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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 April 14, 2021.

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

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APPEARANCES

COMMISSION MEMBERS PRESENT:

CHAIRPERSON: LEON BOLOSAN
VICE CHAIR: JAMIE BECRAFT
COMMISSIONERS: ROBERTO ANDRION, JR.
AARON BOSWELL
JERRYBETH DE MELLO
SYLVIA HO
STANLEY RUIDAS
BRUCE U'U

STAFF PRESENT:

DEPUTY CORPORATION COUNSEL: MIMI DESJARDINS
DIRECTOR: LAYNE N. SILVA
DEPUTY DIRECTOR: JARRETT KAHOOHANO
LIQUOR CONTROL OFFICER: KARILEE YOSHIZAWA
COMMISSION SECRETARY: MARIA KHANGSENGSING
PRIVATE SECRETARY: LIANNE SUZUKI

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(April 14, 2021, 9:00)

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CHAIR BOLOSAN: Okay. The meeting of the liquor control commission of Wednesday, April 14th, is now called to order, nine o'clock. Okay. This is just a reminder to all attending the meeting. If a member of the public would like to testify on any of the agenda items, please use the chat function to sign up, providing your name and the agenda item you wish to testify on. Each speaker is allotted three, minutes, and you will be notified when your time has expired. Okay? There should be one person speaking at a time and to please state your name before speaking. This will help ensure that each person is accurately identified on the meeting minutes.

Before we start with the roll call, I would like to announce that we have a new commissioner joining us today. Please give a warm welcome to Sylvia Ho. Sylvia.

COMMISSIONER HO: Hi. Good morning, everyone.

CHAIR BOLOSAN: Welcome.

COMMISSIONERS: Good morning.

COMMISSIONER HO: Thank you.

CHAIR BOLOSAN: Okay. So we will go on to roll call. Raise your hand when your name is called upon.

Roberto Andrion.

COMMISSIONER ANDRION: (Gesturing.)

1 CHAIR BOLOSAN: Jamie Becraft.
2 VICE CHAIR BECRAFT: Present.
3 CHAIR BOLOSAN: Jerrybeth De Mello.
4 COMMISSIONER DE MELLO: (Gesturing.)
5 CHAIR BOLOSAN: Aaron Boswell.
6 COMMISSIONER BOSWELL: Here.
7 CHAIR BOLOSAN: Sylvia Ho.
8 COMMISSIONER HO: Here.
9 CHAIR BOLOSAN: Stanley Ruidas.
10 COMMISSIONER RUIDAS: Present.
11 CHAIR BOLOSAN: Present.
12 Bruce U'u.
13 COMMISSIONER U'U: Here.
14 CHAIR BOLOSAN: Okay. Thank you. And myself, Leon.
15 We still have the ninth member to be filled, and we
16 don't know who is that person yet.
17 So I would like to call on corp. counsel, Mimi
18 DesJardins.
19 CORP COUNSEL DESJARDINS: I'm here.
20 CHAIR BOLOSAN: Okay. Director Layne Silva.
21 DIRECTOR LAYNE N. SILVA: Present.
22 CHAIR BOLOSAN: Deputy Jarrett Kahoochanohano.
23 DEPUTY DIRECTOR KAHOCHANOHANO: (Gesturing.)
24 CHAIR BOLOSAN: Okay. He's here.
25 I'd like to acknowledge Maria Khansengsing, if she's

1 on the panel.

2 MS. KHANGSENGSING: I'm here.

3 CHAIR BOLOSAN: Okay. Lianne Suzuki, if you're
4 here.

5 MS. SUZUKI: Here.

6 CHAIR BOLOSAN: Okay.

7 Is there anyone that I missed?

8 LCO YOSHIZAWA: Chair, Kari Yoshizawa, liquor
9 control.

10 CHAIR BOLOSAN: Oh, okay, Kari. I'm so sorry.

11 LCO YOSHIZAWA: No problem.

12 CHAIR BOLOSAN: Okay. I don't see you on the
13 monitor, so -- I apologize.

14 Okay. Then, let's go on the agenda. May I have a
15 motion for approval?

16 COMMISSIONER DE MELLO: (Gesturing.)

17 CHAIR BOLOSAN: Okay. Jerrybeth, you've got it.

18 COMMISSIONER ANDRION: (Gesturing.)

19 CHAIR BOLOSAN: And your second is Roberto.

20 I would like to call on -- for approval, for the
21 vote.

22 CORP COUNSEL DESJARDINS: I'm sorry, Chair. This is
23 corp --

24 CHAIR BOLOSAN: Yes.

25 CORP COUNSEL DESJARDINS: Can you just say what

1 you're -- the motion for approval is for?

2 CHAIR BOLOSAN: Okay. Let's --

3 CORP COUNSEL DESJARDINS: Thank you.

4 CHAIR BOLOSAN: Okay. We need to have a motion for
5 approval on the agenda. Okay? So we've got how many? Okay.
6 I'd like to call on to those who are in favor, raise your
7 hand.

8 (Response.)

9 CHAIR BOLOSAN: Okay. Motion carries.

10 And the next one is -- also, may I have a motion for
11 approval on the minutes?

12 VICE CHAIR BECRAFT: Mr. Chair.

13 CHAIR BOLOSAN: Yes.

14 VICE CHAIR BECRAFT: Jamie Becraft. Mr. Chair, I'm
15 wondering if it's not -- if we shouldn't also still say
16 anybody opposed.

17 CHAIR BOLOSAN: Oh, okay.

18 VICE CHAIR BECRAFT: Because we're not
19 (inaudible) --

20 CHAIR BOLOSAN: All right.

21 VICE CHAIR BECRAFT: -- so the record would not
22 show. Maybe --

23 CHAIR BOLOSAN: All right.

24 VICE CHAIR BECRAFT: And one more, maybe it would be
25 clearer if we don't just raise our hand, that we do say aye

1 and everything, just for the clarity of the record.

2 CHAIR BOLOSAN: Oh, okay. I'm so sorry, Jamie. I
3 see in the -- all the hands were raised, so -- but good point.

4 VICE CHAIR BECRAFT: I guess that could be too. So
5 if you want to say that --

6 CHAIR BOLOSAN: Yes.

7 VICE CHAIR BECRAFT: -- then that would probably
8 work.

9 CHAIR BOLOSAN: Yes.

10 VICE CHAIR BECRAFT: Like, I see all members in
11 favor, so it carries, that would be --

12 CHAIR BOLOSAN: Okay.

13 VICE CHAIR BECRAFT: So at least we show the record
14 if there were any opposing.

15 CHAIR BOLOSAN: Thank you, Jamie.

16 VICE CHAIR BECRAFT: Thank you.

17 CHAIR BOLOSAN: Okay. All members were in favor, so
18 motion carried.

19 I didn't see nobody opposed, so should I say anyone
20 opposed? No, right, Jamie?

21 VICE CHAIR BECRAFT: You can say it and then there
22 will be no, but then you'll say no one opposed. That way --

23 CHAIR BOLOSAN: Okay.

24 VICE CHAIR BECRAFT: -- no one opposed.

25 CHAIR BOLOSAN: Yeah. So motion carried.

1 VICE CHAIR BECRAFT: Yes.

2 CHAIR BOLOSAN: Thank you, Jamie.

3 VICE CHAIR BECRAFT: Yeah. We just say, is anyone
4 opposed? And we can see none; motion carries.

5 CHAIR BOLOSAN: Okay. Thank you. I'm nervous as
6 heck.

7 VICE CHAIR BECRAFT: Yeah, me too. I'm with you.

8 (Laughter.)

9 VICE CHAIR BECRAFT: We lost our --

10 COMMISSIONER U'U: All good, Leon.

11 (Laughter.)

12 CORP COUNSEL DESJARDINS: You're doing great. Are
13 you kidding?

14 CHAIR BOLOSAN: Oh, my goodness.

15 CORP COUNSEL DESJARDINS: No worries.

16 CHAIR BOLOSAN: Oh, okay, guys.

17 (Inaudible comments.)

18 CHAIR BOLOSAN: Thank you for your kindness.

19 So we -- I want to move on to the minutes. May I
20 have a motion for approval? Those who are -- who are in
21 favor, raise your hand, please.

22 VICE CHAIR BECRAFT: I'll make the motion first,
23 Mr. Chair. Jamie Becraft. I motion to approve the minutes of
24 the --

25 CHAIR BOLOSAN: Yes. Okay.

1 COMMISSIONER U'U: Bruce U'u seconding. I'll second
2 the approval of the minutes.

3 CHAIR BOLOSAN: Oh, thank you. That is really nice,
4 so it makes my job easier. (Laughter.)

5 So anyone opposed?

6 (No response.)

7 CHAIR BOLOSAN: If not --

8 COMMISSIONER U'U: You have to call for a vote.

9 CHAIR BOLOSAN: Okay.

10 COMMISSIONER U'U: I'm the second.

11 CHAIR BOLOSAN: Oh, all right. Okay. So sorry,
12 Bruce.

13 Let's go for the vote. Who are in favor, say aye or
14 raise your hand.

15 (Response.)

16 CHAIR BOLOSAN: So I see all the members raised
17 their hand. Anyone opposed?

18 (No response.)

19 CHAIR BOLOSAN: I don't see anyone, so motion
20 carried.

21 Did I do all right?

22 VICE CHAIR BECRAFT: Perfect.

23 (Laughter.)

24 CHAIR BOLOSAN: Thank you. Motion carries.

25 Public testimony. Okay? Public testimony will be

1 taken when each agenda item is discussed. Testimony is
2 limited to three minutes per agenda item. Please sign up and
3 the agenda -- at the chat and indicate which agenda item you
4 wish to testify on. You will be called when that item is
5 discussed.

6 Is there anyone who wants to testify?

7 MR. JORGENSEN: (Gesturing.)

8 CHAIR BOLOSAN: Okay. I see, I think -- I see one
9 at the chat. Hang on, guys. Okay. I see Dave Jorgensen.

10 MS. KHANGSENGSING: Leon, Dave is on top.

11 CHAIR BOLOSAN: Yes. I see Dave Jorgensen. Dave.

12 MR. JORGENSEN: Yes, sir.

13 CHAIR BOLOSAN: It's your floor.

14 MR. JORGENSEN: Good morning and welcome to --
15 welcome to the new chair, Chair.

16 CHAIR BOLOSAN: Thank you, Dave.

17 MR. JORGENSEN: And good morning, Chair, Members of
18 the Commission, and Staff. My name's Dave Jorgensen. I'm --
19 I'm not really testifying on behalf of any particular client
20 today, but I just want to real briefly on general licensing
21 matters. First, if I may, and repeating what we've said --
22 I've said before, and others have said, we're -- it's very
23 satisfying, I guess would be a word, to -- the attitude, the
24 tenor, the tone of the department is -- is very good now.
25 We're able to work with them, they're responsive; they're

1 cooperative, you know, we get notified. They notify us if
2 something is kind of maybe slipping through the cracks, which
3 is -- you know, sometimes happens, and that's -- that's -- I
4 really appreciate that.

5 I guess what I wanted to say or request is that
6 anything the commission can do. The department is under-
7 staffed right now on the administrative side, very under-
8 staffed, and so it's -- I know the director, the deputy
9 director, they're -- they're trying to hire people, they're
10 looking for qualified candidates to help with applications,
11 and I -- just anything the department can do, that would be
12 appreciated from -- from this other side of the coin. And
13 I've mentioned to the director that anything we can do,
14 anything I can do. I see Mr. Nakamura on -- on here, you
15 know, I'm sure his office, Peter Horovitz's office, Rob
16 Ueoka's office, anything we can do to help, you know, we're
17 here. If there's some way we can pick up some of the load in
18 a non-conflict situation, we'd be able to try and help.

19 It's -- you know, the department has -- it's renewal
20 time, it's audit time, it's moving time, and business has
21 still gotta operate. So like I said, the department has been
22 great. I mean, I call, I -- they're responsive, I know
23 they're working on the stuff, it's just the -- the department
24 is currently understaffed on that side. So I just wanted to
25 throw that pitch out there. I mean, Layne may want to punch

1 me later for even bringing it up, but those of us out here who
2 work with you guys, work with the department, it's in all of
3 our best interests to try and -- try and help. So I'm
4 available, and I think I can semi speak for the others as
5 well.

6 So that's all I wanted to say this morning.

7 CHAIR BOLOSAN: Thank you, Dave. Those were
8 inspiring words. I'm happy to hear all that good things that
9 is happening on the department. Thank you.

10 Okay. Is there anyone else who want to testify or
11 make a comment right here?

12 (No response.)

13 CHAIR BOLOSAN: If not --

14 DIRECTOR LAYNE N. SILVA: Leon.

15 CHAIR BOLOSAN: Yes.

16 DIRECTOR LAYNE N. SILVA: If I'm able to just --
17 just to say something on behalf of that. And I appreciate the
18 comments from Dave, and he is absolutely correct; the
19 licensing section within the department is severely
20 short-staffed at this time; however, we are trying to make the
21 strides to get to each and every application as soon as
22 possible and as quickly as possible, with the hopes that we
23 will be able to fill those vacant positions as soon as
24 possible as well. So just for general, you know, knowledge
25 and to put it out there that, you know, we are aware of the

1 shortage and we're doing everything we can to try to
2 accommodate.

3 CHAIR BOLOSAN: Thank you, Layne. Thank you very
4 much for doing a good job.

5 Okay. If not, then let's move on to the next item.
6 Is there any -- any more who wanted to testify or say anything
7 about this particular item?

8 (No response.)

9 CHAIR BOLOSAN: If not, I'll close the public
10 hearing.

11 Is that what you call it, Mimi?

12 CORP COUNSEL DESJARDINS: You're going to close
13 public testimony --

14 CHAIR BOLOSAN: Yeah. Public testimony.

15 CORP COUNSEL DESJARDINS: -- if there isn't any
16 objection. Yeah.

17 CHAIR BOLOSAN: Yes. Okay, all right. Thank you,
18 Mimi.

19 If then, there is none, the hearing -- or testimony
20 is closed.

21 Let's move on. General Licensing Matter, Item A and
22 B. May I have a motion for confirmation on Item A and B? Do
23 I see somebody want to make a motion?

24 VICE CHAIR BECRAFT: Mr. Chair, Jamie Becraft. I
25 make a motion for Item A and B.

1 CHAIR BOLOSAN: Jamie, you got that.

2 And who wants to second that motion?

3 COMMISSIONER ANDRION: (Gesturing.)

4 CHAIR BOLOSAN: Roberto, you got it. Okay. Then --

5 MS. KHANGSENGSING: I'm sorry. Can I have -- it's

6 A, B, and C.

7 CHAIR BOLOSAN: Oh, okay.

8 VICE CHAIR BECRAFT: Mr. Chair.

9 CHAIR BOLOSAN: Hang on.

10 VICE CHAIR BECRAFT: Mr. Chair, I'm sorry. Jamie
11 Becraft. I amend my motion, I want to redo it to A, B, and C,
12 please.

13 CHAIR BOLOSAN: Okay.

14 COMMISSIONER ANDRION: Roberto Andrion. I'd also
15 like to make my second to read A, B, and C.

16 CHAIR BOLOSAN: Okay. Hang on. That -- hang on.
17 I'm only working with what I have over here and -- just a
18 moment. Okay. Hang on, guys.

19 COMMISSIONER U'U: You know, you can ask if there's
20 any discussion.

21 CHAIR BOLOSAN: Okay, Bruce.

22 Is there any discussion while I'm getting into that
23 A and B? I -- papers that I have here. Any discussion?

24 (No response.)

25 CHAIR BOLOSAN: Okay. I don't see that, guys.

1 CORP COUNSEL DESJARDINS: So, Chair, if you look
2 at -- look at Roman numeral VI on page 2 of --

3 CHAIR BOLOSAN: Okay.

4 CORP COUNSEL DESJARDINS: And you'll see there's an
5 A, B, and a C. So the motion was to include all of those
6 items.

7 CHAIR BOLOSAN: Oh, okay, all right.

8 CORP COUNSEL DESJARDINS: And now, there was no
9 discussion, so I think it would be fair for you to call for
10 the vote.

11 COMMISSIONER U'U: Call for the vote.

12 CHAIR BOLOSAN: Okay. Thank you, Mimi.

13 CORP COUNSEL DESJARDINS: Yeah.

14 CHAIR BOLOSAN: All right. Chair would like to call
15 on the vote for A, B, and C.

16 COMMISSIONER U'U: All those in favor.

17 CHAIR BOLOSAN: For those who are in favor, raise
18 your hands.

19 (Response.)

20 CHAIR BOLOSAN: Okay. Opposed?

21 (No response.)

22 CHAIR BOLOSAN: Okay. For the record, everyone had
23 raised their hand in favor of. Motion carried.

24 Any -- I'm sorry, I forgot to say any opposed, but
25 motion carried, am I right, Mimi.

1 CORP COUNSEL DESJARDINS: No, you did. You did say
2 any opposed.

3 VICE CHAIR BECRAFT: You did.

4 CORP COUNSEL DESJARDINS: You did.

5 CHAIR BOLOSAN: Yeah.

6 CORP COUNSEL DESJARDINS: You did perfect.

7 CHAIR BOLOSAN: Okay.

8 CORP COUNSEL DESJARDINS: Yeah.

9 CHAIR BOLOSAN: Okay.

10 COMMISSIONER U'U: You could end -- and you could
11 end it (inaudible) and say when you -- if there's no one
12 opposed, no one opposed, you can make that for the record too,
13 yeah.

14 CHAIR BOLOSAN: Okay. Thank you, Bruce.

15 COMMISSIONER U'U: Call for a vote, and then we can
16 go -- call for the vote and raise your hands, which we did,
17 and any opposed and seeing none, motion carries.

18 CHAIR BOLOSAN: Okay. Thanks.

19 COMMISSIONER U'U: Also we --

20 CHAIR BOLOSAN: Thank you very much, Bruce.

21 COMMISSIONER U'U: You're welcome. Take your time.

22 CHAIR BOLOSAN: We'll -- (Laughter.) My table is
23 stretching.

24 COMMISSIONER U'U: You can do it, Boss.

25 CHAIR BOLOSAN: (Laughter.) Thank you.

1 COMMISSIONER U'U: (Inaudible.)

2 CHAIR BOLOSAN: I was okay this morning until I went
3 to my desk and I -- just forgive me for this first one.

4 CORP COUNSEL DESJARDINS: You're doing great.

5 DIRECTOR LAYNE N. SILVA: You're doing great.
6 You're doing great.

7 CHAIR BOLOSAN: Okay. So we move on, Licensing
8 Matters. Okay? I have A, Application No. TA-4, TR Big Sur
9 Management LLC doing business as Hana Dry Goods.

10 MR. NAKAMURA: Good morning.

11 CHAIR BOLOSAN: Is there any, like, the applicant or
12 representative for --

13 MR. NAKAMURA: Yes. Yes. Good morning, Mr. Chair.

14 CHAIR BOLOSAN: Oh, Craig. Good morning, Craig.

15 MR. NAKAMURA: Good morning. Craig Nakamura,
16 attorney on behalf of the applicant. And also on the line is
17 Jon Benson, who is the general manager of the Hana Maui
18 Resort.

19 And, Mr. Chair, you're doing a great job. I know
20 this is your first time, so, you know, everyone's -- you're
21 doing a good job.

22 CHAIR BOLOSAN: Thank you for being kind, Craig.
23 Go ahead.

24 LCO YOSHIZAWA: Application No. T --

25 CHAIR BOLOSAN: Go ahead, Kari.

1 LCO YOSHIZAWA: Okay. Application No. TA-04, the
2 applicant is TR Big Sur Management LLC doing business as Hana
3 Dry Goods. The proposed premises is located at 5031 Hana
4 Highway, Retail No. 1, Hana, Maui, Hawaii. This is a public
5 hearing for a transfer of a retail general license.

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 February 17th and 24th, 2021.

11 There are a total of 39 owners and lessees situated
12 within 500 feet of the proposed premises.

13 The department did not receive any protests.

14 CHAIR BOLOSAN: Okay. Is there -- thank you, Kari.
15 Craig, do you have anything else to add?

16 MR. NAKAMURA: Just -- just very, very briefly,
17 Mr. Chair. You might recall we were here a couple months ago
18 for the preliminary hearing on this matter. The Hana Dry
19 Goods is the retail store in the Hana Maui Resort Hotel. And
20 this is the public hearing. And we'll be happy to answer any
21 questions you have.

22 CHAIR BOLOSAN: Okay. Thank you, Craig.

23 Is there anyone for this application? For or
24 against this application?

25 (No response.)

1 CHAIR BOLOSAN: Anyone? If not, public hearing is
2 closed on this application. Hang on.

3 Any questions from the commissioners?

4 (No response.)

5 CHAIR BOLOSAN: Any? If not --

6 COMMISSIONER ANDRION: Chair, I do have -- I'm
7 sorry, Mr. Chair. This is Roberto Andrion. I do have a
8 question.

9 CHAIR BOLOSAN: Yes, Robert.

10 COMMISSIONER ANDRION: Just a -- just a
11 clarification from last time. I guess this would go to
12 whoever could answer it. So I recall the last time there was
13 a separation because of a highway division, is that -- is that
14 being taken care of, or am I talking about a different one?

15 MR. NAKAMURA: Yep. Commissioner, it's Craig
16 Nakamura. That -- that's actually on the hotel liquor license
17 application, so it's a -- it's a different application than
18 either this one or the next one.

19 COMMISSIONER ANDRION: Okay. Thank you.

20 MR. NAKAMURA: Thank you.

21 CHAIR BOLOSAN: Any more from the commissioners?
22 Any question or comment?

23 (No response.)

24 CHAIR BOLOSAN: If not, may I have a motion to
25 approve?

1 VICE CHAIR BECRAFT: (Gesturing.)

2 COMMISSIONER ANDRION: Mr. Chair, Roberto Andrion.

3 CHAIR BOLOSAN: Okay. Jamie, I only -- I only see
4 your hand. Jamie, go ahead.

5 VICE CHAIR BECRAFT: Yeah. I make a motion to
6 approve Application No. TA-04.

7 CHAIR BOLOSAN: Okay. You've got it, Jamie.

8 Okay. I see two over there. I'll -- the second is
9 coming from Bruce.

10 COMMISSIONER U'U: I'll second the motion.

11 CHAIR BOLOSAN: Okay. Bruce, you got it. Jamie got
12 the first motion. Let's go on to the vote. So those of you
13 who are in favor, raise your hand, say aye.

14 (Response.)

15 CHAIR BOLOSAN: Any opposed?

16 (No response.)

17 CHAIR BOLOSAN: If not, motion carried.

18 Thank you, Craig. Are you there?

19 MR. NAKAMURA: Thank you, Mr. Chair. Thank you.

20 CHAIR BOLOSAN: Thank you very much.

21 Okay. We have B, Application TA-05, TR Big Sur
22 Management LLC doing business as Hana Ranch Restaurant. We --
23 I see Craig still there representing this entity. Do you have
24 anything to say?

25 MR. NAKAMURA: Yeah. Again, Mr. Chair, Craig

1 Nakamura, attorney on behalf of the applicant. And also on
2 the line is Jon Benson, who is the general manager of the Hana
3 Maui Resort.

4 CHAIR BOLOSAN: Okay. Anything from you, Jon?

5 CORP COUNSEL DESJARDINS: Jamie, you're muted if
6 you're trying to speak.

7 VICE CHAIR BECRAFT: I'm sorry, Mr. Chair. Jamie
8 Becraft.

9 CHAIR BOLOSAN: Yes, Jamie.

10 VICE CHAIR BECRAFT: (Inaudible) first from the
11 department?

12 CHAIR BOLOSAN: Go ahead, Jamie.

13 VICE CHAIR BECRAFT: Yes. Do we need to have the
14 reading first from the department before they -- before they
15 (inaudible)?

16 CHAIR BOLOSAN: Okay.

17 VICE CHAIR BECRAFT: Thank you.

18 CHAIR BOLOSAN: All right. Kari, take it away.

19 LCO YOSHIZAWA: Application No. TA-05, the applicant
20 is TR Big Sur Management LLC doing business as Hana Ranch
21 Restaurant. The proposed premises is located at 5130 Hana
22 Highway, Hana, Maui, Hawaii. This is a public hearing for a
23 transfer of a Restaurant General Category B(ii) license.

24 The documents necessary for completing the remaining
25 application requirements for a liquor license are listed in

1 the summary report.

2 Notice of public hearing was published in the Maui
3 News on February 17th and 24th, 2021.

4 There are a total of nine owners and lessees
5 situated within 500 feet of the proposed premises.

6 The department received no protests.

7 CHAIR BOLOSAN: Thank you, Kari.

8 Did anyone -- for or against this application? I'm
9 looking at the chat section. Do I have any other people not
10 using the chat and on the phone?

11 (No response.)

12 CHAIR BOLOSAN: Okay. If not -- okay. I see Craig.
13 Go ahead. Oh, okay.

14 MR. NAKAMURA: Yeah, Mr. Chair. Thank you very
15 much. Again, this is the restaurant at the -- out in Hana,
16 and we have nothing further to add unless you have any further
17 questions. Thank you.

18 CHAIR BOLOSAN: Okay. Any question from the
19 commissioners?

20 VICE CHAIR BECRAFT: Mr. Chair, Jamie Becraft. We
21 just need to close public testimony. And I have no questions,
22 though, for Craig guys.

23 CHAIR BOLOSAN: Okay. If not, if there is no one to
24 testify, public hearing is closed.

25 Then may I have a motion to approve this

1 application?

2 VICE CHAIR BECRAFT: (Gesturing.)

3 CHAIR BOLOSAN: Say aye. If you raise your hand
4 means you're voting for aye.

5 VICE CHAIR BECRAFT: Jerrybeth had her hand up.

6 CHAIR BOLOSAN: Okay.

7 COMMISSIONER DE MELLO: Aye.

8 CHAIR BOLOSAN: Commissioners?

9 VICE CHAIR BECRAFT: Mr. Chair, Jamie Becraft. I
10 make a motion to approve Application No. TA-05.

11 CHAIR BOLOSAN: Okay, Jamie. You got the motion.

12 COMMISSIONER U'U: Bruce.

13 CHAIR BOLOSAN: Bruce, you've got the --

14 COMMISSIONER U'U: Bruce U'u. Second, if possible.

15 CHAIR BOLOSAN: Okay, Bruce. Bruce beating --
16 beating you, Jerrybeth.

17 COMMISSIONER DE MELLO: (Inaudible.)

18 COMMISSIONER U'U: Sorry, Jerrybeth.

19 (Laughter.)

20 CHAIR BOLOSAN: Okay. Then let's go on to vote.

21 Those who are in favor, say aye.

22 (Response.)

23 CHAIR BOLOSAN: Okay. Any opposed?

24 (No response.)

25 CHAIR BOLOSAN: If not, motion carried.

1 MR. NAKAMURA: Thank you. Thank you very much,
2 Mr. Chair and Commissioners. We appreciate the help. Thank
3 you.

4 CHAIR BOLOSAN: Thank you, Craig. Thank you very
5 much.

6 Okay. We have C, Application No. 08, Marlow,
7 Incorporated doing business as Marlow. Will the applicant
8 please state your name and position?

9 MS. SCHEER: Kaili Scheer, co-owner.

10 MR. SCHEER: And Jeff Scheer, co-owner.

11 CHAIR BOLOSAN: All right, Jeff. Thank you.

12 Can I have you, Kari?

13 LCO YOSHIZAWA: Application No. 08, the applicant is
14 Marlow, Inc. doing business as Marlow. The proposed premises
15 is located at 30 Kupaoa Street, Unit A-104, Pukalani, Maui,
16 Hawaii. This is a public hearing for a new Restaurant General
17 Category B(ii) license.

18 The documents necessary for completing the remaining
19 application requirements for a liquor license are listed in
20 the summary report.

21 Notice of public hearing was published in the Maui
22 News on February 17th and 24th, 2021.

23 There are a total of 126 owners and lessees situated
24 within 500 feet of the proposed premises.

25 The department received no protests.

1 CHAIR BOLOSAN: Thank you, Kari.

2 Jeff and Kaili, do you have anything else to add?

3 MR. SCHEER: No. Not really, no. Thank you.

4 CHAIR BOLOSAN: Okay. The floor is open for public
5 testimony. Is there anyone for or against this application?
6 I don't see nothing on the chat area.

7 (No response.)

8 CHAIR BOLOSAN: Anyone else? If not, I'll close the
9 public hearing.

10 Any question from the commissioners?

11 (No response.)

12 CHAIR BOLOSAN: Any question?

13 (No response.)

14 CHAIR BOLOSAN: If not, may I have a motion to
15 approve this application?

16 COMMISSIONER DE MELLO: I make a motion to approve
17 No. 8, Marlow, Inc.

18 CHAIR BOLOSAN: Thank you. Anyone for second?

19 COMMISSIONER ANDRION: (Gesturing.)

20 COMMISSIONER U'U: I'll second.

21 CHAIR BOLOSAN: Roberto. Roberto, you got -- you're
22 second.

23 Okay. Then let's vote on this item for a vote.
24 Those of you who are in favor, say aye.

25 (Response.)

1 CHAIR BOLOSAN: Opposed?

2 (No response.)

3 CHAIR BOLOSAN: Motion carried. Thank you, Kaili
4 and Jeff.

5 MR. SCHEER: Thank you so much.

6 MS. SCHEER: Thank you.

7 MR. SCHEER: Thank you, guys.

8 CHAIR BOLOSAN: Thank you.

9 So we'll move on, General Licensing Matters,
10 Residence Inn by Marriott, LLC doing business as Residence Inn
11 by Marriott. Who -- okay. I see you, Robert Ueoka.

12 MR. UEOKA: Good morning, Chair Bolosan. Oh, go
13 ahead. Good morning, Chair Bolosan, Members of the
14 Commission. Robert Ueoka on behalf of Residence Inn,
15 Wailea -- Residence Inn by Marriott, Wailea. Also present on
16 the call are Kaleo Kenui, he's the general manager; also Julie
17 Puu, she's the senior sales executive.

18 CHAIR BOLOSAN: Okay. Can I have Kari?

19 LCO YOSHIKAWA: Okay. I was informed that the
20 Deputy Director Jarrett Kahooohanohano is gonna be reading the
21 report for this one.

22 CHAIR BOLOSAN: Okay, all right. Then can I have
23 you, Jarrett, go ahead and do the reading?

24 DEPUTY DIRECTOR KAHOOHANOHANO: No problem. So the
25 applicant is Residence Inn by Marriott, LLC doing business as

1 Residence Inn by Marriott. They hold a hotel license.

2 The member and manager of the managed -- manager-
3 managed LLC are listed in the investigator's report.

4 The request is to temporarily extend the existing
5 premises from April 26, 2021, to June 24, 2021, to include
6 approximately 132,422.4 square feet of the adjacent premises
7 known as AC Hotel by Marriott, Maui, Wailea, located at 88
8 Wailea Ike Drive, Wailea, Hawaii.

9 The original application for a hotel license was
10 filed on April 1st, 2016, for premises located at 75 Wailea
11 Ike Drive, Wailea, Hawaii. The premises consists of
12 approximately 6.377 acres.

13 New properties are -- new properties are affected by
14 the extension.

15 The original floor plan is attached.

16 A public hearing for this application took place on
17 June 8, 2016, and there were no protests.

18 A letter by Residence Inn by Marriott, LLC dba
19 Residence Inn by Marriott dated March 8, 2021, indicates that
20 the licensee's requesting for the waiver of the mailing of
21 notices for owners and lessees located within 100 and 500 feet
22 of the temporary increase.

23 The rules and laws pertaining to this request are
24 listed in the investigator's report.

25 The department is recommending approval of this

1 request with the condition that the licensee submit all
2 necessary clearances from other governmental agencies.

3 CHAIR BOLOSAN: Okay. Do you have anything to add,
4 Robert or Kenui -- or Kaleo?

5 MR. UEOKA: I'll be happy to add some, some things.
6 First of all, I'd like to thank the department for their
7 accommodation and willingness to process this. This is a
8 rather unique situation whereby two properties are located
9 adjacent to each other, both managed by Marriott. We had
10 planned to open this new hotel, it's called the AC Hotel, on
11 April 29th, so this request includes April 26th to June 24th
12 to allow us to have the sale and service of liquor at the new
13 hotel, AC Hotel, as of April 29th. So it's very central for
14 our business, very critical to our business plan and for the
15 operation of the hotel.

16 Last week I did go to the property, and I walked the
17 property, and I did look at the surrounding areas. First of
18 all, on the makai side is a golf course, it's Wailea Blue Golf
19 Course. On the -- on the Makena side is, of course, Wailea
20 Ike Drive -- Wailea Ike Drive, which is a four-lane highway
21 with a big -- big gulch in the middle. And on the Kahului
22 side is -- is retail. It's retail; it's Wailea Town Center.
23 And, of course, on the Haleakala side is the existing
24 Residence Inn Hotel. So the area is a very unique area zoned
25 for hotel and resort properties.

1 We respectfully request for this to be approved,
2 especially so we can have the sale and service of liquor on
3 our opening date on April 29th.

4 CHAIR BOLOSAN: Thank you, Robert.

5 Is there anyone for this application or against this
6 application? Anyone to testify?

7 (No response.)

8 CHAIR BOLOSAN: Okay. Any question or comment from
9 the commission?

10 (No response.)

11 CHAIR BOLOSAN: If not, can I have someone to
12 entertain a motion to approve this application?

13 VICE CHAIR BECRAFT: Mr. Chair, we need to close
14 public testimony first.

15 CHAIR BOLOSAN: Oh, I'm so sorry. I missed that
16 one. Thank you, Jamie.

17 If there's any -- anyone? If not, we'll close --
18 I'll close the public hearing.

19 (No response.)

20 CHAIR BOLOSAN: Then any question from the members
21 of the commission?

22 (No response.)

23 CHAIR BOLOSAN: I see Jerrybeth -- oh, no. Hang on.
24 Anyone? Any question from the commission?

25 (No response.)

1 CHAIR BOLOSAN: If not, may I have someone to
2 entertain a motion for this application?

3 VICE CHAIR BECRAFT: Mr. Chair, Jamie Becraft. I
4 make a motion to approve Application No. 08.

5 CHAIR BOLOSAN: Thank you, Jamie. Any second?

6 COMMISSIONER U'U: I'll second. I'll second.

7 Sorry.

8 CHAIR BOLOSAN: Okay.

9 MS. KHANGSENGSING: Just to clarify, we already
10 voted on Application 8. We're on the Residence Inn by
11 Marriott.

12 VICE CHAIR BECRAFT: My apologies. I withdraw that.
13 Jamie Becraft.

14 CHAIR BOLOSAN: Okay. Can you redo the motion?

15 VICE CHAIR BECRAFT: Mr. Chair.

16 CHAIR BOLOSAN: Anyone?

17 VICE CHAIR BECRAFT: Jamie Becraft. I motion to
18 approve general licensing matters for the business -- doing
19 business as Residence Inn by -- by Marriott.

20 CHAIR BOLOSAN: Thank you, Jamie.

21 Second?

22 CORP COUNSEL DESJARDINS: I'm sorry. On that
23 motion, can we just add to the motion that it's for approval
24 for a temporary extension --

25 CHAIR BOLOSAN: Oh, okay.

1 CORP COUNSEL DESJARDINS: -- of existing premises?

2 CHAIR BOLOSAN: Okay. Approval for a temporary
3 application.

4 VICE CHAIR BECRAFT: Correct.

5 CHAIR BOLOSAN: Just add that to the motion?

6 VICE CHAIR BECRAFT: Correct, Mr. Chair. I'll add
7 that this is a temporary licensing for the Residence Inn by
8 Marriott doing business as Residence Inn by Marriott.

9 CHAIR BOLOSAN: Okay. Second?

10 COMMISSIONER DE MELLO: Second.

11 CHAIR BOLOSAN: Did I see -- who did say the second?

12 COMMISSIONER DE MELLO: (Gesturing.)

13 CHAIR BOLOSAN: Jerrybeth. You finally got it,
14 Sister. Okay. Second.

15 (Laughter.)

16 CHAIR BOLOSAN: Then let's vote on this item. So
17 those of you who are in favor, raise your hand and say aye.

18 (Response.)

19 CHAIR BOLOSAN: Any opposed?

20 (No response.)

21 CHAIR BOLOSAN: I don't see anyone opposed. Motion
22 carried. Thank you, Kenui and Kaleo. Thank you, Robert.

23 MR. UEOKA: Thank you so much. Have a good day.
24 Thank you.

25 CHAIR BOLOSAN: Thank you.

1 MS. PUU: Thank you.

2 CHAIR BOLOSAN: Now we're going to move on to
3 Administrative Affairs, and can I have Director Layne to go on
4 this items?

5 DIRECTOR LAYNE N. SILVA: Okay. Good morning. Yes,
6 to go over the director's monthly -- monthly report.

7 And just to say, Chair Bolosan, you're doing a great
8 job.

9 CHAIR BOLOSAN: Thank you for being nice and kind.

10 DIRECTOR LAYNE N. SILVA: Okay. The director's
11 monthly report, the first thing we're gonna talk about are the
12 QR codes, as you see on the agenda. You know, myself, I'm
13 very new to this technology and these types of modern, you
14 know, electronic things, but we have some very savvy and
15 qualified people within the department. What they did was
16 they created this QR code, I believe it's the quick response
17 code, and made the Rules of the Liquor Commission, the HRS, as
18 well as the Public Health Emergency Rules available
19 electronically by scanning. If you scan the QR codes, it'll
20 take you directly to the website and give you full access to
21 all the rules, the most current rules, and it'll always be
22 updated in real-time. So any time you scan the QR code, it'll
23 always take you to the most current version of the rules. So
24 I think that's a big step. Cullen Kawano, one of our
25 enforcement investigators, actually created this. I think

1 that's a step in the right direction.

2 Second, we have a listing of the COVID-19 Public
3 Health Emergency Rule violations that received a 24-hour shut-
4 down. The listing is on the agenda. I'll go through them
5 real quickly.

6 December 2020: Spanky's Riptide was shut down for
7 bar seating violation, Down the Hatch for patrons utilizing
8 bar seating area, McGrath's Hang Loose Lounge for operating
9 with no certified kitchen, and patrons utilizing bar seating
10 area.

11 March 2021: We have Ohana Seafood Bar & Grill for
12 no social distancing; The Dog & Duck Irish Pub, patrons in --
13 within the premises after 10:00 p.m.; and McGrath's Hang Loose
14 Lounge, the only on-duty employee was not utilizing face mask
15 properly while mingling with the patrons.

16 And as you're aware, the purpose of the shutdown to
17 help decrease or mitigate the spread of the COVID-19 within
18 Maui County, and that was the reason for those closures.

19 Item No. 3: The department was supporting House
20 Bills 136 and 137 in the legislature. I've been informed that
21 House Bill 136 has made it through committee. Whereas House
22 Bill 137 has not, I've been assured that they're gonna revisit
23 that next year. However, House Bill 136 is moving forward.
24 The purpose of it was -- as was explained to me, is to -- to
25 clarify the language and to simplify license applications and

1 approvals in regards to limited partnerships and limited
2 liability companies. That one has gone through.

3 Item No. 4: I'm gonna defer to Deputy Director
4 Jarrett Kahooohanohano in regards to the status of the move to
5 the new service center.

6 Jarrett.

7 DEPUTY DIRECTOR KAHOOHANOHANO: So, as of right now,
8 we just got through processing our bids for moving companies,
9 so we got one. We've got a moving company that's scheduled to
10 have us start moving on May 13th and 14th, so we're on our way
11 starting the 13th and 14th. So we're trying to coordinate the
12 move so we don't -- we have as little or no downtime as
13 possible, so we wouldn't have to close our department
14 completely for -- for the community and our licensees. But in
15 the event that we do, we will be making contact with the
16 mayor's office and making sure that the -- that that
17 information is disseminated to the county so that they know,
18 throughout the county so they know that if we're gonna be
19 closed that, you know, we'll give them those dates or date
20 when we're gonna be closed for business. So the move is
21 happening finally. It took a little while, but we're gonna
22 start to move on the 13th of May.

23 CHAIR BOLOSAN: Okay.

24 DIRECTOR LAYNE N. SILVA: Okay. Any questions in
25 regards to the move?

1 (No response.)

2 DIRECTOR LAYNE N. SILVA: Okay. If not, moving
3 forward, Calendar Year 2021 Annual Update of Financial
4 Disclosure Statement By Board and Commission Members Due to
5 the Board of Ethics by April 15th, 2021. So if anyone hasn't
6 submitted, that's tomorrow. If you have not, make sure you
7 get it in.

8 VICE CHAIR BECRAFT: (Gesturing.)

9 DIRECTOR LAYNE N. SILVA: Yes, Jamie.

10 VICE CHAIR BECRAFT: Hey, Layne. Thank you. So are
11 we able to have Maria check, you know, just to make sure?
12 Because I know we were all supposed to send it in, and just if
13 there's anybody short, I don't want to know who didn't turn it
14 in; I'm not asking that, but just have her double-check today
15 and get the phone calls out or something if anybody did, in
16 fact, not do that?

17 And then my question to that is, is if somebody can
18 check -- I'm not sure for our new member, Sylvia Ho, I'm not
19 sure if she's subject to that. I mean, she just started
20 today. But if not, then somebody might want to help her out
21 getting her the forms and get her through that today.

22 DIRECTOR LAYNE N. SILVA: Absolutely, yes. Maria
23 will -- if anyone is still outstanding, she will be in
24 contact.

25 And I'm not sure, Sylvia, was that part of your

1 initial paperwork with your orientation?

2 COMMISSIONER HO: Yes. Actually, I -- I think that
3 Marie has already received all of my documentation. But thank
4 you, Jamie. Thank you, Commission.

5 MS. KHANGSENGSING: Yes. It looks like everybody
6 has turned theirs in. There might be two members that their
7 financial disclosure is probably in transit; hopefully, I'll
8 get it by tomorrow. But as of right now, it looks like only
9 two have not -- I have not received two of the commissioners'
10 financial disclosure, but I was informed that it is in the
11 mail.

12 VICE CHAIR BECRAFT: Great. Thanks, Maria. I was
13 just making sure we were double-checking. I didn't -- you
14 know, we just -- I forgot mine until I think last month,
15 although I kept trying -- thought I was gonna do it every
16 month, but just never did.

17 (Laughter.)

18 VICE CHAIR BECRAFT: I just had to check the box
19 Poor and then that was it.

20 (Laughter.)

21 DIRECTOR LAYNE N. SILVA: All right. Moving on,
22 Item B, Charter Commission's request for submittal of proposed
23 charter amendments and/or recommendations. Submission due by
24 May 28th. Again, it's a memorandum that was passed out in
25 your packets. I was informed that the Maui County Charter

1 Commission meets once every ten years, and this is an
2 opportunity -- if you do have any requests for submittal, this
3 is your opportunity to do that. The deadline is May 28th.

4 And, okay, Item C. Item C is the review and
5 approval of amendments to Liquor Commission Emergency Rules of
6 the LC May 13th, 2020, meeting, per Governor's Executive Order
7 20-04. Now, this is something that -- for discussion. It was
8 also included in your packet. It's a document that is titled
9 First Amendment to the Liquor Commission Emergency Rules of LC
10 May 13th, 2020. Everything that is lined out is to be
11 removed; everything that is underlined is to be added on the
12 entire document. Look through it carefully. And so this,
13 again, like I said, this document is for approval for
14 discussion.

15 VICE CHAIR BECRAFT: Layne. Layne?

16 DIRECTOR LAYNE N. SILVA: What the -- I'll go
17 through the changes with you that's being recommended.

18 Yes, Jamie.

19 VICE CHAIR BECRAFT: I was just gonna say if you
20 guys wanted to clarify for everybody who/s going, What is
21 this? I've already read it, and it is just -- from my
22 understanding, it's already been run through corporation
23 counsel. These are just rules that we need to abide by per
24 the governor, and we're just clarifying how that's written.
25 We're not making any rules of our own or anything like that,

1 we're following the -- following the law, and it's -- and like
2 you said, it's already gone through corporation counsel, to my
3 understanding. Correct?

4 DIRECTOR LAYNE N. SILVA: Yes, that is correct.

5 VICE CHAIR BECRAFT: And we --

6 DIRECTOR LAYNE N. SILVA: Yeah.

7 VICE CHAIR BECRAFT: Then I'm good. Okay. Thank
8 you.

9 DIRECTOR LAYNE N. SILVA: Okay. Where you see on
10 the first line food is included with each delivery, we're
11 including the language to say, or where applicable with each
12 takeout or pickup order.

13 Further down on the page and -- and you see there's
14 several, you know, adding the quotation marks to employee
15 approved by the director card.

16 Probably the most significant is when we get down to
17 the line where we're addressing closed containers shall
18 include under the definition of, that whole section has been
19 lined out, and being added is the terms unopened and
20 prepackaged. Also, i.e., paper cup, mason jar, etc., is being
21 lined out and to be included is, meaning containers that have
22 the original manufacturer seal and have not been opened. So
23 those are the items that are being allowed to be included with
24 takeout, pickup order or delivery.

25 Also including growlers are allowed for the listed

1 classes for delivery and takeout, and the classes being
2 addressed are 2, 4, 5, 6, 12, 14, and 18.

3 Then we're also including takeout and delivery of
4 liquor allowed between 6:00 a.m. to 11:00 p.m. for off-
5 premises consumption. The reason for that is that it
6 coincides with the hours allowed for a retail sale, and those
7 takeouts and deliveries are -- are being looked at under the
8 same light as a retail sale, being that they are closed
9 containers.

10 Then going further down, it was just adding --
11 instead of using the abbreviation of HRS, it's to include the
12 entire Hawaii Revised Statutes in regards to the liquor
13 liability insurance that we covered, I believe, last month or
14 the month before to include the year 2022.

15 Also, the extending -- changing the language from
16 "is" to "shall be" extended to 90 days after the end of the
17 emergency period for employee approved by the director cards.

18 And to change, again, to -- I'm thinking it's mostly
19 housekeeping to clarify the language to include that -- to say
20 the cards has an expiration date between March 1st, 2020, to
21 the end of the emergency period only.

22 Okay. Then application for renewal of liquor
23 license as required by Rules of the Liquor Commission, Section
24 08-101-33 is extended to June 30th, 2021, at 4:30 p.m. as
25 compared to previously that stated June 30th, two thousand

1 and -- on June 30th, 2021.

2 So are there any questions in regards to this?

3 VICE CHAIR BECRAFT: (Gesturing.)

4 DIRECTOR LAYNE N. SILVA: Yes, Jamie.

5 VICE CHAIR BECRAFT: Hey, Layne, I don't have a
6 question. I just want to go back to your QR code --

7 DIRECTOR LAYNE N. SILVA: Uh-huh.

8 VICE CHAIR BECRAFT: -- and just explain -- that QR
9 code that you had brought up before?

10 DIRECTOR LAYNE N. SILVA: Yes.

11 VICE CHAIR BECRAFT: I just wanted to mention that,
12 you know, we had talked earlier too, just so everybody
13 understands, that's gonna save us money and paperwork, right?
14 There's a bunch of --

15 DIRECTOR LAYNE N. SILVA: Absolutely.

16 VICE CHAIR BECRAFT: Normally, you guys have to send
17 out a booklet of rules and regs to everybody, right?

18 DIRECTOR LAYNE N. SILVA: Yes.

19 VICE CHAIR BECRAFT: So, now even a patron could
20 just use their phone and read whatever rules. Download it
21 themselves, the businesses. It's just a move forward to
22 making things simplistic, and I -- I just wanted to point it
23 out, clarify it, that it's a great move and I, for one, am
24 appreciative that you -- you know, you moved forward with
25 that.

1 DIRECTOR LAYNE N. SILVA: Yeah. Thank you. Well,
2 see, that is the goal. As of right now, because it will
3 require specific rule changes that will affect the Rules of
4 the Liquor Commission, County of Maui to -- to make it an
5 official document and usable as a rule book. But I think just
6 as a courtesy and allowance for -- you know, especially now in
7 COVID, trying to reduce high touchpoint. You know, that --
8 that binder, that rule book, if that's the only one in the
9 premises and everybody that wants to look at it has to
10 actually physically touch it in their hands, you know, it's
11 kind of counterproductive to what we're trying to accomplish
12 with the COVID. But the -- the goal is to make that -- in the
13 long run, you know, it will, it will save a lot of paper,
14 it'll save a lot of man-hours utilized to deliver rule
15 changes, which happen regularly, and it will keep the most
16 current version of the rules available at all times.

17 VICE CHAIR BECRAFT: Still work to do, but you're
18 moving in the right direction. I appreciate it.

19 DIRECTOR LAYNE N. SILVA: Thank you.

20 Another thing I wanted to mention, also, I guess it
21 kind of goes along with these rule changes that we're looking
22 at right now, you know, is those are the types of things that
23 we are trying to accomplish going forward to simplify and to
24 streamline as much as possible wherever we can.

25 And alluding to the expiration of certification

1 cards, we're -- we're planning on restarting certification
2 exams later on this month where -- because we're still kind of
3 restricted as far as indoors goes and having people come to
4 the department to take the exam, we're gonna go out. We're
5 gonna go out, and we're gonna do certification exams out at
6 large open-air venues. And that -- I believe the press
7 release just went out yesterday, so that's another thing that
8 we're moving forward with.

9 COMMISSIONER U'U: Question.

10 DIRECTOR LAYNE N. SILVA: With that being said, back
11 to the document, which does need to be approved, so --

12 COMMISSIONER U'U: I make a motion. I'd like to
13 make a motion on the Director's Monthly Report C that we
14 approve the amendments to Liquor Commission Emergency Rules.

15 VICE CHAIR BECRAFT: Jamie Becraft. I second that
16 motion.

17 CHAIR BOLOSAN: And do we have to go for a vote?

18 DIRECTOR LAYNE N. SILVA: I believe at this point
19 you could open the floor for public testimony, if everyone
20 would like, if anyone would like to comment or testify on
21 this, on this item.

22 CHAIR BOLOSAN: You okay with that, Mimi?

23 CORP COUNSEL DESJARDINS: So, you know, you did
24 public testimony very early on in the meeting and closed
25 public testimony, so I think you've satisfied the public

1 testimony element for this. For the -- for the public
2 hearings, you opened it for each one, and that -- that was
3 procedurally correct. I think all I would do at this point is
4 open the floor for discussion if people had questions or any
5 of the commissioners had questions of the director about these
6 amendments. Otherwise, you could call for the vote.

7 CHAIR BOLOSAN: Okay. Should we have, like, any
8 comment from the commissioners first? If not, then let's go
9 on to vote, right? Okay. The motion was -- who made that
10 motion?

11 COMMISSIONER U'U: Bruce.

12 CHAIR BOLOSAN: Okay. Can you repeat that again,
13 Bruce, so that we all know what's -- we're voting on. Go
14 ahead, Bruce.

15 COMMISSIONER U'U: Well, I made the motion earlier
16 and the motion was on the -- the motion was under the
17 director's monthly report that we approve the amendments of
18 the Liquor Commission Emergency Rules. And I believe Jamie
19 seconded that motion.

20 VICE CHAIR BECRAFT: Correct.

21 CHAIR BOLOSAN: Okay, all right. So we got that.
22 So we should go on to vote then. So those of you who are in
23 favor, then say aye, raise your hand.

24 (Response.)

25 CHAIR BOLOSAN: Okay. Opposed? Any opposed?

1 (No response.)

2 CHAIR BOLOSAN: For the record, motion carried.
3 Okay. Is there any more from you, Layne?

4 DIRECTOR LAYNE N. SILVA: Yes. Going on to Item B,
5 which is also requiring approval. It's an emergency rule
6 being proposed by the department. It's falling -- or we're
7 presenting it based on the emergency rules, which is Section
8 08-101-12, which states, In the event of national, state, or
9 local emergency, the commission or the director may adopt
10 emergency rules with the approval of the mayor for the health,
11 safety, or welfare of the public, or the protection of life
12 and property. All emergency rules shall be scheduled for
13 public hearing at the earliest possible date and shall be in
14 effect for the emergency period only.

15 What the department is proposing: Due to the
16 possible hardships that are being faced by the industry, the
17 department would like to propose the implementation of a
18 payment plan option to our licensees for the annual percentage
19 fee assessment for Fiscal Year 2020-2021. The features of
20 this proposed payment plan are as follows:

21 Notwithstanding the requirement in Section
22 08-101-50(d)(4) that the percentage fee be paid within 31 days
23 of receipt of assessment, a licensee may request that the
24 percentage fee be paid in three equal payments with the first
25 payment due 31 calendar days of receipt of the assessment

1 (inaudible) payment due within 31 calendar days of the second
2 payment with any excess amount to be paid in the third
3 installment.

4 References to due date found in Section 08-101-
5 50(d)(6) and 08-101-50(d)(8) and Section 08-101-50(d)(9) shall
6 include the due dates for any payment made pursuant to a
7 payment plan agreement executed by the department and
8 licensee.

9 Payment plan agreements are not available for
10 percentage fees due upon transfer of license, 08-101-50(d)(5),
11 or where a license has been revoked, expired, or canceled; or
12 where the licensee closes the business for which the license
13 is held, 08-101-50(d)(7).

14 Payment plan will be optional. Those choosing to
15 opt into the payment plan shall complete and submit the form
16 attached Hereto.

17 No penalty will be assessed for utilizing the
18 payment plan; however, any licensee who fails to pay the
19 amount due on or before the due date shall immediately have
20 their plan canceled; be assessed a late charge of 5 percent
21 per month on the balance due until such fees are paid in full;
22 the 5 percent late charge shall be a flat fee, not prorated,
23 that would be charged for any portion of the month payment is
24 due; pay the entire amount owed, including any penalties; and
25 not exercise their license, cease all liquor sales until said

1 fees and penalties are paid in full.

2 So those are the conditions to the agreement and the
3 document or the opt-in payment plan agreement document, which
4 was included in your packet, is what is being presented today
5 for approval.

6 Now, you know, in a nutshell, basically the way it
7 works is it's gonna go out with the percentage fee assessment.
8 At that time, they have the option to submit this document
9 requesting to opt into the program in which their -- their
10 amount owed will be broken into three equal payments. Those
11 payments will be due over the course of the following three
12 consecutive months.

13 And the hopes are, you know, knowing that everyone
14 is struggling, but at the same time, we still do need to
15 operate under our allowed budget; we're hoping that it will
16 help some of the licensees that were struggling to be able to
17 remain in business and to be able to be fruitful going
18 forward. So those are the hopes.

19 VICE CHAIR BECRAFT: Layne.

20 DIRECTOR LAYNE N. SILVA: Yes, Jamie.

21 VICE CHAIR BECRAFT: I just want to reiterate what I
22 heard. In short, you guys are gonna give them three months,
23 if they want it. There's no penalty for that.

24 DIRECTOR LAYNE N. SILVA: Absolutely.

25 VICE CHAIR BECRAFT: Right? So -- so you're just --

1 you're trying to -- it just sounds to me like we're just
2 trying to help in an area that we can if we can. Of course,
3 we still need to collect the payments 'cause that's what our
4 operating budget is, but you're -- you looked at it and found
5 that it's possible that we're able to push it back three
6 months and -- and so you're allowing them that opportunity.

7 Is that about correct?

8 DIRECTOR LAYNE N. SILVA: That's exactly what it is.
9 You know, the three months will still give us sufficient time
10 to fulfill our need to -- to continue our operation beyond
11 that point, and hopefully, it will give some of the licensees
12 a little bit of breathing room to make it a little bit more
13 bearable on their side as well.

14 VICE CHAIR BECRAFT: I'm just -- I, for myself, just
15 want to thank you for that also. Effort, like along with the
16 QR code, trying to make things easier, trying to help them
17 wherever we can, you know. It's just appreciated by me.
18 Hopefully, it's appreciated by the licensees, and I think so.
19 So thank you, Layne; I appreciate it.

20 DIRECTOR LAYNE N. SILVA: You're welcome. Thank
21 you.

22 COMMISSIONER U'U: (Gesturing.)

23 DIRECTOR LAYNE N. SILVA: Bruce.

24 CHAIR BOLOSAN: Bruce.

25 COMMISSIONER U'U: If appropriate, I'd like to make

1 a motion.

2 DIRECTOR LAYNE N. SILVA: Yeah, that's --

3 COMMISSIONER U'U: Motion under the Director's
4 Monthly Report D to -- the approval of establishing a payment
5 plan for the percentage fee assessment for Fiscal Year 2020
6 through 2021.

7 COMMISSIONER DE MELLO: I second that motion.

8 CHAIR BOLOSAN: Okay. If -- then let's go on to
9 vote. To those of you who are in favor, say aye, raise your
10 hands.

11 (Response.)

12 CHAIR BOLOSAN: Opposed?

13 (No response.)

14 CHAIR BOLOSAN: Motion carried. Thank you.

15 DIRECTOR LAYNE N. SILVA: Thank you.

16 VICE CHAIR BECRAFT: Mr. Chair.

17 CHAIR BOLOSAN: Thanks.

18 VICE CHAIR BECRAFT: Mr. Chair, again just motion --
19 can we just mention again, please, there's no -- no opposed,
20 just for the record.

21 CHAIR BOLOSAN: No opposed. Okay, Jamie.

22 VICE CHAIR BECRAFT: Yeah. We cannot see Aaron on
23 our screen.

24 CHAIR BOLOSAN: Okay.

25 VICE CHAIR BECRAFT: So we wouldn't be able to --

1 documentation-wise, we wouldn't be able to look back and see
2 how the votes went. But thank you.

3 CHAIR BOLOSAN: Thank you, Jamie.

4 CORP COUNSEL DESJARDINS: And, Chair, this is Mimi.
5 Before you close out, there's only two more things left on the
6 director's report; can we go back quickly to B, the charter
7 commission (inaudible).

8 CHAIR BOLOSAN: Okay.

9 CORP COUNSEL DESJARDINS: (Inaudible) charter
10 amendments. And I just wanted to mention that there was a --
11 there is a deadline of May 28th. There's one more meeting for
12 this commission before that time, and so I -- I wanted to just
13 throw it out there that I might suggest that you folks decide
14 whether you want to put this on the agenda for your next
15 meeting and in the meantime, you folks look at the -- the
16 charter. I know when we went through the process of -- or you
17 folks went through the process for looking for a new director,
18 there were issues about some of the language in there about
19 the duties and functions that were required of the applicants,
20 and this would be your time to submit any proposed changes to
21 any language that has to do with the liquor commission to the
22 charter commission. So you might want to take a look at it,
23 just a suggestion because I do know the deadline -- you do
24 have one more meeting, so you don't have to do it today.

25 CHAIR BOLOSAN: Okay.

1 CORP COUNSEL DESJARDINS: If you could have a
2 thought. And then, Chair, you know, Maria and I can help work
3 with you on that agenda, but I just wanted to though that out
4 there.

5 CHAIR BOLOSAN: Okay.

6 CORP COUNSEL DESJARDINS: You don't have to do
7 anything today, but just that -- to have everybody think about
8 it before the next meeting.

9 CHAIR BOLOSAN: Thank you, Mimi.

10 Any discussion on putting on this item for the next
11 agenda?

12 COMMISSIONER U'U: (Gesturing.)

13 CHAIR BOLOSAN: Go ahead, Bruce. Bruce, you've got
14 it.

15 COMMISSIONER U'U: Yeah, I would like to -- I would
16 like to see it on the agenda. I think that would be -- that
17 would be something we should look into it and potentially
18 something that maybe would -- would play a -- play a good role
19 moving forward potentially.

20 VICE CHAIR BECRAFT: (Gesturing.)

21 CHAIR BOLOSAN: Go ahead, Jamie.

22 VICE CHAIR BECRAFT: And, Mr. Chair, just for the
23 rest of our members, it's -- what we need to read is Chapter
24 13 covers us under -- under Chapter 13. And then my
25 understanding is specifically like 13-2, you know, so all --

1 from what I've been told, it's all under 8-13, so that's what
2 we want to do.

3 COMMISSIONER U'U: Yeah.

4 VICE CHAIR BECRAFT: Read that, and when you read it
5 all through, then you can say, Hey, I don't like that rule, I
6 don't like this. But if we don't change it, like we -- like
7 was brought up by Mimi, you know, when we were looking for our
8 new director and stuff, it -- you know, there are differences
9 between our director and even like the chief of police. It's
10 my understanding chief of police can come from outside; you
11 know, our director is very limited in -- in like you don't
12 have a lot of different choices. But if we're good with
13 that -- I'm very good with our director, by the way, I don't
14 want to make that sound the wrong way. Layne, you're doing a
15 great job. But when we're just talking about the rules, you
16 know, if we -- you know, confined to us, if you want to read
17 them, it's all under Chapter 8-13.

18 CHAIR BOLOSAN: Okay. Does anyone want to comment?
19 If not, I'd like to direct -- go back to Mimi for assistance
20 with this.

21 CORP COUNSEL DESJARDINS: Yeah. Yeah, I'll work
22 with you with that, Chair, and then we'll probably post just a
23 copy of the language that you guys are working at. And it's
24 not limited to anything. You could -- you can look at the
25 duties and functions, you can look at whatever covers the

1 commission if there's something that you think you might want
2 to suggest. So we can have a further discussion about that
3 next time.

4 CHAIR BOLOSAN: Okay, all right. Any more comment?

5 COMMISSIONER DE MELLO: (Gesturing.)

6 CHAIR BOLOSAN: Jerrybeth, go ahead.

7 COMMISSIONER DE MELLO: I just want to have it
8 clarified if Bruce had requested that he wanted to be part of
9 that review of that charter. Bruce?

10 CHAIR BOLOSAN: Okay.

11 COMMISSIONER U'U: My clarification was not -- I
12 just -- I would like to review it, though. I can review the
13 chapter and I think we all can as a commission, maybe, and
14 come up with something that maybe we feel would be a good fit
15 somehow.

16 COMMISSIONER DE MELLO: Okay.

17 CHAIR BOLOSAN: Okay.

18 COMMISSIONER DE MELLO: Thank you.

19 CHAIR BOLOSAN: Jamie, go ahead.

20 COMMISSIONER U'U: Thank you.

21 VICE CHAIR BECRAFT: And just for my further
22 clarification, too, that's what I -- it's the -- it's the
23 charter that we're trying to amend. And there's a little
24 booklet out there on that. I'm sure it's online. But that's
25 my suggestion too, is that we all take the time to read our

1 charter that governs us.

2 These are things that our community's voted on that
3 says we have to follow, you know, inclusive of state law. But
4 the charter is a whole 'nother ball of wax that, essentially,
5 our community votes on and tells us this is -- these are our
6 parameters. And this is our time to change it, so I think it
7 would be good for all of us to take the time to read that
8 charter and then -- and then you guys can tell me what it
9 says, and I'll give you what I think. Nah. I'll read it too.

10 CORP COUNSEL DESJARDINS: And just for --

11 (Laughter.)

12 CORP COUNSEL DESJARDINS: Okay. Just for further
13 clarification, you know, if -- if we put it on the agenda,
14 have a discussion, and you folks vote, you'll be submitting
15 like what the commission's position is. But any --

16 CHAIR BOLOSAN: Okay.

17 CORP COUNSEL DESJARDINS: -- member of the community
18 can say anything they want to the commission and, you know,
19 Commissioner Becraft can decide he has some other changes and
20 those will be submitted as an individual if he wants to do
21 that.

22 CHAIR BOLOSAN: Okay. So the right thing to do,
23 then, is to put this into our next agenda.

24 Go ahead, Jamie.

25 VICE CHAIR BECRAFT: Yeah. And just the last, so

1 everybody's totally aware, you know, once we get it ironed out
2 what we -- what we may want, that don't mean it's gonna
3 happen. It just means it's --

4 CORP COUNSEL DESJARDINS: Right.

5 VICE CHAIR BECRAFT: -- gonna go on the next ballot
6 when we -- when we go to elect the mayor and --

7 CHAIR BOLOSAN: Oh, okay. Yeah. Any --

8 VICE CHAIR BECRAFT: -- the amendments, you know,
9 there's gonna a bunch of them.

10 CHAIR BOLOSAN: Yeah.

11 VICE CHAIR BECRAFT: And we'll be one of them, if we
12 do that. And then the community, again, has to vote for it.
13 If they don't vote for what we want, it don't change.

14 CHAIR BOLOSAN: Oh, okay.

15 VICE CHAIR BECRAFT: Just so we know that. We're
16 not writing law, we're making a proposal and asking things to
17 be changed, yeah.

18 CHAIR BOLOSAN: Okay. And I think to add on to
19 that, Jamie, I believe so this thing happens only every ten
20 years. Am I right, Mimi?

21 CORP COUNSEL DESJARDINS: That's right.

22 CHAIR BOLOSAN: Okay, all right.

23 VICE CHAIR BECRAFT: Correct. The commission, the
24 charter commission happens every ten years.

25 CHAIR BOLOSAN: Yeah, yeah.

1 VICE CHAIR BECRAFT: I think they can --

2 CORP COUNSEL DESJARDINS: Amendments to the charter
3 happen all the time.

4 VICE CHAIR BECRAFT: Yeah, the charter -- amendments
5 to the charter can be done in between those ten years, but
6 this actual charter commission that we're gonna send it to,
7 they will review it and whatever, and then they will put it --
8 you know, hopefully, put it up and everything. But, yeah,
9 this only happens every ten years.

10 CHAIR BOLOSAN: Okay. So then we look forward to
11 put this thing on the next agenda, Mimi?

12 CORP COUNSEL DESJARDINS: (Nodding head.)

13 CHAIR BOLOSAN: Okay, all right. Do we need to vote
14 on this, or it's just unanimous, you know?

15 CORP COUNSEL DESJARDINS: (Shaking head.)

16 CHAIR BOLOSAN: Okay. We all agree. Okay.

17 CORP COUNSEL DESJARDINS: It's just a -- yeah, it's
18 just an item, information.

19 CHAIR BOLOSAN: Okay.

20 CORP COUNSEL DESJARDINS: (Inaudible.)

21 CHAIR BOLOSAN: All right. Any more input?

22 DIRECTOR LAYNE N. SILVA: Chair, if I may, just
23 going back to Item D.

24 CHAIR BOLOSAN: Okay. Go ahead.

25 DIRECTOR LAYNE N. SILVA: The forms that were just

1 approved. I just wanted to reiterate because I know that we
2 discussed this, I believe, maybe a month or two in regards to
3 the forms that we have online. Basically, as of right now,
4 all of our forms are online and fillable.

5 CHAIR BOLOSAN: Good.

6 DIRECTOR LAYNE N. SILVA: They are all available on
7 the website. So a little bit off topic, but, you know, I
8 guess since we were talking about forms, I thought I'd throw
9 that out there.

10 CHAIR BOLOSAN: Thank you, Director. My hat to you
11 and your staff.

12 Go ahead, Jamie.

13 VICE CHAIR BECRAFT: Yeah, Layne, I just want to
14 make sure I understood that correctly. Is that everything
15 that the licensee and new applicant, whatever they need to do
16 now, if I'm hearing correctly, you guys have got it as a
17 fillable form, it's online? You've taken away that cumbersome
18 step of they've gotta come down and pick up packets and all
19 that, that they can get this all online now, is that correct?

20 DIRECTOR LAYNE N. SILVA: Yes, yes. Although --

21 VICE CHAIR BECRAFT: Perfect.

22 DIRECTOR LAYNE N. SILVA: Side note, for first-time
23 or people -- self applicants that aren't hiring consultants or
24 are not hiring out to people that do this regularly, I highly
25 recommend that initial appointment just because some of these

1 documents, even though you can print them out online, require
2 some explanation. But, yes, like you said, they are available
3 online, you know, and they are accessible. You can print them
4 out. Anything you would need to submit, a license application
5 or a permit request, is available online.

6 VICE CHAIR BECRAFT: That's just another thing,
7 Layne, I think you guys are moving forward in the right
8 direction. I appreciate it. I think it makes it easier. And
9 even now, you pointed out that there's some -- some that need
10 some further explanation; I would just add maybe then you make
11 that as a supplement, you know. Maybe somebody can write out
12 those explanations one day and just add it as a supplement to
13 the back and say, you know, make an asterisk, refer to, you
14 know, refer to A for further explanation on what this -- you
15 know, what needs to be done here. But that's just the further
16 steps. You guys seem to be taking a lot of steps in a short
17 amount of time, so, again, I'm -- I'm super appreciative,
18 appreciative and stoked that we're moving towards the right
19 direction. Thanks.

20 DIRECTOR LAYNE N. SILVA: Thank you.

21 And with that, it just leaves Item E, basically
22 liquor control adjudication board meeting of April 1st, 2021,
23 has been canceled.

24 And the next regular meeting of the liquor control
25 commission is scheduled for May 12th, 2021, so --

1 And that's all I have within the director's monthly
2 report.

3 VICE CHAIR BECRAFT: (Gesturing.)

4 DIRECTOR LAYNE N. SILVA: Yes, Jamie.

5 VICE CHAIR BECRAFT: I'm sorry, I have one more.
6 And this is me not understanding one thing. You guys have
7 mentioned audit a couple of times; is this the same audit that
8 was done a while back, or what type of audit is this that you
9 guys keep referring to that's gonna be occurring soon?

10 DIRECTOR LAYNE N. SILVA: We are -- as far as I
11 know, we are not being audited.

12 VICE CHAIR BECRAFT: Oh.

13 DIRECTOR LAYNE N. SILVA: I'm not sure what the
14 reference is to audit. We are still trying to comply with the
15 audit that took place, I believe, in 2017.

16 VICE CHAIR BECRAFT: Sorry. That wasn't what I
17 meant. I'm sorry, I'm not trying to go there. I really
18 thought I heard you guys say that we have this going on plus
19 the audit, and so I wrote that down when I just didn't know if
20 we were being audited.

21 DIRECTOR LAYNE N. SILVA: No, not --

22 VICE CHAIR BECRAFT: Okay.

23 DIRECTOR LAYNE N. SILVA: Not that I'm aware of.

24 VICE CHAIR BECRAFT: Okay. Thank you.

25 CHAIR BOLOSAN: So, Director Silva, thank you. Has

1 that concluded everything that you have to say?

2 DIRECTOR LAYNE N. SILVA: Yes, it does.

3 CHAIR BOLOSAN: Okay, all right. So what can I say?

4 Ladies and Gentlemen, thank you for attendance. Is there any

5 more before I call on -- for a motion to adjourn?

6 (No response.)

7 CHAIR BOLOSAN: If not, may I have a motion to

8 adjourn?

9 COMMISSIONER DE MELLO: So moved.

10 CHAIR BOLOSAN: Those of you who are in favor?

11 VICE CHAIR BECRAFT: Gotta get a first and a second.

12 CHAIR BOLOSAN: Unanimous.

13 VICE CHAIR BECRAFT: No, you've got a first --

14 Mr. Chair, you've gotta get a first and a second.

15 CHAIR BOLOSAN: Okay, all right. Who wants to make

16 the motion?

17 COMMISSIONER DE MELLO: Motion to adjourn.

18 CHAIR BOLOSAN: Okay. Jerrybeth, you got it.

19 Nobody wants to go for second?

20 COMMISSIONER ANDRION: (Gesturing.)

21 COMMISSIONER U'U: Second.

22 CHAIR BOLOSAN: Okay. It goes to Roberto. Go

23 ahead, yeah. Meeting adjourned. Thank you very much.

24 CORP COUNSEL DESJARDINS: Thank you. Good job.

25 VICE CHAIR BECRAFT: We've gotta vote now.

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CHAIR BOLOSAN: Oh, my goodness. I'm so ready to go. Thanks, Jamie.

To those of you who are in favor, I was saying unanimous.

(Response.)

CHAIR BOLOSAN: Okay. I guess it's unanimous. Thank you very much, Guys, Ladies and Gentlemen.

(The proceedings were adjourned at 10:19 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 April 14, 2021, at 9:00, the proceedings were 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 28th day of April, 2021, in Maui, Hawaii.



Sandra J. Gran, RPR
Hawaii CSR 424