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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
9:08 a.m., on September 8, 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
SNEHAL PATEL
STANLEY RUIDAS

STAFF PRESENT:

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

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(September 8, 2021, 9:08 a.m.)

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CHAIR BOLOSAN: The meeting of the liquor commission is now called to order. Let's have a roll call. Please acknowledge your presence by stating here or present when called upon. I want to start off with Roberto Andrion.

COMMISSIONER ANDRION: Here.

CHAIR BOLOSAN: Jamie Becraft.

VICE CHAIR BECRAFT: Present.

CHAIR BOLOSAN: Jerrybeth De Mello.

COMMISSIONER DE MELLO: Present.

CHAIR BOLOSAN: Aaron Boswell.

COMMISSIONER BOSWELL: Present.

CHAIR BOLOSAN: Okay.

COMMISSIONER BOSWELL: Present.

CHAIR BOLOSAN: Thank you.

Sylvia Ho.

COMMISSIONER HO: Yes, I'm here.

CHAIR BOLOSAN: Stanley Ruidas.

COMMISSIONER RUIDAS: Present.

CHAIR BOLOSAN: Snehal Patel.

COMMISSIONER PATEL: Present.

CHAIR BOLOSAN: Okay. Bruce is excused today.

I'd like to call on corporation counsel Mimi DesJardins.

1 CORP COUNSEL DESJARDINS: Good morning, everybody.
2 CHAIR BOLOSAN: Okay. I'd like to call on Director
3 Layne Silva.
4 DIRECTOR LAYNE N. SILVA: Here.
5 CHAIR BOLOSAN: Deputy Director Jarrett
6 Kahooahanohano.
7 DEPUTY DIRECTOR KAHOOHANOHANO: Present.
8 CHAIR BOLOSAN: Maria Khangsengsing.
9 MS. KHANGSENGSING: I'm here.
10 CHAIR BOLOSAN: Do we have Lianne Suzuki?
11 MS. SUZUKI: Yes, present.
12 CHAIR BOLOSAN: Marc Weisenfeld.
13 LCO WEISENFELD: Here.
14 CHAIR BOLOSAN: Did I miss someone, anyone?
15 (No response.)
16 CHAIR BOLOSAN: Okay. If not, we're gonna move on
17 to our agenda for September 8, 2021. May I have a motion for
18 approval?
19 COMMISSIONER ANDRION: Mr. Chair, this is Roberto
20 Andrion. Motion to approve the agenda.
21 CHAIR BOLOSAN: Okay. Robert, you've got the
22 motion. Second?
23 COMMISSIONER DE MELLO: De Mello. Second.
24 CHAIR BOLOSAN: Jerrybeth, you've got the second.
25 Okay. All in favor, say aye, please raise your hand.

1 (Response.)

2 CHAIR BOLOSAN: Okay. Opposed?

3 (No response.)

4 CHAIR BOLOSAN: Motion carried.

5 Now we have the minutes. Liquor commission minutes
6 of August 11, 2021, regular meeting, may I have a motion?

7 COMMISSIONER PATEL: I make a motion to approve the
8 minutes --

9 CHAIR BOLOSAN: Okay.

10 COMMISSIONER PATEL: -- of August 11, 2021.

11 CHAIR BOLOSAN: Okay. Sne, you've got it. Anyone
12 for second?

13 COMMISSIONER ANDRION: Roberto Andrion. Second.

14 CHAIR BOLOSAN: Okay. Robert seconded. May I have
15 a motion for approval? Oh, I did say that, right? Hang on.

16 VICE CHAIR BECRAFT: Yes, sir. We just need to
17 vote.

18 CHAIR BOLOSAN: Okay. All in favor, say aye, please
19 raise your hand.

20 (Response.)

21 CHAIR BOLOSAN: Okay. I see -- opposed?

22 (No response.)

23 CHAIR BOLOSAN: No one. Motion carried.

24 Then we have public testimony. Okay. Let me look
25 at my chat. Okay. I don't see nobody. I want to say public

1 testimony is limited to three minutes per agenda item. Please
2 sign up -- please sign up in the chat area and indicate which
3 agenda item you wish to testify on.

4 This is a public hearing, and I don't see anyone on
5 the chat area that -- yeah, I don't see any -- anyone there.
6 Because no one's there, I'm gonna close public hearing.

7 Next is General Licensing Matters. May I have a
8 motion for confirmation on Item A? Anyone?

9 VICE CHAIR BECRAFT: Mr. Chair, Jamie Becraft. I
10 make a motion to approve Item A under Section VI.

11 CHAIR BOLOSAN: Okay. Jamie, you've got the motion.
12 Second?

13 COMMISSIONER DE MELLO: Second. De Mello.

14 CHAIR BOLOSAN: Okay. Jerrybeth, you've got the
15 second. All in favor, say aye, please raise your hands.

16 (Response.)

17 CHAIR BOLOSAN: Okay. Opposed?

18 (No response.)

19 CHAIR BOLOSAN: Motion carried.

20 Next is Licensing Matter -- it's a public hearing.

21 CORP COUNSEL DESJARDINS: Chair, this is -- I'm
22 sorry, Chair, this is Mimi.

23 CHAIR BOLOSAN: Yes.

24 CORP COUNSEL DESJARDINS: Before we go further, I do
25 know that there was some written testimony --

1 CHAIR BOLOSAN: Yes.

2 CORP COUNSEL DESJARDINS: -- that came in on one of
3 the items, and so what I would ask you to do is to just ask
4 the members if there's no objection, to go ahead and to accept
5 the written testimony into the record.

6 CHAIR BOLOSAN: Okay. Thank you, Mimi.

7 CORP COUNSEL DESJARDINS: Yeah, I apologize.

8 CHAIR BOLOSAN: Yeah. Have anyone seen that written
9 testimony by Maui Chemical, Members?

10 COMMISSIONER ANDRION: Yes.

11 CHAIR BOLOSAN: Okay.

12 VICE CHAIR BECRAFT: Chair, I have read it.

13 CHAIR BOLOSAN: Okay. Any objection?

14 (No response.)

15 CHAIR BOLOSAN: You folks are okay with that? You
16 read it, right?

17 COMMISSIONER ANDRION: Yes.

18 CHAIR BOLOSAN: Okay.

19 COMMISSIONER ANDRION: Mr. Chair, Roberto Andrion.

20 CHAIR BOLOSAN: Yes, Roberto.

21 COMMISSIONER ANDRION: Is the -- is the writer of
22 the testimony present?

23 CHAIR BOLOSAN: I don't see anyone on the chat area,
24 so I suppose that person is not present.

25 COMMISSIONER ANDRION: Okay. Just I -- I read

1 the -- the testimony as well, and I just wanted some
2 clarification on his reasoning (inaudible). I don't know, I
3 guess refer this question to Mimi. Can we still go ahead and
4 approve that, even though I need some clarification, I mean,
5 for the board anyway?

6 CORP COUNSEL DESJARDINS: Well, the matter -- the
7 matter hasn't been called yet for contemplation, but what
8 you're doing at this point is just receiving written testimony
9 into the record as a formality.

10 COMMISSIONER ANDRION: Oh.

11 CORP COUNSEL DESJARDINS: And when you get to the
12 item, you folks can hash out your discussion more fully. But
13 just as a procedural matter, you just need to accept it into
14 the -- into the record.

15 CHAIR BOLOSAN: Oh, okay.

16 CORP COUNSEL DESJARDINS: Yeah.

17 CHAIR BOLOSAN: Thank you for that, Mimi.

18 CORP COUNSEL DESJARDINS: No problem.

19 CHAIR BOLOSAN: Robert, I think that matter will be
20 on Item B, yeah. We're talking about Tamura Enterprise, am I
21 right?

22 LCO WEISENFELD: Yes, that's correct.

23 CHAIR BOLOSAN: Yeah, okay.

24 COMMISSIONER ANDRION: Was there a motion -- is
25 there a second? If there is need for a second, I'll second

1 the motion to put into record.

2 CHAIR BOLOSAN: Okay. Do -- we vote on that, Mimi,
3 yeah, to accept?

4 CORP COUNSEL DESJARDINS: You can just ask does
5 anybody have any objection to receiving written testimony into
6 the record?

7 CHAIR BOLOSAN: Okay.

8 CORP COUNSEL DESJARDINS: And if there's no
9 objection from you folks, then just go ahead and receive it
10 without objection.

11 CHAIR BOLOSAN: So I'm gonna go on and try to kind
12 of repeat what corp. counsel just said. So are we okay
13 receiving that piece of testimony, Members? We're okay,
14 right?

15 VICE CHAIR BECRAFT: Aye.

16 CHAIR BOLOSAN: Okay.

17 MR. JORGENSEN: Chair, can I -- I know it's a little
18 bit out of order.

19 CHAIR BOLOSAN: Okay.

20 MR. JORGENSEN: Dave Jorgensen appearing on behalf
21 of Tamura's. We haven't received that at all. We don't know
22 anything about that. Is there a letter? Was it a letter of
23 protest, or what was it?

24 CHAIR BOLOSAN: Yes, it's -- it's some kind of
25 protest.

1 MR. JORGENSEN: 'Cause, normally, we'd be provided
2 with that prior to the hearing.

3 CHAIR BOLOSAN: Yes. We have that copy, Dave.

4 MR. JORGENSEN: I don't.

5 CHAIR BOLOSAN: You don't.

6 CORP COUNSEL DESJARDINS: Okay. Stop for one sec,
7 folks. Mr. Jorgensen, hang on. Let's ask Maria, was it
8 posted on the -- on the department's website where the agenda
9 is located, written testimony?

10 MS. KHANGSENGSING: Yes, it is.

11 CORP COUNSEL DESJARDINS: Okay. So, Mr. Jorgensen,
12 if there's written testimony that comes in -- and this one
13 came in late, I believe it came in yesterday, it would be
14 posted to the website as all written testimony. So if you
15 could go there and look at that, you would find the letter
16 prior to the item being called up for discussion.

17 MR. JORGENSEN: All right. Normally -- I'll do
18 that. Thank you. Normally, we're advised that a letter came
19 in and so we know to look for it. That's -- this is the first
20 I'm hearing about it.

21 CORP COUNSEL DESJARDINS: Yeah. I don't know
22 whether the letters previously have been published to the
23 public. They're supposed to be under the Sunshine Law.

24 MR. JORGENSEN: No, no, to the applicant.

25 CORP COUNSEL DESJARDINS: Okay. Well, I -- yeah, I

1 don't know. That's not part of our --

2 MR. JORGENSEN: Okay. I just pulled it up, so I'll
3 look at it.

4 DIRECTOR LAYNE N. SILVA: Mimi, if it's okay with
5 you, I can try and maybe clarify a little bit. Yeah, this is
6 a -- it's my understanding that this is something that came in
7 pretty late yesterday afternoon in an email. It is still in
8 the process of being verified as far as whether it can be
9 accepted as a bona fide protest or not. But Dave is correct;
10 typically, these types of -- the applicant would have been
11 provided a copy or at least notified. I believe because of
12 the late hour that we received it, is possibly why that did
13 not happen yesterday, but just to clarify as far as our
14 typical procedure.

15 CORP COUNSEL DESJARDINS: Thank you.

16 MR. JORGENSEN: Thank you.

17 DIRECTOR LAYNE N. SILVA: Yeah.

18 CHAIR BOLOSAN: Okay. Any question yet, Dave? Are
19 you --

20 CORP COUNSEL DESJARDINS: I think he was going --

21 MR. JORGENSEN: I'm okay for now.

22 CORP COUNSEL DESJARDINS: Yeah.

23 MR. JORGENSEN: Until my item's called.

24 CHAIR BOLOSAN: All right.

25 CORP COUNSEL DESJARDINS: Yeah. Just go ahead and

1 proceed. Sorry, Chair, I should have add -- told you that
2 earlier.

3 CHAIR BOLOSAN: Yes.

4 CORP COUNSEL DESJARDINS: Just go ahead.

5 CHAIR BOLOSAN: Yeah, I mean -- thank you. At least
6 everything is becoming clear. Okay. So now we can go on on
7 the licensing matter. We'll get to you, Dave, soon.

8 We have Application No. TA-06, Maalaea GCS LLC doing
9 business as Maalaea General Store. Do we have any
10 representation for this entity?

11 MS. TSUKIYAMA: Good morning, Chair Bolosan.
12 Kristine -- Commission Members and Department Staff. Kristine
13 Tsukiyama, attorney on behalf of Maalaea GSC. Also with me is
14 Doug Ewalt. You can see he was actually flying from Oahu and
15 his --

16 CHAIR BOLOSAN: Okay.

17 MS. TSUKIYAMA: -- flight was delayed, he had to
18 change planes, so he is walking through the Kahului Airport
19 right now. I was actually gonna ask if we could go second so
20 that he can get a chance to find a quiet place, but I don't
21 know if -- if Dave Jorgenson needs time to review the letter,
22 we can go.

23 MR. EWALT: I found a quiet place in a corner, if
24 that's okay, if you guys can still hear me.

25 CHAIR BOLOSAN: Yeah. You are visible, and we can

1 hear your voice clearly. Okay. So, then, is that okay
2 when -- if we can move on with this application?

3 MS. TSUKIYAMA: Yeah. It sounds quiet now. So Doug
4 is the member and owner of Maalaea GSC LLC.

5 CHAIR BOLOSAN: Okay. Then can I have Marc do the
6 reading?

7 LCO WEISENFELD: Yes.

8 CHAIR BOLOSAN: Take it away, Marc.

9 LCO WEISENFELD: Yes. Can you hear me?

10 CHAIR BOLOSAN: Yes.

11 LCO WEISENFELD: Okay. The application number is
12 TA-06. The applicant is Maalaea GSC LCC doing business as
13 Maalaea General Store and Cafe. The premises is located at
14 132 Maalaea Road, Wailuku, Maui, Hawaii. This is a public
15 hearing for a transfer of a Dispensary General, Category C(ii)
16 liquor license.

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

20 Notice of a public hearing was published in the Maui
21 News on January 21st and January 28th of 2021.

22 There are a total of 198 owners and lessees situated
23 within 500 feet of the proposed premises.

24 And the department did not receive any protests in
25 this case.

1 CHAIR BOLOSAN: Okay. Thank you, Marc.

2 Now to the applicant, do you have anything to add?

3 MS. TSUKIYAMA: Not right now.

4 MR. EWALT: No, sir.

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

8 (No response.)

9 CHAIR BOLOSAN: Okay. If there -- okay. I've
10 seen -- Robert, I've seen you raise your hand before then.

11 COMMISSIONER ANDRION: Mr. Chair, I guess this --
12 just a clarification, can I have the dates for notice of
13 public hearing read by Marc, please.

14 CHAIR BOLOSAN: Okay. Marc, can you answer that,
15 please?

16 LCO WEISENFELD: Yes, Robert. That was January 21st
17 and January 28th of this year, 2021.

18 CHAIR BOLOSAN: Okay.

19 COMMISSIONER ANDRION: The notice of public hearing
20 per the document that I'm having right now is July 21 and 28.
21 Is there -- is there -- am I reading the right thing or is
22 there --

23 LCO WEISENFELD: That's -- that's for Tamura's.

24 COMMISSIONER ANDRION: Oh, gosh. Thank -- for who?

25 LCO WEISENFELD: Tamura's, Tamura's Fine Wine &

1 Liquors.

2 COMMISSIONER ANDRION: Oh.

3 LCO WEISENFELD: We're gonna go to that next, yes.

4 COMMISSIONER ANDRION: Okay, maybe that -- 'cause
5 on -- no, I do have -- okay. I see where the problem is at.
6 Yeah, July 21st and 28th is for Tamura's, but, also, it was
7 not changed -- I'm reading Maalaea GSC LLC, and it has the
8 same information with the exception of the owner's lease at
9 100 -- at 9198, so the dates are identical to what Tamura's do
10 have.

11 MS. TSUKIYAMA: I believe you're correct. We did
12 get a letter from the department saying that the advertising
13 in the Maui News was July 21st and 28th for our hearing.

14 LCO WEISENFELD: For Tamura's. Or for --

15 MS. TSUKIYAMA: For Maalaea.

16 LCO WEISENFELD: I'm sorry, for Maalaea, yes.

17 MS. TSUKIYAMA: Yes.

18 COMMISSIONER ANDRION: Yeah, I just wanted to
19 clarify that for the record.

20 MS. TSUKIYAMA: Thank you.

21 LCO WEISENFELD: Okay.

22 CHAIR BOLOSAN: Thank you, Robert.

23 Any more from the commissioners?

24 (No response.)

25 CHAIR BOLOSAN: Okay. Any more from the applicants?

1 MS. TSUKIYAMA: No, sir.

2 CHAIR BOLOSAN: No. Okay. I don't see anyone
3 signed up for testifying either for or against, so then I
4 would like to close the hearing.

5 Before I go on, I'd like to ask the members if
6 there's any questions for the applicants?

7 (No response.)

8 CHAIR BOLOSAN: Well, if not, I'd like to call on a
9 motion to approve.

10 COMMISSIONER ANDRION: Roberto Andrion. Motion to
11 approve --

12 CHAIR BOLOSAN: Okay.

13 COMMISSIONER ANDRION: -- GSC LLC.

14 CHAIR BOLOSAN: You've got the motion. Do I have a
15 second?

16 COMMISSIONER PATEL: Second that.

17 CHAIR BOLOSAN: Who seconded?

18 COMMISSIONER PATEL: Sne Patel.

19 CHAIR BOLOSAN: Okay, Sne. All right. You've got
20 the second. All in favor, say aye.

21 (Response.)

22 CHAIR BOLOSAN: Opposed?

23 (No response.)

24 CHAIR BOLOSAN: Motion carried. Thank you very
25 much.

1 MS. TSUKIYAMA: Thank you very much.

2 CHAIR BOLOSAN: Okay. You're welcome.

3 MR. EWALT: Thank you, Commissioners.

4 CHAIR BOLOSAN: Okay. So now we can move on on
5 Application No. 09, Tamura Enterprise, Inc., doing business as
6 Tamura Fine Wine & Liquor. Will the applicant please state
7 your name?

8 MR. JORGENSEN: Good morning, Chair Bolosan, Members
9 of the Commission and Staff. My name is Dave Jorgensen. I'm
10 appearing on behalf of Tamura's Fine Wines & Liquors. I'm
11 their authorized agent. And with me is Jesse Ebones, who is
12 the general manager. Not with me, he's -- I believe he is
13 still on.

14 Jesse, say hello, so you pop up.

15 CHAIR BOLOSAN: Okay. Hello there.

16 MR. JORGENSEN: So Jesse is available as well.

17 CHAIR BOLOSAN: Okay. Thank you, Dave. So can we
18 have Marc take it away?

19 LCO WEISENFELD: Yes. This is Application No. 09,
20 as the chair had noted. The application is Tamura
21 Enterprises, Inc. doing business as Tamura's Fine Wine &
22 Liquors. The proposed premises is located at 840 Alua Street
23 in Wailuku, Maui, Hawaii. This is a public hearing for a
24 retail general liquor license.

25 The documents necessary for completing the remaining

1 application requirements for a liquor license are listed in
2 the summary report.

3 The notice of the public hearing was published in
4 the Maui News on July 21st and July 28th of 2021.

5 There are a total of 172 owners and licensees
6 situated within 500 feet of the proposed premises.

7 The department received one written testimony in
8 protest.

9 CHAIR BOLOSAN: Okay. Thank you, Marc.

10 Now to the applicant, do you have anything to add,
11 Dave?

12 MR. JORGENSEN: Sure I do. Again, I -- you know, we
13 were unaware of the letter from Maui Chemical & Paper
14 Products, which is, I think, one parcel away from this
15 location until this morning. I did -- was able to find it on
16 the website. I apologize for not realizing I needed to check
17 that. As the director mentioned, historically, we would have
18 been made aware of, but because of the last -- last-minute
19 submittal of this, my understanding is it has not been
20 verified. But looking at the letter, the first reason is
21 their -- you know, and I've known the Maui Chemical people for
22 a long time, I have a lot of aloha for them, so I don't mean
23 this to be any kind of hostile thing, but the bottom line is,
24 they don't want competition. Tamura's sells poke, TJ's
25 sells -- you know, they sell food, they sell bentos, but, you

1 know, as far as the first reason in place is -- well, maybe
2 there is, maybe there isn't, but that doesn't mean that, you
3 know, another store that offers variety and other products is
4 not appropriate.

5 The second reason as far as using the Alua Street
6 location as a distribution center, when it was opened before,
7 previously, there was an agreement -- there was an arrangement
8 that had been set up that had been discussed with former
9 Director Frank Silva and also deputy corp. counsel Traci --
10 I'm sorry, Deputy Director Traci Fujita-Villa Rosa back in
11 2014, I believe it was, explaining the arrangement that is
12 something similarly used by Sak'N Save, Safeway, Foodland,
13 Longs, other retailers, that they have a central location and
14 central buying and things like that. And that arrangement was
15 in place. You know, Maui chemical has one location, so -- I
16 don't know.

17 But as far as for right now, the premises is not
18 licensed right now, and, you know, if this arrangement is to
19 be utilized, I assume I will be meeting with Director Silva,
20 current Director Silva to discuss it. It is certainly
21 something that companies on -- other companies on Maui and
22 companies on Oahu, including Tamura's, do -- do use and
23 it's -- you know, there's a proper tracking system and
24 inventory accounting and all of that, so --

25 Anyway, I -- I guess, technically, I would object to

1 the late receipt of this notice, but those are the -- the
2 responses to that -- that protest. Other than that, you know,
3 we do -- even though the store was open previously and just
4 closed a couple years ago, we do still need to go through the
5 county approval process for the certificate of occupancy, the
6 miscellaneous inspections -- fire, waste management, and all
7 of that. My client is working on those things and the -- the
8 intent -- although in this world, especially now, business
9 plans do change, the intent is to close the Dairy Road store
10 and open up -- reopen this store in Wailuku Industrial Park.
11 Again, I can't say for a hundred percent certainty that'll
12 happen because, again, things are changing day to day, as you
13 all know, in -- in the world and the environment in Maui and
14 the economy and business every day. But to the extent that
15 that does happen, that would be one less liquor store replaced
16 by a separate liquor store, so --

17 Mr. Ebones and I are both available for any
18 questions you may have, and we thank you for your
19 consideration.

20 CHAIR BOLOSAN: Okay. Thank you, Dave.

21 I -- I'm looking at -- if there is any more
22 testifiers, either for or against your application. I don't
23 see no one in the chat area and other means of how I can look
24 at if there's any testifiers, and I don't see nothing.

25 By saying that, I will ask the members, any question

1 to applicant?

2 COMMISSIONER BOSWELL: (Gesturing.)

3 CHAIR BOLOSAN: Yes, Aaron, go ahead. Aaron, you've
4 got the floor.

5 COMMISSIONER BOSWELL: Mr. Jorgensen, you stated
6 that Maui Chemical might be in opposition as a result of
7 competition. Do they compete with Tamura's in any way?

8 MR. JORGENSEN: You know, the last time -- TJ --
9 Jesse, what's the actual name of the store over there?

10 CHAIR BOLOSAN: Maui Chemical, yeah.

11 MR. JORGENSEN: No, no, they have a store.

12 MR. EBONES: TJ's.

13 MR. JORGENSEN: TJ's.

14 CHAIR BOLOSAN: TJ's.

15 MR. JORGENSEN: TJ's sells alcohol, they sell poke,
16 they sell plate lunches, they sell bentos, they sell food, so
17 they -- they're in direct competition, yes. They're owned by
18 Maui Chemical Company.

19 COMMISSIONER BOSWELL: Thank you.

20 MR. JORGENSEN: You're welcome.

21 CHAIR BOLOSAN: Okay. Thank you. Thank you, Aaron.
22 Any more from the commissioners?

23 (No response.)

24 CHAIR BOLOSAN: Okay. If not, I --

25 COMMISSIONER PATEL: Chair.

1 VICE CHAIR BECRAFT: Mr. Chair, Sne.

2 CHAIR BOLOSAN: Sne, go ahead. You've got the
3 floor.

4 COMMISSIONER PATEL: Yeah, I had one question. So
5 the -- this was already operating as an establishment that
6 served food, you said, in 2014, so it had prior to that?

7 MR. JORGENSEN: I think it was prior. I don't
8 actually have that file in front of me, but I know the meeting
9 we had with Mr. Frank Silva was in the fall of 2014. My
10 client was open at that location prior to that date, and then
11 we had a discussion with liquor, and there was some questions
12 asked which we replied to in that -- the fall. I don't know
13 if staff knows offhand when the prior license was. I
14 apologize; I don't have that right in front of me.

15 COMMISSIONER PATEL: So there was an intent -- there
16 was an intent that perhaps it could go this route at some
17 point that you would use this facility or location as retail
18 liquor?

19 MR. JORGENSEN: It was. I'm sorry, it was, yes. At
20 that time, we did have a liquor license, it was a retail store
21 prior to October 2014, and then my client, for business
22 purposes, closed that store in 2019, but then, again, for
23 business purposes, decided it was gonna reopen that location.
24 On the issue of -- you know, there is the store by the Wailuku
25 Post Office. For any of you that have been in there, the

1 liquor section there is very small; it's much more of a
2 grocery store. It does have a liquor license, but -- so the
3 different Tamura's Fine Wine & Liquors locations around Maui
4 have different levels, different extent of inventory, of
5 liquor selection, so -- but it had -- it was used -- it was
6 open as a food, grocery, and liquor store for approximately
7 five years, four or five years, and then closed in 2019, and
8 then this is the -- the action we're taking to reopen that
9 exact location.

10 COMMISSIONER PATEL: Okay. Yeah, thank you for that
11 clarification. I know in business right now a lot of people
12 are pivoting, have to change things, just the way the times
13 are, so appreciate that.

14 MR. JORGENSEN: Yes. Thank you for your question,
15 sir.

16 CHAIR BOLOSAN: Okay. Thank you, Sne.

17 COMMISSIONER ANDRION: (Gesturing.)

18 CHAIR BOLOSAN: Okay. Go ahead, Robert. You have
19 the floor.

20 COMMISSIONER ANDRION: And this is, again, just for
21 clarification. The license applied for is -- is a general --
22 retail general, but the -- the allegation on the second reason
23 is the -- stated as a distribution center. Would that make a
24 difference in the application if it was so? I mean, that's
25 just my question; I guess that would be to Director Silva.

1 DIRECTOR LAYNE N. SILVA: Yeah, that would make no
2 difference because the type of liquor license that they're
3 applying for is for a retail general. So ultimately, in order
4 to be used as, as they say, a distribution center, that would
5 require additional paperwork and a permit to allow that type
6 of thing. I am aware of what, you know, Dave Jorgenson is --
7 is talking about as far as an existing permit that did exist
8 in the past that allowed for that, but that would be something
9 that we would have to revisit in order for that to be able to
10 happen again. But the actual type of liquor license that
11 they're applying for is a retail general.

12 COMMISSIONER ANDRION: Okay. So -- so if they're
13 applying for a retail general and should they become -- should
14 they become a distribution center per se, as stated in the
15 second reason --

16 DIRECTOR LAYNE N. SILVA: And maybe I should clarify
17 just a little bit as far as what that means, because to be
18 perfectly honest with you, there is no such thing, that
19 doesn't really exist. It may kind of imply that they would be
20 able to operate as a wholesale or a distributor, but if I'm
21 not -- if I'm correct in my memory, the permit that they had
22 received specifically allowed for that particular location to
23 receive shipments of liquor for Tamura's that was being
24 allowed to be distributed out to the other Tamura stores such
25 as the Lahaina location, the Dairy Road location, you know,

1 and distributed in that way, not -- not in the way of a
2 general distribution where they would be able to provide
3 liquor for any other licensee other than themselves.

4 COMMISSIONER ANDRION: Okay. Understood. Thank
5 you.

6 CHAIR BOLOSAN: Thank you, Robert.

7 Any more from --

8 COMMISSIONER BOSWELL: (Gesturing.)

9 CHAIR BOLOSAN: Okay. Aaron, you get the floor. Go
10 ahead.

11 COMMISSIONER BOSWELL: So in the complaint, it also
12 says that there is a -- a Tamura's three-quarters of a mile
13 away. Do they have the intention of keeping both stores open
14 retail?

15 MR. JORGENSEN: Yes. If I may, thank you for that
16 question. I mentioned earlier, there is the new Tamura's that
17 opened next to the Wailuku Post Office, so as the crow flies,
18 maybe a half-mile away, that store is predominantly a grocery
19 store and deli, poke, that kind of thing. In the front corner
20 of the store, there's a small liquor section. Yes, that store
21 was just opened, it's -- we're not going to be closing that
22 store any time soon. The Alua Street store is, at least --
23 again, the industry, the market changes regularly, but right
24 now, that is intended to be more of a liquor store. When it
25 was previously opened, it was more of a -- it had much more of

1 a plate lunch and a grocery store environment, relatively
2 small, but now this would be -- at least the current plan,
3 this would be more of a liquor store, in theory, to ultimately
4 replace the Tamura's on Dairy Road, which is -- has some other
5 products, has a poke section, but is -- is a liquor store, I
6 mean, that is what it is, so -- but, yes, there is -- there is
7 one not far away, but it is really a different product mix
8 that would be in there.

9 COMMISSIONER BOSWELL: Thank you.

10 CHAIR BOLOSAN: That satisfy your question, Aaron?

11 COMMISSIONER BOSWELL: (Gesturing.)

12 CHAIR BOLOSAN: Thank you.

13 Any more from the commissioners?

14 (No response.)

15 CHAIR BOLOSAN: If not.

16 COMMISSIONER HO: Yes. Actually, I would like to
17 ask a question.

18 CHAIR BOLOSAN: Okay.

19 COMMISSIONER HO: This is Sylvia.

20 CHAIR BOLOSAN: Go ahead, Sylvia, you have the
21 floor.

22 COMMISSIONER HO: Okay. Listening to all of the
23 conversation that we just had, I just want to clarify. So the
24 license is actually -- it was an existing store, am I correct,
25 Dave?

1 MR. JORGENSEN: Yes.

2 COMMISSIONER HO: Okay. And then now -- so instead
3 of just a retail general, then they would like to include
4 distribution of liquor to the other stores?

5 MR. JORGENSEN: No. Well, no, when the other store
6 was open, it was a retail license. The practice with many
7 retailers on Maui and definitely on Oahu, including Tamura's
8 stores on Oahu, was that they would have a central location or
9 on Oahu maybe a couple central locations where the liquor, the
10 beer, the wine, the alcohol would come -- the liquor would
11 come in and then be, quote, distributed to their other stores
12 around the island. So more for economies of scale in
13 purchasing, for efficiencies in deliveries, for purposes like
14 that. That was the case with the prior store; that is what
15 happened. That was approved by the liquor department back
16 then. Then that store closed for a couple years for business
17 purposes, and now we want to reopen that store. Frankly, I
18 haven't even had this discussion with my clients; if they want
19 to do that again, I (inaudible).

20 Can you still hear me?

21 COMMISSIONER HO: Yeah. Actually, was -- there was
22 a pause, so -- okay, I can hear you now.

23 MR. JORGENSEN: Sorry about that. But I -- you
24 know, and Mr. Ebones is on the phone, but it would be a
25 discussion I'd be having with Glenn Tamura, who,

1 unfortunately, had to go back to Oahu and was tied up this
2 morning, but -- but that is -- that would be a logical thing
3 for us to approach the department and discuss as this license
4 moves along. As I said, there are some county approvals we
5 still have to get, so if this is approved today, we're not
6 ready to open immediately anyway. But as Director Silva
7 mentioned, that is something that the department would need
8 documentation and certain -- certain things to be done by us
9 if that is going to be done again.

10 But to answer your question, number one, as Director
11 Silva clarified, this is not a distribution center to be
12 distributed to bars and restaurants and local stores and
13 things like that. It is just within the Tamura's Enterprises,
14 Inc. family on Oahu and Maui. And whether or not this
15 location would again do what we had done before with the
16 department is something that we will be having that -- I will
17 be having that discussion with my client and then with the
18 department in the near future.

19 COMMISSIONER HO: Thank you. So, basically, this is
20 just to reopen the store; it was closed before?

21 MR. JORGENSEN: Yes.

22 COMMISSIONER HO: And then even though -- so would
23 it be a central location to receive the liquor and then so
24 they can distribute to their own Tamura store, right?

25 MR. JORGENSEN: It may be. We're not -- we're not

1 really to that point in the discussion, but that is likely,
2 and I will be suggesting that to my client or encouraging
3 that, I guess would be a better word, but it would be just to
4 the Tamura's stores currently on Dairy Road, by the post
5 office in Wailuku, Lahaina, and Kihei.

6 COMMISSIONER HO: Thank you.

7 CHAIR BOLOSAN: Thank you, Silva.

8 MR. JORGENSEN: Thank you for your question.

9 CHAIR BOLOSAN: Any more questions from the
10 commissioners?

11 DIRECTOR LAYNE N. SILVA: (Gesturing.)

12 CHAIR BOLOSAN: Okay. Layne, you want to interject.

13 DIRECTOR LAYNE N. SILVA: Yeah, if it's okay. And,
14 Mimi, please let me know if I'm overstepping. But I just want
15 to make sure everyone is clear and understands that what you
16 will be making a motion on today and voting on, whether you
17 vote to approve or not, is specifically for a retail general
18 license. It has nothing to do with any form of distributing
19 of liquor any type of distribution license. It is
20 specifically for a retail general license, just like any other
21 retail outlet, just to make sure that everyone is perfectly
22 clear on that and that we haven't muddied the water at all
23 with that distribution conversation. And that's all I have.

24 COMMISSIONER ANDRION: Chair, I call for the
25 question.

1 CHAIR BOLOSAN: Okay, Robert. Okay.

2 COMMISSIONER ANDRION: The question. I would like
3 to call for the question, please.

4 CORP COUNSEL DESJARDINS: I think -- has a motion
5 been made already?

6 CHAIR BOLOSAN: No.

7 CORP COUNSEL DESJARDINS: Okay.

8 CHAIR BOLOSAN: At least not --

9 CORP COUNSEL DESJARDINS: Somebody needs to make a
10 motion first.

11 CHAIR BOLOSAN: Okay.

12 VICE CHAIR BECRAFT: Mr. Chair, Mr. Chair, Jamie
13 Becraft. I make a motion to approve for the Application
14 No. TA-06.

15 CHAIR BOLOSAN: Yes, thank you.

16 COMMISSIONER ANDRION: Roberto Andrion.

17 VICE CHAIR BECRAFT: I'm sorry, TA -- Application
18 No. 9. I'm sorry.

19 CHAIR BOLOSAN: Okay. Thank you, Jamie.

20 Second?

21 COMMISSIONER ANDRION: Roberto Andrion. Second.

22 CHAIR BOLOSAN: Okay. Then I'd like to ask all in
23 favor, say aye.

24 (Response.)

25 CHAIR BOLOSAN: Okay. Opposed?

1 (No response.)

2 CHAIR BOLOSAN: Okay. Motion carried.

3 MR. JORGENSEN: Thank you very much. Have a great
4 day.

5 CHAIR BOLOSAN: Thank you, Dave.

6 Okay. We're gonna be moving on to Administrative
7 Affairs, director's Monthly Report, A Item -- Item A-1, 2, 3
8 4, 5. Layne, can I have you go through this?

9 DIRECTOR LAYNE N. SILVA: Yes, absolutely.

10 Good morning, everyone. For the Director's Monthly
11 Report, Item No. 1, COVID-19 Public Health Emergency Rules
12 Violation, there have been no 24-hour shutdowns. As I know
13 you're probably all aware that there has been a lot of
14 changes, the changes are happening very quickly and sometimes
15 daily, and the department is staying up to par with what the
16 most current regulations are. Right now, we're looking
17 forward to another change that is expected to become effective
18 on September 15th. As of right now, those changes are still
19 in discussion phase; there hasn't been anything submitted in
20 writing or become effective yet. And as soon as those do,
21 they will be included in our -- in our enforcement process.
22 So that's about all I have as far as the PHERs, the Public
23 Health Emergency Rules go. If anybody has any questions, I'd
24 be happy to answer.

25 COMMISSIONER ANDRION: (Gesturing.)

1 DIRECTOR LAYNE N. SILVA: Bobbie.

2 COMMISSIONER ANDRION: Director Silva, this mandate
3 that you're talking about is that -- so you said that it has
4 not been approved yet as far as the -- the five in a room, is
5 that what -- is that your understanding?

6 DIRECTOR LAYNE N. SILVA: You're talking about the
7 changes that are set to take effect on September 15th?

8 COMMISSIONER ANDRION: September 15th, that is
9 correct.

10 DIRECTOR LAYNE N. SILVA: Yeah. As far as I know,
11 there -- they do exist; they just have not taken effect yet.
12 I am expecting to have further conversation with the managing
13 director and the mayor's office in regards to those rules as
14 far as fine-tuning what we're -- exactly what it will end up
15 being.

16 COMMISSIONER ANDRION: Okay. How -- how -- I'm
17 sorry, just another question. How would that -- how would
18 that affect the department in the sense of if this happened on
19 the 15th, how would -- how would that particular ruling be
20 addressed in your department?

21 DIRECTOR LAYNE N. SILVA: You know, to be perfectly
22 honest with you, throughout the -- this whole COVID situation,
23 everything is very fluid, the changes are rapid. And I don't
24 know that I would say that it would affect the department in
25 any adverse way; it's just that we would have to adapt and

1 adapt very quickly, which we have been able to do throughout
2 this process.

3 COMMISSIONER ANDRION: Okay. Thank you.

4 CHAIR BOLOSAN: Thank you, Robert.

5 Sne, go ahead. You have the floor.

6 COMMISSIONER PATEL: Thank you, Chair.

7 So, Layne, one of the things is that I was reading
8 an article on some communication by the mayor's office and the
9 managing director stating that they're going to be relying on
10 the liquor department for enforcement, you know, and so I just
11 want to know, as this comes along on September 15th and it
12 goes the way I think everyone thinks it's gonna go, are we set
13 up manpower-wise? Do we have the capacity to do what the
14 mayor is asking us to?

15 DIRECTOR LAYNE N. SILVA: Yes, we do. And we have
16 been all along, actually. You know, the department was tasked
17 very early on in this pandemic to basically be the enforcement
18 arm of the Public Health Emergency Rules that have been come
19 out and -- and changing, you know, throughout the pandemic.
20 But, yeah, we have been, I would say, very effective and very
21 capable to be that, and we have been that this whole time.
22 It'll continue on. There are definitely challenges, you know,
23 because a lot of this is -- you're kind of shooting from the
24 hip; we're learning as we go. But, you know, it has been
25 quite some time yet, I believe that we have adapted very well.

1 COMMISSIONER PATEL: Thank you.

2 CHAIR BOLOSAN: Thank you, Sne.

3 Anyone from the commissioners?

4 COMMISSIONER DE MELLO: (Gesturing.)

5 CHAIR BOLOSAN: Do I see you, Jerrybeth? Go ahead.

6 COMMISSIONER DE MELLO: Layne.

7 DIRECTOR LAYNE N. SILVA: Yeah.

8 COMMISSIONER DE MELLO: Do you see the department
9 facing a -- some choices with the members about that, you
10 know, they don't want to take the vaccine because there's some
11 community -- community leaders and a lot of people are -- are
12 in this little globe stating that they -- they have choices
13 what happens to their body, and some of them don't want to
14 take the vaccine, and if they've gotta take the -- what you
15 call, the COVID tests, they're more leaning towards that than
16 having the vaccine. So what is your take on that?

17 DIRECTOR LAYNE N. SILVA: That -- just so I can make
18 sure that I'm understanding the question, are you talking
19 about within the department, or are you talking about within
20 the society in general? I'm not sure.

21 COMMISSIONER DE MELLO: No, the department, the
22 department.

23 DIRECTOR LAYNE N. SILVA: Well, as to not disclose
24 any information that I'm not supposed to disclose, I can tell
25 you this, that a majority of the department is vaccinated.

1 And, you know, because there was no -- I know it was being
2 represented as a mandate, a vaccine mandate, but there is a
3 choice, and these are rules that are coming from well above
4 me, and your option is to either be vaccinated or to provide a
5 negative COVID-19 test weekly. I -- I do respect people's
6 choice and their ability to make that choice. I made my
7 choice. So, you know, if -- if you're not willing to get the
8 vaccine, you are willing to provide a negative COVID-19 test,
9 I have no problem with that. I respect the ability for people
10 to make their own choice.

11 COMMISSIONER DE MELLO: Thank you.

12 CHAIR BOLOSAN: Thank you, Jerrybeth.

13 Aaron, did you -- did I see you raise your hand?

14 COMMISSIONER BOSWELL: (Shaking head.)

15 CHAIR BOLOSAN: Oh, okay. There's some flickering
16 stuff going on in my computer.

17 And, Jamie, I don't see you, buddy --

18 DIRECTOR LAYNE N. SILVA: Stan has his hand up.

19 CHAIR BOLOSAN: -- so if you'd like to speak out,
20 just speak out, 'cause I don't see your -- you on the video.

21 VICE CHAIR BECRAFT: Yeah, I'm having issues; I
22 can't get it to do that.

23 CHAIR BOLOSAN: Yeah.

24 VICE CHAIR BECRAFT: But I'll definitely speak, but
25 I do see that Stan is trying to -- to address us.

1 CHAIR BOLOSAN: Oh, okay. Stan, I don't see you on
2 the video, either. So when, you know, I don't see you, you
3 just speak out. So don't think that I'm trying to avoid you
4 guys. Jamie, I don't see you on the video, and Stan. Stan,
5 are you there?

6 COMMISSIONER RUIDAS: Yeah, yeah. I've got a
7 question for Layne.

8 CHAIR BOLOSAN: Okay.

9 COMMISSIONER RUIDAS: Layne, is that, you know, the
10 takeout in original packaging still in effect, or did it
11 expire?

12 DIRECTOR LAYNE N. SILVA: No, it is still in effect,
13 and it will remain in effect -- I believe you're talking about
14 the rules that were passed by the commission, the emergency
15 rules?

16 COMMISSIONER RUIDAS: Yes.

17 DIRECTOR LAYNE N. SILVA: I believe those will
18 remain in effect up until such a time as the governor's
19 proclamation comes to an end, with some of them having
20 additional expiration dates added to them.

21 COMMISSIONER RUIDAS: Okay. 'Cause I -- I was
22 watching -- you know, I'm not on Maui, but I see what's
23 happening and, you know, we always try to back up the
24 licensees and -- and their businesses, so I think we're gonna
25 have to do a lot of that kind of takeout again. Thank you.

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

2 CHAIR BOLOSAN: Thank you, Stan.

3 Any more from the body? Commissioners?

4 CORP COUNSEL DESJARDINS: Chair.

5 CHAIR BOLOSAN: Okay.

6 CORP COUNSEL DESJARDINS: Chair, this is Mimi.

7 CHAIR BOLOSAN: Okay.

8 CORP COUNSEL DESJARDINS: I just want -- I just want
9 to point out that the agenda doesn't have these things on it,
10 and I really -- if we want to have a broader discussion about
11 COVID in general, we should agendize that.

12 CHAIR BOLOSAN: Oh, okay.

13 CORP COUNSEL DESJARDINS: The only thing on today is
14 just public health shutdown; the report should be just that
15 there were none and move on. But if the commission feels,
16 because of the changing -- constantly changing rules, that
17 that needs to be an item that is a standing item, then we
18 should think about agendizing that so the public can be aware
19 of that. But otherwise, the rest of discussion about vaccines
20 and things is really not on the -- on the agenda.

21 CHAIR BOLOSAN: Okay.

22 CORP COUNSEL DESJARDINS: Thank you.

23 CHAIR BOLOSAN: You want to go ahead, Layne.

24 DIRECTOR LAYNE N. SILVA: Okay. If nothing more on
25 Item No. 1, from Item No. 2 through 5, I am actually gonna

1 hand it over to Jarrett. Jarrett will go over those items
2 with you, some statistics to share with you guys as far as
3 what we have been doing as a department that doesn't typically
4 be seen, just kind of the stuff that goes on behind the
5 scenes, just for your information.

6 Jarrett, you can go ahead.

7 DEPUTY DIRECTOR KAHOOHANOHANO: Okay. Good morning.
8 So, basically, we've got the minor employment registration,
9 and that's basically where we have minors under the age of 18,
10 between 18 and 16 years old, that register for employment for
11 liquor-licensed premises, and they're only allowed to work
12 in -- in the hotels, retail stores, and restaurants. So for
13 the months of July and August, so far July, we had seven cards
14 issued for minor registration, and in August we had 10 cards
15 issued so far.

16 Certification exam attendance for the month of July:
17 We had three classes in July, and we issued 67 cards in the
18 month of July. August, we have -- on the agenda, it says one
19 class, as -- since then, we've had another class, so we have a
20 total of 41 -- 42 cards issued for the month of August. So
21 that's the certification cards that everybody's trying to get,
22 get ahold to gain employment for liquor-licensed premises.
23 And we do have three -- three exams set up for September, so
24 we're trying -- we're trying to move that along and get more
25 card -- people available with their cards.

1 Certification exams -- I'm sorry, again, No. 4,
2 certification exams were scheduled for September 14, 21st, and
3 the 28th.

4 And, of course, the total number of liquor licenses:
5 For Fiscal Year 2020, we had 445; for 2021, we had 436; and
6 our current stands at 443. So it's not much difference.
7 There's peaks and valleys, but we've stayed around the same
8 normally.

9 VICE CHAIR BECRAFT: Mr. Chair.

10 CHAIR BOLOSAN: Okay. Yes, Jamie, go ahead.

11 VICE CHAIR BECRAFT: Chair, I have a question for
12 Jarrett.

13 CHAIR BOLOSAN: Yes, you may go ahead.

14 VICE CHAIR BECRAFT: Thank you.

15 Jarrett, under your -- the certification exams and
16 education classes, what -- could you explain to me what the
17 process is now, how it is that people would sign up for that,
18 what type of notification they're given, and where -- where
19 are we at with that as compared to -- I know before we -- we
20 kind of had a call -- phone in the day before system. Where
21 are we at now?

22 DEPUTY DIRECTOR KAHOOHANO: Unfortunately,
23 we're -- for the month of September, we're still doing the
24 phone-in registration because we haven't had IT set us up with
25 our email. Because what we want -- what we want to do is have

1 an email registration opening on the 1st of the month, and
2 then we'd go first-come, first-served basis on the -- on the
3 timestamp on each email, instead of having them call the day
4 before to -- and they would have to cut out two days of work
5 or whatever it is, we want to get them signed up, I'll contact
6 them when -- after we have it all registered, give them all
7 the information. But right now, we haven't got that email set
8 up through IT yet, but we are -- we actually have the ticket
9 and the information that said that they're currently working
10 on it. So we're going to push that as quickly as possible so
11 we can make it a lot easier for people to register.

12 VICE CHAIR BECRAFT: So are they presently still the
13 same as I had read a month or so ago, maybe two months? I'm
14 not real good with time, I apologize, but I had read that
15 one -- I brought it up to you where -- is it still that same
16 system where they have to call in the day before, and they
17 only have one hour to call to set up for the next day?

18 DEPUTY DIRECTOR KAHOOHANOHANO: Yeah.
19 Unfortunately, that's -- that's where it stands as of right
20 now.

21 VICE CHAIR BECRAFT: We -- we can't change that so
22 that it's like a week before so like -- we had had a talk
23 before about how -- how difficult that would be to -- you
24 know, as giving an example, I have to call you on Thursday to
25 let me know whether or not I'm gonna be able to test on

1 Friday. Okay. We can't move that to like give them a week so
2 they can have time to adjust their work schedule and anything
3 like that?

4 DEPUTY DIRECTOR KAHOOHANO: I mean, it's --
5 there already has been posted, so we can -- I don't know if we
6 have enough time to change it to give enough information --
7 enough time for people to -- I guess to respond to it.

8 VICE CHAIR BECRAFT: Okay. So just so I'm clear,
9 then, so it's still the same, they have one hour to call the
10 day before, and if they get in on that hour, then they're out?

11 DEPUTY DIRECTOR KAHOOHANO: Yes.

12 VICE CHAIR BECRAFT: Well, I would -- I have
13 spoken -- I guess, Director Silva, are you still there?

14 DIRECTOR LAYNE N. SILVA: Yes, Jamie.

15 VICE CHAIR BECRAFT: Yeah. We spoke about this, I
16 know, before, and I thought it had changed. It just -- I
17 just -- I just find that to be too cumbersome and asking a lot
18 of our people to -- I don't know why we can't move that or
19 change it so that at least give them more time to call, maybe
20 a week before. 'Cause it still seems to me that the system --
21 and I was under the impression that it had been corrected, but
22 the -- you know, to have people only have an hour to call the
23 day before, not to know whether or not they need to take the
24 following day off, is just asking a lot.

25 DIRECTOR LAYNE N. SILVA: Yeah, that is true. We

1 have been looking into that. I think the issue we ran into
2 this time is we were -- we were hoping and counting on that
3 email to happen a lot quicker. And by the time we were
4 informed that it was not gonna be available for the beginning
5 of September, we were already into the phase where a press
6 release had to be made and posted. However, not to say that
7 that is carved in stone, and that is definitely something that
8 we are looking into and to consider -- whether we get the
9 email address or not, moving the -- the call times and days to
10 an earlier date is definitely something that we will be
11 looking into.

12 VICE CHAIR BECRAFT: Yeah. I mean, it just doesn't
13 seem -- because I know we've been talking about this for
14 you -- you, I, and Jarrett --

15 DIRECTOR LAYNE N. SILVA: Yeah.

16 VICE CHAIR BECRAFT: -- we've spoken of this, you
17 know, like I want to say a month ago, maybe more. You know,
18 it just doesn't seem to me like it would be that much -- that
19 difficult to say, hey, call me on Monday, and I'll let you
20 know whether or not you're in next week Thursday or Tuesday's
21 class so that they have time to -- you know, they don't have
22 to -- 'cause the system that we're using now just seems to be
23 too demanding that -- you know, that -- to tell me I have to
24 call on a Thursday and I have to be available to take off
25 Friday, which means I would have to already take off Friday.

1 And then if I don't get in, then I've changed my schedule and
2 not been able to work and -- it just -- it's just asking too
3 much.

4 DIRECTOR LAYNE N. SILVA: Yeah, that's a good point.
5 To be perfectly honest with you, I hope the next time we have
6 this conversation; it is going to be to talk about how the
7 email registration is working. But like I said, I believe
8 that that is something that we can look into as far as making
9 those changes.

10 VICE CHAIR BECRAFT: Yeah. I guess my final thought
11 on that is I really thought last month we had talked about the
12 same thing, came to the same conclusion, and I thought we
13 had -- we were gonna make some changes already. That's all I
14 have. Thank you.

15 CHAIR BOLOSAN: Thank you, Jamie.

16 Okay.

17 DIRECTOR LAYNE N. SILVA: Bobbie.

18 CHAIR BOLOSAN: Bobbie, go ahead. I don't see you
19 on my screen, that's why, so -- go ahead. You have the floor.

20 VICE CHAIR BECRAFT: I think you're muted, Bobbie.
21 Bobbie, I think you're muted.

22 COMMISSIONER ANDRION: Okay. Mr. Chair, just a
23 follow-up question to -- to Director Silva --

24 CHAIR BOLOSAN: Go ahead.

25 COMMISSIONER ANDRION: -- on the topic as far as

1 getting an email, is that -- is that some sort of a system
2 that would allow people to email you, is that what
3 Commissioner Becraft is asking?

4 DIRECTOR LAYNE N. SILVA: I believe -- well, yes,
5 our intention was and, you know, in our efforts to try to join
6 the rest of the world in the electronic age, would be to
7 implement an email address within the department that people
8 could send an email reservation to reserve their spot in the
9 certification exam because the -- the spaces are limited. And
10 that would ease up some of the burden of having to call the
11 day before the exam to reserve a spot in the following day's
12 exam. And I believe that's what Commissioner Becraft is -- is
13 referring to, as well as I -- I also believe that he's
14 mentioning to possibly move the call-in date to an earlier
15 date, not just the day before the exam, in order to reserve
16 your spot in the -- the next day's exam. Again, like I
17 mentioned earlier, the hopes were that this email address was
18 to be set up for use prior to September 1st to be able to
19 accommodate the exams that are coming up in September. That
20 did not happen, so it -- basically, the process, for lack of a
21 better way to explain it, got stuck in the way that it already
22 was set up, which was calling in the day before. However,
23 it's a very good suggestion, and we are definitely gonna look
24 into -- if this email address is gonna take much longer, which
25 I did not expect, then we definitely do need to look at

1 another option as far as possibly moving the call-in date to
2 an earlier date.

3 COMMISSIONER ANDRION: So the call-in date, if it's
4 the day before, and I can see the concern with Commissioner
5 Jamie, that if I was gonna call on the Thursday to get an
6 appointment on Friday, that call, is that to a person? Is
7 that -- do you have a system where you can call it in and
8 leave a message for somebody?

9 DIRECTOR LAYNE N. SILVA: Actually, no, it's -- it
10 is to -- Deputy Director Jarrett Kahoohanohano is actually
11 answering all those calls personally and accepting those
12 reservations. I have heard it compared to calling in to the
13 radio station to try to win a prize, where if you call and,
14 you know, if you're lucky, you get in; if not, not so lucky.
15 So it is very cumbersome, it is very difficult; I do believe
16 the email method is going to be a much better way to perform
17 that task, but at the -- at the same time, you know, with the
18 understanding that there were no tests being given prior to.
19 And, you know, again, trying to evolve and trying to keep up
20 with the pandemic, these are things that we're -- we're just
21 putting into play and learning as we go. Prior to this
22 process, there were no exams being given and no cards being
23 issued based on the COVID. So, you know, our focus was to try
24 to get as many cards issued to allow for as many people to
25 become employable as possible while during this -- the COVID

1 is still going on. But we are learning as we go, and it is a
2 learning process.

3 VICE CHAIR BECRAFT: Mr. Chair.

4 CHAIR BOLOSAN: Yes, Jamie, go ahead.

5 VICE CHAIR BECRAFT: May I just expound a little bit
6 for the -- all the commissioners, because maybe -- I know
7 everybody doesn't know what happened.

8 CHAIR BOLOSAN: Okay. Go ahead.

9 VICE CHAIR BECRAFT: If you don't mind, I'll expound
10 a little bit upon --

11 CHAIR BOLOSAN: Yes.

12 VICE CHAIR BECRAFT: -- how this occurred.

13 CHAIR BOLOSAN: Go ahead.

14 VICE CHAIR BECRAFT: So a couple months ago, they
15 sent out a notice for all the -- you know, we'd all been
16 talking about, you know, people getting their blue cards and
17 whatnot, being able to do service and all this. And a couple
18 months ago, they sent out a notice, and I had received that,
19 you know, I had seen a copy of that notice, and that notice
20 essentially says what's been explained. If you're in need of
21 a card -- which we know a lot of people are, and it's been
22 pushed back and whatnot and people are trying to apply because
23 everything had been shut down for a while -- that you needed
24 to do, as the director was saying -- I hadn't heard this, but
25 it makes sense, you know, you need to make the phone call and

1 try to win the lottery, I guess, and they gave you one hour.
2 It's like all of these people need cards, and so they
3 literally said call us the day before between 8:00 and
4 9:00 a.m., and we'll let you know whether or not you can test
5 the following day. And so I brought it up with them and
6 talked to them about it and -- and it was -- it was to talk
7 about -- and this was a month ago, at least -- that, you know,
8 that I thought it was a little bit cumbersome and there might
9 be a better solution to that because -- because as I was
10 saying, the -- you would have to literally take off the next
11 day. I don't know too many people's schedules that's so
12 flexible that you could call in on Thursday and just take off
13 Friday; you'd have to do it in advance.

14 The other thing I pointed out was with all these
15 people if you only have one hour to call, I mean, if it was a
16 two-minute call back to back to back, the max you could talk
17 would be 30 people, but I'm sure it would be more than a two-
18 minute call, so one hour isn't an appropriate amount of time,
19 the volume of people that we have. And I understand the
20 director's thing saying, well, this is at least better than
21 what we had, 'cause we weren't able to test; however, it seems
22 to me that it's -- it's a simple step to at least take away
23 the "call me the day before" and take away the one hour. You
24 know, I appreciate, I'm sure, that Jarrett has a lot of things
25 to do, but, you know, I think that that just should be open if

1 it's gonna be a phone call. You know, like call me on Monday,
2 you know, any time Monday, not you have one hour, and then
3 we'll let you know if next week Thursday. And I was under the
4 impression from our last meeting that we had from the
5 director, the director told me that it was in play, was the --
6 and I had -- I had suggested the email process, and I was told
7 that it was in play. Only -- only now I'm learning that it's
8 not in play, and they're still making them call in the day
9 before. And I'm just -- my thing is it's just to make it
10 easier, you know. So that's -- that's the background of this,
11 you know, this is -- and there's -- and that's where we are,
12 so that's -- just so everybody knows what -- how this came
13 about.

14 COMMISSIONER PATEL: (Gesturing.)

15 CHAIR BOLOSAN: Okay, thank you, Jamie. Are you
16 finished?

17 VICE CHAIR BECRAFT: Yes.

18 CHAIR BOLOSAN: I don't see on your video.

19 So, Sne, go ahead. You have the floor.

20 COMMISSIONER PATEL: Yeah, there's already an email,
21 right, that, Jarrett, you have, right? You have an email set
22 up through IT specifically for you?

23 DEPUTY DIRECTOR KAHOOHANO: We -- we tried --
24 not my personal email for the county, but we -- we had put in
25 a request for an email separate for the certification exam,

1 so -- because we're gonna get all these requests, it's gonna,
2 you know, crash -- crash the system or whatever it is. But we
3 wanted to have a specific email for just that so they can --
4 they can put in -- they can even ask questions about the
5 certification exam, not just for registration. So, you know,
6 keep it separate, because we're gonna have a large number of
7 people put in requests during that -- during the month when we
8 do utilize it. So I don't have one effective now specific for
9 that; we're still waiting on IT to get that together.

10 COMMISSIONER PATEL: But you have your -- your email
11 address that you can --

12 DEPUTY DIRECTOR KAHOOHANOHANO: I have my -- I have
13 a personal email address for the -- for the county.

14 COMMISSIONER PATEL: Yeah. Okay.

15 VICE CHAIR BECRAFT: Mr. Chair, if I could expound
16 upon that.

17 CHAIR BOLOSAN: Go ahead, Jamie.

18 VICE CHAIR BECRAFT: We had -- that's another thing
19 we had talked about at the time, correct, Jarrett? If you
20 recall, Jarrett, is that I think what we concluded was you're
21 hoping to get a separate email, and then you were going proxy
22 that to your personal email. Which is a county email, right,
23 the jarrett.kahoohanohano.maui.hawaii, whatever that -- the
24 regular county email, correct?

25 DEPUTY DIRECTOR KAHOOHANOHANO: It's proxy to me,

1 but it's a separate email.

2 VICE CHAIR BECRAFT: Correct.

3 DEPUTY DIRECTOR KAHOOHANO: It would be -- yeah.

4 VICE CHAIR BECRAFT: Okay. So just so everybody
5 understands and I -- I used to have the same email system, so
6 I used to have proxied other emails to like when I was doing
7 recruiting in the past. So that just means that when you send
8 it out to the public, it may be easier for them to see, like
9 if you were to say, you know, apply at liquor.com or something
10 like that, I'm not sure, that they would hit that. But it
11 would just go -- but that would go to your -- when you'd open
12 your personal email, all those emails would be there because
13 it's proxied in, so --

14 COMMISSIONER PATEL: And that's what I was getting
15 at is you could just make an alias off of your email that says
16 test@liquor whatever, and then it would filter into your
17 email, so you have a separate box for that.

18 VICE CHAIR BECRAFT: Correct. That's what I'm
19 getting at, too, is that -- I hear you saying that, you know,
20 it's gonna crash the system, I don't -- it's not gonna -- I
21 don't believe --

22 COMMISSIONER PATEL: Yeah, we don't know that until
23 it happens, so --

24 DEPUTY DIRECTOR KAHOOHANO: So our email -- our
25 emails only allow us to have 60 percent capacity. So right

1 now, I'm running at approximately 48, and that's every day I'm
2 deleting things, I'm archiving things. So to have that hit me
3 in the month, I won't be able to receive any emails or send
4 any emails because we are given a limit.

5 COMMISSIONER PATEL: Okay. But then --

6 DIRECTOR LAYNE N. SILVA: Also, just to clarify,
7 Sne, we don't really have the ability to create that test,
8 that -- and that's exactly what we're waiting for through IT
9 is for them to create that, that separate proxied email.
10 Because of our IT system that we ran through the county, we
11 don't really have access to that as individuals, that would
12 come through IT.

13 Which I believe, Jarrett, the ticket is already
14 made, and we're just waiting for that --

15 DEPUTY DIRECTOR KAHOOHANO: We're just waiting
16 on the final, yeah, for them to tell us that it's up and
17 running.

18 VICE CHAIR BECRAFT: But I guess the bottom line is,
19 is that -- like we had talked about all this before and I
20 had -- and I'm -- I'm well aware of the county email system,
21 so I know that what you're saying is accurate that you do have
22 limitations. They don't want people storing oodles of data
23 and eating up their -- their space. But if you do contact
24 them and explain to them your situation, they will expand it,
25 you know. That's just a phone call, and they -- I've had mine

1 expanded numerous times, so -- I know we covered all of this
2 and -- and it just feels -- I feel it's unfortunate that we're
3 still in this same system.

4 I don't think that this is proper that -- if you
5 don't want emails, that's fine, but at least let's meet them
6 halfway and not make them call in the day before at 8:00 a.m.
7 to 9:00. Let's give them more time, you know, not make it
8 lucky if you can get into the radio station; if you don't get
9 in, then too bad, but they've already taken off work for the
10 next day. It's just completely inappropriate to me. I -- you
11 know, I don't know why if we weren't able to do what system --
12 you know, whatever system you guys come up with that's better
13 is fine, you don't have to do what I was suggesting, but --
14 but at minimum, you know, while you're coming up with a new
15 system or doing whatever you're gonna do.

16 I don't -- I just don't understand why we would make
17 them -- you know, hold it over them, you know, licensees on
18 such strict parameters, you know, just -- it doesn't make any
19 sense to me. I wish that while we're waiting, that we would
20 at least open it up that they can start calling in a week, two
21 weeks early, three weeks, you know, and have people assigned
22 to it or yourself or whatever. And is it a little
23 inconvenience for us, yes, but I don't -- I don't feel like --
24 I feel like we're putting way too much inconvenience upon
25 people who are trying to get licenses. I think it's

1 inappropriate. That's all I have. Thank you.

2 CHAIR BOLOSAN: Thank you, Jamie.

3 Any comments from the commissioners?

4 COMMISSIONER ANDRION: I have -- Mr. Chair.

5 CHAIR BOLOSAN: Yes, Robert. I don't see you on my
6 screen, that's the reason why, so thank you. Go ahead,
7 Robert.

8 COMMISSIONER ANDRION: So I guess the issue is
9 trying to get more -- more time, more space so that people
10 don't -- according to Commissioner Becraft, that Thursday is
11 the day that you have to call in to get an appointment on
12 Friday. And I can -- I can surely see his point, and I can
13 also see the department's point that, you know what, to create
14 an email, you have to get an IT guy, for whatever reason that
15 is, it is what it is. So, I guess, is there -- can -- do --
16 do you have to be --

17 I guess, Jarrett, do you have to actually talk to
18 the person in person in the sense that it's a phone
19 conversation and it cannot be left on a recording and say,
20 hey, you know what, I will call you back or something to that
21 effect? Or can it be in a way that -- be on your website
22 to -- to use as an application form if you follow what I'm
23 saying. I just want to see if there is a way around it before
24 you guys can get an email designated for applicants to kind of
25 extend it just a little bit, whether -- whether you're taking

1 it on a Monday so that the person knows that, hey, you know
2 what, you call in on Monday, see if we can get a -- get an
3 appointment on Friday, provided there is testing on that
4 particular Friday. Is there a way to do that?

5 DEPUTY DIRECTOR KAHOOHANOHANO: I mean, there's --
6 there's many ways of skinning a cat, but when it comes down to
7 it, is there's -- there's also follow-up questions. Are you
8 21? Because anybody can leave a message saying they want to
9 register, now I'm gonna have to go back and contact everybody
10 that left a message. It's not -- I'm not saying it's gonna be
11 an inconvenience, I'm just saying it's very time-consuming to
12 where now I have to ask if they're 21, if they had the card
13 before, if their card is still valid. That's the only reason
14 why the one-on-one phone calls, receiving them is -- is a
15 valid way of doing it. But I am open to anything.

16 COMMISSIONER ANDRION: I hear what you said,
17 Jarrett. I do understand. That's the -- that's what I was
18 looking for if that was the reason, and surely that would be a
19 reason, a validation to have that person would -- applying for
20 a liquor card. Thank you.

21 CHAIR BOLOSAN: Thank you, Robert.

22 Any more thoughts?

23 (No response.)

24 CHAIR BOLOSAN: Okay. If not, Jarrett, just go on
25 on your report.

1 DEPUTY DIRECTOR KAHOOHANOHANO: I think I concluded
2 with the numbers of the liquor licenses for the past three
3 years; that's the last part.

4 CHAIR BOLOSAN: Okay. All right. Thank you. If no
5 more question, thank you, and we close this and may go on.
6 And take it away for Item B. Thank you, Jarrett. Thank you,
7 Layne. For item B, you all should have received in your
8 packet a copy of a draft performance evaluation packet. We
9 will be going over the draft and taking any suggestion on how
10 we would like to go on forward. Before I want to go on, if --

11 Mimi, are you there? I would like to ask for any
12 type of suggestion on how to proceed, or do you just open the
13 floor for a motion or discussion, Mimi?

14 CORP COUNSEL DESJARDINS: Thank you, Chair. I think
15 at this point, what's being presented to the commission are
16 three examples of different evaluation tools that are used for
17 this type of evaluation. And this would be an open discussion
18 about how you folks want to proceed going forward in putting
19 together your own evaluation, performance evaluation format
20 for your annual evaluation, and report to the mayor as to the
21 liquor director. So at this point, there is no mechanism that
22 you folks have put in place to do this, so you're being given
23 options and examples. But this conversation's probably gonna
24 take place over a couple of meetings --

25 CHAIR BOLOSAN: Yes.

1 CORP COUNSEL DESJARDINS: -- until you come up with
2 something. And then, it also allows the director an
3 opportunity to see what the evaluation summary looks like and,
4 you know, the points that will be evaluated. All of that
5 should be done in the open; there's no reason for this to be
6 done in executive session. It's just simply to get the
7 format. However, if there are things that come up during this
8 process that need to go into executive session, you folks --
9 we can talk about that later. But for right now, I think it's
10 just really looking at the different formats and trying to
11 come up with something that you want to work with. So I would
12 just open it for general discussion, Chair, at this point.

13 CHAIR BOLOSAN: Yes.

14 CORP COUNSEL DESJARDINS: And then determine how you
15 want to proceed at this -- you know, to come up with your own
16 evaluation summary.

17 CHAIR BOLOSAN: Okay. Thank you, Mimi.

18 CORP COUNSEL DESJARDINS: Welcome.

19 CHAIR BOLOSAN: Thank you very much.

20 Then I -- I'm asking all the members to come up with
21 their suggestion. Anyone want to open to any discussion on
22 this matter? Commissioners?

23 COMMISSIONER ANDRION: Chair, Bobbie -- Roberto
24 Andrion, if I could just open up.

25 CHAIR BOLOSAN: Okay.

1 COMMISSIONER ANDRION: I guess I'll start off with a
2 question. I was reading some of the literature that came out
3 and something about how this particular evaluation has come
4 up.

5 CHAIR BOLOSAN: Yes.

6 COMMISSIONER ANDRION: And the last time it was done
7 was a couple years ago. And basically, now it falls back on
8 us to draft or basically create or add to this existing draft.
9 Is that my understanding of it?

10 CHAIR BOLOSAN: You may say that. Every member have
11 their own, what you call -- I would rather -- want to hear
12 from each of the members to come up with their suggestions.
13 So with that suggestion, everything is welcome to the floor.

14 COMMISSIONER ANDRION: Can somebody give me a
15 history of how this thing became an evaluation? I've been
16 reading some of the history, and if this is something that we
17 need to do on an annual -- I believe it states annually we
18 have to do this.

19 CHAIR BOLOSAN: Robert, reading the audit, you know,
20 there is a lot of pukas that we had in the past, you know.
21 Like what you just said, the last time we had one evaluation
22 was -- if you recall, I believe you and I already been in the
23 board, it was the evaluation of Glenn Mukai, so, you know, I
24 think this evaluation thing is -- had not been consistent,
25 that although, you know, the recommendation from the people

1 that made that audit should be annually. So I'd like to hear
2 from everyone; anyone is welcome to pitch in.

3 VICE CHAIR BECRAFT: Mr. Chair.

4 CHAIR BOLOSAN: Go ahead, Jamie.

5 VICE CHAIR BECRAFT: Roberto, maybe I -- maybe I can
6 clarify a little bit. I have a little bit of knowledge, which
7 always makes a person dangerous, but -- yeah, I don't think I
8 have a lot of knowledge, but I have a little bit in this area.
9 So that everybody's clear, this isn't just the recommendation.
10 The recommendation was that we were failing to do our job.
11 It's not a recommendation; it's a requirement by charter. The
12 charter states that we must do a yearly evaluation of the
13 director, so this is something that we have to do.

14 So with that in mind, I had brought it up with
15 the -- with Leon and stuff, and we've talked to the director
16 about it. And the goal here and the direction that I'm hoping
17 that we're headed is I think it's only fair that the director
18 knows exactly what we expect of him and of -- you know, how
19 he's going to run his ship, what to grade him on. You know,
20 it would be unfair to give him an evaluation at the end of the
21 year, and he didn't know what he was supposed to be doing in
22 our eyes. So -- so the goal here was to pull this up. Now,
23 my understanding is, is that this is -- the last performance
24 evaluation may or may -- this was the adjustments that were
25 done, but this wasn't the last evaluation that you folks did

1 on Glenn. My understanding is that's a whole different
2 evaluation. And I'm not a hundred percent if that's true or
3 not because I haven't seen Glenn's last or anything, but
4 that's my understanding.

5 So the goal here is, is that we review this, and
6 then everybody looks at it and goes, well, okay, this is --
7 this either works or doesn't work. And we can add things in,
8 like, you know, we want him to be -- I don't know, pick
9 anything, you know. Clear communication, something like that,
10 and then we can add this in so that we have a -- an eval that
11 we all agree on, and then we can show it to the -- to the
12 director and say this is what you're gonna be evaluated on
13 every year on this criteria. And so, yeah, that's where we're
14 at.

15 CORP COUNSEL DESJARDINS: Chair, can I say something
16 real quick?

17 CHAIR BOLOSAN: Go ahead, Mimi.

18 CORP COUNSEL DESJARDINS: Sorry. I misspoke about
19 the examples. Actually, when I had spoken to Maria, who was
20 putting -- helping us to put this together, we had said that,
21 but apparently it's been put together as an evaluation --
22 performance evaluation form to which you can make changes or
23 adopt or move around or do whatever you want. What else I
24 believe is included in that information is the duties and
25 responsibilities of the director in your board packet as well

1 as the charter section that talks about the annual review that
2 Jamie's discussing, and then the audit, which is -- which I
3 would hope that some of the newer members would read just to
4 get an understanding of, you know, not just -- like Jamie
5 said, it's the charter requires a yearly evaluation that
6 wasn't being done. So I apologize for misspeaking, this is
7 your -- your template to work off of, and then you folks can
8 make changes to it.

9 CHAIR BOLOSAN: Okay.

10 VICE CHAIR BECRAFT: Yes, Mr. Chair. Mr. Chair, and
11 that's my understanding too, is that this is an evaluation
12 that's never been used, so this is, like she said, a starter.
13 It's a template, it's something to look at, and we need to
14 massage it, change it, rewrite it, or whatever to suit us and
15 to -- you know, for the betterment of -- you know, of the
16 director, you know, that we want to do. So I think like --
17 like I -- I'll give an example of what I -- a couple of
18 things -- I'll just give one because I've got a couple of
19 other things I've written down. Like, for me, I would say,
20 all right, if we're gonna be doing this evaluation, before we
21 do this evaluation, I would ask that if corporation counsel
22 can help us or I'm not sure what the process is, I'd like to
23 see the evaluation that they use for the fire chief, I'd like
24 to see the evaluation they use for the police chief, I'd like
25 to see the evaluation they use for any other position that has

1 a commission above them that's required by the charter to be
2 evaluated so we can see how theirs is structured. And maybe
3 there's some things in there we would say, oh, that applies to
4 us, and that's good. You know, give us some direction so we
5 can see -- see things. So I think that's where we're at with
6 this right now is what are your suggestions, you know, what
7 should we do to try to -- to try to make a cohesive and the
8 best eval that we can -- that we can come up with.

9 CHAIR BOLOSAN: Thank you, Jamie.

10 Then I would like to make my recommendation go
11 forward, including all nine members to be included in the
12 decision-making process of all this discussion. So I wanted
13 to -- everyone get involved and participate in to this
14 process. I believe we do have smart, intelligent board
15 members, and hoping that we can come up with a good form.
16 Though, being said that, I -- you know, I look forward to the
17 commission be able to come up with a form that is pretty much
18 standard, you know. 'Cause I think by trying to make it
19 too -- you know, too nice, bottom line, I believe so, there's
20 issues about whether -- how good is that -- that form is. And
21 I'm not saying we should not. Evaluating the director at this
22 point in time, the commissioners don't really have --
23 especially some of the new members don't have direct contact
24 with the directors, that's one issue. You know, secondly,
25 he's been installed not very long time ago, so now we -- as

1 the commissioners, we have to consider all that, how we gonna
2 try to rate the new director at this point. But, you know,
3 everyone I expect to participate, put in their, you know, two
4 cents into this process. Did you, you know, see where I'm
5 coming from? So I like to hear from every member of this
6 board to come up with their opinion, their, you know,
7 intelligence.

8 Aaron, go ahead.

9 COMMISSIONER BOSWELL: I kind of agree with that.
10 For me, it would be really hard to give Director Silva one
11 recommendation of what I -- without actually hearing from, you
12 know, the subordinates under him as well as the customers that
13 he serves. You know, we do get a glimpse of it sometimes in
14 the meetings, but it's -- before we could actually fill out
15 the evaluation, if we could set up a -- a separate meeting and
16 give workers, employees, as well as the public a time to
17 testify on his -- on his behalf, and just give us an idea of
18 how things are going, I would kind of appreciate that.

19 CHAIR BOLOSAN: Thank you, Aaron. That's a good
20 idea.

21 Any more from the members? Go ahead, Jamie.

22 VICE CHAIR BECRAFT: Oh, I was gonna wait. I -- I
23 do a lot of talking, so I'll wait. I've got some more
24 suggestions, but I'll let everybody else get a chance.

25 CHAIR BOLOSAN: Okay. So I -- I'm then expecting

1 everyone, then -- thank you for saying that. I'm gonna start
2 off with you, Stan, and I'm gonna go right down the line.
3 That way, like what I recommended was nine members, you know,
4 gonna be one ohana. Okay? All right? So, Stan, do you --
5 I'm gonna put you on the stand, okay, to say -- okay? I like
6 that line. Stan, come up with it.

7 COMMISSIONER RUIDAS: Thanks, Leon. Yeah, I agree
8 with Jamie and Aaron, you know, we don't really know
9 everything, we only know what we see on the -- on the
10 computer, I guess you could say. It's a good idea to see what
11 other commissions are evaluating on, and then that can be a
12 baseline, and we can -- we can tweak that. As far as
13 everybody participating, that's a good idea.

14 CHAIR BOLOSAN: Yes.

15 COMMISSIONER RUIDAS: I look forward to seeing what
16 we can come up with. Thank you.

17 CHAIR BOLOSAN: Oh, thank you, Stan.

18 I'm gonna go right down the line. Sylvia.

19 VICE CHAIR BECRAFT: Sylvia. You're muted.

20 COMMISSIONER HO: Share -- I'd like to share --
21 yeah, so actually, first, I would like to actually thank -- I
22 think Maria should put all these things together, yeah? So, I
23 mean, with the copy of the Charter, Article 8, Charter 13, and
24 then the director's responsibilities, and also the big bundle
25 of papers, so -- so it's all good info, but, of course, we are

1 not able to -- I myself is not able to read through all of
2 them. So I think it's actually good for all of us to
3 understand the responsibility of the director so that we can
4 actually make comments or any sort of recommendation. So we
5 need to know what his job functions are so that we can
6 evaluate him, right? So because, you know, we really cannot
7 know everything about his job by just meeting like this every
8 month. So I think I would like to -- and also Maria come up
9 with a very good format, but, of course, you know,
10 definitely -- I would say that in this capacity, the
11 director's job capacity, you cannot just check mark yes/no,
12 you know. I think it has more to do with just a checkmark.
13 So, say, for example, he attends the monthly meeting with us,
14 so it could be just a checkmark, but a lot of other things, it
15 cannot be just put a checkmark on it, yeah? So that's why I
16 thought that those information and his job description
17 definitely is a great help to -- for all of us. So I think
18 as -- I think as Mimi mentioned earlier in the meeting, that
19 definitely it will go through a few other more discussions,
20 cannot be just one discussion --

21 CHAIR BOLOSAN: Yes.

22 COMMISSIONER HO: -- to -- you know, to finalize
23 this evaluation format, so -- so I think maybe we'll -- I'm
24 not so sure we should have a separate meeting or should be an
25 agenda item for the next meetings, I'm not sure. But, anyway,

1 that's what my -- that would be my input.

2 CHAIR BOLOSAN: Thank you, Sylvia. Yes, we can --
3 all can pitch in.

4 Jerrybeth, you want to put in your -- oh, okay. I
5 think you're muted.

6 COMMISSIONER DE MELLO: Okay.

7 CHAIR BOLOSAN: Jerrybeth, go ahead.

8 COMMISSIONER DE MELLO: Yeah, I was looking at the
9 evaluation performance, and I'm sure we all know what the
10 director's duties is. Thank you, Jamie, and -- for laying out
11 the carpet in the beginning. And basically, the evaluation is
12 what is required of the director, his job duties, his
13 demonstrating promotion, promotes high standards in his
14 department and with the community. So I'm good.

15 CHAIR BOLOSAN: Okay. All right, Jerrybeth.
16 Mahalo.

17 COMMISSIONER DE MELLO: Thank you.

18 CHAIR BOLOSAN: Yes. Robert, you want to say
19 something about this, Robert?

20 COMMISSIONER ANDRION: Yeah, Chair, you know, we
21 have -- and I do agree that we should all be part of this
22 drafting the evaluation. And I'll be upfront, I'm not very
23 good in -- in doing evaluations, I think it's biased in a way,
24 and sometimes it -- it is more detrimental to an individual
25 than to help. But as far as putting things on the -- on a

1 piece of paper, and we have one that basically outlines the --
2 the director's responsibilities once they apply for the
3 position. I think we should take a look at that, clearly, and
4 make sure that it matches the evaluation process. And any
5 evaluations or any job descriptions that is made, if you guys
6 take a look at this one that was given out, it says in No. 6,
7 performs and related duties as required, so that covers a lot
8 of -- of what is already covered, and I think that -- as long
9 as it's -- entails his job.

10 So to -- for us that are doing the evaluating, I
11 think it should be short and not cumbersome that, you know
12 what, I have not seen him -- I'll just take one, for example.
13 Identify and address the department's needs, planning the
14 work, and working the plan. I mean, there's -- there's so
15 much verbiage that is on the evaluation that I think we would
16 need to take a look at something that is easier to look at,
17 fairer to -- to evaluate the individual, and if we can't see
18 some of it, then we have to find a way how to address it. Is
19 this gonna be an evaluation of mine and then combine it into
20 one or -- I'm hoping that's what it would be, it would come to
21 the chair and compile everything to come up with a true
22 evaluation. And once that evaluation is done, put it back on
23 the rest of the eight commissioners and say, hey, is this --
24 is this an evaluation for the director, whoever the director
25 would be.

1 CHAIR BOLOSAN: Okay, all right. You're through,
2 Robert? Thank you.

3 COMMISSIONER ANDRION: I am. Thank you.

4 CHAIR BOLOSAN: Thank you, Robert.

5 Okay. It's your time, Sne. Put in your --

6 COMMISSIONER PATEL: Yeah, thank you, Chair. I
7 think it's a good starting point. I'd like to thank Maria for
8 putting together the initial evaluation. You know, I think
9 the goal of evaluations is to make sure that they're
10 beneficial in terms of evaluating what -- goals of the
11 organization, if they're being met or not, and if the goals
12 are being executed. And so that's the first thing, is that I
13 think we need a clear -- clearly identify and we need Layne to
14 let us know, here are my goals and objectives for the
15 department, and that way we can evaluate that. So I'd like to
16 see where -- first of all, you know, what those are outlined
17 and given to us so that then us, as a commission, can go, say,
18 yes, Layne did do this or didn't do this. So I think that
19 needs to be first and foremost for me. But, yeah, I think
20 it's a good starting point. We'll probably have multiple
21 discussions, so I'm not gonna elaborate everything at this
22 point.

23 CHAIR BOLOSAN: Yes.

24 COMMISSIONER PATEL: But the things that you brought
25 up gives us, you know, some good background as well. And, you

1 know, at the same time, Layne, this is his first go-around, so
2 I don't think, you know, we need -- we shouldn't take what the
3 past director has done as kind of intend that this is gonna
4 continue, right? So this is a good starting point for us.
5 Any evaluation at this point is gonna be better than the last
6 ones because there were none done, so --

7 VICE CHAIR BECRAFT: Something's better than
8 nothing.

9 CHAIR BOLOSAN: Well, are you through, Sne?

10 COMMISSIONER PATEL: Yeah, I am. Thank you.

11 CHAIR BOLOSAN: Yeah. I believe that, you know, we
12 have a group of commissioners right now that are very smart,
13 intelligent, and willing to improve, you know, the board and
14 the department. You know, when I look at you guys, I mean, we
15 are all somehow qualified; we can pat our back. And thank you
16 for everyone to, you know, pitch in, you know, their opinion,
17 and I would like to move on if --

18 VICE CHAIR BECRAFT: Chair.

19 CHAIR BOLOSAN: Go ahead.

20 VICE CHAIR BECRAFT: Yeah, I want -- I wanted to go
21 last if I could.

22 CHAIR BOLOSAN: Oh, Jamie, I don't -- braddah, I
23 never did see you on the screen, so --

24 VICE CHAIR BECRAFT: I apologize. I don't know
25 what's going on. I'm on -- my screen is stuck, and it says --

1 CHAIR BOLOSAN: Yeah. Well --

2 VICE CHAIR BECRAFT: -- stay or leave. I can't -- I
3 can't do anything more. But I can hear and see you folks,
4 so --

5 CHAIR BOLOSAN: Okay. I apologize and, you know,
6 never meant to be that way because --

7 VICE CHAIR BECRAFT: No, it's all good.

8 CHAIR BOLOSAN: -- we need your input.

9 VICE CHAIR BECRAFT: Yeah, I just want to -- I just
10 want to say, you know, a few things like I, you know, a
11 hundred percent agree with Bobbie that -- that, you know,
12 evaluations can be too long and they can be -- they're not
13 necessarily always used for a positive, but I think this is
14 our chance to do what I -- how I would describe it is clean
15 this up, make it concise, use plain language, be very clear in
16 where we're headed. You know, and when I say very clear, I
17 don't mean a long written thing; I mean just kind of common
18 sense wording and whatnot. And that's what I would ask that
19 everybody do, spend some time looking at this, see where the
20 goal is, and, you know, if we can collectively all try to make
21 it plain, simple English. So that's what I think we all have
22 to do, we have to -- we're gonna have to spend a lot of time
23 on this, you know, and do that.

24 Also, I'd like to revisit with -- is this a -- is
25 Mimi still on?

1 CHAIR BOLOSAN: She left. She left one minute. She
2 stepped out.

3 CORP COUNSEL DESJARDINS: No, I've been back for
4 quite a while.

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

6 THE WITNESS: That was a quick signing and came
7 right back.

8 CHAIR BOLOSAN: Okay. Okay. Go ahead.

9 VICE CHAIR BECRAFT: Mimi, is it possible that --
10 and is it through you guys, can we get evals? Like can we get
11 the old -- the last eval that was actually done? It can be
12 redacted, you know, I'm not -- don't need to see what was
13 eval'ed, but just the questions and how it was handled. Also,
14 an eval from fire, what the fire chief is, you know, police,
15 and I can't think of the other -- there's other departments
16 that have commissions.

17 CORP COUNSEL DESJARDINS: Yeah, like personnel,
18 department of personnel has evaluation of their director.

19 VICE CHAIR BECRAFT: Yeah.

20 CORP COUNSEL DESJARDINS: I think probably Maria
21 could compile those evaluations, and if she ran into any
22 snags, she could let me know.

23 VICE CHAIR BECRAFT: Okay.

24 CORP COUNSEL DESJARDINS: But -- but just let me
25 interject and say that listening to this conversation, it

1 seems like this evaluation -- the exploration of how to put
2 this together has a couple of really good beneficial aspects.
3 One is you folks could set the standard moving forward and
4 come up with a plan that you don't have to reinvent every
5 year; you just have a standard way of doing it. And it seems
6 like it would consist of two things: An ultimate report,
7 which you're required to provide to the mayor, and that report
8 doesn't have any -- there's no guidelines, so it could just be
9 the evaluation, you know, the evaluation form itself once you
10 finalize it. But the real question is how do you get the
11 information to all of you that needs to be -- (change
12 chapters) through interviews with your director, Mr. Silva,
13 and very similarly to the hiring process that we just went
14 through. Another would be to interview key workers in the
15 department and get some thoughts from them as well.

16 That would be in open meetings. The Sunshine Law
17 allows you to have executive meetings when talking about
18 hiring and evaluation, but it's really limited to only when
19 personal privacy interests are at stake. So, it wouldn't just
20 generally be that you would have to go into executive to have
21 a discussion with Layne about how he's going or what his goals
22 are; that's another aspect of this. So there's two parts,
23 personnel, and then you also have how do you compile your
24 information, how are you gonna gather that, and what is your
25 process gonna be to do that. And once you get that all

1 together, you've given the public notice of how this is gonna
2 happen, you've given the director and everybody in the liquor
3 department assurances that this is done in the open and that
4 there's a standard procedure to be followed. And that might
5 actually address some of, I think, Roberto's concerns, which
6 is that a lot of evaluations just be biased, and so if you can
7 come up with a way to make it less biased just by making it
8 absolutely neutral and have really intact guidelines, you'll
9 be doing yourselves a big favor, and workload-wise. So we --
10 I can help you with that process, Maria certainly can, and
11 then all of you will have to make the decision about what you
12 really want in there.

13 VICE CHAIR BECRAFT: Thank you, Mimi. I -- I agree,
14 it's part of the -- I'd like to keep it simple and, obviously,
15 not biased and be fair to -- to Layne, of course, and, you
16 know, especially by letting him know what we're looking at.

17 So are we, then -- Maria, are you then on the line?

18 MS. KHANGSENGSING: Yes, I'm here.

19 VICE CHAIR BECRAFT: Okay. So, Maria, do you think
20 you're able to get all of those other --

21 MS. KHANGSENGSING: I can make some calls.

22 VICE CHAIR BECRAFT: Okay. And just -- and I guess
23 you can let Leon know or myself.

24 And then -- and then, Mimi, is there any trouble
25 with as those documents come in, distributing all of those to

1 the -- all of the members, or is that gonna be a Sunshine Law
2 issue?

3 CORP COUNSEL DESJARDINS: They will have to be
4 distributed as part of the board packet prior to a meeting
5 where it's on the agenda.

6 VICE CHAIR BECRAFT: Okay.

7 CORP COUNSEL DESJARDINS: And then also distributed
8 simultaneously to the public.

9 VICE CHAIR BECRAFT: Okay. So, Maria, once you get
10 everything, then maybe you can let us know that you have
11 everything, and then Leon can, hopefully, you know, get us
12 another meeting or -- I mean, I'd hate -- this could be a
13 long, long process if we wait to do this once a month, but
14 it's up to the board. So that's something -- Mr. Chair, if
15 you want to bring up afterwards, you can think about it for a
16 while how you want to handle that; I'll just move on with some
17 of the other things that I have, my thought patterns.

18 Another thing I think that we should do while
19 preparing to make this eval is to send out either an email or
20 whatever the department's form of communication is to the
21 licensees and ask them for their input, what they believe that
22 the board should be looking at. And, you know, that doesn't
23 mean we're gonna listen to all of it. I mean, we could be --
24 you know, you don't know what's gonna come in, but -- but
25 let's see what they say because of some of the trouble they

1 may have had in the past. And when I say the past, I mean
2 prior to our new director, you know, so just things they want
3 to make sure we don't stumble -- stumble over again.

4 And then send out -- also, you know, we may want to
5 send out notifications to the other agencies. In the past,
6 I'm sure that other board members have heard this, that, you
7 know, like there's been difficulties with some
8 communications -- not with Layne, but the -- with other
9 liquor -- other agencies outside and see if they have any
10 input. And they may want to say, hey, if you're gonna be
11 setting up his eval, letting him know his -- where you'd like
12 to go, they might have input and, you know, so --

13 Also, I would think that we may be -- now that we're
14 starting to talk about it and we send this out, we may want
15 some public testimony prior to solidifying and prior to us
16 sitting down and trying to come to a last -- last agreement on
17 what we're gonna do. Get some public testimony also, not just
18 written. Not everybody's gonna take the time to write in; a
19 lot of people will just want to probably talk.

20 And, again, I believe that we need to make -- we're
21 gonna need to make another meeting. And the last thing is I
22 encourage everyone -- and this was brought up, you know, by a
23 couple of you and Roberto and everything, real good points,
24 that we need to read the audit, we need to read the director's
25 responsibilities, we need to look at what's supposed to be

1 doing, and we can use that as guidelines. I'm not -- I'm not
2 suggesting that we come up with our own theories, you know,
3 just making sure that everything's being done as it's supposed
4 to be done, what the public expects to be done, which would be
5 in the -- you know, in the director's responsibilities. And
6 the audit will probably point out some of the things in the
7 past, and we just want to make sure that the past history
8 doesn't repeat itself. So I encourage everyone to take the
9 time to read those things before -- so that we can formulate
10 good -- a good criteria for -- for an eval.

11 And then one last thing I would -- I -- we can
12 always open it up and, I agree, you know, give the --
13 everybody a chance, employees and everything to come talk to
14 us, but I'd also like one more level for those who may think
15 that there's a chance that it would hurt their career, is that
16 we set up a separate email for this process for anybody to
17 write in that doesn't want their name attached to something so
18 that we can read it. And if we read something and go, oh,
19 that may be a valid point, and so we will add some form of --
20 some type of language in there for the eval. So I think there
21 should be a unanimous -- an email for anonymous input from the
22 workers and from the public and whoever else wants to write
23 in.

24 But those are my things off the top of my head. I
25 haven't even really sat down to start formulating what I --

1 you know, what I need to formulate. So I know it's gonna take
2 a lot of legwork and good luck to everybody. I hope everybody
3 puts in the time.

4 CHAIR BOLOSAN: Thank you, Jamie.

5 Mimi, are you on there?

6 CORP COUNSEL DESJARDINS: Yes.

7 CHAIR BOLOSAN: Okay. You know, Jamie has a lot of
8 good points in there, but, you know, my concern is that he
9 mentioned about getting the old record of that evaluation form
10 that had been done in the past, and I choose not to because
11 we're -- my concern is that, you know, from here on, we want
12 to improve, but not to dig dirt in the past. So, you know,
13 you see -- so can we possibly not include the last evaluation,
14 you know, it's not that I have any interest on those. My
15 interest is from here on as a body, a good -- commissioners,
16 from here on we want to improve our commission and the
17 department. Is that legal if I choose not to dig in to the
18 old evaluation form, and what can happen?

19 VICE CHAIR BECRAFT: Mimi, before you -- before you
20 answer that, Mimi, that's not my request, Leon.

21 CHAIR BOLOSAN: Oh, I'm sorry, Jamie, but that was
22 my understanding.

23 VICE CHAIR BECRAFT: No. What --

24 CHAIR BOLOSAN: I did not want to, you know --

25 VICE CHAIR BECRAFT: I wanted it redacted. And by

1 redacted, that means it would remove all names, dates, times,
2 language, all of what was -- all I want is the form, the form
3 that says, Item No. 1, Leadership --

4 CHAIR BOLOSAN: Okay.

5 VICE CHAIR BECRAFT: -- we're looking for --

6 CHAIR BOLOSAN: All right. And not -- sorry.

7 VICE CHAIR BECRAFT: That's what I meant by
8 redacted.

9 CHAIR BOLOSAN: Yeah, okay.

10 VICE CHAIR BECRAFT: A redacted copy would be fine.

11 CHAIR BOLOSAN: That was too big a word for me.

12 VICE CHAIR BECRAFT: That's all good.

13 CHAIR BOLOSAN: But you see where I'm coming from.

14 VICE CHAIR BECRAFT: Right.

15 CHAIR BOLOSAN: I see that we have well qualified
16 and willing to improve the board and the department, so my
17 concern is that from here on, we try to improve. Okay? All
18 right? Now, you see where I'm coming from, you know, I look
19 at the commissioners is part of my family, I -- you know, I'm
20 sorry that I'm gonna exit pretty soon, but I think we have,
21 you know, smart commissioners right here, so, you know, where
22 I passionately just said that, you know, did not want to
23 include any -- any past. Okay?

24 VICE CHAIR BECRAFT: I certainly -- I'm with you,
25 Leon. I'm with you. I just want -- I just want to see the

1 wording that they used because there might be some stuff in
2 the old eval that I -- that may be applicable for this eval.

3 CHAIR BOLOSAN: Okay.

4 VICE CHAIR BECRAFT: You know, from what they were
5 looking at. I just want to read a lot of language, that's why
6 I want to see --

7 CHAIR BOLOSAN: Okay.

8 VICE CHAIR BECRAFT: -- the chief of police, the
9 fire department, all these other guys --

10 CHAIR BOLOSAN: Yeah.

11 VICE CHAIR BECRAFT: -- and see what's applicable.
12 But, yeah, I'm not ask -- I'm not -- I'm fine with not seeing
13 it. They can redact it. They'll just black everything out,
14 and we won't see anything other than the question.

15 CHAIR BOLOSAN: Okay. Any comment, Mimi? I just
16 wanted to make sure that I'm doing the right thing.

17 CORP COUNSEL DESJARDINS: You know, it's really --
18 it's the consensus of you folks, how you want to compile it.
19 There's no legal -- I mean, I'll tell you if I think a
20 question is illegal or, you know, a comment, but how you want
21 to use the information, I would say, Chair, that you have a
22 duty to ask -- you know, if there's not a consensus, then you
23 would put it to motion.

24 CHAIR BOLOSAN: Okay.

25 CORP COUNSEL DESJARDINS: Did you look at that form

1 and you didn't want to use it? You would entertain a motion
2 to not use it if --

3 CHAIR BOLOSAN: Okay.

4 CORP COUNSEL DESJARDINS: -- everybody didn't agree,
5 yeah.

6 CHAIR BOLOSAN: Okay. I just wanted to make sure
7 that I'm doing the right thing, yeah, and not offend anyone.
8 Yeah, okay.

9 All right. Any more other stuff before we go on?

10 VICE CHAIR BECRAFT: Are we gonna -- what are we --
11 what's our next step? Are we gonna have a special meeting or
12 are we --

13 CHAIR BOLOSAN: Okay. I was gonna, you know, ask if
14 we can agendize the form for the next meeting, rather. Can we
15 put this on the agenda for the next meeting? Any thoughts?

16 COMMISSIONER PATEL: To vote on it?

17 CHAIR BOLOSAN: Well, Mimi, it's not on the agenda,
18 so how can we put this item to be agendized?

19 CORP COUNSEL DESJARDINS: Yeah, so you would just
20 agendize it for the next meeting and maybe in the meantime --

21 CHAIR BOLOSAN: Yes.

22 CORP COUNSEL DESJARDINS: -- Maria could gather all
23 of those documents that you asked her to find, and those could
24 be --

25 CHAIR BOLOSAN: Okay.

1 CORP COUNSEL DESJARDINS: That could start your
2 conversation. What I would do, too, is ask that maybe the
3 commissioners consider reading the draft template, and when
4 you're going through, for example, the leadership roles and a
5 bunch of bullets, ask yourself after each question, what --
6 what information would you need from the department in order
7 to answer that question? And so maybe your next discussion
8 could be what practical, on-the-ground things do we need to be
9 able to answer the questions that we ultimately put on this.
10 And then also ask are some of these questions not necessary,
11 or are there others that are. But I would look at it and say,
12 for example, exhibits diligence in leading the department,
13 what do you -- who do you need to hear from in order to answer
14 that question to your satisfaction, and start formulating that
15 process as well, because they're gonna go hand in hand.

16 CHAIR BOLOSAN: Okay.

17 VICE CHAIR BECRAFT: And if I may add, that's
18 another reason why I want to see all these other evals. I can
19 only speak from my personal life, I don't know what other
20 people's life experiences are as far as evals go, but in my
21 life, I was evaluated on a 1 through 5 basis, and there were
22 examples, like Mimi said, what makes it a 5, and -- but it
23 would be below. It would say if you get a 5 in communication
24 skills, it would say he easily speaks to groups of 20 to 100
25 without -- without problem, and then you would write an

1 example. It's like, oh, yes, this person, you know, does all
2 of these speeches, goes to, you know, whatever places and
3 addresses this many people all the time, and he does it with
4 great ease, so you'd get a 5 for speech and communication.
5 But then it would say for a 1, it would be stammers, you know,
6 whatever, you know, needs to improve on, you know, whatever,
7 but there would be an outline to try to give us some guidance.
8 I'm not saying we have to do that, but I think we just need to
9 read all the other evals first and see how we're gonna come up
10 with ours.

11 CHAIR BOLOSAN: So I'd like to have comment on the
12 members, my direction -- I would like to agendize the form for
13 the next meeting.

14 VICE CHAIR BECRAFT: And that's to go over it again,
15 is that correct, Mr. Chair?

16 CHAIR BOLOSAN: Yes. Well, we start from -- yeah,
17 not unless we want to go on and start this one, but I think we
18 have other stuff to do also.

19 VICE CHAIR BECRAFT: (Inaudible.)

20 CHAIR BOLOSAN: Yeah, yeah. So at least --

21 (Background noise.)

22 MS. KHANGSENGSING: Chair, this is Maria. So what I
23 can do is try to contact all the other commissioners in the
24 county and see if they have an evaluation form for their own
25 directors. If I can compile that, that would be included in

1 your packet in the next meeting.

2 Jamie, as far as the past evaluation for the liquor
3 control director, the reason this came about is we couldn't
4 locate the forms that were used in the past; this is why we
5 had to start from creating a whole new form if that helps.

6 VICE CHAIR BECRAFT: When you say you couldn't
7 locate the forms, is that a blank form or are you saying that
8 we can't locate the last time he was evaluated?

9 MS. KHANGSENGSING: I can't -- I can't locate the
10 blank forms, can't locate the last evaluation form.

11 VICE CHAIR BECRAFT: Okay. Well, that ends that.
12 Can you also add on to that list, can you get the evaluations
13 that are used for Kauai and for Oahu, please?

14 MS. KHANGSENGSING: Yes, I can try to contact all
15 the other county commission -- liquor commissions to see if
16 they have a directors performance evaluation so we could --

17 VICE CHAIR BECRAFT: Just get what we can. I'm just
18 trying to compile a bunch of info so we can look at it, and we
19 can all have direction, you know, just to help us out so that
20 we're not starting from blank, so I appreciate that.

21 And then regard to sending something out to the
22 licensees, Director Silva, do you see -- how do you -- are we
23 gonna be able to do that for their input?

24 DIRECTOR LAYNE N. SILVA: Yeah, we can -- I believe
25 we have a mass email set up, but then that is also something

1 that we can post on our website, you know, to -- I guess to
2 notify everybody, not only the licensees, but anyone in the
3 general public that would wish to look at it can respond to
4 it.

5 VICE CHAIR BECRAFT: That would be terrific. I'd
6 request that we do both if we -- if we could, please, that
7 way, we can ensure that the licensees have their chance and
8 that they didn't miss it on the public board. And the public
9 board is a great one, too, so the public can -- and stuff can
10 hopefully chime in.

11 DIRECTOR LAYNE N. SILVA: Well, let me clarify. Is
12 this something that you would like me to do now, or is this
13 something that will be clarified at the meeting when this
14 process actually becomes established?

15 VICE CHAIR BECRAFT: I would like to do it now
16 because I think the point of our meeting is that we have a
17 month so we're gonna be collecting information, and at that
18 meeting as far as the -- I'm still not clear on this, Mimi,
19 because these evals are public information of the other
20 agencies, that still would be a Sunshine Law violation if it's
21 sent to all of? Us.

22 CORP COUNSEL DESJARDINS: Anything that's sent to
23 you is the Sunshine Law violation unless you can go dig it up
24 yourself somewhere.

25 VICE CHAIR BECRAFT: I see.

1 CORP COUNSEL DESJARDINS: But I don't suggest that.
2 I suggest we do it through the spirit of the Sunshine Law,
3 which is that if you're gonna consider it, it needs to be
4 disseminated to everybody simultaneously.

5 VICE CHAIR BECRAFT: No problem.

6 CORP COUNSEL DESJARDINS: And that -- can I make a
7 comment about the thing that you're talking about right now
8 and that's if you're asking that the public chime in on
9 evaluating the director's conduct or his -- how he's
10 conducting his job, is that what -- I'm not clear what you're
11 asking Layne to do, Jamie, sorry.

12 VICE CHAIR BECRAFT: I'm asking that the public and
13 the licensees have the same opportunity we have right now to
14 chime in on what's the best way to evaluate the director. I'm
15 not saying that we're gonna use -- it's just information, you
16 know.

17 CORP COUNSEL DESJARDINS: Okay. So you're asking
18 them to chime in on the evaluation process itself versus
19 specifically directing comments about Layne's performance, is
20 that correct?

21 VICE CHAIR BECRAFT: Yes. I'm not asking for
22 comments on his performance; just on how -- how any director
23 should be evaluated, what we should -- if they've got input, I
24 just want to open it up to them also.

25 CORP COUNSEL DESJARDINS: So can I suggest -- sorry,

1 Sne, just one more quick thing. If I could suggest, then,
2 that that be done by the commission itself, not by the
3 director, and that it be done through the commission's
4 website, and it be done through the commission's email.
5 Because my understanding is, and this is an exact example of
6 why the commission needs to have its own separate email
7 account that is controlled by the secretary of the commission,
8 because if we're gonna be doing this cleanly and with -- in
9 the spirit of really, you know, separating you folks from the
10 department in this evaluation process, that anything that has
11 to do with that needs to go to the commission's email address
12 to be handled by the commission so that you can then work on
13 it as a commission project, not a department project. Does
14 that make sense?

15 VICE CHAIR BECRAFT: It makes complete sense, and I
16 don't know why I wouldn't have thought of that. I appreciate
17 it. You're correct a hundred percent. So I guess we're
18 asking Maria to do that, then, not you, Mr. -- Director Layne.
19 I guess we'll do it through Maria and use our -- use our
20 dedicated email that goes directly to her.

21 COMMISSIONER PATEL: Yeah, that's actually what I
22 was going say, is I -- I think if you're asking for it if you
23 have Layne get that out there -- I mean, regardless of -- of
24 what your intention is, Jamie, the public is going to comment
25 on what they thought or previous directors, there's gonna be

1 all sorts of comments I think that's come out of this that
2 aren't really related to this form and evaluation process.
3 But, yeah, if you want to take that on, sure.

4 VICE CHAIR BECRAFT: I concur that there's gonna be
5 people that even just vent on what they -- you know, what they
6 feel they have been wronged on, but that's not what I'm trying
7 to do and those we'll just have to skim through and dismiss,
8 you know, that they don't have any value. But there may be
9 people out there who -- I'd rather -- I'd rather give them the
10 opportunity because there may be people out there that
11 legitimately have some background and say, hey, listen, you
12 know, he should be evaluated on --

13 COMMISSIONER PATEL: But they will have that when
14 they -- when we put this on the agenda, and they could
15 publicly testify in terms of what -- right? So they will have
16 that process, and they will that option. I just don't -- I
17 just don't think, for the record, Jamie, I don't think we need
18 to go the route you're talking about with that, but if others
19 feel so -- you know, I think we have an opportunity to move
20 forward as, you know, the chair has said before, with our
21 collective skills with something new, something I think that
22 will be beneficial for the liquor department going forward,
23 and that we need to start with that, you know. And I agree
24 with you; we can look at other commissions and seeing how
25 they're doing it, but we have an opportunity to create

1 something new, and we were selected to do -- you know, for the
2 reason of perhaps moving things forward in the department, and
3 I don't know public input, how much of that beforehand we
4 should be collecting. They will have an opportunity to do
5 that when we finalize the form and put it up.

6 VICE CHAIR BECRAFT: Sne, I think your point's
7 extraordinarily valid, so I think I'll withdraw my request
8 because the process is already there like you're saying, yeah,
9 so we probably don't need to do that. They'll have the
10 opportunity -- because we're not gonna be voting on it on the
11 next session, we're gonna be just still compiling and getting
12 more information, talking about it, and then we'll have to
13 have, you know, in the future -- so I think you're a hundred
14 percent correct and thanks for that, and we alleviated some
15 work for Maria. Sorry, Maria.

16 CHAIR BOLOSAN: Thank you, Jamie and Sne.

17 Jerrybeth. Jerrybeth, go ahead.

18 COMMISSIONER DE MELLO: Yeah, I agree with Mimi that
19 the evaluation on the director is done by us on his -- on his
20 duties and his response and, yeah, you don't want to open it
21 up to the public sector because the commission is the one that
22 does the reviewing on the evaluation. And, yeah, Mimi has a
23 good thought. Thank you.

24 CHAIR BOLOSAN: Thank you, Jerrybeth.

25 Any more?

1 COMMISSIONER HO: This is Sylvia. I have a
2 question.

3 CHAIR BOLOSAN: Yes, Sylvia.

4 COMMISSIONER HO: I just want to get a -- oh, I
5 would like to a clarification on the evaluation form that
6 Jamie was referring to. Are you asking other departments with
7 the same capacity of the directors that -- just a blank form,
8 right, what they use, not what they -- not what do you call,
9 an evaluation was made on. Just a blank form that they use,
10 is it correct, Jamie, that's what you are asking them to --

11 VICE CHAIR BECRAFT: Absolutely. Absolutely. Just
12 a blank form, not -- not a completed one. Just blank, no
13 names, no person.

14 COMMISSIONER HO: That's just the record, yeah.
15 Okay.

16 VICE CHAIR BECRAFT: Just like the one -- sort of
17 like the sample one we have, just like that, just this is what
18 theirs looks like, and then we can see if --

19 COMMISSIONER DE MELLO: Like a guideline, like a
20 guideline.

21 COMMISSIONER HO: Okay. Thank you.

22 CHAIR BOLOSAN: Thank you, ladies.

23 Any more?

24 (No response.)

25 CHAIR BOLOSAN: Okay. That concludes that item.

1 I'd like -- we still have administration -- Administrative
2 Affair C and D. Can we drop off this one with you, Layne?

3 DIRECTOR LAYNE N. SILVA: Okay, yeah. And to wrap
4 it up, Item C, the liquor control adjudication board meeting
5 of September 2nd has been canceled. There were no cases to
6 adjudicate. And that the next regular meeting of the liquor
7 control commission is scheduled for October 6, 2021. That
8 concludes the director's monthly report.

9 CHAIR BOLOSAN: Thank you, Layne.

10 Before we call for adjournment, I -- it was not
11 clear whether this form will be part of the next agenda.
12 Maria, are you there?

13 MS. KHANGSENGSING: Yes, I'm here.

14 CHAIR BOLOSAN: Okay. So can we put all the forms
15 for the next agenda?

16 MS. KHANGSENGSING: Yes, I'm gonna -- I'm gonna
17 compile all forms that I could get and have it ready for the
18 agenda next -- next month.

19 CHAIR BOLOSAN: Okay. Yeah.

20 CORP COUNSEL DESJARDINS: Chair.

21 CHAIR BOLOSAN: Yes.

22 CORP COUNSEL DESJARDINS: This is Mimi.

23 CHAIR BOLOSAN: Go ahead, Mimi.

24 CORP COUNSEL DESJARDINS: I just wanted to point out
25 too that it looks like Commissioner Patel had a suggestion for

1 an agendize item for the next meeting entitled (inaudible)
2 workflow update, and so that you could continue your
3 conversation about the test scheduling item if you folks want
4 to put that on the agenda, but I didn't know if you had seen
5 that in the chat.

6 CHAIR BOLOSAN: Okay.

7 CORP COUNSEL DESJARDINS: Did you get that, Maria?

8 MS. KHANGSENGSING: Yeah. Is that -- is that
9 regarding the certification exam education class in terms of
10 how -- what the signed-up registration process is at? Are you
11 referring to that, the status of that?

12 COMMISSIONER PATEL: Yes, the IT, the email, just an
13 update where we're at, and if we move forward, kind of just
14 agendize it so we can make that clear.

15 MS. KHANGSENGSING: And also, since you guys were
16 having a lot of questions about the COVID slash vaccine, does
17 that need to be on the agenda for next month?

18 COMMISSIONER PATEL: I would think so if we're gonna
19 talk about it, considering that those rules will take effect
20 potentially September 15th, and we'll maybe need to readdress
21 it.

22 CHAIR BOLOSAN: Okay.

23 MS. KHANGSENGSING: All right.

24 CHAIR BOLOSAN: Yeah. Mimi, you want to add on
25 anything before we adjourn?

1 CORP COUNSEL DESJARDINS: No. I think that's great.
2 I think you guys did a great job. Good meeting.

3 CHAIR BOLOSAN: Oh, thank you, Mimi, for your
4 support. You're a savior all the time.

5 Okay. So then may I have a motion to adjourn.

6 COMMISSIONER DE MELLO: I make a motion to adjourn.

7 CHAIR BOLOSAN: Okay, Jerrybeth. Second? Oh, we
8 don't have. I was just kidding. We can adjourn. Thank you,
9 ladies and gentlemen.

10 (The proceedings were adjourned at 11:22 a.m.)

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