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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
9:02 a.m., on September 30, 2020.

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

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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

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(September 30, 2020, 9:02 a.m.)

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CHAIR ALULI: Okay. I'd like to call the special meeting for Wednesday, September 30th, to order. Let's start with the roll call. Let me get my -- okay. Roll call. Jamie Becraft.

COMMISSIONER BECRAFT: Present.

CHAIR ALULI: Leon Bolosan. You -- Leon, unmute yourself.

VICE CHAIR BOLOSAN: (Gesturing.)

CHAIR ALULI: Okay. I see you raise your -- okay. Thank you.

Aaron Boswell.

COMMISSIONER BOSWELL: Present.

CHAIR ALULI: Stan Ruidas.

COMMISSIONER RUIDAS: Present.

CHAIR ALULI: Bruce U'u.

COMMISSIONER U'U: Present.

CHAIR ALULI: Leslie Ann Yokouchi.

COMMISSIONER YOKOUCHI: Present.

CHAIR ALULI: Maria Khangsengsing.

MS. KHANGSENGSING: I'm here.

CHAIR ALULI: Georgette Tyau.

ACTING DIRECTOR TYAU: Present.

CHAIR ALULI: Georgette, is there anybody else from

1 the department present?

2 ACTING DIRECTOR TYAU: Just Maria and myself.

3 CHAIR ALULI: Just Maria and yourself. Okay. Thank
4 you. Okay.

5 COMMISSIONER ANDRION: Mr. Chair, did you call me?

6 CHAIR ALULI: I'm sorry. No, I didn't. Roberto
7 Andrion.

8 COMMISSIONER ANDRION: Present.

9 CHAIR ALULI: Thank you, Roberto.

10 All right. I'd like to get a motion to approve the
11 agenda for our special meeting for September 30th, 2020. Do I
12 have a motion for approval?

13 COMMISSIONER ANDRION: Roberto Andrion. Motion to
14 approve.

15 COMMISSIONER YOKOUCHI: Second.

16 CHAIR ALULI: Second? Leslie Ann --

17 COMMISSIONER YOKOUCHI: Second.

18 CHAIR ALULI: -- Yokouchi seconds. Thank you.

19 Okay. I'm now going to open up the meeting to
20 public testimony. I have four people signed up. I would like
21 to ask, please abide by the three minutes. Maria, if you
22 would keep the three-minute timetable --

23 MS. KHANGSENGSING: Okay.

24 CHAIR ALULI: -- and advise us, I'd appreciate that.

25 MS. KHANGSENGSING: All right.

1 CHAIR ALULI: And the first on the list I have is
2 Javier Barberi. Javier, you've got three minutes.

3 MR. BARBERI: Okay. Thank you. Hello, everybody.
4 Good morning. I just want to say thank you to everybody
5 today. I want to let everybody know that since our last
6 meeting, Mala Ocean Tavern did receive the extension of
7 premises so that we could have outdoor dining. I don't know
8 if you can see it, but maybe everybody can see it there.
9 That's a picture of the planters and the outdoor dining. We
10 put artificial turf outside so it didn't feel like the people
11 were in a parking lot and it's been so well received by the
12 community and everybody's been loving it.

13 In fact, last night -- on Tuesday nights we do a
14 chef takeover where a chef that's unemployed right now because
15 of their business or because of their work, comes and does a
16 dinner at Mala. And last night local boy Chef Alvin Savella,
17 he was one of the Chef of the Years, he works at Humu Humu
18 Nuku Nuku Apua'a at the Grand Wailea. He sold out the whole
19 restaurant and he sold out the lanai or the new patio. So
20 these are the types of things that make immediate impacts to
21 us as licensees and us as restaurateurs and I want to thank
22 everybody for helping -- helping me.

23 I also want to just let everyone know that I have
24 seen some information, I have seen the resume and I have seen
25 some correspondence from Ken Takemoto, one of the applicants

1 for the director position, and I think he's an excellent
2 candidate that everybody should support and should really
3 consider for the position of director.

4 So I just want to say those two things and thank you
5 very much, guys. Really appreciate it.

6 CHAIR ALULI: Okay. Thank you, Javier.

7 Commissioners, any questions for Javier?

8 (No response.)

9 CHAIR ALULI: Okay. Not seeing any, thank you very
10 much, Javier. Appreciate your testimony.

11 Okay. I'd like to next move on to Bev Gannon. Bev,
12 you've got the floor. You've got three minutes.

13 MS. GANNON: Good morning, Commissioners. Always
14 have to add my two cents. I find it incredibly amazing and
15 fabulous that because and only because of the last meeting
16 with the commissioners do I think Javier got his approval to
17 move out into the parking lot. I think if nothing was said,
18 he would still be sitting pushing papers. That should give
19 you a really good idea about what we're up against as
20 licensees. I am getting ready, I have sent in to get approval
21 so we can actually put our golf carts back on the golf course,
22 which they've requested at Gannon's. I can't open the
23 restaurants until -- that restaurant until all the hotels are
24 fully open and -- oh, I'm not -- you can't see me. And I'm
25 just waiting to hear what kind of stuff I'm going to have to

1 go through so I can't get them open on October 15th when -- or
2 November 1st when the hotels start reopening, so that I can
3 serve beverages on the golf course. But I will not be opening
4 the restaurant.

5 I know that every -- I'm not sure where it came
6 from, I never really saw anything, but I know a lot of us were
7 supposed to send what issues we had with -- and complaints
8 that we had about how we're treated as licensees. Our group
9 is just like everybody else, everybody's knee deep in trying
10 to get their restaurants open, they're very -- still very
11 afraid to even anonymously say anything to you guys. I kind
12 of got up this morning and thought, You know what, I'm going
13 to get on the phone with every single person, I am going to
14 type out what they have to say, and I will (inaudible) to you
15 guys (inaudible) you at least have a knowledge of what we've
16 been going through, myself for over 33 years. (Inaudible)
17 about how we're going to be closed down if we don't follow
18 these rules.

19 I think Garrett brought up how on Oahu, it was
20 totally a positive, You guys need the help, we'll help you.
21 You need to stay open. We want you to make sure that you're
22 doing the right thing.

23 MS. KHANGSENGSING: You have 30 more seconds.

24 MS. GANNON: Instead, it was, We're gonna shut you
25 down right away if you aren't taking care of the issues. So I

1 think moving forward, please pick the right person to change
2 the department of liquor control. We're close, we are so
3 close, and as a licensee and the other licensees, we need the
4 change to get us through this period and it's going to be a
5 long period. Thank you very much.

6 CHAIR ALULI: Thank you, Bev.

7 Commissioners, any questions for Bev?

8 COMMISSIONER ANDRION: Yes.

9 CHAIR ALULI: Roberto. Go ahead, Roberto.

10 COMMISSIONER ANDRION: I've got a question for Bev.
11 Bev, could you clarify your statement, what you said that you
12 can't put your golf course -- your carts in operation until
13 the hotels are fully open and you open November 1st?

14 MS. GANNON: Well, I can't -- I've been asked by the
15 golf course. I waited until the golf course asked us.
16 They've only been having -- some days they only have six or
17 eight people on the golf course, so it's not financially
18 feasible for me to put a golf cart, pay someone to be out on
19 the golf course to serve six beers. What we're -- what
20 we've -- we've now been asked to put a golf cart out on the
21 course to serve alcohol. We have put a request in to say we
22 would like to use the golf cart, but the restaurant will not
23 be open. Now, bringing it up to you guys right now, maybe I
24 won't have to wait six months if it -- if I'm not open at the
25 restaurant.

1 I don't know when Gannon's will open again. The
2 hotels have to be fully open at at least 50 percent for me to
3 even think about surviving at Gannon's. We are a hundred
4 percent tourist-based restaurant at that location and the golf
5 course. So until the golf course -- normally, the golf course
6 will have between 80 and 120 people on the course, on two
7 courses every day. They're only keeping one course open that
8 might have, might have on a big day, 20 people (inaudible).
9 So I'm just saying I'd like to -- I want to do whatever my
10 landlords want me to do to open. They know, they're saying,
11 You can't open your restaurant right now, there's nobody here.

12 So I'm just saying maybe if I bring it up here, our
13 email will be addressed today and they will say, Hey, you
14 know, no problem, you can -- you can put the golf cart out on
15 the course and serve alcohol even when your restaurant is
16 closed.

17 COMMISSIONER ANDRION: All right. Thank you.

18 CHAIR ALULI: Okay. Any other questions for Bev.

19 COMMISSIONER YOKOUCHI: Now?

20 CHAIR ALULI: Yes. Yes, Leslie.

21 COMMISSIONER YOKOUCHI: Not specifically to Bev, but
22 I just want to know the ruling on this. Is she able to have
23 her golf cart on the course without her restaurant being
24 opened? Is that a decision for us? Do we need to do that --

25 CHAIR ALULI: No, that's not -- that's not a

1 commission decision.

2 COMMISSIONER YOKOUCHI: Is it a department decision?

3 CHAIR ALULI: Well, let me ask Bev, have you
4 requested that you be able to put your carts back on the
5 course at this point, Bev? I don't think you have, have you?

6 MS. GANNON: The request --

7 CHAIR ALULI: Okay. You have --

8 MS. GANNON: Yeah, the request -- the request just
9 went in.

10 CHAIR ALULI: Oh, okay. All right. Okay.
11 It's not a commission decision, though, Leslie.

12 COMMISSIONER YOKOUCHI: No. I mean, yeah,
13 department decision.

14 CHAIR ALULI: Yeah, right.

15 COMMISSIONER YOKOUCHI: Is there a ruling, a state
16 ruling that it should not be there or what's the --

17 CORP COUNSEL DESJARDINS: Chair.

18 CHAIR ALULI: No, we're not -- we're not -- this is
19 not a point -- this is not a time for to us determine that as
20 far as --

21 Yes, Mimi, you were gonna --

22 CORP COUNSEL DESJARDINS: No. I was just gonna
23 mention that's not on the agenda.

24 CHAIR ALULI: Yeah.

25 CORP COUNSEL DESJARDINS: I mean, we're -- we're

1 trying to stick to public testimony regarding the final
2 report --

3 CHAIR ALULI: Right.

4 CORP COUNSEL DESJARDINS: -- on the TIG. And I
5 understand Ms. Gannon's general, you know, concern here and I
6 think that is relevant, but getting into a side issue about
7 whether she can or cannot do things under the rules I think is
8 outside of what's on the agenda.

9 CHAIR ALULI: On the agenda, yeah.

10 CORP COUNSEL DESJARDINS: Thank you.

11 CHAIR ALULI: Yeah.

12 Okay, all right. Are there any other questions for
13 Bev at this point?

14 (No response.)

15 CHAIR ALULI: Okay. Bev, thank you very much.

16 Okay. Next on the public testimony is Garrett
17 Marrero. Garrett, you've got three minutes.

18 MR. MARRERO: Thank you, Chair. And aloha,
19 Commissioners. I appreciate the opportunity to testify again.
20 You know, congratulations again to Javi, I know that was a lot
21 of work on his part and, believe me, I was -- I was there as
22 that proverbial shoulder more than a few times, so I'm just
23 stoked to see him open and we'll be -- we'll be enjoying that
24 patio tonight in celebration, so -- and thank you to the
25 commissioners for hearing our grievances and the reasons why

1 we need to be having a real change within the liquor
2 department.

3 And I think -- I felt really reassured in the last
4 commission meeting and really confident that you're going to
5 make the right decision, because it felt to me like a -- an
6 awakening. And I'd like to point out, you know, an email that
7 I did spread around because I have licenses in multiple
8 counties or I operate multiple places, you know -- I'm just
9 going to read the first few lines, because it dictates -- it
10 really tells the -- the spirit of the departments.

11 So this is from the City and County of Honolulu to
12 their licensees. The Honolulu Liquor Commission encourages
13 all of us to use (inaudible) issue as these detailed
14 requirements, conditions, and privileges of operating a
15 restaurant. And then it proceeds to list all of these things.
16 At no point in the letter does it threaten closure, does it
17 threaten any -- any issue of failure to comply will result in.
18 It is simply a, Hey, here's the information. We really
19 encourage to read and understand this. Thank you, is how it's
20 closed, Honolulu Liquor Commission.

21 I now go to the Maui version. For immediate
22 release: Liquor establishments face 24-hour closures for
23 failing to comply with public health emergency rules to limit
24 spread of COVID-19. Liquor license -- licensed liquor
25 establishments that fail to comply with County of Maui public

1 health emergency rules will be ordered to close for a 24-hour
2 period in a measure aimed at minimizing the spread of
3 COVID-19. I don't think I need to read much more. At the end
4 all it says is, again, Liquor licensees that are not in
5 compliance, etc., etc., penalties for violations of these laws
6 can include a reprimand, fine, suspension, and/or revocation
7 of license.

8 We are the customers of the Maui County Liquor
9 Control, we fund the Maui County Liquor Control, we should be
10 operating together in a world of education, in a world of
11 enforcement in a responsible way, not one that requires
12 intimidation, entrapment, and, you know, frankly, opening the
13 door --

14 MS. KHANGSENGSING: Garrett, you have 30 more
15 seconds.

16 MR. MARRERO: Thank you.

17 Frankly, in an environment that is a positive
18 reception, that is an aloha in the opening and a mahalo at the
19 end for both parties, both licensees and the department. And
20 I'm very confident you're going to make the right
21 decision (inaudible) I think everyone currently at Maui County
22 Liquor has had the opportunity to impact in a positive way
23 these changes, but has failed to step up to make that positive
24 change. So I think you know what to do best and I'm confident
25 in your decision to choose the right applicant, whether that

1 be Ken, Malama, anyone else, I entrust that to you because I
2 do see, yeah, that you see the issues. So thank you so much.

3 CHAIR ALULI: Thank you. Thank you, Garrett.

4 Any questions on the part of the commissioners for
5 Garrett?

6 (No response.)

7 CHAIR ALULI: Okay. Garrett, thank you very much.
8 Appreciate your testimony.

9 MR. MARRERO: Thank you, sir.

10 CHAIR ALULI: The last person on the list -- and I
11 want to acknowledge before provide your verbal testimony, Pam,
12 the receipt of your 20-page written testimony. It is going to
13 be put on the record for this meeting. Thank you for that.

14 You have now got the floor and you've got three
15 minutes, Pam.

16 MS. TUMPAP: Thank you so much, Chair. And I'll add
17 a mahalo to you and all of the commissioners. As Garrett said
18 very aptly, there was a different -- such a great tone at the
19 last meeting and people really feel that you heard them to
20 the -- to the point that many of us had literally tears in our
21 eyes, given the years that we've gone through.

22 We were pleased to share those 14 stories with you.
23 You'll note four had their names, ten did not, again, based on
24 fears of retaliation. We also want to point out that there
25 was -- the stories are different, but there was some company

1 overlap because some of the staff wanted to write in on some
2 of the issues that they faced.

3 You know, along with what you heard last week, these
4 stories highlight violations about things that are not true,
5 where both sides of the story are not even heard, complaints
6 of -- for LC harassment with one harasser actually writing in
7 and has not heard back since that -- she was interviewed.
8 Generally, there is this concern that the department is not
9 helpful and they won't share information that they have
10 available about when somebody is asking for something that's
11 already on file with the department. You've heard that they
12 make drive back for punctuation. We have our own story on
13 that at the chamber. We also have officers not being
14 knowledgeable about rule changes being reported and that many
15 report officers come in, watch things for a period of time,
16 and just are waiting for the right moment to do a gotcha
17 moment even if it's not accurate like the beer story recently
18 submitted and the story we heard about the stairs and the
19 headsets at the last meeting. And then many things about
20 officers coming in when the restaurants or bar is crazy busy,
21 asking for information that is obviously not readily available
22 and expecting to have it brought out right away. Not treating
23 their clients as partners, not educating them, I think Garrett
24 well illustrated that right now.

25 So we really feel a new culture needed. You know,

1 as we tried to change some of the state laws, we ran up
2 against great resistance because many said none of the other
3 liquor departments throughout the state operate the way Maui
4 does. And we urge you to talk to commissioners in other
5 counties, because we find something's very different there.

6 We also hear that, again, where LCs are licensed and
7 also manufacture, there's many misconceptions about
8 manufacturing and the chamber wants to help (inaudible) --

9 MS. KHANGSENGSING: You have 30 more seconds.

10 MS. TUMPAP: Thank you.

11 -- we together, dignities, government officials,
12 press people to see manufacturing establishments. We'd be
13 happy to coordinate a tour for each of you if you'd like to go
14 on tour to see and learn more about those who manufacture as
15 well.

16 Bottom line is we want to help. There's a culture
17 that's been harmful and persuasive for not just years, but
18 decades. We are thrilled with this opportunity to change and
19 we're thrilled with (inaudible) the licenses. We just want to
20 say mahalo and we too trust in your decision.

21 CHAIR ALULI: Okay. Thank you, Pamela.

22 MS. TUMPAP: Thank you.

23 CHAIR ALULI: Commissioners, any questions -- any
24 questions for Pamela from any of the commissioners?

25 (No response.)

1 CHAIR ALULI: Okay. Not seeing any hands raised or
2 any of the commissioner wanting to ask any questions, I do not
3 see any more public testifiers.

4 I will, therefore, close public testimony and move
5 on to Item No. V, Administrative Affairs. And pursuant to
6 Hawaii Revised Statute 92-5(a)(2), the commission may convene
7 in executive session to discuss matters relating to the hiring
8 of a new director for the Department of Liquor Control for the
9 County of Maui. The commission will deliberate on these
10 issues and take necessary action. So we -- I would like a
11 motion to adjourn to executive session -- or to adjourn from
12 open session and convene in executive session.

13 COMMISSIONER ANDRION: Roberto Andrion making a
14 motion to (inaudible) from regular session and move to
15 executive session.

16 CHAIR ALULI: Okay. The motion has been moved by
17 Roberto and it's seconded by?

18 VICE CHAIR BOLOSAN: Leon Bolosan. Second.

19 CHAIR ALULI: Seconded by Leon Bolosan. All in
20 favor?

21 (Response.)

22 CHAIR ALULI: Any opposed?

23 (No response.)

24 CHAIR ALULI: Motion carries. We will now go into
25 executive session. Thank you.

1 (Pause in Proceedings: 9:22 a.m.-11:23 a.m.)

2 CHAIR ALULI: All right. We're back in open session
3 and I would like to, in open session, now entertain a motion
4 to adopt the findings and recommendations of the TIG committee
5 regarding the applicants for the director of the Liquor
6 Department for the County of Maui. May I get a motion. Can I
7 get a motion?

8 COMMISSIONER BECRAFT: Chair. Mr. Chair, Jamie
9 Becraft. I make a motion that we adopt the TIG's
10 recommendation for candidates to move (inaudible).

11 CHAIR ALULI: Thank you. Do I have a --

12 COMMISSIONER ANDRION: Roberto Andrion. Second.

13 CHAIR ALULI: Roberto Andrion seconds. Okay. Any
14 further discussion?

15 (No response.)

16 CHAIR ALULI: All in favor? Okay. I'll -- I'm
17 going to take the vote -- I'm sorry. I'm going to take the
18 vote independently -- or individually, sorry, in terms of
19 accepting the TIG's recommendation. Roberto Andrion.

20 COMMISSIONER ANDRION: Yes.

21 CHAIR ALULI: Jamie Becraft.

22 COMMISSIONER BECRAFT: Yes.

23 CHAIR ALULI: Leon Bolosan.

24 VICE CHAIR BOLOSAN: Yes.

25 CHAIR ALULI: Aaron Boswell.

1 COMMISSIONER BOSWELL: Yes.

2 CHAIR ALULI: Stan Ruidas.

3 COMMISSIONER RUIDAS: Yes.

4 CHAIR ALULI: Bruce U'u.

5 COMMISSIONER U'U: Yes.

6 CHAIR ALULI: Leslie Ann Yokouchi.

7 COMMISSIONER YOKOUCHI: Yes.

8 CHAIR ALULI: It's unanimous. Motion carries.

9 The -- we will accept the findings and recommendation of the
10 TIG committee.

11 The second motion I would entertain is a motion to
12 dissolve the temporary investigative group. Can I get a
13 motion to do that?

14 COMMISSIONER U'U: I make a motion.

15 CHAIR ALULI: Is that you, Bruce?

16 VICE CHAIR BOLOSAN: Leon Bolosan. Second.

17 CHAIR ALULI: Okay. All in favor?

18 (Response.)

19 CHAIR ALULI: Anybody opposed to this, dissolving
20 that?

21 (No response.)

22 CHAIR ALULI: Okay. Everybody's in favor of
23 dissolving it. Okay. So the TIG committee is dissolved.

24 Okay. The last thing I would like to mention to
25 those that are on this call is that the TIG, the committee --

1 or the commission has accepted the recommendations and we will
2 be releasing -- this afternoon we will put a press release out
3 with the findings and recommendations of the candidates to
4 move forward for the director's position. That press release
5 will be put out later today.

6 That being said, I would also like to state that the
7 commission will hold a special meeting on Thursday -- or I
8 think it's Thursday -- on October 14th, Wednesday, October
9 14th to further inter- -- or to further discuss the findings
10 of the -- and recommendations of the -- of the TIG committee.

11 CORP COUNSEL DESJARDINS: Chair.

12 CHAIR ALULI: Yes.

13 CORP COUNSEL DESJARDINS: Can I just clarify that
14 the press release will be to release the names of the -- not
15 the findings and recommendations, but the names of the persons
16 who have been selected --

17 CHAIR ALULI: The candidates.

18 CORP COUNSEL DESJARDINS: -- to be interviewed for
19 the position?

20 CHAIR ALULI: Yes. Okay. That's the --

21 CORP COUNSEL DESJARDINS: Is that -- is that my
22 understanding?

23 CHAIR ALULI: Yes, it is.

24 CORP COUNSEL DESJARDINS: Okay. Thank you.

25 CHAIR ALULI: Yes.

1 CORP COUNSEL DESJARDINS: Okay. Thank you.

2 CHAIR ALULI: Thank you, Mimi.

3 Okay. That being the case, I would like -- I
4 would -- or next regular meeting is next week, Wednesday,
5 October 7th, that will be the regular meeting.

6 And that's it. I would like to have a motion to
7 adjourn our meeting, our special meeting.

8 COMMISSIONER ANDRION: Roberto Andrion. Motion to
9 adjourn the special meeting.

10 CHAIR ALULI: Thank you. Do I have a second?

11 VICE CHAIR BOLOSAN: Leon Bolosan. Second.

12 CHAIR ALULI: Okay. Thank you, Leon. Meeting is
13 adjourned.

14 COMMISSIONER BECRAFT: Oh, we've got to vote.

15 CHAIR ALULI: Oh, sorry. All in favor?

16 (Response.)

17 CHAIR ALULI: Anybody opposed?

18 (No response.)

19 CHAIR ALULI: Nobody opposed. Motion carries.

20 Thank you. The meeting's adjourned.

21 (The proceedings were adjourned at 11:29 a.m.)

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C E R T I F I C A T E

STATE OF HAWAII)	
)	SS.
COUNTY OF MAUI)	

I, Sandra J. Gran, Certified Shorthand Reporter for the State of Hawaii, hereby certify that on September 30, 2020, at 9:02 a.m., the proceedings was taken down by me in machine shorthand and was thereafter reduced to typewritten form under my supervision; that the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

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

DATED this 6th day of October, 2020, in Maui, Hawaii.



Sandra J. Gran, RPR
Hawaii CSR 424