any liquor inspector. I did have many conversations
16 over the years with various directors when I felt that the
17 bullying was too tough. And although they came in, they
18 might've stopped bullying for a while, but over 30 very long
19 years of our being terrified that we would lose our liquor
20 license at any given point in time, I think it's time to look
21 at a new direction for liquor in terms of getting rid of the
22 law enforcement attitude that is presented to us as operators.

23 COMMISSIONER BECRAFT: Thank you. That's all.

24 MS. GARTNER: I never -- I never made a complaint
25 against a specific inspector, if that's the answer that you're

1 looking for.

2 COMMISSIONER BECRAFT: Yeah. That's all. Thank
3 you.

4 CHAIR ALULI: Okay.

5 MS. GARTNER: Okay. I can't see him.

6 CHAIR ALULI: Any questions for Ms. Gartner from any
7 of the commissioners?

8 COMMISSIONER ANDRION: Nane.

9 CHAIR ALULI: I'm sorry. Commissioner Andrion, go
10 ahead.

11 COMMISSIONER ANDRION: Ms. Gartner, I've just got a
12 question. When you say you try to -- to operate within the
13 guidelines of the -- the law, what does that mean? 'Cause if
14 you are within the guidelines of the law, then you shouldn't
15 be afraid of an inspector coming in. I just want to be able
16 to -- to see what you're trying to say as far as how people --
17 how the commissioners are being -- using their authority to
18 bully you if you're within the guidelines of the law.

19 MS. GARTNER: I'm -- I'm certain that every
20 restaurant operator has the same set of circumstances that we
21 do. Cheeseburger wasn't singled out for bullying behavior
22 from the liquor commission, they just came in every night and
23 made our lives miserable. I have 30 years worth of anecdotal
24 situations where liquor control was absolutely unreasonable
25 and the situation, of course, is that any -- you can be asked

1 to do anything at all. Go to a customer, pick up their drink,
2 go get the check, look at anything whatsoever. In -- in
3 addition, it's not just -- it's the attitude they came in with
4 that we were in trouble the minute they hit the stairs. It's
5 always been a very unpleasant situation and I'm sure of all
6 the names of restaurants that Beverly has in this hui, you
7 would hear the same story over and over and over again. Are
8 there other people who are going to speak today, you guys, or
9 is it just me?

10 CHAIR ALULI: Well, if I could, I'd just like to ask
11 if there's anybody else that would like to testify, if they
12 would sign up in Chat, please. Sign up in Chat so that I can
13 see who specifically wants to provide testimony. That's where
14 I will call the names from, from the Chat area. Thank you.

15 Okay. I'm sorry, Ms. Gartner, go ahead. Do you
16 have anything further --

17 Any other commissioners wish to ask Ms. Gartner any
18 questions?

19 (No response.)

20 CHAIR ALULI: Okay. Not seeing any, I thank you
21 very much, Ms. Gartner, for your testimony.

22 And let's see. Next on the Chat line is Garrett
23 Marrero. Garrett, you've got three minutes.

24 MR. MARRERO: Thank you, Chair Aluli. I appreciate
25 the time to -- to testify again here. Yeah, I'm gonna stand

1 on my written testimony as far as some -- those main points,
2 but to Dave's point, Dave Jorgensen's point as well, whomever
3 you hire, we need to encourage a new era for --

4 Looks like someone's getting feedback.

5 A new era in liquor where it is a working
6 relationship, it is a togetherness, it is a we are your
7 customer, you do not exist without us. We, however, do not
8 exist without a well-regulated industry, so it is a symbiotic
9 relationship that needs to be created. And the culture of
10 Maui County Liquor in my 15 years and clearly in Ms. Gartner's
11 and Bev Gannon's 30 plus years, the culture has not been a
12 positive one. So whomever you hire, I would encourage the
13 directive to be given by the commission as really the board of
14 directors, if you will, of the business of Maui County Liquor
15 to guide them, to educate them, to require them to act as
16 customer service agents, not a gestapo-type organization that
17 comes in poorly dressed, oftentimes not smelling very well,
18 requires you to go immediately to a table and say, I want to
19 see their check. You're guilty before you're even accused of
20 a crime. So it's mining for crimes, it's not that you've done
21 one and there's an investigation. It's halt service and give
22 me all your credit card receipts, including all the private
23 information that federally, I'm not allowed to give you, but
24 if I don't, you're coming after me. So, yeah, Ms. Gartner is
25 absolutely right.

1 And, Roberto, you know, it's a great question, if
2 you've got nothing to hide, then don't be worried about the
3 enforcement agent. But if that enforcement agent was to come
4 in and say, Hey, you know, we had this complaint and, as you
5 know, here are the rules and we'd like to talk to you about
6 that to the side, that's a very different situation. I
7 guarantee everybody on this call -- maybe not Mr. Becraft, but
8 when you're driving down the road and a police officer pulls
9 behind you, you slow down even if you're doing the speed limit
10 already. It's just the sense of that.

11 I do take one moment and acknowledge that the
12 "acting like law enforcement," I think does give a negative
13 connotation to our law enforcement officers, who I respect
14 immensely. I think we -- the meaning of what people have said
15 is the overreach and the higher than thou, power-trip type
16 entry into a location, that's something that we need to stop.
17 Let's work together. We can fix this very easily, it just
18 takes us all sitting down and saying, Here are the rules,
19 let's -- let's make them modern, let's bring them into the
20 current today rules that actually --

21 Someone's talking in the background. Sorry.

22 That makes sense for the way businesses are
23 administered today. And you have the power to affect this
24 change and for the first time in my life see Maui County
25 Liquor as a well-respected, well-run --

1 MS. KHANGSENGSING: Garrett, you have 30 seconds.

2 MR. MARRERO: -- customer-oriented operation. So,
3 please, whomever you hire, bring that fresh look, bring that
4 fresh approach, bring that positive nature to this
5 organization because we will all have better jobs, we will all
6 work together better and we will all succeed better,
7 especially coming out inform negative world we are in with the
8 pandemic. So you have the power. We're here to help, we're
9 not here to work against, please utilize us for that. And
10 thank you.

11 CHAIR ALULI: Before I ask if there are any
12 questions on the part of commissioners, I would like to ask
13 again, please, for all of you that are on this call, for now
14 would you please -- except for the commissioners, would you
15 please mute your microphones. I see a lot of mics on, we're
16 getting a lot of feedback, the testifiers cannot be heard
17 completely, so, please -- I see there's -- okay. Yeah.
18 Please, I have a lot of -- I have a -- I have some observers
19 who are still not muting their mics. Please mute your mics.
20 Thank you.

21 Are there any questions for Mr. Marrero on any part
22 of the commissioners? Any of the commissioners have any
23 questions for Mr. Marrero?

24 (No response.)

25 CHAIR ALULI: Okay. Not seeing any, Mr. Marrero,

1 thank you very much.

2 MR. MARRERO: Thank you, Chair.

3 CHAIR ALULI: Okay. Move on next to Pamela Tupap.
4 Tumpap.

5 MS. TUMPAP: Aloha, Chair. Thank you so much for
6 having me. I wanted to -- good morning. I wanted to echo
7 what Garrett has already said in terms of changing the
8 culture. And I've already submitted testimony on behalf of
9 the chamber in that regard, but I wanted to share a very
10 distressing story that came through last night, a couple
11 people have told me about it. And, again, I'm sharing these
12 stories because of the fear and intimidation people feel. I
13 can't echo this enough. I know people are asking questions
14 about have you filed complaints and people are afraid to do so
15 and I think it's really imperative that we recognize this.

16 So I'd like to share a story. On September 8th,
17 approximately 8:17, two LC personnel arrived at the Pour House
18 in Kapalua. The restaurant was closed inside to comply with
19 COVID-19 restrictions and they had about five people sitting
20 on the lanai who were finishing their meals and getting ready
21 to leave. One LC officer spoke to the owner and the other
22 walked into the kitchen without saying he was going to do so
23 and observed the owner's 14-year-old daughter washing dishes.
24 He questioned and scared the young girl while her parents were
25 not there. This was a big man. The LC officer informed the

1 owner that he would be writing a violation for employing a
2 minor on the premises. The owner explained she is not an
3 employee of the restaurant, she was simply there so that the
4 owners could care for children while taking care of their
5 business, she was washing her dishes as she would do at home,
6 just the dishes that she and her little brother ate on that
7 evening.

8 Further, the LC then stated that they would be
9 writing a violation for the owner's wife, who was inside at
10 the POS terminal, starting to close down. She had a mask on,
11 but it was pulled down. However, she was inside the
12 restaurant, 22 feet away from any of the people outside and
13 according to the restauranteurs, the Department of Health
14 Regulations for Maui County Food Safety Branch for COVID-19
15 policy as of August 31st, 2020, state that if an employee need
16 to take a break from the mask, they must be at least 20 feet
17 away from others, whether interior or outside, which is
18 exactly what his wife was doing.

19 There was a third situation that I don't have time
20 to share where officer -- LC personnel went in routinely while
21 modifications were being to test out new layout where they
22 then watched for weeks, didn't offer any concerns, and then
23 once a wall was sort of temporarily put up, said that a
24 building permit was required when the owner tried to explain
25 they were just testing --

1 MS. KHANGSENGSING: Pamela, you have 30 seconds
2 left.

3 MS. TUMPAP: Thank you. In this time of COVID when
4 parents are having to do extraordinary things to take care of
5 their children and people are bringing their kids into their
6 businesses, as many businesses are doing, and to explain to
7 the LC personnel who were there what was going on, they have
8 no consideration for that. And then to scare a young girl who
9 was in the restaurant eating dinner with her folks, this shows
10 you the environment we're dealing with it. Think about how
11 she felt. We've got to change the culture.

12 CHAIR ALULI: Okay. Thank you, Pam.

13 Are there any questions for Pam from any of the
14 commissioners?

15 (No response.)

16 CHAIR ALULI: Not seeing any, Pam, thank you very
17 much.

18 MS. TUMPAP: Thank you.

19 CHAIR ALULI: Okay.

20 MS. TUMPAP: We will be sharing those stories with
21 you.

22 CHAIR ALULI: Okay.

23 MS. TUMPAP: And others.

24 CHAIR ALULI: Thank you.

25 MS. TUMPAP: Thank you.

1 CHAIR ALULI: All right. Next on the list is Bev
2 Gannon. Bev, you have three minutes. Thank you.

3 MS. GANNON: Aloha, everybody. Can you hear me?

4 CHAIR ALULI: Yes.

5 MS. GANNON: Hi, Laren, I haven't seen you in a
6 really long time.

7 Okay. I'm here, once again, (inaudible). Here to
8 say, you know, we are months into this, we are months into
9 (inaudible) a new director of liquor control. I think that
10 there are enough us who have testified, I think there
11 are (inaudible) ads in the paper. We are trying -- we're
12 trying to (inaudible) make you understand what we need in a
13 new director. We are talking about a department that is
14 seriously broken, that (inaudible). So there was an audit
15 done where, you know, it was found to be pretty much bad on
16 all accounts and if you look at it later, if you ask any of
17 the licensees, we have not seen one change since the audit was
18 done. There's not been one change to be positive towards us.

19 I've heard -- and Javier will probably talk, but --
20 but he's trying to extend his premise into his parking lot and
21 every single agency has allowed him to do it. He's been
22 trying since April and he still can't move out into his
23 parking lot because of the department of liquor.

24 I am just here to urge all of you to make sure that
25 the candidate you choose is someone who is going to come in

1 and change the way the department of liquor works. It has got
2 to become an agency that is pro-business. You know, we're --
3 Hawaii is known to be the worst place in the world to do
4 business. Well, you've probably got hundreds of -- sorry --
5 people who have liquor licenses who if they didn't think like
6 they would be hurt or -- or pointed out or (inaudible) by the
7 department or given -- you know, been harassed by the
8 department, we've all done it. I'm talking 35 years of this
9 where we all talk amongst ourselves. Our customers all don't
10 understand what's going on when somebody can come in and,
11 yeah, are you going to maybe observe somebody where they come
12 in on the busiest night of the week, five people deep at the
13 bar (inaudible). And then they send the police in and
14 handcuff your bartender in front of the rest of the
15 restaurant. It's -- it shouldn't happen. You guys
16 (inaudible) commission and I'm --

17 MS. KHANGSENGSING: You've got 30 more seconds.

18 MS. GANNON: I'm just here to say, please, please,
19 make sure that your choice is a choice you're making to help
20 make change, not just a choice sideways. Thank you very much
21 for hearing me. We hope to be open in November.

22 CHAIR ALULI: Okay. Commissioners, any questions
23 for Ms. Gannon? Any commissioners have any questions for
24 Ms. Gannon?

25 (No response.)

1 CHAIR ALULI: Okay. Not seeing any, Bev, thank you
2 very much.

3 All right. The next testifier I have on the list is
4 Javier Barberi. Javi, you've got three minutes.

5 MR. BARBERI: Thank you. My name is Javier Barberi.
6 I'm one of the owners of Down the Hatch and Mala Ocean Tavern
7 in Lahaina. Jamie, Jamie Becraft, I was on the -- the
8 BlueJeans phone call that we had back in, I believe, April
9 where you were very supportive of the extension of premises
10 and I thank you for that. You actually pressed Georgette on
11 making this a clean and simple process, but today I would like
12 to give the commissioners a look into the reality of how the
13 liquor department is handling this process.

14 I've been doing this permit process since June,
15 we're now September 22nd, I still have not received a permit
16 of extension at either restaurant. When I asked the liquor
17 control what was needed for this extension, this is the list
18 that they gave me:

19 I needed a zoning and planning certificate.

20 I needed a permit application form.

21 I needed a TMK professional drawing that showed a
22 100- and a 500-foot circular radius of my premises.

23 I also needed a list of registered voters in a 100-
24 foot and a 500-foot radius of my premises.

25 I needed a site plan drawn to scale, floor plan

1 drawn to scale, and I also needed an amendment of lease,
2 which, obviously, required lawyers. These are all the things
3 that I needed.

4 When I asked for the zoning department to tell me
5 what I needed for a permit, they (inaudible) an email. She
6 asked me what I wanted to do, she asked me what the floor plan
7 would look like, how we would feed the guests outside, and she
8 gave me full authorization in an email. (Inaudible) the
9 liquor department has made me jump through so many hoops that
10 to this date I still have no (inaudible) --

11 COMMISSIONER BECRAFT: Javi, I can't hear you. Hang
12 on. Hang on. Hang on. I can't hear you.

13 CHAIR ALULI: Yeah, yeah. Javier.

14 COMMISSIONER BECRAFT: Mr. Chair, Jamie Becraft.
15 Can I -- can he get some more time and back him up about a
16 minute, please, because I just can't hear him. We've got so
17 much background noise.

18 CHAIR ALULI: Yeah. We've got a lot of feedback.
19 So, again, I'm going to ask for those of you not on the call,
20 please mute your mics.

21 MR. BARBERI: Can you hear me better now?

22 CHAIR ALULI: It makes it very difficult for those
23 that are providing testimony to be heard properly.

24 COMMISSIONER BECRAFT: So if we're gonna --

25 CHAIR ALULI: We still have open mics.

1 MR. BARBERI: Can you hear me better now?

2 CHAIR ALULI: Go ahead, Javier.

3 COMMISSIONER BECRAFT: Mr. Chair. Mr. Chair.

4 CHAIR ALULI: Yes.

5 COMMISSIONER BECRAFT: Jamie Becraft.

6 CHAIR ALULI: Yes.

7 COMMISSIONER BECRAFT: Can we -- can we just back
8 him up and extend his time, please, because I -- he's going to
9 have to go a little bit --

10 CHAIR ALULI: Yes, we will.

11 COMMISSIONER BECRAFT: -- because I couldn't
12 understand him.

13 CHAIR ALULI: Yes.

14 Maria, give him another minute. Okay?

15 Go ahead, Javier. Continue.

16 MR. BARBERI: Okay. So just to back up a little
17 bit, the process that the liquor control is requiring me --
18 they gave me a -- just a laundry list of different things that
19 I need to get:

20 A lease amendment, which triggers lawyers,
21 obviously. Your landlord is not just gonna give you a lease
22 amendment, they're gonna have a lawyer draft that, that takes
23 time. They wanted a floor plan, a site plan. They basically
24 are asking me to go through the process of obtaining a brand-
25 new liquor license.

1 And this is COVID, this is a time where we need to
2 work together, we need to help each out. Right now we have a
3 tiny restaurant that's open, but we only have ten tables
4 inside. We're asking for a parking lot to put more tables
5 outside so we can service guests healthier, cleaner, outdoors.
6 That's what everybody wants and everybody's talking about;
7 however, I can't do it. I cannot do it. And it's because the
8 liquor commission is holding -- I'm sorry. The liquor control
9 is holding up the process. Every time that I turn in all my
10 paperwork, they say, Oh, this is wrong. This is incorrect.
11 Go back and do this. We don't like the way this looks.

12 They came out and did a site inspection and they
13 said that, Oh, you need to clearly define the exact way that
14 the liquor is gonna enter this area.

15 We said, We're just gonna walk it from the front
16 door over, what do you mean, clearly define?

17 Oh. Well, now you need to put that back in the site
18 plan. You need to extend the amendment of lease.

19 It's just incredible how difficult it
20 is (inaudible).

21 MACHINE VOICE: Recording is on.

22 MR. BARBERI: I'm sorry. What was that?

23 COMMISSIONER BECRAFT: Keep going. You're fine.

24 MR. BARBERI: I'm just letting guys know what it's
25 like for us, us that actually have to deal with it. You guys

1 don't see this side of it.

2 What Laren was talking about earlier and the
3 question that Roberto had about why should she feel
4 intimidated if she's doing everything according to plan?
5 Well, let's say a big party gets up, a group of seven
6 people --

7 MS. KHANGSENGSING: Javier, you've got 20 more
8 seconds.

9 MR. BARBERI: Let's say a big party gets up, a group
10 of 20 people stand up and they're walking out of the
11 restaurant, but for one second they're blocking an aisle and
12 in that one second the liquor commission -- the liquor control
13 guy shows up. Now, guess what, Laren's freaking out because
14 now she's gonna get a violation of blocking an aisle way.
15 Those are the types of things that we see as licensees, that
16 we go through every day and it needs to be changed. You guys
17 need to elect somebody that's going to change these things;
18 otherwise, we're going to continue to have problems.

19 CHAIR ALULI: Okay. Javier, thank you.

20 Are there any questions for Javier on any -- on --
21 by any of the commissioners? Any questions for Javier?

22 Yes, Bruce.

23 COMMISSIONER U'U: Thank you for testifying, Javier.

24 MR. BARBERI: Thank you.

25 COMMISSIONER U'U: I've been on the liquor

1 adjudication side, so there was never any testimony prior, so
2 I'm glad that you guys, the owners are speaking and educating
3 myself so I'm not so much in the dark. So thank you for that.

4 I agree with what you're saying. You know, I'll be
5 the first for saying stupid. I would say it's stupid to do
6 all that, for go through a per scale in a time like this is
7 absolutely against what -- what the governor would free up
8 things to do to help you guys.

9 I went to Fish Market in Paia and there's an
10 imaginary line where they say, Oh, be careful. Don't take
11 your drink on this side of the line in Paia. I'm like, What
12 you mean? And they sounded like, Oh, the liquor commission,
13 you know, blah, blah, blah. And I'm a commissioner. I'm
14 thinking, Oh, no, it's not liquor commission, but, you know.
15 But there was an imaginary line of like six feet that I
16 couldn't take my drink across, which I thought was crazy. And
17 you're backing up the story which I had dinner last week and
18 I -- and I agree. And, again, we've gotta work on it, but
19 without you guys coming up and educate -- I'm new to the
20 process, this is like my fourth meeting, I'd like to thank you
21 and give your testimony and I agree it is ridiculous.

22 I have a friend in California, it took him one day.
23 He got a restaurant, they shut him down, in one day he
24 extended it, paid a \$100 fee, the next day he was open. So
25 maybe that's too fast, maybe we can work on one week, but I'm

1 agreeing with you, I think it is ridiculous. Nothing should
2 be to scale. Not even my plans for my house right now is
3 exactly to scale. And the inspector comes and he gives me the
4 leniency to understand, okay, this is one conceptual plan,
5 kind of to scale, but it ain't exact size. So I'm letting you
6 know I agree, I support your decisions, and on our part, the
7 commission's part, we've gotta make changes to help you guys
8 succeed. So part of the process gonna be us forming a TIG
9 committee and coming up with ways to help you guys. So it's
10 not all the fault of the enforcement or liquor, I think some
11 of 'em, we're gonna have to take some responsibility and make
12 some changes. Hopefully, you guys are gonna be patient with
13 us, but I'd be frustrated just like you, Buddy.

14 MR. BARBERI: We can be as patient as possible,
15 Bruce, but right now it's COVID --

16 COMMISSIONER U'U: Yeah. No, I understand.

17 MR. BARBERI: -- and patience is running out. And I
18 started this process in June and it's September and places are
19 closing every day, Bruce. You know that, you know how many
20 restaurants you can't go to anymore, so patience is whatever
21 it is, it's how long you want to us survive for. We're
22 holding on to a tiny rope right now, Bruce.

23 COMMISSIONER U'U: So I'm pleading with the
24 department, if you guys hear me on this, help him out. They
25 need the help. So put that stuff aside, stop pointing the

1 finger, and be part of the solution, you know.

2 Thank you for your testimony.

3 MR. BARBERI: Thank you, Bruce.

4 CHAIR ALULI: Okay. Thank you.

5 Roberto had his hand up first, Jamie. Excuse me.

6 Roberto, did you want to ask a question?

7 COMMISSIONER ANDRION: I -- Mr. Chair, I don't know
8 if this is the place for it, I think I -- this would be a
9 question as far as for the administration.

10 CHAIR ALULI: Okay.

11 COMMISSIONER ANDRION: What is the -- what is the
12 policy? Does it apply to both -- to -- consistently? That
13 would be my question, but it's not for Javier. It's not to
14 Javi, I should say.

15 CHAIR ALULI: Yeah. It's not for Javier, so I think
16 you need to put that on the side for now. We need to address
17 just what Javier is --

18 Jamie Becraft.

19 COMMISSIONER BECRAFT: Yes, Mr. Chair. Jamie
20 Becraft. Thank you.

21 Yeah, Javier, you know, I'm with Bruce, you know,
22 we're trying to be supportive and I think I would like too to
23 see the board right now -- or the commission do what they can
24 under COVID. Because there are exemptions, you know, and
25 they -- and we can -- we can move things along faster from my

1 understanding and I -- and I hope that that happens.

2 MR. BARBERI: How do we do that, though? How do we
3 do that?

4 COMMISSIONER BECRAFT: Well, and I was going to
5 present that. I think because of Sunshine Law, I think we're
6 not allowed to go too much further with this and I would just
7 say that, you know, we'll -- we'll talk to the chair and,
8 hopefully, we can agendize this for our next meeting and I
9 would encourage all you folks with your examples and let's
10 bring this completely up front. 'Cause we did have a meeting
11 before about it and I did -- I did ask about the timeliness of
12 things and -- and with your guys exact examples, you know,
13 let's -- let's see if we can't push through it. But we're
14 going to have agendize it for the next meeting because we
15 can't go really too far into it. But I'm -- you know, I just
16 want you guys to know that, you know, there is some support
17 out there and we are -- we're trying, but we've gotta have you
18 guys tell us what's going on. And I also -- if I'm correct,
19 your only avenue right now is to complain to the department
20 themselves, you don't have another avenue of complaint; is
21 that correct?

22 MR. BARBERI: Yeah. I complained to them and
23 they -- they laughed at me. I mean, this is my life right
24 now. This is my new application that I have to fill out
25 because this one wasn't good enough, you know. Like my life

1 is doing paperwork every day, sending it in, and dealing with
2 them and them hanging up the phone on me or yelling at me
3 or -- you know, I try to get a frozen daiquiri machine
4 installed and they're telling me I gotta call the ATF. And I
5 call ATF in Washington and they're laughing at me because they
6 have nothing to do with the Maui County Liquor Department.
7 It's just -- it's the worst bureaucracy I've ever seen in my
8 life and we -- I've been dealing with it for five years, so
9 I'm young at this, but there's other people like Laren and
10 Garrett that have been dealing with it for so much longer and
11 they're heroes for that. I'm ready to get out of the
12 restaurant business because of how bad it is here.

13 COMMISSIONER BECRAFT: Well, all I can say is we
14 need to agendize it. And another thing I'll probably ask the
15 chair to agendize is trying to get another avenue of
16 complaint. Other agencies that have commissions, the
17 commission accepts complaints themselves and investigates it
18 themselves and that may be something we need here, because a
19 lot of this knowledge isn't -- isn't known to us, you know, we
20 don't get it direct. And as with Bruce, I think I'm echoing
21 his thing, but I want to thank you guys. Just bring it
22 forward and, you know, we'll try to see what we can do and --
23 there's just, you know, avenues -- we'll just have to agendize
24 it.

25 And, hopefully, you know, Mr. Chair, we can address

1 this later. I don't want to get too far off topic.

2 CHAIR ALULI: Yes, we can.

3 COMMISSIONER BECRAFT: I'm afraid to make a Sunshine
4 Law violation.

5 CHAIR ALULI: Yep.

6 COMMISSIONER BECRAFT: But I want everybody to know
7 we appreciate it and we're gonna try to do what we can.

8 MR. BARBERI: Thank you.

9 CHAIR ALULI: All right. Javier, thank you very
10 much.

11 All right. Let's move on to Kathy Felton. Kathy,
12 you've got the floor and you've got three minutes. Thank you
13 very much.

14 MS. FELTON: Okay. Aloha. I am not an owner, I am
15 just an employee that have gone for almost 30 years of
16 applying for liquor licenses and have had the runaround for
17 periods, for not crossing a t, and it takes me weeks. And I
18 finally have gotten a lawyer to do our liquor license, 'cause
19 they don't bother them at all if there's a mistake, they just
20 tell them what to do. And this is the sad part that for me to
21 ask an employee, because I was not getting it as I got older
22 in age, to send a young employee with her breasts showing and
23 food to get her liquor license applied for. And, yeah, you
24 want me to complain to the liquor board to my restaurant,
25 they'll just come in and harass us. I have one manager that

1 is a female manager and the same LC comes in on her nights
2 after business and she is deadly afraid of him now. And this
3 is not the way businesses should be treated. I mean, we have
4 changed our world in so many ways and you guys are playing in
5 the -- way back in the ancient old days, letting these LCs and
6 this department control us and scare us. And at my age now,
7 ask yourself, would you want your daughter, your wife, your
8 sister to have to be intimidated by these people?

9 Anyway, I can go on and on, but we need change. And
10 if you guys can't see that from your aspect, then you guys
11 need to look at yourself too, because this is sad, it's very,
12 very sad, and it should not be continuing. It's just sad. It
13 brings me to tears. Every time I have to go apply for a
14 liquor license, it's like dramatic for me and it shouldn't be
15 that way. I'm a grown adult, I'm an old lady now, I have to
16 ask younger women to do it now. And, I don't know, is that --
17 it's wrong. I hope to God that all you guys think that is
18 wrong too.

19 And that's all I can say. I can go on and on, but
20 once I can make complaints to somebody besides the liquor
21 board, I can send you a whole list of it. But I'm not going
22 to do it because my company needs their liquor license and I'm
23 not going to jeopardize their company. I even signed in under
24 my own account because I didn't want you to know my company's
25 name and that's pretty sad too.

1 CHAIR ALULI: Okay. Any questions for Kathy? Any
2 of the commissioners have any questions for Kathy?

3 MALE VOICE: Get out. Get out.

4 MS. FELTON: Are you talking to me?

5 CHAIR ALULI: No. I don't know who that is and --
6 Anyway, are there any questions for Kathy?

7 (No response.)

8 CHAIR ALULI: All right. Kathy, thank you very
9 much. We appreciate your testimony.

10 MS. FELTON: You're welcome. And I really hope you
11 guys take all of this very seriously.

12 CHAIR ALULI: Oh, we do. Rest assured.

13 MS. FELTON: Okay. Thank you.

14 CHAIR ALULI: I can promise you that.

15 MS. FELTON: Thank you.

16 CHAIR ALULI: I do not see any further -- oh, I see
17 Peter Merriman has signed up. So, Peter, you've got the
18 floor, you've got three minutes.

19 MR. MERRIMAN: Thank you very much, Mr. Chairman and
20 Committee. I just have a real quick comment and that is that
21 the -- the Big Island has done a really good job at
22 restructuring their liquor commission and if we could learn
23 from them, I think it would be really helpful. I think it
24 would be a -- I heard Jamie say that and that -- that was like
25 music to my ears to hear Jamie to say that he didn't know

1 about the problem. So we could learn what the Big Island did
2 and -- and copy some of that, I think it would be very
3 helpful. That's all I have to say. Thanks, though. And I
4 appreciate you all looking into this and trying to reform it.
5 Much needed. Thank you.

6 CHAIR ALULI: Any questions for Mr. Merriman from
7 any of the commissioners?

8 (No response.)

9 CHAIR ALULI: Okay. Peter, thank you very much.
10 Appreciate your testimony.

11 I see MacBook Pro -- oh, Peter Longhi. Peter
12 Longhi, I see that you've signed up also. You've got three
13 minutes. You've got the floor, Peter.

14 MR. LONGHI: Thank you. I wasn't going to speak,
15 but just -- but I think I should. I got my first liquor card
16 in 1979, I've gone through 60-70 liquor license renewals.
17 This June we -- I was denied my liquor license renewal because
18 of my tax clearance had expired, which we did it in March, we
19 usually, you know, are way ahead of the curve, it was
20 completely my fault. We had not been open since March 21st,
21 had served no liquor. I immediately applied for another one,
22 'cause I submitted on June 29th, June 30th they told me, that
23 was the day, we didn't get the new clearance until July 5th.
24 At that point at Hawaii --

25 CHAIR ALULI: Feedback. Oh, okay.

1 MR. LONGHI: At that point they told me to get my
2 sales together for the -- for the year and I -- I was like,
3 Oh, well, that's really due in the end of July, I thought. At
4 which point I did it, I brought in the form, there was a
5 number was incorrect. There happened to be a fire Upcountry
6 that day and they -- I said, Well, I'm gonna have to drive
7 Upcountry, get the keys to Wailea, drive to Wailea, get the --
8 you know, the actual number out of the drawer. I tried to do
9 it online and I came with a non- -- an incorrect starting
10 inventory. And drive back to Wailuku. The agent told me
11 that, yes, she wanted me to do that. It took me two hours of
12 driving. I got the correct numbers, I submitted it, at which
13 point they asked me for a check for my -- and I said, Well, I
14 thought that was due in September/October.

15 And they said, No, no, no. You have to pay now
16 because of --

17 And I go, Oh, well, after I pay, do I get my
18 license?

19 And they go, Oh, we can't tell you that.

20 So I pay them and then they inform me I have to
21 reapply for a new liquor license, a temporary and a new
22 license. And I was pretty taken back. I mean, this -- the
23 letter of the law, I was incorrect; the spirit of the law, I
24 was not. Anyway, so I've been going through that process and,
25 back to Javier, I was called back four or five times. I spent

1 a few thousand dollars with attorneys to draw the proper maps
2 after I submitted maps which they rejected.

3 The last one I was called back this week --

4 MS. KHANGSENGSING: Peter, you have 20 seconds more.

5 MR. LONGHI: -- for commas and because on my lease
6 it said the -- the address was Wailea, Hawaii, the correct
7 address is Kihei, Hawaii. But I had to go back in, put some
8 commas in, and then cross out everything that said Kihei and
9 write Wailea on it. The mailing address is Kihei, so it's --
10 it's unbelievable. I'm done.

11 CHAIR ALULI: Okay, Peter. Thank you very much.

12 Commissioners, any questions for Mr. Longhi? Yes,
13 Aaron.

14 COMMISSIONER BOSWELL: Did I hear that right, you
15 guys are getting your permits flagged for punctuation? Is
16 that true?

17 MR. LONGHI: That's been true for 40 years. Commas.

18 CHAIR ALULI: Okay. Any other questions for
19 Mr. Longhi?

20 (No response.)

21 CHAIR ALULI: Not seeing any on the part of the
22 commissioners, Peter, thank you very much. Appreciate your
23 testimony.

24 MR. LONGHI: Thank you.

25 CHAIR ALULI: Okay. I see that Caleb Hopkins has

1 signed up. Caleb, you've got the floor, you've got three
2 minutes.

3 MR. HOPKINS: All right. Aloha, everyone. Thank
4 you so much for taking the time to listen to the -- us. I
5 apologize for the negative overtones and here's some more of
6 it. So to piggyback on everybody's -- everybody's stories, I
7 just want to illustrate another story where we tried to be
8 creative and go outside the box and were punished for it. So
9 at Down the Hatch, where I was the general manager, we had
10 noise complaints. We had an issue with noise violations, so
11 we created an event called Silent Disco where people would get
12 headphones and listen to music, but it would -- it kept the
13 volume at a minimal.

14 During one particular night we had the liquor
15 commission that would stand upstairs -- if you've ever been to
16 the Wharf Cinema Center, there's a three-tiered area and they
17 would hang out in the stairwell and creep down -- and I mean
18 creep, because they wouldn't announce themselves, they would
19 just stand to the side and watch. We knew they were there, of
20 course, we knew that they were watching and we were doing
21 everything within the law. But this particular night we had
22 the booth set up at the top of the stairs so that people could
23 get their earphones up there before they came down. So at the
24 very, very end of the event, the event's done, everything's
25 over, one of our guest, one of our regulars, runs to the top

1 of the stairs and drops off his earphones and comes back down.
2 Well, the LC officer comes down and says, Ha, ha, ha, got you.
3 They had a beer upstairs at the top of the stairs. And his
4 exact words were, Ha, ha, got you. And I understand leaving
5 the premises with alcohol is a violation, I completely
6 understand that you can't have people going and coming with
7 open containers, I completely understand the safety factor of
8 that; but the person in question didn't leave the premises.
9 He went to want top of the stairs, dropped off his earphones,
10 went back down stairs. And we received a major violation,
11 alcohol leaving the premises, for that even though the alcohol
12 didn't leave the premises. The gentleman went to the top of
13 the stairs and came right back down.

14 And I just say that in that I understand that laws
15 need to be observed, I completely respect those, but there has
16 to be some common sense somewhere where they can walk down and
17 say, Hey, you need to be more careful. This person got to the
18 top stairs and then came back down, just so that you're aware.
19 And it was a major violation and a blemish on our record that
20 didn't have to be there, you know. And once again, we're just
21 pleading for -- for common sense, for fairness, and just --
22 you know, just the ability to reason.

23 And that's all I've got. Thanks for your time.

24 CHAIR ALULI: Any questions for Caleb? Yes, Jamie.

25 COMMISSIONER BECRAFT: Thank you, Mr. Chair. Jamie

1 Becraft.

2 Caleb, just a question in regard to how that turned
3 out. Did you -- did you present that to the adjudication
4 board, your position, or how did that turn out? Did you end
5 up getting fined or did you just plead out? What happened?

6 MR. HOPKINS: We pled out and just got a violation.

7 COMMISSIONER BECRAFT: And is there a reason why you
8 didn't present that to the adjudication board, the position of
9 what happened and so that maybe that those nine members from
10 the public could've maybe taken into consideration the
11 circumstances?

12 MR. HOPKINS: You know, to piggyback on everyone
13 else, we didn't want to make any more trouble. We just said,
14 Thank you, Yes, sir, and that was it.

15 COMMISSIONER BECRAFT: Okay. So just so I'm clear,
16 so the general that just carries over -- the feeling is that
17 if you do that, then there could be repercussions?

18 MR. HOPKINS: Absolutely. You're putting yourself
19 in the spotlight if you -- if you argue, if you fight. We
20 learned long ago just to apologize, say Yes, sir, No, sir,
21 Thank you, and that's it. Because we don't want to be under
22 scrutiny, further scrutiny, you know.

23 COMMISSIONER BECRAFT: I understand.

24 MR. HOPKINS: Thank you.

25 COMMISSIONER BECRAFT: I gathered that. I had

1 gathered that, I just wanted to make it -- you know, make sure
2 that it was abundantly clear. Okay. I appreciate it. Thank
3 you.

4 MR. HOPKINS: Yes, sir.

5 CHAIR ALULI: Thank you, Jamie.

6 Any other questions? Okay. Yes, Leslie, go ahead.

7 COMMISSIONER YOKOUCHI: I just want to make a
8 comment. I think we as the commissioners, we all hear you, we
9 hear you well, and I can assure you that we will do our best
10 to make ourselves your partners. Just -- it's just my -- my
11 comment.

12 MR. HOPKINS: Thank you so much.

13 CHAIR ALULI: Thank you, Leslie.

14 Any further questions for Mr. Caleb -- for
15 Mr. Hopkins?

16 (No response.)

17 CHAIR ALULI: Okay. Caleb, thank you very much.
18 Appreciate your testimony.

19 I do not see any further names on the testifying
20 list, so I will close public testimony at this time and move
21 on to Item No. 5, Administrative Affairs. And we are going to
22 address the final report from the temporary investigative
23 group and to do that, I would like to ask that we adjourn from
24 open session and reconvene in an executive session. So I
25 would like a motion to do so. Can I get a motion to move into

1 executive session or to adjourn from --

2 COMMISSIONER U'U: Motion to move to executive
3 session.

4 CHAIR ALULI: Okay. It's been motioned by Bruce
5 U'u.

6 COMMISSIONER BECRAFT: (Gesturing.)

7 CHAIR ALULI: Seconded by Jamie.

8 COMMISSIONER BECRAFT: Jamie Becraft. Second.

9 CHAIR ALULI: Jamie Becraft. Okay. All in favor?
10 (Response.)

11 CHAIR ALULI: Anybody opposed?

12 (No response.)

13 CHAIR ALULI: Motion carries. We will now go
14 into --

15 CORP COUNSEL DESJARDINS: Chair.

16 CHAIR ALULI: -- executive session.

17 Yes. Yes, Mimi.

18 CORP COUNSEL DESJARDINS: Sorry, Chair. Just
19 before -- just beforehand, I just want to put on the record
20 that the reason for the executive session would be Hawaii
21 Revised Statute 92-5(a)(2), which is to consider hire,
22 evaluation, dismissal, or discipline of employees as the
23 reason for the executive session. That's required.

24 CHAIR ALULI: Okay. Thank you very much, Mimi.

25 With that being said, we will now reconvene in

1 executive session.

2 (Pause in Proceedings: 9:48 a.m.-10:37 a.m.)

3 CHAIR ALULI: Okay. We're reconvened back in open
4 session and I would just like to announce that we will hold a
5 special meeting at nine o'clock on Wednesday, September 30th.
6 The final report from the TIG group has been provided and our
7 special meeting -- next special meeting will be on Wednesday,
8 September 30th at 9:00.

9 That being said, I would like to call for a motion
10 for adjournment.

11 COMMISSIONER ANDRION: Roberto Andrion. Motion to
12 adjourn the meeting.

13 CHAIR ALULI: Do I have a second?

14 VICE CHAIR BOLOSAN: (Gesturing.)

15 CHAIR ALULI: Second by Leon. All in favor?

16 (Response.)

17 CHAIR ALULI: Any opposed?

18 (No response.)

19 CHAIR ALULI: Thank you very much. Motion carries.
20 Meeting is adjourned. Thank you, everyone.

21 (The proceedings were adjourned at 10:38 a.m.)
22
23
24
25

