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

TRANSCRIPT OF PROCEEDINGS
REGULAR MEETING

Held via Blue Jeans video conference, commencing at
9:00 a.m., on January 13, 2021.

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

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APPEARANCES

COMMISSION MEMBERS PRESENT:

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

STAFF PRESENT:

DEPUTY CORPORATION COUNSEL: MIMI DESJARDINS
DIRECTOR: LAYNE N. SILVA
LIQUOR CONTROL OFFICER III: GENE SILVA
COMMISSION SECRETARY: MARIA KHANGSENGSING

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(January 13, 2021, 9:00 a.m.)

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CHAIR ALULI: I'd like to call the meeting of the liquor control commission for Wednesday, January 13th, 2021, to order and start with the roll call. Jamie Becraft.

COMMISSIONER BECRAFT: Present.

CHAIR ALULI: Leslie Yokouchi.

COMMISSIONER YOKOUCHI: Present.

CHAIR ALULI: Stan Ruidas.

COMMISSIONER RUIDAS: Present.

CHAIR ALULI: Leon Bolosan.

VICE CHAIR BOLOSAN: Present.

CHAIR ALULI: Aaron Boswell.

COMMISSIONER BOSWELL: (No audible response.)

CHAIR ALULI: Aaron?

COMMISSIONER BOSWELL: Present.

CHAIR ALULI: Okay. Good. Thank you.

Bruce U'u.

COMMISSIONER U'U: Happy New Year. I'm present.

CHAIR ALULI: Jerrybeth De Mello.

COMMISSIONER DE MELLO: Present.

CHAIR ALULI: Jamie, I already called for you; right?

COMMISSIONER BECRAFT: Yes.

CHAIR ALULI: Yeah. Bobbie Andrion has called to be

1 excused.

2 Layne Silva.

3 DIRECTOR LAYNE N. SILVA: Present.

4 CHAIR ALULI: Gene Silva.

5 LCO GENE SILVA: Present.

6 CHAIR ALULI: And Mimi -- I'm sorry, Mimi, I can
7 never pronounce your name, last name correctly, and I don't
8 want to mess it up, so --

9 CORP COUNSEL DESJARDINS: It's okay.

10 CHAIR ALULI: Mimi.

11 CORP COUNSEL DESJARDINS: I'm here. Thank you.

12 CHAIR ALULI: Thank you.

13 Okay. On to Item 3, I would like a motion for
14 approval for our agenda for today.

15 COMMISSIONER DE MELLO: I make -- I move for -- to
16 approve the agenda.

17 CHAIR ALULI: Jerrybeth. Do I have a second?

18 VICE CHAIR BOLOSAN: Second.

19 CHAIR ALULI: Leon seconded. All in favor?

20 (Response.)

21 CHAIR ALULI: Any opposed?

22 (No response.)

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

24 Move on to Item 4, can I get a motion for approval
25 for the minutes of last month's meeting?

1 COMMISSIONER YOKOUCHI: I so move we approve last
2 month's meeting.

3 CHAIR ALULI: Approval by Leslie Ann. Do I have a
4 second?

5 COMMISSIONER DE MELLO: Second.

6 COMMISSIONER BECRAFT: Second.

7 CHAIR ALULI: Seconded by Jamie Becraft. All in
8 favor?

9 (Response.)

10 CHAIR ALULI: Any opposed?

11 (No response.)

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

13 All right. Let's move on to public testimony and
14 general licensing matters. For general -- for public
15 testimony, again, I'm going to ask for your public testimony
16 before we -- as we address each of the items on the remainder
17 of the agenda. And, again, if anybody does want to sign up to
18 provide testimony, please do so in the chat area and I will
19 call your name out as we get through the remaining items.
20 Okay?

21 With that being said, let's move on to General
22 Licensing Matters, Items A through F. I will first ask is
23 there anybody -- I see just one person signed up.

24 Kaimanamalie Brummel, do you want to provide
25 testimony on any of the items in the general licensing area?

1 MS. BRUMMEL: I'd like to provide testimony for
2 Agenda Item 7A, Application No. 6.

3 CHAIR ALULI: 7A. Okay, all right. I'll wait till
4 then.

5 MS. BRUMMEL: Thank you.

6 CHAIR ALULI: Okay. So with that, can I get an
7 approval -- a motion to approve Items A through F of the
8 general licensing matters?

9 COMMISSIONER DE MELLO: I make a motion --

10 COMMISSIONER U'U: Motion to approve.

11 COMMISSIONER DE MELLO: -- to approve.

12 CHAIR ALULI: Jerrybeth made the motion to approve.

13 Do we have a second?

14 COMMISSIONER U'U: Second.

15 CHAIR ALULI: Second is Bruce U'u. All in favor?

16 (Response.)

17 CHAIR ALULI: Any opposed?

18 (No response.)

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

20 Okay. Let's move on to Agenda Item No. 7,
21 Licensing, Public Hearings. Item A, Application No. 6, Mahalo
22 Brewing Company, LLC.

23 Kaimanamalie, is this the one that you're here for?

24 MS. BRUMMEL: Yes.

25 CHAIR ALULI: Okay. Good. Would you please

1 introduce yourself.

2 MS. BRUMMEL: Yes. Let me -- I'm gonna turn on my
3 camera.

4 CHAIR ALULI: Yeah, turn on your camera so we can
5 see you.

6 MS. BRUMMEL: Good morning.

7 CHAIR ALULI: Thank you. Okay. Good morning.

8 MS. BRUMMEL: Thank you so much for allowing me the
9 opportunity to testify for Agenda Item No. 7A, Application
10 No. 6, for Mahalo Brewing Company, LLC, for their small craft
11 producer pub license. My name is Kaimanamalie Brummel. I am
12 a resident of The Cottages at Kulamalu, which is across the
13 street from the permit's -- applicant's area.

14 My husband and I bought our unit at The Cottages at
15 Kulamalu almost 11 years ago and we remain one of the original
16 owners at The Cottages. Since we bought as young, first-time
17 home buyers in 2010, our family has grown by two kids and
18 we've absolutely loved raising them in our unique community
19 between Pukalani and Kula. Kulamalu has also grown at this
20 time. We have watched and enjoyed the community add gyms and
21 other local businesses, optometrist, orthodontist, a national
22 auto parts chain, and a collection of food trucks. The
23 Upcountry Farmer's Market has always been a bright spot for
24 us, too, as we've gotten to know local farmers and supported
25 entrepreneurs at the weekly market.

1 One of the reasons we chose to raise our children in
2 Kulamalu is because of community. We have been absolutely
3 delighted in the addition of the workforce housing projects
4 and the kupuna apartments at Kulamalu. There are so many
5 people walking on the sidewalks, riding their bikes, and
6 waving at each other. My own kids have learned to ride their
7 bikes in the park and we've cheered on friends and cousins as
8 they play football in the beautiful field. Back in 2010, the
9 promise of community was then just a dream and that dream and
10 that promise is becoming reality.

11 One thing that has always been missing, though, at
12 Kulamalu is a restaurant and bar. Food and drink is what
13 bring people together. The healthiest people in the world,
14 folks who live well into their hundreds with a fraction of the
15 disease in places like Okinawa, in Italy, in Costa Rica, all
16 gather for one drink a day with friends. It is a way to relax
17 and have conversation. These folks are living proof that food
18 and drink build community and we can enjoy ourselves doing it,
19 we can also benefit positively from it.

20 During this time of a global pandemic, we --
21 businesses are fighting to stay open. As all of you know,
22 restaurants and bars have been particularly hard hit. I
23 applaud the applicants for moving forward with their plans to
24 open Mahalo Aleworks in Kulamalu. We will get through this
25 pandemic and we will need places to gather, to eat, to drink,

1 and to rebuild our community. I look forward to walking with
2 my family across the street to Mahalo Aleworks and doing just
3 that. Cheers and mahalo nui.

4 CHAIR ALULI: Oh, okay. Thank you. All right. Are
5 you the -- you're not proprietor of this establishment?

6 MS. BRUMMEL: No. I am just --

7 CHAIR ALULI: Oh, I'm sorry.

8 MS. BRUMMEL: -- a (inaudible) neighbor.

9 CHAIR ALULI: Oh, okay. Sorry, I thought you were
10 the owner.

11 MS. BRUMMEL: I've got other stuff to do, so thanks
12 for listening.

13 CHAIR ALULI: Okay, all right.

14 Okay. Is there anybody here representing the
15 applicant?

16 MR. KOPF: Yes, that's me. Ben Kopf.

17 CHAIR ALULI: Oh, okay, Ben.

18 MR. KOPF: Sorry, my -- let me try and unmute my
19 video here. Sorry.

20 CHAIR ALULI: Okay, all right.

21 MR. KOPF: Good morning.

22 CHAIR ALULI: Yeah, Ben. Sorry. Go ahead, Ben.

23 MR. KOPF: No, no problem. Thank you. Good
24 morning, everyone. Thank you so much for the opportunity to
25 be here. My wife wanted to be here as well, but we have three

1 small keiki all stuck at home at the moment, so she's with
2 them and I'm in the driveway where I can have some quiet to
3 actually hear the meeting.

4 (Laughter.)

5 MR. KOPF: But thank you so much.

6 CHAIR ALULI: Okay, Ben. Thanks.

7 All right. Gene.

8 LCO GENE SILVA: Application No. 6, Mahalo Brewing
9 Company, LLC doing business as Mahalo Aleworks. The proposed
10 premises is located at 30 Kupaoa Street, 101 and 102, Makawao,
11 Maui, Hawaii. This is a public hearing for a Small Craft
12 Producer Pub, Category B.

13 The documents necessary for completing the remaining
14 application requirements for a liquor license are listed in
15 the summary report.

16 Notice of the public hearing was published in the
17 Maui News on November 25th and December 2nd of 2020.

18 There are a total of 119 owners and lessees situated
19 within 500 feet of the proposed premises.

20 The department did not receive any protests.

21 CHAIR ALULI: Okay. Great, Gene. Thank you very
22 much.

23 CORP COUNSEL DESJARDINS: Chair.

24 CHAIR ALULI: Yes.

25 CORP COUNSEL DESJARDINS: Chair, this is Mimi.

1 CHAIR ALULI: Mimi. Yes, Mimi.

2 CORP COUNSEL DESJARDINS: Hi. I noticed that Jeff
3 Scheer has also signed up to testify in the chat and since you
4 haven't closed public testimony or deliberated, you may still
5 take testimony.

6 CHAIR ALULI: I'm sorry. I lost you at the end
7 part. Okay. So I should call on him, then, for his public
8 testimony?

9 CORP COUNSEL DESJARDINS: Before you start any
10 deliberation. I don't know what he wants to testify on --

11 CHAIR ALULI: Right.

12 CORP COUNSEL DESJARDINS: -- but he does say that
13 he'd like to give testimony.

14 CHAIR ALULI: Okay, all right. Thank you.

15 All right. Well, thank you, Gene.

16 Ben, is there anything more you want to add before I
17 ask if there's -- if the person wants to testify on this
18 application?

19 MR. KOPF: I just wanted to add that -- so my wife
20 and I are very excited. We plan this to be a very family
21 friendly environment. It's not going to be a rowdy type of
22 atmosphere. If any of you have been to some of the taprooms
23 on the mainland, it's much more like a -- the theory is sort
24 of like a wine tasting area where family can come together.
25 It's not full of TVs for a sports bar, there are video

1 games -- not video games, excuse me, dart games and things
2 like that. Just soft music and we'll have lots of
3 nonalcoholic beverages as well. And it's just beer and wine,
4 we don't have a well for hard liquor drinks or anything.

5 CHAIR ALULI: Okay, Ben.

6 Commissioners, any questions for the applicant from
7 any of the commissioners? Leslie, I see your hand up.

8 COMMISSIONER YOKOUCHI: Yeah.

9 CHAIR ALULI: Do you want to ask a question of
10 Mr. Kopf.

11 COMMISSIONER YOKOUCHI: Yeah, I just kind of
12 wanted -- yeah, I just kind of wanted to make a comment about
13 Kaimana said about that one drink, I -- I agree to that
14 because my grandma, she used to have one Schichida sake every
15 night with the (inaudible). So I believe that, you know, I
16 really think that's true.

17 MR. KOPF: Yeah. Her testimony moved me. I was
18 very impressed by that. I was like, Whoa, what? That's
19 awesome.

20 COMMISSIONER YOKOUCHI: Yeah.

21 MR. KOPF: I've never met the lady -- I've never met
22 the lady, but that was very, very cool.

23 CHAIR ALULI: Yeah. I think we all need some of
24 that right now.

25 All right. And any other -- any other -- yes, Leon.

1 VICE CHAIR BOLOSAN: Just a comment for that place
2 at Kulamalu. Hi, Ben. I am very familiar with your place,
3 Ben, I talked to Derek, who is the general contractor of your
4 place, and that place is very nice. One thing I like with
5 this place that you do have is it's out of traffic, you know,
6 it's exclusive place where people can hang out and relax.
7 Okay? So I've seen your setup, I come to your place, I know
8 your place, and I do see that the setup and the place for this
9 entity is a very nice location. That's all I've got to say.

10 MR. KOPF: Thank you.

11 CHAIR ALULI: Okay. I see that Jeff Scheer, you
12 signed up. Jeff, is this where -- would you like to -- is
13 this where you would like to provide public testimony?

14 MR. SCHEER: Can you hear me?

15 CHAIR ALULI: Yes.

16 MR. SCHEER: Okay. I don't know if you can see me
17 or not, but --

18 CHAIR ALULI: No, we can't.

19 MR. SCHEER: Let me see if this --

20 CHAIR ALULI: Unmute your video.

21 MR. SCHEER: Okay.

22 CHAIR ALULI: There you are. Okay. We've got you.
23 Go ahead. Fire away.

24 MR. SCHEER: I just wanted to say, I -- I purchased
25 the unit right next to Ben in Kulamalu and we are going

1 through the process of opening it, opening a small restaurant.
2 And, you know, I've got to know Ben now, we've both -- we're
3 both at the -- well, I'm at the very beginning stage of
4 permitting, but I've got to know Ben now for a year. And I
5 live in Kula and I'm just -- I'm excited because I feel like
6 it isn't a bar that Ben is opening and it's more of a craft
7 brewery and it's much -- I see what he's going to do and I
8 think it's a really special place. I think it's something
9 that is not gonna be, you know, the riffraff is not gonna come
10 into Ben's brewery. I think it's gonna be a really fun,
11 family home place. And, you know, it's gonna be craft and
12 it's going to be something that I think is really special. I
13 think, you know, not having the hard liquor, you're not -- and
14 not being open late at night is something that's going to be
15 really special and that place is going to be more of a
16 daytime, early dinner place.

17 We're providing -- we're gonna be doing a wood fire
18 pizza restaurant right beside and we're gonna be, hopefully,
19 providing pizzas for people who want to come over and pick up
20 their pizzas and go into the brewery and sit and have a beer
21 and have some pizza, so I'm just all for it. I'm excited.
22 I'm excited for them.

23 CHAIR ALULI: Okay, Jeff. Thank you very much.

24 I also see that Dean Frampton signed up in the chat
25 line. Dean, do you want to testify on this item?

1 MR. FRAMPTON: Yes, sir, if possible.

2 CHAIR ALULI: Yeah. Go ahead. Fire away.

3 MR. FRAMPTON: Okay. Good morning, Mr. Chairman --
4 or Mr. Chair and Members of the Commission. Thank you for
5 allowing me to testify.

6 First of all, I also want to say good morning to
7 Director Silva. Many years ago when I was a license holder, I
8 had an opportunity to work with Mr. Silva and I applaud the
9 commission for choosing him. I think you guys did a great job
10 and I look forward to improvements under his leadership.

11 I'm testifying under Item 7A, Mahalo Brewing. I
12 strongly support the application and -- and Ben in his efforts
13 to bring a small brewery to Upcountry Maui. This will be a
14 welcome addition to the community. Kaimana said it really
15 well earlier. Like Ben, the facility will be low key, it'll
16 be humble, and it will be respectful. It'll blend really well
17 with the existing environment. I believe the existing
18 neighborhood, especially partnering with Jeff and his proposed
19 pizza facility, I think it'll make a really nice combination
20 and give people a chance Upcountry very close, you know, to
21 relax and have a meal and an after -- after-hours drink.

22 I've known Ben for about two and a half years. I'm
23 a land use consultant. We started speaking a number of years
24 ago when he was exploring different -- different opportunities
25 for a location for his -- to realize his dream and I'm glad he

1 finally found Kulamalu. He went around a number of locations
2 and I think he finally got it really -- he finally got it
3 right and this is -- this couldn't be better.

4 You know, having an island-based brewery is -- is a
5 really good thing for the community, like -- like the
6 precedent that's been set by Garrett and Maui Brewing Company,
7 you know, you're -- you're employing local people, you're
8 keeping the profits local, and you're also giving the island
9 an identity. So I hope that the commission can -- can join me
10 in supporting Ben and his proposed -- his proposed brewery.
11 Thank you.

12 CHAIR ALULI: Thank you, Dean. Appreciate that.

13 Are there any other comments to be added by any of
14 the commissioners at this point?

15 (No response.)

16 CHAIR ALULI: If not, I'd just like to add my two
17 cents, if I might. For both Ben and Jeff, I applaud your
18 efforts. And especially the two words, Jeff, that you used,
19 peaceful and respectful, because I think especially during
20 these times, I think we all need to applaud anybody that makes
21 an effort to open a business, especially with words like
22 peaceful and respectful as words that are kind of the guiding
23 core of what their businesses are going to be. That around
24 family enjoyment and getting together and unification, those
25 are such important words during these very, very challenging

1 and difficult times.

2 So I think we all applaud both Ben and Jeff for the
3 efforts that you're putting forward to open up this -- what
4 sounds like an outstanding place in Upcountry. And I think
5 all of us should, hopefully, as we look forward to a brighter
6 future, have an opportunity to enjoy the benefits of what
7 you're gonna be providing up there, Ben and Jeff. So we'll
8 look forward to that.

9 MR. KOPF: Thank you so much.

10 CHAIR ALULI: That being said, can I have a motion
11 to approve Application No. 6?

12 VICE CHAIR BOLOSAN: (Gesturing.)

13 CHAIR ALULI: Leon, you have your hand up for
14 approval.

15 VICE CHAIR BOLOSAN: Yes.

16 CHAIR ALULI: Do I have a second?

17 COMMISSIONER DE MELLO: (Gesturing.)

18 CHAIR ALULI: Jerrybeth, I see your hand was up
19 first. Jerrybeth De Mello is the second.

20 Any further discussion?

21 (No response.)

22 CHAIR ALULI: If not, all in favor of approving?

23 (Response.)

24 CHAIR ALULI: Anybody opposed?

25 (No response.)

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

2 MR. KOPF: Thank you so much. Thank you all for the
3 opportunity.

4 CHAIR ALULI: Ben, thank you very much and we look
5 forward to lots of good things coming from your -- your
6 wonderful restaurant, it sounds like, and brewery up there.

7 MR. KOPF: Excellent. Thank you. We won't
8 disappoint.

9 CHAIR ALULI: Yeah, good.

10 MR. KOPF: Thank you so much.

11 CHAIR ALULI: Thank you.

12 VICE CHAIR BOLOSAN: Good luck, Ben.

13 MR. KOPF: Thank you.

14 CHAIR ALULI: All right. Let's move on to Item B,
15 Application No. 7, Asian Cuisine & Sushi Bar. Is there
16 anybody here representing them?

17 MR. ING: Good morning, Mr. Chairman, Members of the
18 Commission. I'm Laurence Ing representing the applicant and
19 with me is the corporation's sole stockholder, director, and
20 officer, Mr. Andrew Callo. We wish everybody a happy New Year
21 of the Ox and we wish to extend our best wishes and
22 congratulations to Layne Silva on his appointment.

23 CHAIR ALULI: Okay. Thank you very much.

24 Gene.

25 LCO GENE SILVA: Application No. 7, Asian Cuisine &

1 Sushi Bar, Inc. doing business as Kelly's Restaurant & Sushi
2 Bar. The proposed premises is located at 65 West -- W
3 Kaahumanu Avenue, Space No. 23 and 24 in Kahului, Maui,
4 Hawaii. This is a public hearing for a Restaurant General,
5 Category B(ii).

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

9 Notice of public hearing was published in the Maui
10 News on November 25th and December 2nd of 2020.

11 There are a total of 81 owners and lessees situated
12 within 500 feet of the proposed premises.

13 The department did not receive any protests.

14 CHAIR ALULI: Okay. Thank you, Gene.

15 Lawrence, do you have anything further to add?

16 MR. ING: Nothing further, but we'd be happy to
17 answer any questions which the commission may have.

18 CHAIR ALULI: Okay. Commissioners, any questions
19 from any of the commissioners?

20 (No response.)

21 CHAIR ALULI: Okay. I don't see anybody's hand up.
22 I don't see anybody else -- is there anybody in the -- in the
23 public that wishes to provide -- I don't see any new names,
24 but is there anybody in the gallery or in the audience that
25 wants to provide public testimony at this time?

1 (No response.)

2 CHAIR ALULI: Okay. Not seeing any and not seeing
3 anybody else signed up, I am going to close public testimony
4 at this time, at this point.

5 And not seeing that the commissioners have any
6 questions, I would like to call for a motion for approval for
7 Application No. 7.

8 COMMISSIONER U'U: Motion for approval.

9 CHAIR ALULI: I see Jamie Becraft's -- Jamie
10 Becraft's hand was up for the motion. Do I have a second?

11 CHAIR ALULI: Bruce, you had your hand up. Do you
12 want --

13 COMMISSIONER U'U: I second.

14 CHAIR ALULI: Okay. Bruce U'u seconds. Any further
15 discussion?

16 (No response.)

17 CHAIR ALULI: All in favor?

18 (Response.)

19 CHAIR ALULI: Any opposed?

20 (No response.)

21 CHAIR ALULI: Motion carries. Thank you very much,
22 Lawrence.

23 MR. ING: Thank you, Staff and Commission.

24 CHAIR ALULI: Okay. Ladies and Gentlemen, thank
25 you. Let's now move on to Item No. 8, Administrative Affairs,

1 Item A, our Director's Monthly Report.

2 Layne, you've got the floor.

3 DIRECTOR LAYNE N. SILVA: Okay. Good morning, Nane
4 and Commission Members. I have -- in the Director's Monthly
5 Report this month, Item No. 1 is just an update on Rule 10 of
6 the Maui County Health Emergency Rules that was amended on
7 December 30th, 2020. Just a quick summary of the highlights
8 of what were changed that affect the licensed premises. The
9 changes included -- it has to do with the times the bars and
10 restaurants, as they're referred to in the rules, are being
11 required to close no later than 10:00 p.m. The occupancy
12 limit has been reduced from 50 percent to 30 percent. And
13 those are the key changes as of right now, but, again, you
14 know, it's constantly evolving. It's changing all the time,
15 so the best method is -- because these rules are posted on the
16 county website, the recommendation for the licensees are to
17 review those rules daily, if possible, to see for any changes
18 that occur. Because, as you know, the department is enforcing
19 based on Rule 10 these Public -- Public Health Emergency Rules
20 by enforcing the 24-hour shutdown when licensed premises are
21 in violation.

22 And Item No. 2, the status of the department's move
23 to the county service center. The move is tentatively
24 scheduled for the end of March/beginning of April. The space
25 is currently still under construction. We went and did a

1 walk-through and it's still in the framing stage, so there is
2 some construction time still happening. The move is scheduled
3 to be taking place during the time of year that we begin our
4 renewal process, so those may be some challenges that we may
5 have to face at the time, but whatever it is, we're prepared,
6 we're ready for it.

7 Item No. 3, it's mentioning revisions to the
8 department of liquor control forms. At this time we're not
9 changing anything informational or structural in the forms.
10 It's, again, just to address the move. The addresses on our
11 gross liquor percentage, the gross sales report form will
12 reflect the new address of where we're moving to in the
13 service center. And in the future, we're probably -- we're
14 going to address all the forms once we find out for sure when
15 we're moving. Like I said, it's not changing anything within
16 the form other than address and phone number, possibly.

17 Item No. 4, the distribution of the International ID
18 Checking Guide. We've received the current batch of the
19 International ID Checking Guide. We're expecting to receive
20 the current batch of the U.S.-Canada ID Checking Guides in the
21 beginning of February and at that time we will begin
22 distribution to the licensees.

23 And Item No. 5 is just a mention of the calendar
24 year 2021 annual update of the financial disclosure statements
25 for the boards and commissions. Those are due in the

1 beginning of April and you guys all should have received it,
2 if you don't already have it, in your packet.

3 CHAIR ALULI: Okay, yeah.

4 DIRECTOR LAYNE N. SILVA: Item B, the liquor control
5 adjudication board for meeting of January 7th, 2021, has been
6 canceled.

7 And the next regular meeting of the liquor control
8 commission is scheduled for February 10th, 2021.

9 CHAIR ALULI: Okay. Commissioners, any questions
10 for Director Silva? Yes, Jerrybeth.

11 COMMISSIONER DE MELLO: Layne, have you had any luck
12 in finding a deputy?

13 DIRECTOR LAYNE N. SILVA: You know, with everything
14 that's -- it's still in process. I have narrowed it down, but
15 I -- I haven't informed the individual at this time. With the
16 move and everything that's happening, it's probably kind of
17 gauged towards that. I believe that once we enter the new
18 building, the service center, we'll be entering there with a
19 deputy in place.

20 COMMISSIONER DE MELLO: Okay. Thank you.

21 DIRECTOR LAYNE N. SILVA: You're welcome.

22 CHAIR ALULI: Any other questions for Director
23 Silva?

24 COMMISSIONER BECRAFT: Mr. Chair.

25 CHAIR ALULI: Okay. Yes, go ahead. Yes, Jamie,

1 yes.

2 COMMISSIONER BECRAFT: Hey, Layne. Good morning.

3 DIRECTOR LAYNE N. SILVA: Good morning.

4 COMMISSIONER BECRAFT: So these rules updates,
5 everything, so, you know, last meeting I believe Leslie,
6 Leslie was addressing some of -- the enforcement was in the
7 paper and stuff.

8 DIRECTOR LAYNE N. SILVA: Yeah.

9 COMMISSIONER BECRAFT: I don't really read the
10 paper.

11 (Laughter.)

12 CHAIR ALULI: There's some good articles, Jamie,
13 you're missing out.

14 COMMISSIONER BECRAFT: Yeah. I have my reasons,
15 so --

16 Anyway, so I'd kind of like that -- with these new
17 rule updates, can you tell me how it's going with -- with
18 compliance? I mean, I've heard of a couple of things from
19 some of my former coworkers and stuff, particularly Lahaina.
20 Can you give me an update on what's going on and how we're
21 handling things and what type of stumbling blocks or anything
22 we've been having?

23 DIRECTOR LAYNE N. SILVA: Absolutely. You know, I
24 wouldn't say that we've been coming across too many stumbling
25 blocks. Like I mentioned earlier, the rules are constantly

1 evolving, so to keep up with the most current changes and the
2 interpretation of the most current changes, you know, it's
3 been a daily task, but I believe the enforcement section has
4 been doing a fantastic job. You know, they -- we haven't had
5 any 24-hour shutdowns since, I believe, the December 26th
6 situation that happened. You know, the fact that -- that it
7 was mentioned in the paper and it's public knowledge at this
8 point may be helping as well with compliance. But, yeah, it
9 seems to be being handled very well.

10 COMMISSIONER BECRAFT: Okay. So that's the only
11 shutdown so far?

12 DIRECTOR LAYNE N. SILVA: Since then. There were a
13 few prior, but since then, that has been -- there hasn't been
14 any other 24-hour shutdowns since. And what it is, is that we
15 came up with a new -- it's called a 24-hour shutdown notice.
16 It is not a department of liquor control notice of violation
17 because when we shut them down, it's based on public safety.
18 It's based on the public health rules, so it's not necessarily
19 based on liquor control rules. But it's an opportunity for
20 them to go in and clean up and do retraining or whatever
21 the -- needs to be done to, you know, solve their problems.

22 COMMISSIONER BECRAFT: Okay. Well, the problem with
23 third-hand information, which is what I've been receiving, is
24 I could be very wrong. I thought there was some problem with
25 like a guy out in Lahaina that -- some of the guys were saying

1 that the owner wasn't being compliant out there, but I guess
2 that's not accurate.

3 DIRECTOR LAYNE N. SILVA: As far as I know, everyone
4 is being compliant since the 26th, or so it seems.

5 COMMISSIONER BECRAFT: Which one is the 26th that
6 we're referring to that was shut down? That was here in
7 Kahului or was that in --

8 DIRECTOR LAYNE N. SILVA: There was one in Kahului
9 and two on the west side.

10 COMMISSIONER BECRAFT: Okay.

11 CHAIR ALULI: Yeah. The west side I think was
12 Spark -- Sparky's and Down the Hatch; right?

13 DIRECTOR LAYNE N. SILVA: Spanky's.

14 CHAIR ALULI: Spanky's. Yeah.

15 DIRECTOR LAYNE N. SILVA: Yeah. Spanky's Riptide.

16 CHAIR ALULI: And those were health -- those were --
17 they -- they infringed on the health rules, social distancing
18 and bar service, is what I've -- according to the newspaper,
19 you know, I'm not --

20 DIRECTOR LAYNE N. SILVA: Right.

21 CHAIR ALULI: What the newspaper report was. It
22 wasn't liquor rule infractions.

23 DIRECTOR LAYNE N. SILVA: Right. That is correct.

24 COMMISSIONER BECRAFT: Okay. So that one -- so
25 Lahaina -- I don't know which bar it was, I didn't really ask,

1 but it's my understanding that we had an owner that was just
2 refusing to comply and wear masks and stuff like that. Is
3 that one of those?

4 DIRECTOR LAYNE N. SILVA: You know, that may have
5 been -- because I know there was an issue with Spanky's,
6 the -- on that particular night. I believe the owner was
7 taken into custody by Maui Police Department at that time. I
8 don't know if that's what you're referring to, but it may be.

9 COMMISSIONER BECRAFT: Yeah, that might -- it
10 sounds -- I didn't get the names. Maybe he told me, but I
11 don't recall. But, yeah, it was my understanding that it was
12 an ongoing problem and then they ended up going back on a
13 different night. He refused, you know, previous warnings from
14 the -- I think it was from MPD.

15 DIRECTOR LAYNE N. SILVA: Yeah, yeah, 'cause, you
16 know, we went in and -- they called us in as support on that
17 particular night because they are -- they're also tasked with
18 enforcing the Public Health Emergency Rules as well. So I
19 believe they received some complaints through their -- it's
20 the MPD quarantine email where they receive complaints also.
21 So that may be what you're referring to, I don't know.

22 COMMISSIONER BECRAFT: Okay. I just wanted to make
23 sure that we're -- that we're supporting MPD, too, so --

24 DIRECTOR LAYNE N. SILVA: Absolutely.

25 COMMISSIONER BECRAFT: You know, that -- I don't

1 know what -- you know, I applaud -- it's a tough -- a tough
2 position. I mean, you always want to be fair to everybody, so
3 I don't think there's ever gonna be a right answer for every
4 single person, so I -- I know your position's difficult, so I
5 don't want to seem like I'm attacking or judging. I was just
6 wondering, you know, if we have some -- I'm all about giving
7 people a warning if they -- if they deserve it, but, I mean,
8 if you're gonna -- if you're gonna sit there and say, No, I
9 refuse to wear my mask.

10 CHAIR ALULI: Yeah.

11 COMMISSIONER BECRAFT: The owner of the thing, you
12 know, I -- for me -- and, of course, others can have different
13 opinions, but, Here, brother, I'm done giving you a warning,
14 you know.

15 CHAIR ALULI: Yeah.

16 COMMISSIONER BECRAFT: You go straight to
17 enforcement. But that's -- you know, that's how I -- you
18 know, that was my opinion. But I'm not judging if you guys
19 are doing that immediately, I was just wondering if we're --
20 you know, how we are handling things. You know, it's -- as
21 long as we're supporting MPD, because what was kind of the
22 feedback I got with the -- from the MPD guys, was what are --
23 what are we doing, which I tell them I'm not doing anything,
24 I'm on the board. I'm not in enforcement, but --

25 DIRECTOR LAYNE N. SILVA: Right. But, yeah, we're

1 there. We're out there, we're there to support them as well
2 as, you know, we're inspecting the licensed premises as we
3 always do. And, you know, like I say, too, the licensees that
4 I speak to or in public forum, you know, we -- we're not -- we
5 would prefer to see nobody get in trouble. We're not wanting
6 to see these people get in trouble, we know times are hard
7 enough as it is. But, you know, to help mitigate the spread
8 of COVID in Maui, which seems like it's been kind of spiking
9 lately, I think that's an understatement, you know, we're here
10 to do our part in the mitigation of the pandemic.

11 COMMISSIONER BECRAFT: Yeah. I appreciate that.
12 And I just -- and one thing that I just -- I know we've
13 spiked, but I think it's also been -- we've identified where
14 that spike is. To my knowledge, and correct me if I'm wrong,
15 we haven't traced anything back to the bars that's -- that's
16 been our big clusters, so -- and we clearly have a cluster and
17 a big spike at Harbor Lights.

18 DIRECTOR LAYNE N. SILVA: Absolutely.

19 COMMISSIONER BECRAFT: That's all -- and that's all
20 public knowledge, but I don't want to -- I mean, I --
21 hopefully, we're all cognizant and don't think we need to be
22 more strict or whatever to areas like the bars and the
23 restaurants. If, you know, we're not tracing it back to them,
24 you know, then it seems like they're doing a good job. But,
25 of course, if they are, then, you know, we need to address it.

1 And I just want to reiterate and make sure I'm
2 hearing you correctly, we do have a process in place right now
3 where it's -- it's warning first. If you walk in and
4 somebody's got their mask down talking to somebody, it's like,
5 What are you doing? And they're -- you know, they get right
6 back on it. It seems like you guys have like give a warning
7 that you guys can get shut down for that, is that what you
8 were describing to go me or to us?

9 DIRECTOR LAYNE N. SILVA: At this point in time, you
10 know -- and, again, it depends on the behavior. When it comes
11 to the Public Health Emergency Rules, because these rules are
12 being passed down from the mayor's office and from the
13 department of health, basically what they're instructing is
14 how we're approaching it. According to the mayor, we're past
15 the stage of warning. I guess the opinion was that the
16 warning happened for a length of time and enforcement was
17 taking place, but at the same time, you know, our enforcement
18 officers -- you know, it's a very fine line, it's very fine
19 line between you forgot to put your mask up as soon as you
20 finished taking a sip of your drink as compared to you're
21 deifying the rules or even as compared to management is
22 deifying the rules. So those are all things that are taken
23 into consideration in the enforcement process.

24 COMMISSIONER BECRAFT: Okay. I guess what I -- I
25 guess what I was saying -- because what I heard -- I thought I

1 heard earlier that you were saying that there was a process
2 that you guys were issuing something which I interpreted as a
3 warning instead of an enforcement. So now I'm not hearing
4 that, I'm hearing that you're not doing that.

5 DIRECTOR LAYNE N. SILVA: You're right, yeah. The
6 initial procedure has been changed. The initial procedure as
7 came down from the mayor's office in regards to Rule 10 was
8 the issuance of a notice of violation as a warning, which at
9 that time ended up with the licensee facing the adjudication
10 board, and the second warning was the 24-hour shutdown. Since
11 then, we've developed a notice of -- it's called the Public
12 Health Emergency Rules Violation, 24-Hour Shutdown Notice.
13 Now, the gist of it is, is that it is not a disciplinary act,
14 it is not a punitive punishment, it is an opportunity to bring
15 yourself into compliance, whatever it is that violation is --
16 is occurring. And these are the instructions that we're
17 receiving based on Rule 10 and that's how we're proceeding.

18 COMMISSIONER BECRAFT: Thanks.

19 CHAIR ALULI: Leslie, you've got a question?

20 COMMISSIONER YOKOUCHI: Yes, thank you.

21 So let me understand this, so you're saying that the
22 warning is the citation, so it's right on they get a citation
23 if they're not --

24 DIRECTOR LAYNE N. SILVA: That's the way it was in
25 the previous procedure, we've moved beyond that. There are no

1 more warnings.

2 COMMISSIONER YOKOUCHI: That's the --

3 DIRECTOR LAYNE N. SILVA: Another than -- as I said,
4 you know, it's dependent on when the enforcement officers are
5 within the premises, you know, if it's a simple situation
6 where someone, you know, maybe forgot to put their mask back
7 on and they're instructed by the licensee or by the staff to
8 do so, those things taken into consideration in the
9 enforcement of the 24-hour shutdown. But when it's more so
10 management that is blatantly violating or allowing blatant
11 violations to occur, the 24-hour shutdown is implemented.

12 COMMISSIONER YOKOUCHI: So you are giving a
13 citation, that's considered your warning? As soon as you walk
14 in, you see someone not wearing a mask, you get a citation,
15 not just a verbal warning, Please put on your mask, is
16 that going on?

17 DIRECTOR LAYNE N. SILVA: It's not citation, but,
18 yeah, that is the gist of it, yeah.

19 COMMISSIONER BECRAFT: Well, when you say it's not a
20 citation, but you're shutting them down for 24 hours?

21 DIRECTOR LAYNE N. SILVA: It's based on the Public
22 Health Emergency Rules. It's -- the idea is to mitigate the
23 spread, so it seems like our role has been made to be where
24 we're giving them the 24 hours to do whatever needs to be done
25 to make sure that the place is clean, violations are

1 addressed, staff is trained or whatever the case may be that
2 would require that not to take place. And, you know, like I
3 mentioned earlier, it seems like what took place on
4 December 26th had a lasting impact, because we have not had
5 any 24-hour shutdowns since then.

6 CHAIR ALULI: Layne, can I -- one of the things that
7 I think needs a real distinction about is -- and, Layne,
8 you've made reference to this -- is the fact that when there
9 seems to be on the part of management a failure to follow
10 Rule 10, then it becomes, really, an enforcement issue. If
11 it's a situation where, you know, a patron isn't wearing a
12 mask or isn't abiding by the rules, they're not -- they're not
13 enforcing the 24-hour shutdown because it isn't necessarily
14 management's fault. If management is abiding by the rules and
15 warning the customer and reminding that customer that they
16 have to do that, aren't the enforcement officers taking that
17 into consideration that management is complying and making
18 sure? It's when -- you know, if a customer isn't abiding by
19 the rules and management isn't doing anything about it, then
20 management is not in compliance and they should be shut down
21 for 24 hours. If management is taking responsibility and
22 telling that client or that customer, You've gotta put your
23 mask back on or I'm telling you, you've gotta leave,
24 enforcement's not gonna come and shut them down; right?

25 DIRECTOR LAYNE N. SILVA: That is correct, yes.

1 CHAIR ALULI: Yeah. You've gotta -- we've gotta
2 distinguish here between what the customer's doing and what
3 management is allowing to take place or not take place.

4 DIRECTOR LAYNE N. SILVA: Right. It's the role,
5 it's the role in the compliance.

6 CHAIR ALULI: Yeah.

7 DIRECTOR LAYNE N. SILVA: Yeah.

8 CHAIR ALULI: And that makes a lot of sense,
9 absolutely. If management isn't complying, shut them down 24
10 hours, they're done.

11 DIRECTOR LAYNE N. SILVA: At the same time we stress
12 and we stress to them as well, it is not a punitive
13 punishment.

14 CHAIR ALULI: No.

15 DIRECTOR LAYNE N. SILVA: It is not a disciplinary
16 action, it is based on the public health emergency rule --

17 CHAIR ALULI: Right.

18 DIRECTOR LAYNE N. SILVA: -- in order for them to be
19 able to -- whatever the situation is. If it includes training
20 of staff, sanitization, or whatever that might need to occur,
21 that's their opportunity to allow that to happen.

22 And in going back, Jamie, to what you were
23 mentioning earlier as far as pinpointing to particular
24 locations, we have no part in that. Basically what we're --
25 we're going based on what we're informed of either through the

1 mayor's office, which I believe gets their information from
2 the department of health. So as far as pinpointing particular
3 customers or where they may or may not be coming from, I
4 couldn't comment on that because we don't play a role in that.

5 COMMISSIONER BECRAFT: My -- my whole thing is --
6 and I'm not trying to argue with you, Layne, I get what you
7 guys are saying, but, you know, if you shut down a business
8 for 24 hours, that's punitive. That's the definition of
9 punitive in my world, you know, 'cause you're causing a
10 direct, you know, cash influx stop.

11 CHAIR ALULI: Right.

12 COMMISSIONER BECRAFT: You're not making money.
13 That's the definition of punitive, you know.

14 CHAIR ALULI: But, Jamie --

15 COMMISSIONER BECRAFT: No, no. I just want -- I'm
16 going say -- so I get -- you know, it's one thing -- I get
17 that we have to do enforcement, you know, and I get that's
18 there's a fine line, I guess -- and I'm not getting the answer
19 I'm looking for. I hear what Nane said that he brought up a
20 different situation. I guess as -- I know MPD's not going in
21 with a strict, Hey -- when they see something, certain things,
22 they're not -- you know, they still have the ability to -- to
23 issue warnings. So I just want to know if -- if we have
24 that -- if your -- if your marching orders to your troops is
25 to use common sense, not we're gonna -- you know, or is it --

1 because what I'm hearing right now is we're -- we're going
2 back to what was the mayor's thing --

3 COMMISSIONER YOKOUCHI: Exactly.

4 COMMISSIONER BECRAFT: -- and we're going strictly
5 by that and from here forward, everybody's getting this -- not
6 a citation, we're rewording it, and it's not punitive, but
7 we're shutting them down for 24 hours.

8 CHAIR ALULI: But that's a health care -- that's a
9 health department call, though. Isn't it, Layne?

10 COMMISSIONER BECRAFT: Everything's still --

11 DIRECTOR LAYNE N. SILVA: Well, you know, just to
12 address what Jamie is saying, everything has to be approached
13 with common sense.

14 COMMISSIONER BECRAFT: Right.

15 DIRECTOR LAYNE N. SILVA: You're absolutely right.
16 Every time we walk into a licensed premises, it has to be
17 approached with common sense because, ultimately, we regulate
18 the industry, we regulate the licensee. Now, if the licensee
19 is given the opportunity to bring themselves into compliance or
20 to -- to act or react to something that may be considered a
21 violation, that's where the common sense comes into play. You
22 know, it's obvious. And like you said, same like the MPD,
23 they walk in there and -- and, you know, you cannot see
24 everything all the time, you cannot be everywhere at every
25 second of the moment, but when you do and when you are, it's

1 your actions that determine what happens. And that's where
2 the common sense comes into play always, always, in every
3 instance, in every occasion.

4 CHAIR ALULI: Thank you.

5 COMMISSIONER BECRAFT: So I'd like to just bring up
6 another point on that. And I appreciate that and I'm hoping
7 that that's what's going on. And I just want to go from what
8 I -- my understanding, and I could be wrong on this, you know,
9 take it with a grain of salt, but it's my understanding when
10 MPD first approached that owner in Lahaina -- and it may have
11 been Spanky's or whatever, I'm not a hundred percent of which
12 one it was that refused. You know, if that guy would have
13 complied, from my understanding from the guys that were, he --
14 if he would have just complied and put on his mask, he
15 would -- nothing else would have happened, you know. So I'm
16 not saying that that needs to happen every time.

17 The good news about MPD is they've got a system in
18 play where they can document it and make it a warning that's
19 on the computer system so if I come in on the next shift and
20 it's going on again, I can punch this guy up and go, Man, he
21 just got a warning not three hours ago in the last shift. You
22 know what I mean? And he's doing it again. So like to me,
23 then -- then it's like, Well, we extended our courtesy, you're
24 being -- you're being obstinate and I get it, you know. So I
25 just was -- that's my thing.

1 Now, I don't know that that's the right system, I
2 don't think -- know that everybody's gonna agree with that,
3 but I'm not sure if you guys have implemented something where
4 it's internal or whatever and maybe it's a memo amongst you
5 guys or a bulletin board or -- hopefully, it's a computer
6 program, but where you can have it down there that, Hey, we
7 went to Spanky's on Friday and we had to tell the owner, you
8 know, for -- let's pretend like -- we're just using it as --
9 well, let's the change. We went to Poppa's on Friday and told
10 the owner, Jamie, hey, we've seen him without his mask and we
11 gave him a warning, you know, or any other warning, you know,
12 that -- that occurred and we said, Hey, you know, watch your
13 customers. You let them shoot pool without -- without their
14 masks. You know, that way, the next time I go in, you know,
15 then I Go, well, you know, brother, you've been told. You
16 know what I mean? I just -- that's just kind of the world I'm
17 from.

18 But, you know, Layne, with all that being said, I
19 hope that it's not black and white, but on the other side of
20 the coin, I'm gonna have a hard time judging you guys because
21 it's such a difficult situation, but you have common sense and
22 some compassion is what I'm looking for.

23 DIRECTOR LAYNE N. SILVA: Absolutely.

24 CHAIR ALULI: Leslie.

25 COMMISSIONER YOKOUCHI: I totally agree with Jamie.

1 You know, when we were in the TIG and interviewing everybody,
2 I think our main concern was -- one of the main concerns were
3 how your enforcers were -- what they were doing as they
4 entered premises.

5 DIRECTOR LAYNE N. SILVA: Yeah.

6 COMMISSIONER YOKOUCHI: And I think one of the
7 things we were hoping for that these enforcers get trained --

8 DIRECTOR LAYNE N. SILVA: Yes.

9 COMMISSIONER YOKOUCHI: -- and maybe try to get --
10 have they gotten any training?

11 DIRECTOR LAYNE N. SILVA: Yes.

12 COMMISSIONER YOKOUCHI: They have?

13 DIRECTOR LAYNE N. SILVA: Yeah, absolutely. They --
14 they were brought in for two weeks of refresher training,
15 so -- and I -- I'm very happy with the results. And, you
16 know, yeah, like we discussed during the TIG and during that
17 time, we are an enforcement agency, but everything needs to be
18 approached with, again, common sense.

19 COMMISSIONER YOKOUCHI: Yes, exactly. And I'm
20 hoping this -- this doesn't go with the guise that, Oh, it's
21 the department of health's law, but, you know, a lot of it has
22 to be common sense, so I'm --

23 DIRECTOR LAYNE N. SILVA: Absolutely.

24 COMMISSIONER YOKOUCHI: -- hoping your guys are
25 doing that. Thank you.

1 DIRECTOR LAYNE N. SILVA: That is our approach.

2 COMMISSIONER YOKOUCHI: Okay.

3 CHAIR ALULI: Bruce.

4 COMMISSIONER U'U: Yeah. And I'd like to add that I
5 guess the goal would be not targeting, Layne, and I guess that
6 would be some of the goal and at the same time, I think the --
7 the importance in -- during this pandemic is that we don't
8 have a spread, you know. So we don't have incidences where
9 they allow bars and restaurants to stay open and they become a
10 place of -- where it spreads to the point where we shut it
11 down. So that's the balance, I guess, that the -- you know,
12 the safety part and part of the targeting aspect of it, of
13 rules, but I -- I guess from the -- the health point standard
14 is if you're up keeping clean and you stop the spread, the
15 sooner we can go back to normal. So it's a balance, I feel,
16 that liquor needs to do, which I feel they are doing, that
17 it's not like it was last year where, hey, you know, kind of
18 compromise and, you know, the waiting -- the waiting aspect
19 that -- how you shut down the waiting. This is different
20 times where the pandemic, if people abuse it, management
21 abuses it, the potential shutdown of restaurants and bars will
22 be catastrophic, so that's the managing part. And it is
23 already at the 30 percent or 50 percent capacity, but I would
24 hate to see it be a -- be a point of a contact spread.

25 DIRECTOR LAYNE N. SILVA: And, you know, if I might

1 add something and -- and maybe this will help shed some light
2 on the situation. One of the things that we have implemented
3 within the department as well is we have instituted where I
4 have our enforcement supervisors are actually going out and
5 meeting with the licensees. We're meeting with them, we're
6 setting appointments, we're going to the licensed premises,
7 we're meeting with them, discussing the Public Health
8 Emergency Rules with them, answering whatever questions they
9 may have. We're not going out, in these instances that I'm
10 referring to, in an -- in an enforcement -- with an
11 enforcement purpose, I guess is a good way to put it. We're
12 going out and meeting with the licensees, answering whatever
13 questions that they may have to address their concerns in, you
14 know, the how-tos and the whys whenever we can.

15 We're trying to build a better relationship or
16 rapport with the licensees and to also give them an avenue
17 to -- to have their questions answered. You know, navigating
18 the Public Health Emergency Rules at this point in time,
19 because it's constantly evolving the way it is, it can and it
20 is very confusing, you know, a lot of the time. So I think by
21 doing that, by having our enforcement supervising --
22 supervisors go out and meet with the licensees, discuss with
23 them, it gives them more tools to help them comply during the
24 hours and the times that they do need to comply.

25 So, you know, I don't know if you can call that a

1 warning, but it is communication, it is advanced information
2 that is available and, hopefully, it's helpful for them as
3 well.

4 COMMISSIONER BECRAFT: Good.

5 COMMISSIONER YOKOUCHI: Thank you, Layne. Can I
6 just --

7 CHAIR ALULI: Yeah, yeah. Leslie, go ahead.

8 COMMISSIONER YOKOUCHI: Can I -- thank you, Chair.
9 Layne, first of all, I hope you're not feeling that
10 I'm targeting you.

11 DIRECTOR LAYNE N. SILVA: Oh, no. No, not at all.
12 Not at all.

13 COMMISSIONER YOKOUCHI: You are the director, so I
14 need to, you know, ask you these questions.

15 DIRECTOR LAYNE N. SILVA: Absolutely.

16 COMMISSIONER YOKOUCHI: I'm glad to see that you are
17 training and I think maybe you should add that into the report
18 to us, about how -- what kind of changes are happening in the
19 department.

20 DIRECTOR LAYNE N. SILVA: Oh, absolutely. You know,
21 I think it was mentioned in last month. I'm not a hundred
22 percent sure, so I won't put money on that, but I think it was
23 mentioned last month.

24 COMMISSIONER YOKOUCHI: Okay. I'm sorry.

25 DIRECTOR LAYNE N. SILVA: In the director's report,

1 it was.

2 COMMISSIONER YOKOUCHI: I missed that. But, yeah,
3 I -- you know, earlier you used the word support, you're there
4 to help them, and I love -- I just love that new mindset that
5 we have. And I think just talking about it is one thing, but
6 I think, you know, the enforcers are the ones that are gonna
7 show how we are. I mean, basically, they're out there in
8 public. And I'm just hoping that -- you know, these bars are
9 getting the -- they're getting the wrong end too, I feel.
10 They're getting blamed for a lot of things that I don't think
11 that they're doing, but we're -- they're the first place that
12 we go to that, you know, where they're spreading this. I
13 mean, I look at the news, community spread is the number one
14 thing, but I think the bars are getting hit the most.

15 CHAIR ALULI: Yes, Mimi. Mimi. Wait. Corp.
16 Counsel.

17 CORP COUNSEL DESJARDINS: Thank you. I feel like
18 we're getting off topic here.

19 CHAIR ALULI: Yes.

20 CORP COUNSEL DESJARDINS: This was an update of
21 Rule 10. This is the mayor's directive, it's the mayor's call
22 how to enforce this rule. I think -- I think Director Silva
23 has made it clear that the 24-hour portion of the close down
24 is a health emergency measure. There is no penalizing tickets
25 or going court or going before the liquor adjudication board.

1 It's a shutdown for an emergency process. Rule 10 has a
2 separate clause that talks about possible consequences for
3 violating any of the rules.

4 CHAIR ALULI: Yeah.

5 CORP COUNSEL DESJARDINS: So I just think that we
6 should probably stay on topic and not get too carried away
7 here in this discussion of enforcers getting trained. Thank
8 you.

9 CHAIR ALULI: Okay, Mimi.

10 Jamie, you had a question?

11 COMMISSIONER BECRAFT: Well, it was gonna be
12 directed at Mimi and I appreciated her thing, 'cause then I --
13 as it was going, I too started to scan and get info on the new
14 proclamation and thought maybe I took us down the wrong path.

15 CHAIR ALULI: Yeah.

16 COMMISSIONER BECRAFT: That was my fault. But just
17 as clarification to Mimi, this -- and I should have reviewed
18 the rule clearer before I opened my mouth, but it seems that,
19 if I'm correct now, if Mimi can clarify this, this is
20 something that the mayor's sent down that really doesn't give
21 a lot of wiggle room for Layne and his enforcement officers.
22 It's a -- it's just a shall. They pretty much are given their
23 marching orders?

24 CORP COUNSEL DESJARDINS: That's correct. And I
25 think it's between the director and the mayor about the

1 specifics of how to enforce that, how the mayor sees this
2 enforcement happening, but if -- the rule itself is quite
3 clear that if they are not compliant with these rules, they
4 shall be subject to an immediate 24-hour closure. So it
5 sounds like they've exercised a whole lot of restraint in not
6 actually shutting down all that many places.

7 COMMISSIONER BECRAFT: Correct.

8 CORP COUNSEL DESJARDINS: The rule does go on and
9 say that there are other penalties that could apply, but
10 that's not the same as that emergency 24-hour shutdown, is my
11 understanding.

12 COMMISSIONER BECRAFT: I should've started with you,
13 Mimi. I apologize.

14 CORP COUNSEL DESJARDINS: No, that's fine.

15 CHAIR ALULI: Well, it's good that Mimi brought that
16 out, because it's -- I think it's important for all of the
17 commissioners to hear that so that we all have the same
18 understanding of where the liquor department and enforcement's
19 parameters are. I think -- and thank you for doing that,
20 Mimi, because I think it helps all of us to get a better
21 understanding of how liquor enforcement -- how and where it
22 would apply. So, yeah, thank you for bringing that to our
23 attention.

24 Any other -- yeah. Yes, Leslie.

25 COMMISSIONER YOKOUCHI: I just want to add, though,

1 yeah, there's the rules, but how we approach it and how we do
2 it is one thing also.

3 CHAIR ALULI: Right.

4 CORP COUNSEL DESJARDINS: And I think the point
5 is --

6 COMMISSIONER YOKOUCHI: If the enforcers --

7 CORP COUNSEL DESJARDINS: I think the point is --

8 COMMISSIONER YOKOUCHI: How the enforcers
9 (inaudible), I think it's important, too.

10 CORP COUNSEL DESJARDINS: Well, what I don't -- what
11 I'm concerned about is the message being that this commission
12 is going to give direction on how to approach it versus the
13 mayor's office, which is the one that promulgated the
14 emergency rules.

15 CHAIR ALULI: Yeah.

16 CORP COUNSEL DESJARDINS: So I don't want to walk
17 away with a confusion about what you folks think would be
18 appropriate versus what they've been told.

19 COMMISSIONER YOKOUCHI: I'm sorry, but having a
20 difficult time understanding you. There's something -- I
21 don't know if anybody else is having that problem.

22 CHAIR ALULI: It's feedback.

23 COMMISSIONER YOKOUCHI: Or something, yeah.

24 CORP COUNSEL DESJARDINS: Yeah. I apologize, I
25 don't know -- I can hear something going on in the background.

1 CHAIR ALULI: Yeah.

2 CORP COUNSEL DESJARDINS: But I'm just trying to
3 emphasize that it's really the mayor's office that makes the
4 (inaudible), not this commission.

5 CHAIR ALULI: Yeah.

6 COMMISSIONER BECRAFT: Thank you, Mimi.

7 CHAIR ALULI: That's key.

8 Okay. Ladies and Gentlemen, anything else?

9 (No response.)

10 CHAIR ALULI: If that is -- if there aren't any
11 other questions for the -- yes, Jamie.

12 COMMISSIONER BECRAFT: Just -- I just wanted to go
13 down more of the things that are going down. So, Layne, I
14 appreciate you bringing up some stuff in regard to the forms
15 and everything like that. And for me, personally, I like that
16 and if we can get updates as we're going. So just more
17 clarification on that, how far out are we from getting like
18 pretty much, you know, everything up online and being able to
19 do things -- interact -- are our forms just PDFs up there or
20 are they interactive forms? Is everything moving towards,
21 Let's handle this all via email? Where are we at with all of
22 that?

23 DIRECTOR LAYNE N. SILVA: Well, in your packet
24 there -- we included a listing of the liquor forms that are
25 available online on the webpage. Basically, these are all of

1 our forms. The majority of them are fillable online. I
2 couldn't tell you whether they're PDFs or what type of forms
3 they really are, but they are available online, the majority
4 of them are fillable. I believe the ones that aren't fillable
5 would possibly be because there's some kind of glitch with
6 them or something like that. They were all intended to be
7 fillable. And as far as -- because there's rules that require
8 wet signatures, you know, the ability to completely submit an
9 application online is not something we're capable to do at
10 this time, but we are interacting via email for the majority
11 of our licensing process. We're still -- we're not doing
12 face-to-face meetings in office, so the majority of everything
13 is coming through email.

14 COMMISSIONER BECRAFT: Okay. So I -- so my thing
15 is -- yeah. So you said that some are still wet signatures,
16 I'm not sure why or what -- you know, what that is. I'm
17 hoping to keep getting updates in regard to this. I'm hoping
18 someone's assigned to look if, you know, we've got all sorts
19 of rules that need to be, you know, revisited that we can
20 change as a commission. And if that's -- if that's a
21 commission rule that some of it's wet signatures when we could
22 be doing electronic signatures, you know, that would be great.
23 I'm not sure if that's always allowable, but I'm just hoping
24 that we're just looking to overhaul the whole system and --
25 and not just throw up a few forms and say, Look, we -- look,

1 we've -- look how much progress we've made. I'd like to
2 just --

3 DIRECTOR LAYNE N. SILVA: Well, some of the forms
4 are -- some of it is required by state law, not by county
5 commission rule, especially when it comes to requirements of
6 being notarized and things of that nature. So those are a
7 little bit more challenging as far as, you know, the simple
8 fix, but it is stuff that we are looking into. You know, that
9 would ultimately be the goal.

10 COMMISSIONER BECRAFT: Okay. And that includes like
11 we're going to be going over (inaudible) rules and stuff
12 (inaudible). I know some of our rules that I've brought up
13 and I'm not sure if you were there, I think it was when I
14 first got on the commission, things like shall have drawings
15 to scale of your -- of your -- you know, your projected
16 restaurant, things of that nature. Are we gonna -- are we
17 gonna go through all of our rules to see what can be massaged
18 or removed or fixed?

19 DIRECTOR LAYNE N. SILVA: Yes, yes.

20 COMMISSIONER BECRAFT: Okay. Then I appreciate the
21 update and look forward to further updates in regards to
22 everything that we're doing. Thank you, Layne.

23 DIRECTOR LAYNE N. SILVA: You're welcome.

24 CHAIR ALULI: Okay. Any other questions?

25 (No response.)

1 CHAIR ALULI: Not seeing any, we have the date for
2 our next meeting, which will be Wednesday, February 10th,
3 2021.

4 With no further questions from any of the
5 commissioners, can I have a motion for adjournment.

6 VICE CHAIR BOLOSAN: (Gesturing.)

7 CHAIR ALULI: Leon. Do I have a second?

8 COMMISSIONER DE MELLO: (Gesturing.)

9 CHAIR ALULI: Second by Jerrybeth. Thank you,
10 Ladies and Gentlemen, we'll see you on --

11 COMMISSIONER BECRAFT: Gotta vote. Gotta vote.
12 Gotta vote.

13 CHAIR ALULI: Oh, sorry, sorry, sorry. All in
14 favor --

15 (Response.)

16 CHAIR ALULI: -- of adjourning?

17 Any opposed?

18 (No response.)

19 CHAIR ALULI: Motion carries. Thank you, Ladies and
20 Gentlemen. Over and out. See you on February 10th. Aloha.

21 (The proceedings were adjourned at 10:04 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 January 13, 2021, at 9:00 a.m., the proceedings was taken down by me in machine shorthand and was thereafter reduced to typewritten form under my supervision; that the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

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

DATED this 27th day of January, 2021, in Maui, Hawaii.



Sandra J. Gran, RPR
Hawaii CSR 424