

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

TRANSCRIPT OF PROCEEDINGS
REGULAR MEETING

Held via Blue Jeans video conference, commencing at
9:05 a.m., on February 9, 2022.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES

COMMISSION MEMBERS PRESENT:

CHAIRPERSON: LEON BOLOSAN
VICE CHAIR: JAMIE BECRAFT
COMMISSIONERS: ROBERTO ANDRION, JR.
AARON BOSWELL
JERRYBETH DE MELLO
SYLVIA HO (left at 9:43 a.m.)
SNEHAL PATEL
STANLEY RUIDAS
BRUCE U'U

STAFF PRESENT:

DEPUTY CORPORATION COUNSEL: JENNIFER OANA
DIRECTOR: LAYNE N. SILVA
DEPUTY DIRECTOR: JARRETT KAHOOHANOHANO
COMMISSION SECRETARY: MARIA KHANGSENGSING
PRIVATE SECRETARY: LIANNE SUZUKI

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(February 9, 2022, 9:06 p.m.)

* * *

CHAIR BOLOSAN: February 9, 2022, regular meeting of the meeting of liquor control commission. It is Wednesday, February 9, 2022, and the time is 9:05. I am Leon Bolosan, the chair of the commission, and I call this meeting to order. I'm going to do a roll call. Commissioners, please to indicate who, if anyone, is present with you at your location.

Vice Chair Becraft.

VICE CHAIR BECRAFT: Good morning, everyone. I'm at home, and corporation counsel Moana Lutey is working in the back office today.

CHAIR BOLOSAN: Commissioner Andrion.

COMMISSIONER ANDRION: Hi, good morning, everyone. I'm at home, and no one is with me. I'm in a private room.

CHAIR BOLOSAN: Commissioner De Mello.

COMMISSIONER DE MELLO: I'm at home, and my husband and my granddaughter are in the family room.

CHAIR BOLOSAN: Commissioner U'u.

COMMISSIONER U'U: I'm at work alone in my office.

CHAIR BOLOSAN: Commissioner Boswell.

COMMISSIONER BOSWELL: I am at work. (Inaudible.)

CHAIR BOLOSAN: Thank you.

Commissioner Ruidas.

COMMISSIONER RUIDAS: I'm alone at home.

1 CHAIR BOLOSAN: Commissioner Ho. Sylvia?

2 (No response.)

3 CHAIR BOLOSAN: Okay. I don't hear Commissioner Ho.
4 I'm gonna acknowledge her when she comes in.

5 COMMISSIONER HO: Can you hear me now? Yes, I'm
6 alone. I'm driving.

7 CHAIR BOLOSAN: Oh, okay, Sylvia.
8 Commissioner Patel.

9 COMMISSIONER PATEL: Yes, I'm here and in my office.
10 I have a staff member in the next office over.

11 CHAIR BOLOSAN: Thank you.

12 And the chair is present as well, and I'm alone
13 here.

14 I'm gonna call on Corp. Counsel Jennifer Oana.

15 CORP COUNSEL OANA: Present. Good morning.

16 CHAIR BOLOSAN: Thank you, Jen.

17 Director Layne Silva.

18 DIRECTOR LAYNE N. SILVA: Present.

19 CHAIR BOLOSAN: Deputy Director Jarrett
20 Kahooohanohano.

21 DEPUTY DIRECTOR KAHOOHANOHANO: Present.

22 CHAIR BOLOSAN: Maria Khangsengsing.

23 MS. KHANGSENGSING: I'm here.

24 CHAIR BOLOSAN: Lianne Suzuki.

25 MS. SUZUKI: Present.

1 CHAIR BOLOSAN: Thank you.

2 Did I miss anyone?

3 (No response.)

4 CHAIR BOLOSAN: Moving on, the agenda. The chair
5 will entertain a motion to approve of today's agenda, February
6 9th, 2022.

7 COMMISSIONER DE MELLO: I make a motion to accept
8 the -- to approve the agenda for today.

9 CHAIR BOLOSAN: Thank you. Second?

10 COMMISSIONER U'U: I'll second.

11 COMMISSIONER ANDRION: I second, Mr. Chair.

12 CHAIR BOLOSAN: Okay. Commissioner U'u seconded and
13 motion by Commissioner De Mello. Okay. I'm gonna do a roll
14 call. All those in favor of the motion, say aye; and those
15 opposed, say nay.

16 Vice Chair Becraft.

17 VICE CHAIR BECRAFT: Aye.

18 CHAIR BOLOSAN: Commissioner Andrion.

19 COMMISSIONER ANDRION: Aye.

20 CHAIR BOLOSAN: Commissioner De Mello.

21 COMMISSIONER DE MELLO: Aye.

22 CHAIR BOLOSAN: Commissioner U'u.

23 COMMISSIONER U'U: Aye.

24 CHAIR BOLOSAN: Commissioner Boswell.

25 COMMISSIONER BOSWELL: Aye.

1 CHAIR BOLOSAN: Commissioner Ruidas.

2 COMMISSIONER RUIDAS: Aye.

3 CHAIR BOLOSAN: Commissioner Ho. Commissioner Ho?
4 Your audio -- okay. I'll get back --

5 COMMISSIONER HO: Aye.

6 CHAIR BOLOSAN: Okay, all right. Sorry about that.

7 COMMISSIONER HO: I'm aye. I'm good.

8 CHAIR BOLOSAN: Thank you, Commissioner Ho.

9 Commissioner Patel.

10 COMMISSIONER PATEL: Aye.

11 CHAIR BOLOSAN: And the chair votes aye.

12 Motion carried.

13 Chair moving on to the public testimony. With
14 regards to written testimony, the commissioners were given --
15 all given the written testimony submitted for this meeting.
16 For oral testimony, each testifier will be limited to two
17 minutes on each agenda item with an additional to conclude.

18 MR. BROWN: Okay.

19 CHAIR BOLOSAN: Testifiers via video are asked to
20 sign up using the chat function by sending a direct message to
21 the commission secretary providing your name and which item
22 you will be testifying on. Testifiers via phone will be
23 called by the chair after video testimony is finished. The
24 meeting chat room is only available for individuals to make
25 known their desire to testify; no comments are allowed.

1 Except for commissioners, those attending the meeting are to
2 mute their audio and video unless called upon by the chair to
3 speak. Those who have signed up to testify will be called by
4 the chair to offer their testimony, at which time they can
5 unmute your audio and video. After completing their
6 testimony, the testifier will mute their audio and video.
7 Just video, I'm sorry. An individual's request to testify may
8 be deemed withdrawn if the individual does not answer when
9 called to testify.

10 Maria, can you help me? Is there anyone to testify?

11 MR. BROWN: Yes.

12 CHAIR BOLOSAN: Okay. Maria, can you help me on
13 that first testifier, please? Maria, are you there?

14 MS. KHANGSENGSING: I'm sorry, I was muted.

15 CHAIR BOLOSAN: Okay.

16 MS. KHANGSENGSING: There is no one signed up in the
17 chat area, but I believe there might be somebody on call.

18 CHAIR BOLOSAN: Okay.

19 MR. BROWN: Yeah, I'm on call.

20 CHAIR BOLOSAN: All right. Gentleman, you have the
21 floor for three minutes. Can you state your name?

22 MR. BROWN: Right now, or are you gonna call me to
23 speak?

24 CHAIR BOLOSAN: Yeah, I will call on you right now.
25 You have the floor.

1 MR. BROWN: Oh, okay. Okay, all right. My name is
2 Torian Brown, homeowner of 480 Front Street located right
3 across the street of 505 Front Street where Kapena's Wood Fire
4 Grill is applying for live music, recorded music. I'm 50/50
5 on this only because of the -- the hardships that noise
6 pollution and everything that recorded music and live music
7 brings. Through Spanky's, I have had a long rapport with the
8 liquor commission and going back and forth good and bad with
9 Spanky's, so I'm just really, really nervous and concerned
10 that Kapena's Wood Fire is gonna bring that type of
11 atmosphere, which by the looks of it, I'm assuming they're
12 not. But I'm just bringing up concern that we do want to have
13 a cordial interaction between homeowner and business, being
14 that it's a residential-commercial area, and we don't want it
15 to become a party area like Spanky's has tried to make it. We
16 have agreements with the lawyers and all of this to have
17 controlled the noise that they produce. We also have a cap on
18 their closing time, which is at 12:00, so they do not open to
19 2:00 a.m. because of the district -- or area that they're in
20 and the noise pollution they have provided.

21 On the other side, I would say I'm -- I'm for
22 Kapena's Wood Fire Grill because what a great addition to the
23 community. Just on a, I guess, homeowner-neighbor-business
24 type of relationship, we would be cordial to each other and
25 respect the peace after 10:00. Looking at their hours of

1 operation, it looked like they closed at 8:00. So I think it
2 would be great to have what they're offering, but if they
3 extend it and try and go to 2:00 to make it a party area, I
4 would be really against that, and I think the community as
5 well here would be as well. So kind of just wanted to make
6 sure that everything goes, you know, equal between homeowner
7 and business, but nothing really negative to say on Kapena's
8 as of now, but just hoping that they don't turn into Spanky's
9 where they're pounding their music, and we can hear it across
10 the street through double-pane windows and so forth. Just
11 have a young family and, you know --

12 MS. KHANGSENGSING: Sir, you have one more minute to
13 conclude.

14 MR. BROWN: Okay. Thank you. And, no, that --
15 that's about it. I just don't want it to become a party city.
16 I call in; everybody knows who I am because I do call and make
17 reports when the noise is outrageous. And I'm a professional
18 sound guy, so I'm really in tune on sound levels. Otherwise,
19 everybody have a good day, and I hope we can be cordial and
20 work together.

21 CHAIR BOLOSAN: Thank you.

22 MR. BROWN: Thank you for my time.

23 CHAIR BOLOSAN: Thank you.

24 Maria, any more testifiers, please?

25 MS. KHANGSENGSING: We don't have anyone signed up

1 in the chat, unless there's phone callers.

2 CHAIR BOLOSAN: Okay. If you don't see anything
3 there --

4 MS. KHANGSENGSING: Not in -- not in the chat
5 function, no.

6 CHAIR BOLOSAN: Yeah, yeah, yeah. Okay.

7 COMMISSIONER ANDRION: Chair, Bruce has a question.

8 CHAIR BOLOSAN: Okay. Go ahead.

9 COMMISSIONER U'U: I have a question for the
10 testifier, the previous testifier, if that's okay, Chair?

11 CHAIR BOLOSAN: Go ahead.

12 COMMISSIONER U'U: Is he -- are you still on?

13 MR. BROWN: Yes.

14 COMMISSIONER U'U: Sorry, what was your name again?

15 MR. BROWN: My name is Torian Brown.

16 COMMISSIONER U'U: Okay, all right. So you --

17 MR. BROWN: I also go by Tory.

18 COMMISSIONER U'U: Okay, Tory. So you live in the
19 area, Tory?

20 MR. BROWN: Yes. I'm on -- the first house right on
21 the corner, 480 Front Street, of Shaw and Front.

22 COMMISSIONER U'U: Okay. And, again, just for me,
23 so how much neighbors in that area that will be directly
24 related or affected by the restaurant, round number?

25 MR. BROWN: How many people would be affected?

1 COMMISSIONER U'U: Yeah.

2 MR. BROWN: I'd say that --

3 COMMISSIONER U'U: Through the potential noise
4 pollution.

5 MR. BROWN: There's -- there's neighbors, there's
6 Salvation Army, which they have the pastor then lives there
7 right behind me. Got family housing right on the side of me,
8 family housing on the side of also there's a hotel, so a lot
9 of living, you know, going on.

10 COMMISSIONER U'U: Okay, okay. And then --

11 MR. BROWN: Just a lot of hardworking people, I
12 guess you would say, that, you know, get up early, work all
13 day, kind of -- you know, by the time 10:00-11:00 at night, we
14 don't like to have to deal with, you know, outrageous sound
15 and another thing to deal with to not be able to produce for
16 the day, you know what I'm saying?

17 COMMISSIONER U'U: Okay.

18 MR. BROWN: And we just want people equal-equal,
19 just equal.

20 COMMISSIONER U'U: I understand.

21 MR. BROWN: Because long story short, long story
22 short, if you kind of look at the rapport of Spanky's and us,
23 and me, and that's how bad it got.

24 COMMISSIONER U'U: Okay, okay. And I just wanted to
25 note that for the record, that -- and then -- but it's closing

1 at 8:00, the music, is what you're saying, though, correct?

2 MR. BROWN: I looked at their hours of operation
3 online, and it says they close at 8:00. And I'm assuming that
4 if they're -- they're gonna play live music to 8:00, what an
5 addition. But if they're gonna play live music and pound loud
6 music to 12:00, 11:30 like Spanky's, I think it's gonna be
7 a -- not a good thing.

8 COMMISSIONER U'U: Okay, awesome. Thank you for
9 your testimony, and hopefully, I can run that by the applicant
10 when they're up, so just wanted to note that down.

11 MR. BROWN: Awesome. Thank you for your time.

12 COMMISSIONER U'U: You're welcome. Thank you.

13 MR. BROWN: Okay. Aloha.

14 COMMISSIONER U'U: Aloha.

15 CHAIR BOLOSAN: Thank you.

16 Maria, I want to call on you again if there is any
17 somehow testifying.

18 MS. KHANGSENGSING: No, it doesn't appear that
19 anybody signed up in the chat.

20 CHAIR BOLOSAN: All right.

21 MS. KHANGSENGSING: There's two phone callers; one
22 was Tory and the other one; I'm not quite sure if they're
23 gonna testify.

24 CHAIR BOLOSAN: Okay. Any possibility that we can
25 hear from them on the line right now, or if not --

1 Yes, this is -- I -- this is Denver Coon. I'm with
2 Kapena's. Yeah, I'm the general counsel for Trilogy
3 Experience, the corporation.

4 CHAIR BOLOSAN: Okay, sir. You want to go on? You
5 have the floor.

6 MR. COON: Oh, yes. I think we're more than happy
7 to work with the neighbors. We're not looking to be opening
8 up any kind of, you know, nightclub scene or anything like
9 that. We just have a -- you know, basically a little pizza
10 restaurant. We just want to be able to offer, you know,
11 alcohol with those purchases, live music, but not like a dance
12 or -- or a club scene or anything like that. I can have -- I
13 think if Gabe Lucy is online as well, he can speak more to the
14 hours. I can see us opening up till 10:00, I don't see us
15 going past that, but I'll let him speak to that. But, again,
16 we're very open to working with the neighbors and the
17 community, and we'd be happy to talk with them outside this
18 meeting as well to see, you know, how we can work with them on
19 making sure that, you know, we -- we bring, you know, positive
20 things to that -- that area.

21 MR. BROWN: Very cool. Very cool.

22 CHAIR BOLOSAN: Okay. Thank you.

23 Is there any more added on to this item?

24 MR. LUCY: I can -- I can speak; I'm Gabe. Denver
25 spoke of my name just now. I'm the president of Kapena's Wood

1 Fired Kitchen, and to speak to Tory's, you know, questions,
2 right now we close around 8:00, and then we clean up a little
3 bit. Our cleaners come in every night at 10:00 to 2:00
4 because we have to start catering at 2:00 and start making
5 cinnamon rolls for our Trilogy boats. We're a family-style
6 business, so we're looking for more of a family environment.
7 My father-in-law just wanted a place so that he could play
8 live music. Once in a while, he can play his banjo until
9 about 9:00, and then he makes his way back up the hill. So it
10 is a family-style environment, and we have, you know, video
11 games and stuff for kids to come in, so we're actually trying
12 not to attract the rowdy crowd. I think there's plenty of
13 space over at Spanky's for them to go over there. But we are
14 trying to offer something for the community and -- and that's
15 it, yeah.

16 CHAIR BOLOSAN: Oh.

17 MR. LUCY: Thank you.

18 CHAIR BOLOSAN: Cool. Thank you.

19 Any more?

20 COMMISSIONER ANDRION: Chair, Bobbie Andrion.

21 CHAIR BOLOSAN: Yes, Bobbie. Go ahead.

22 COMMISSIONER ANDRION: I guess this would be for --
23 is it Gabriel Lucy, is that the last person that was talking?

24 MR. LUCY: Yes.

25 COMMISSIONER ANDRION: This is a question for him.

1 So when we're talking about live music, we're talking about a
2 single individual playing an instrument? You're not talking
3 about a -- are you talking about any future things with a
4 band, a full-size band, or -- because when you're saying live
5 music with a banjo, I don't think it's gonna carry the
6 acoustics out that far. (Inaudible.)

7 MR. LUCY: No. Right now, we currently have -- we
8 currently have Sonos speakers throughout the restaurant. So
9 if Tory hasn't heard it yet, you know, then I think -- when we
10 brought live, you know, we brought people in to check it out,
11 it didn't carry much. Our customers complain if the music is
12 too loud. The place is more of a quiet, sit-down type spot.
13 So it's really more of an ambiance, kind of background music
14 type of environment is what we're looking for. We're -- we're
15 really just a restaurant, and a lot of people do complain when
16 we do play any music inside the restaurant, so you have to
17 keep it kind of quieter; it's just for more the vibe.

18 COMMISSIONER ANDRION: Okay. Thank you.

19 CHAIR BOLOSAN: Thank you both. Thank you, Gabe.

20 Any more testifiers?

21 (No response.)

22 CHAIR BOLOSAN: Okay. If not, with no objection, I
23 will close public testimony.

24 (No response.)

25 CHAIR BOLOSAN: Moving on for approval of the

1 minutes. The chair will entertain a motion to approve the
2 minutes of January 12th, 2022, regular meeting, and January
3 20, 2022, special meeting. May I have a motion?

4 COMMISSIONER PATEL: Make a motion, Chair, to
5 approve the minutes of January 12th, 2020.

6 COMMISSIONER U'U: I'll second.

7 CHAIR BOLOSAN: Okay. Second by Commissioner U'u,
8 and was that you, Sne?

9 COMMISSIONER PATEL: Yes.

10 CHAIR BOLOSAN: Oh, okay.

11 CORP COUNSEL OANA: Excuse me. Commissioner Patel,
12 did you make a motion for both, approval of both minutes, or
13 just the January 12th?

14 COMMISSIONER ANDRION: He did both.

15 COMMISSIONER PATEL: Just to clarify, both minutes
16 of January 12th, 2022, and January 20th, the special meeting.

17 CORP COUNSEL OANA: Thank you.

18 And the second is okay with that?

19 COMMISSIONER U'U: Yes, I -- yes, I am.

20 CORP COUNSEL OANA: Thank you.

21 COMMISSIONER U'U: Thank you.

22 CHAIR BOLOSAN: Okay. Motion by Commissioner Patel,
23 seconded by Commissioner U'u. I'm gonna do a roll call vote.

24 Vice Chair Becraft.

25 VICE CHAIR BECRAFT: Aye.

1 CHAIR BOLOSAN: Commissioner Andrion.
2 COMMISSIONER ANDRION: Aye.
3 CHAIR BOLOSAN: Commissioner De Mello.
4 COMMISSIONER DE MELLO: Aye.
5 CHAIR BOLOSAN: Commissioner U'u.
6 COMMISSIONER U'U: Aye.
7 CHAIR BOLOSAN: Commissioner Boswell.
8 COMMISSIONER BOSWELL: Aye.
9 CHAIR BOLOSAN: Commissioner Ruidas.
10 COMMISSIONER RUIDAS: Aye.
11 CHAIR BOLOSAN: Commissioner Ho.
12 COMMISSIONER HO: (Gesturing.)
13 CHAIR BOLOSAN: Sylvia? Okay. Voted aye.
14 Commissioner Patel.
15 COMMISSIONER PATEL: Aye.
16 CHAIR BOLOSAN: And the chair votes aye.
17 The vote is unanimous, and the -- and the motion
18 passes.
19 Preliminary Hearings: Application No. 05, Captains
20 Galley, LLC doing business as Kapena's Wood Fire Kitchen.
21 Will the applicant please come forward and state
22 your name, please? Applicant for Application No. 05?
23 MR. COON: Hello. Yes. Sorry, I wasn't sure if
24 Gabe was gonna hop on. This is Denver Coon with Kapena's.
25 CHAIR BOLOSAN: Okay, okay. Thank you.

1 May I have Jarrett to read the application?

2 DEPUTY DIRECTOR KAHOOHANOHANO: Yes. Application
3 No. 05, the applicant is Captain Galley -- Captains Galley,
4 LLC, a registered limited liability company, doing business as
5 Kapena's Wood Fired Kitchen applying for a Restaurant General
6 License, Category B(ii).

7 Member of the member-managed LLC, personal history,
8 lease, and past history are all listed in the investigator's
9 report.

10 The proposed premises contains approximately 1,819
11 square feet and is on the first floor, is located at 505 Front
12 Street, Suite 101, Lahaina, Maui, Hawaii.

13 Toilet facilities are located outside the premises,
14 approximately 80 feet in the makai direction and an additional
15 25 feet in the north direction. Staff and customers will have
16 full access to the common area restrooms.

17 There are no schools or churches located within a
18 radius of 500 feet. Malu Ulu Olele Park and Kamehameha Iki
19 Park are located within a radius of 500 feet.

20 Pacific'O Restaurant and the Feast at Lele are
21 licensed -- are licenses of the same class and kind located
22 within a radius of 500 feet.

23 There are two dispenser general licenses located
24 within a radius of 500 feet.

25 There are 80 licenses of this class and kind

1 currently issued within Maui County.

2 The applicant initially plans to be open seven days
3 a week from 8:00 a.m. to 2:00 a.m.

4 Inspection of the premises was done by Liquor
5 Control Officer Gene Silva and was conducted on November 24th,
6 2021.

7 The applicant appears to meet the statutory
8 requirements to hold a license.

9 All documents necessary for the issuance of a liquor
10 license that have not been submitted are all listed in the
11 investigator's report.

12 CHAIR BOLOSAN: Thank you, Jarrett.

13 To the applicant, do you have anything to add, sir?

14 MR. COON: I do not unless the -- unless the board
15 has any questions.

16 CHAIR BOLOSAN: Okay. The floor is open for public
17 testimony.

18 MR. BROWN: There was a mention of no church within
19 500 feet. How much feet is the Salvation Army Church from
20 505? If Malu Ulu Olele Park is 500 feet within, they're in
21 the same vicinity, so I'm just wondering the confusion on that
22 in my mind.

23 CHAIR BOLOSAN: Could we have that answer to the
24 question, please?

25 MR. COON: As the applicant, I'm not sure; I would

1 have to look it up, you know. I can on a Google Map. I'm
2 not -- I don't know the exact distance on it at the moment.

3 MR. BROWN: Yeah. 'Cause if Malu Ulu Olele Park is
4 within 500 feet, the Salvation Army Church is right next and
5 pretty much there and so that would all kind of conclude, so
6 there is a church within the 500 feet.

7 DIRECTOR LAYNE N. SILVA: I might be able to add --
8 add to that. It all depends on the TMK line, where the
9 property line falls. If I'm not mistaken, the park is
10 directly across the street from 505 Front Street is where it
11 begins. If the 500-foot radius line touches anything within
12 the TMK of the property, it's gonna be counted or considered
13 within the 500-foot radius. I do not have access to the tax
14 map right now at this moment, but I -- that could be a reason
15 why it is not listed. I know that, if I'm not mistaken, the
16 Salvation Army is on the other side of the parking lot that's
17 across 505 Front Street, which could be a possible reason why
18 they are not listed if that 500-foot radius doesn't reach
19 their property line.

20 MR. BROWN: Oh, okay. That makes sense.

21 DIRECTOR LAYNE N. SILVA: But that could be
22 clarified.

23 MR. BROWN: Okay, cool. Thank you.

24 CHAIR BOLOSAN: Okay. Any more?

25 COMMISSIONER U'U: (Gesturing.)

1 CHAIR BOLOSAN: Okay. Commissioner U'u.

2 COMMISSIONER U'U: Yeah.

3 CHAIR BOLOSAN: You have the floor.

4 COMMISSIONER U'U: So the hours of operation, if I'm
5 not mistaken, I heard from 8:00 to 2:00 a.m. No? I heard
6 something different.

7 MR. COON: The report -- that's what the application
8 had. That's what they applied for, so that's in the initial
9 application. What their hours are gonna be is up to them
10 within those times.

11 COMMISSIONER U'U: Okay. Okay, okay. So can I have
12 the hours of operation, please, just once again?

13 DEPUTY DIRECTOR KAHOOHANOHANO: The hours of
14 operation within the application itself was seven days a week,
15 8:00 a.m. to 2:00 a.m.

16 COMMISSIONER U'U: Awesome, but --

17 DIRECTOR LAYNE N. SILVA: And, again, I can clarify
18 that as well. The type of license that is being applied for
19 allows for operation between those times; however, it does not
20 require them to operate to the extreme of the -- those times
21 from start to finish. However, you know, whatever hours are
22 decided, and the commission does have the authority to place
23 hours as you see fit.

24 COMMISSIONER U'U: No, I just -- I just wanted to
25 make mention that I -- they said 9:00 if I'm not mistaken, and

1 I'm okay with that. We don't have to overanalyze. I'm gonna
2 place my trust in the business owners, and that's my goal and,
3 again, with all due respect, hopefully, we have respect for
4 the neighbors, which it seems to have, and, you know, again,
5 hopefully, it hashes out on its own. So I like what they
6 said, family-style restaurant, you know, maybe some light
7 music, closing at 9:00 if I'm not mistaken, cleaners coming
8 in. I heard no quarrels with the neighbors about any -- any
9 cleaning being done at certain hours; it was more so the noise
10 pollution. So just take that into context, hopefully, and we
11 can respect the neighbors, and I'll be stoked on my end.

12 MR. COON: We'll take that -- we'll take that into
13 consideration.

14 COMMISSIONER U'U: Thank you.

15 CHAIR BOLOSAN: Okay.

16 COMMISSIONER PATEL: Chair, I'd like to --

17 CHAIR BOLOSAN: Go ahead. Was that you, Sne?

18 COMMISSIONER PATEL: Oh, yeah. Sorry.

19 CHAIR BOLOSAN: Yeah, you were muted.

20 COMMISSIONER PATEL: Yeah. No, I'd just like to
21 say, you know, I live in Lahaina, as you folks know, and that
22 area has historically, you know, had some issues, especially
23 Kamehameha Iki Park, and it's -- I'd welcome the fact that
24 Kapena's is looking to revitalize that area, you know. And I
25 think, you know, from what I've observed and seen and been

1 through there, they are more family-oriented than anything
2 else, so, you know, I would -- I would think that, you know,
3 it's gonna be a welcome addition to that area. And the music
4 would be, I would think, within line with that same sort of
5 atmosphere 'cause otherwise, you know, folks that got their
6 family are not gonna go there. And it goes against their
7 business model, right? So, yeah, congratulations for you
8 guys, you know, trying to make a go of it there. I know it's
9 a hard spot. It's been through a few different sort of
10 business models, so to speak, so good luck, and I fully
11 support you.

12 CHAIR BOLOSAN: Thank you, Commissioner Patel.

13 Any more from the commission? Do I see you,
14 Commissioner De Mello?

15 COMMISSIONER DE MELLO: Yeah, you do.

16 CHAIR BOLOSAN: Yes, yes. It's kind of blurry.

17 COMMISSIONER DE MELLO: I just -- yeah, I just want
18 to kind of reiterate to Layne -- I mean, yeah, Layne, there is
19 something in the packet for the 505 Front Street, the tax key
20 map, and, yes, what you stated that the park does go all the
21 way to the road area because of the basketball court and
22 that's part of the park. And next to it is a parking lot, and
23 then above it is the Salvation Army. So if you're looking at
24 the church, that will be that property line back on the
25 Salvation Army.

1 DIRECTOR LAYNE N. SILVA: Yeah, that is correct.
2 Now, another thing that is important to -- to recognize is
3 that in order to be designated as a church, they also need to
4 have -- regular services needs to take place there. I --
5 again, I need to go do some research before I can answer this
6 definitively; I do believe that Salvation Army, on their
7 website, identifies several churches in the Lahaina area; I
8 don't believe that's one of them. I think that's kind of like
9 the place where you go and do your donations and stuff like
10 that, but, again, I would need to do some more research in
11 order to definitively state that as a fact.

12 COMMISSIONER DE MELLO: Yeah, you're correct.

13 CHAIR BOLOSAN: Okay. Any more from the
14 commissioners?

15 COMMISSIONER ANDRION: Mr. Chair.

16 CHAIR BOLOSAN: Yes, Bobbie.

17 COMMISSIONER ANDRION: Bobbie Andrion. I guess
18 this -- this would be a question to -- to Layne. Layne, if --
19 if it was considered a church under the parameters that we --
20 you kind of mentioned where regular service is needed, would
21 this have any bearing on this particular application?

22 DIRECTOR LAYNE N. SILVA: The bearing that it would
23 have is that it would change the percentage of opposed or
24 protests that would be required to -- to automatically deny
25 this application. So, yes, if we were -- if we were receiving

1 anywhere near 50 percent protest opposing this application,
2 then, yes, that church being there would definitely have an
3 effect on that.

4 COMMISSIONER ANDRION: Okay. Just --

5 DIRECTOR LAYNE N. SILVA: The church being within a
6 500-foot radius reduces the percentage amount of required
7 opposition in order to -- to deny the application.

8 COMMISSIONER ANDRION: Okay. So, but you will --
9 just to follow up here, so, but you will be following up to
10 see if the Salvation Church that we're talking about is in the
11 parameters of being considered a church, right?

12 DIRECTOR LAYNE N. SILVA: Absolutely.

13 COMMISSIONER ANDRION: For us. Okay, all right.
14 Thank you.

15 CHAIR BOLOSAN: Okay. Any more on this issue,
16 commissioners?

17 (No response.)

18 CHAIR BOLOSAN: Okay. If not --

19 COMMISSIONER ANDRION: Mr. Chair, Jamie Becraft has
20 his hand up.

21 CHAIR BOLOSAN: Oh, okay. Sorry, Vice Chair, I did
22 not see that.

23 VICE CHAIR BECRAFT: That's okay. Thank you, Mr.
24 Chair.

25 I'd like to make a motion to approve Application No.

1 5.

2 CORP COUNSEL OANA: Excuse me, Chair and Vice Chair.
3 Could you change it to a motion to continue processing? The
4 approval of the application comes after the public hearing, so
5 this is just the initial stage of the preliminary hearing.

6 CHAIR BOLOSAN: Okay. So, Corp. Counsel, what
7 should we do right now?

8 CORP COUNSEL OANA: Just motion to continue
9 processing. Based on the rules --

10 CHAIR BOLOSAN: Okay.

11 CORP COUNSEL OANA: -- your rules, 8-101.39, this is
12 the preliminary hearing, and you can deny it at this time, but
13 if you don't deny, it continues, and then you'll get a public
14 hearing on your agenda in a little bit, and that's where you
15 grant or approve the application.

16 CHAIR BOLOSAN: Okay. So can we make it work by --
17 can you redo your motion, Vice Chair?

18 VICE CHAIR BECRAFT: Yes. I make a motion to
19 continue the approval of Application No. 5.

20 CHAIR BOLOSAN: Okay. Second?

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

22 CHAIR BOLOSAN: Okay. Moved by Commissioner U'u,
23 motion by Vice Chair Becraft. All of those who are in favor
24 of this motion, say aye; to those opposed, say nay.

25 COMMISSIONER ANDRION: Mr. Chair, before we make --

1 before we take the vote, could I have something clarified, so
2 I know what we're doing here?

3 CHAIR BOLOSAN: Okay, all right. Go ahead.

4 COMMISSIONER ANDRION: So I guess this is for Jen,
5 corp. Counsel.

6 CHAIR BOLOSAN: Yes.

7 COMMISSIONER ANDRION: And I'm sorry for my
8 ignorance here. So if we make this motion to continue,
9 what -- what does that mean? We're just gonna continue this
10 and not approve it, or will this come back on at another
11 meeting?

12 CORP COUNSEL OANA: So this will come back for
13 another meeting. If you don't deny it at this meeting, then
14 it continues the process, and then you'll see this again at
15 public hearing, and that's where you approve the application.

16 COMMISSIONER ANDRION: Understood. Thank you.

17 CORP COUNSEL OANA: Yeah.

18 COMMISSIONER ANDRION: Thank you.

19 CORP COUNSEL OANA: So your rules, 08-101.39, talks
20 about notice of a public hearing, it talks about the
21 preliminary hearing, which is today, and it basically says --
22 hold on. On such preliminary hearing, you guys can deny the
23 application. If the application is not denied upon a
24 preliminary hearing, the commission shall fix a date for the
25 public hearing of the application. And then if you look

1 towards the very end of that rule, and it's super long, and
2 then it says at the end the commission may approve the
3 granting of a liquor license at the public hearing. I
4 apologize for changing things up on you.

5 CHAIR BOLOSAN: Okay.

6 CORP COUNSEL OANA: And I see Director Silva's hand
7 up, so maybe I'm wrong.

8 CHAIR BOLOSAN: Yes, I -- I was gonna ask director
9 to, you know, add on.

10 DIRECTOR LAYNE N. SILVA: And, no, just to -- just
11 to help clarify this a little bit -- and, Jennifer, no, you're
12 not wrong, because in this situation, the preliminary hearing
13 does require a public hearing, so -- and in the past, and I
14 think this may be what's causing some of the confusion, is
15 that in the past the language that's being used, the word
16 approve the application was basically suggesting that the
17 application is being approved to move forward to the public
18 hearing, not to be confused with that the application is being
19 approved for the issuance of a liquor license. And I think
20 that might be what's causing some of the confusion right now
21 is that in the past, the word approved had been used during
22 the preliminary hearing stage, but I believe that it was used
23 with the intent of approving the application to move forward
24 to the public hearing, not as an approval process to approve
25 the issuance of a liquor license. And, hopefully, that --

1 that kind of clarifies the confusion right now. In most
2 cases, other than a touring cruise or a transfer of certain
3 types of licensing, the public hearing is required prior to
4 the issuance or the granting or approving of the issuance of a
5 liquor license, and that -- that may be what's causing some of
6 this confusion.

7 CHAIR BOLOSAN: Thank you, Director.

8 Did that answer your question, Commissioner Andrion?

9 COMMISSIONER ANDRION: Yes, Mr. Chair, it did.

10 Thank you.

11 CHAIR BOLOSAN: Okay. Thank you.

12 I see Commissioner U'u raise his hand. Go ahead.

13 COMMISSIONER U'U: No, I did not. I did not.

14 CHAIR BOLOSAN: Okay.

15 COMMISSIONER U'U: I'm good.

16 CHAIR BOLOSAN: All right, okay. So then that
17 motion is -- is gonna stand right now. I'm gonna call for --
18 to those who are in favor of the motion, say aye; and those
19 opposed, say nay.

20 Vice Chair Becraft.

21 VICE CHAIR BECRAFT: Aye.

22 CHAIR BOLOSAN: Commissioner Andrion.

23 COMMISSIONER ANDRION: Aye.

24 CHAIR BOLOSAN: Commissioner De Mello.

25 COMMISSIONER DE MELLO: Aye.

1 CHAIR BOLOSAN: Commissioner U'u.

2 COMMISSIONER U'U: Aye.

3 CHAIR BOLOSAN: Commissioner Boswell.

4 COMMISSIONER BOSWELL: Aye.

5 CHAIR BOLOSAN: Commissioner Ruidas.

6 COMMISSIONER RUIDAS: Aye.

7 CHAIR BOLOSAN: Commissioner Ho. Commissioner Ho is
8 on the road.
9 Commissioner Patel.

10 COMMISSIONER PATEL: Aye.

11 CHAIR BOLOSAN: And the chair votes aye.
12 For the last time, I'm gonna call Commissioner Ho.
13 Okay. I guess she's not in there. I don't see 'em
14 on the video.

15 And the chair votes aye.
16 The vote is unanimous, and the motion passes.
17 Congratulations.

18 MS. LUCY: Thank you.

19 MR. COON: Thank you.

20 COMMISSIONER U'U: Good luck.

21 MR. LUCY: Mahalo.

22 CHAIR BOLOSAN: Okay. We're moving on. Item B,
23 Application No. 07, La Poblana Mexican Food, LLC, doing
24 business as La Poblana Mexican Food Restaurant.
25 Will the applicant come forward and state your name,

1 please? Okay. I see Craig. Good morning. Your audio. Your
2 audio. Can't hear, Craig.

3 VICE CHAIR BECRAFT: Craig, you're on mute.

4 CHAIR BOLOSAN: You're on mute.

5 VICE CHAIR BECRAFT: You're on mute. You're on
6 mute.

7 MS. ALMONTE: I'm Maria Almonte.

8 CHAIR BOLOSAN: Craig.

9 COMMISSIONER U'U: The beauty of technology.

10 VICE CHAIR BECRAFT: Right. Craig, don't throw your
11 computer; it ain't the problem.

12 (Laughter.)

13 MR. NAKAMURA: How's that?

14 VICE CHAIR BECRAFT: There you go.

15 MR. NAKAMURA: That okay? Can you hear me now?

16 CHAIR BOLOSAN: Yes, okay. We've got 'em.

17 MR. NAKAMURA: Okay. Craig Nakamura, attorney on
18 behalf of the applicant, and you just heard Maria Almonte, who
19 is a member manager of the applicant. Thank you.

20 CHAIR BOLOSAN: Thank you. Thank you.

21 Can I have Jarrett Kahoohanohano to read the
22 application forms?

23 DEPUTY DIRECTOR KAHOOHANO: The Application No.
24 07, the applicant is La Poblana Mexican Food, LLC, doing
25 business as La Poblana Mexican Food Restaurant, applying for a

1 Restaurant General License, Category B(ii).

2 Manager, member, organizer, and agent of the
3 member-managed LLC; personal history statements; and lease
4 agreement are all listed in the investigator's report.

5 The proposed premises consists of approximately
6 1,574 square feet of interior restaurant space on the first
7 floor of a single-story strip mall with adjacent stores
8 located at 362 Huku Lii Street, Space 101, Kihei, Hawaii
9 95753.

10 There are no schools and one church located within a
11 radius of 500 feet.

12 There is one retail general license located within a
13 radius of 500 feet.

14 There are 84 licenses of this class and kind
15 currently issued within Maui County.

16 The applicant initially plans to open from 7:00 a.m.
17 to 10:00 p.m. seven days a week.

18 A site inspection was conducted of the proposed
19 premises on December 17th, 2021.

20 The applicant appears to meet the statutory
21 requirements to hold a license.

22 All documents necessary for the issuance of a liquor
23 license that have not been submitted are all listed in the
24 investigator's report.

25 CHAIR BOLOSAN: Thank you, Jarrett.

1 To the applicant, Craig, do you have anything to
2 add?

3 MR. NAKAMURA: Yeah, just -- thank you, Chair. Just
4 very briefly, Mr. Chair and Commission Members, this is a
5 Mexican food -- mainly Mexican food restaurant. It's located
6 on the mauka side of the -- of Piilani Highway in Kihei in
7 that commercial area. It's been open for about a year now,
8 and they just want to add liquor service to their -- to their
9 menu. Thank you.

10 CHAIR BOLOSAN: Thank you.

11 The floor is open for public testimony at this
12 point. Maria, do we have anyone for or against this
13 application?

14 MS. KHANGSENGSING: No, nobody signed up in the chat
15 area.

16 CHAIR BOLOSAN: If none, I will -- with no
17 objection, public hearing is closed.

18 (No response.)

19 CHAIR BOLOSAN: Any question from the members of the
20 commission? Commissioners?

21 VICE CHAIR BECRAFT: (Gesturing.)

22 CHAIR BOLOSAN: Vice Chair Becraft.

23 VICE CHAIR BECRAFT: Mr. Chair, thank you. I'd like
24 to motion to pass Application No. 07 through preliminary
25 hearing.

1 CHAIR BOLOSAN: Okay.

2 COMMISSIONER DE MELLO: I'll second that motion.

3 CHAIR BOLOSAN: All right. Commissioner De Mello
4 seconded, motion by Vice Chair Becraft. Now I'm gonna call on
5 the vote. To those who are in favor of the motion, say aye;
6 and those opposed, say nay.

7 Vice Chair Becraft.

8 VICE CHAIR BECRAFT: Aye.

9 CHAIR BOLOSAN: Commissioner Andrion.

10 COMMISSIONER ANDRION: Aye.

11 CHAIR BOLOSAN: Commissioner De Mello.

12 COMMISSIONER DE MELLO: Aye.

13 CHAIR BOLOSAN: Commissioner U'u.

14 COMMISSIONER U'U: Aye.

15 CHAIR BOLOSAN: Commissioner Boswell.

16 COMMISSIONER BOSWELL: Aye.

17 CHAIR BOLOSAN: Commissioner Ruidas.

18 COMMISSIONER RUIDAS: Aye.

19 CHAIR BOLOSAN: Commissioner Ho. Okay. I guess
20 she's gone.

21 Commissioner Patel.

22 COMMISSIONER PATEL: Aye.

23 CHAIR BOLOSAN: And the chair votes aye.
24 The vote is unanimous, and the motion passes.

25 MR. NAKAMURA: Thank you.

1 CHAIR BOLOSAN: Thank you.

2 MR. NAKAMURA: Thank you very much.

3 CHAIR BOLOSAN: Congratulations.

4 MR. NAKAMURA: Thank you very much.

5 CHAIR BOLOSAN: Okay. Moving on, Application No.
6 013, Restaurant Lima, LLC, doing business as Restaurant Lima.
7 Will the applicant come forward and state your name, please?

8 MR. JORGENSEN: Good morning, Chair Bolosan, Members
9 of the Commission, and Staff. My name's Dave Jorgensen. I'm
10 the attorney and authorized agent for Restaurant Lima, LLC.
11 The principal of the LLC, Xavier Valcarcel, I see him on the
12 screen, I know he's in Peru right now, but I don't know if
13 he's gonna be able to -- he said he was having a hard time,
14 but he said he can hear, so --

15 And I'll just ask him now, can you talk?

16 MR. VALCARCEL: I can hear you guys. I'm not sure
17 if you guys can hear me.

18 COMMISSIONER U'U: Yes.

19 MR. JORGENSEN: Yes, we can.

20 MR. VALCARCEL: Perfect.

21 MR. JORGENSEN: We are both available this morning,
22 Chair Bolosan.

23 CHAIR BOLOSAN: Thank you, Dave.

24 May I have Jarrett to read the application form?

25 DEPUTY DIRECTOR KAHOOHANOHANO: Yes. Application

1 No. 13, the applicant is Restaurant Lima, LLC, a registered
2 Hawaii limited liability company, doing business as Restaurant
3 Lima applying for a Dispenser General License, Category C(ii).

4 Member, agent, and organizer of the member-managed
5 LLC; personal history statement; lease; assignment of lease;
6 consent to assignment of lease are all listed in the
7 investigator's report.

8 The proposed premises contains approximately 4,030
9 square feet and is located at 71 Baldwin Avenue, A1 and A2,
10 Paia, Maui, Hawaii.

11 There are no schools located within a radius of 500
12 feet. The Maui Dharma Center is located within a radius of
13 500 feet.

14 Cafe Mambo and Cafe Des Amis is a license of the
15 same class and kind located within a radius of 500 feet.

16 There are two dispenser beer and wine, one
17 restaurant general license located within a radius of 500
18 feet.

19 There are 101 licenses of this class and kind
20 currently issued in Maui County.

21 The applicant initially plans to be open Monday to
22 Thursday, 11:00 a.m. to 12:00 a.m., and Fridays to -- Fridays
23 and Saturdays, 11:00 a.m. to 2:00 a.m.

24 Inspection of the premises was conducted by LCO III
25 Marc Weisenfeld on January 19, 2022.

1 The applicant appears to meet statutory requirements
2 to hold a license.

3 All documents necessary for the issuance of a
4 license that have not been submitted are listed in the
5 investigator's report.

6 CHAIR BOLOSAN: Thank you, Jarrett.

7 To the applicants, Dave, do you have anything to
8 add?

9 MR. JORGENSEN: The only thing I just wanted to
10 mention, and this is consistent with comments I made at the
11 last meeting and the work that the department's doing, this
12 was a file where there was some technical issues with my
13 client's IDs where his name is the same, but slightly
14 different on all four of his IDs. I want to thank the
15 department for their assistance in moving this forward. As
16 you'll see on the staff report, one of the items we have to
17 provide is an updated social security card where my client's
18 nickname is Val, but the social security card says Val Valery
19 Valcarcel instead of Xavier Valery Valcarcel, and so my
20 client, when he gets back from Peru, is going to be updating
21 that. And I just want to again thank the department for
22 allowing this to move forward while we make that technical
23 correction to his ID.

24 Other than that, this is in the former -- it was
25 Dazoo that I worked on years ago on Baldwin Avenue, then it

1 was Provision that was affiliated with Hana Ranch. It's that
2 same space kind of in Upper Paia, and my client's anxious to
3 be able to move forward and get the restaurant open. So, we
4 are available for any questions you may have.

5 CHAIR BOLOSAN: Okay. First, Maria, do we have any
6 person trying to put in their testimony on this item right
7 here?

8 MS. KHANGSENGSING: No.

9 CHAIR BOLOSAN: Okay. If not, without no objection,
10 public hearing is closed.

11 (No response.)

12 CHAIR BOLOSAN: Any question from the members of the
13 commission? Commissioners?

14 COMMISSIONER U'U: Question.

15 CHAIR BOLOSAN: Any question? If not, may I have
16 somebody from the commission to move.

17 MR. JORGENSEN: I think Bruce, Mr. U'u has a
18 question.

19 CHAIR BOLOSAN: Okay. Bruce, I don't see you on any
20 screen, so --

21 COMMISSIONER U'U: Sorry, sorry, brother. All good.

22 CHAIR BOLOSAN: Go ahead.

23 COMMISSIONER U'U: Okay. I just wanted to ask, you
24 know, curiosity, what kind of restaurant, food? You know, I'm
25 a foodie guy, bro. What kind of restaurant, Dave?

1 MR. JORGENSEN: Well --

2 MR. VALCARCEL: It's Peruvian.

3 MR. JORGENSEN: (Inaudible.) Val, go ahead.

4 MR. VALCARCEL: It's going to be Peruvian food, a
5 ceviche bar and Peruvian food.

6 COMMISSIONER U'U: Sounds good to me, Buddy. Sounds
7 good to me. That's all. It's getting close to lunch, you
8 know, so I just kind of asked, right? Thank you.

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

11 (No response.)

12 CHAIR BOLOSAN: If not, I'm gonna call on to have
13 somebody entertain a motion to approve.

14 COMMISSIONER U'U: I make a motion to continue.

15 CHAIR BOLOSAN: Okay. Commissioner U'u made the
16 motion. Second by?

17 COMMISSIONER RUIDAS: I'll second.

18 CHAIR BOLOSAN: Okay. Is that you, Stan?

19 COMMISSIONER RUIDAS: Second. I second.

20 CHAIR BOLOSAN: Commissioner Ruidas seconded. Okay.
21 I'm gonna ask again for a roll call vote. All those in favor
22 of the motion, say aye; to those opposed, say nay.

23 Vice Chair Becraft.

24 VICE CHAIR BECRAFT: Aye.

25 CHAIR BOLOSAN: Commissioner Andrion.

1 COMMISSIONER ANDRION: Aye.

2 CHAIR BOLOSAN: Commissioner De Mello.

3 COMMISSIONER DE MELLO: Aye.

4 CHAIR BOLOSAN: Commissioner U'u.

5 COMMISSIONER U'U: Aye.

6 CHAIR BOLOSAN: Commissioner Boswell.

7 COMMISSIONER BOSWELL: Aye.

8 CHAIR BOLOSAN: Commissioner Ruidas.

9 COMMISSIONER RUIDAS: Aye.

10 CHAIR BOLOSAN: Commissioner Patel.

11 COMMISSIONER PATEL: Aye.

12 CHAIR BOLOSAN: And the chair votes aye.

13 The vote is unanimous, and the motion passes.

14 MR. JORGENSEN: Thank you very much. Have a good
15 day.

16 MR. VALCARCEL: Thank you, gentlemen. Mahalo.

17 CHAIR BOLOSAN: All right. Now we're moving on to
18 Director's Monthly Report by Director Layne Silva. Layne.

19 DIRECTOR LAYNE N. SILVA: Okay. Yes, thank you,
20 Chair and Commissioners. I'll be very brief. The
21 Administrative Affairs, Director's Monthly Report this month,
22 Item No. 1, is an update of the liquor commission emergency
23 rules. I will be meeting with corporation counsel on
24 Thursday, tomorrow, to discuss the status and to see where
25 we're at as far as the emergency rules are concerned and how

1 we will go forward at that point. I have placed on the agenda
2 for the March meeting to discuss what we come up with tomorrow
3 at our meeting, but just to -- just a quick update on where
4 we're at with the emergency rules because, as you know, this
5 whole COVID thing is changing very rapidly. The numbers have
6 dropped quite drastically; however, the state is still in an
7 emergency period, so, yeah, that's why we're gonna have that
8 discussion tomorrow.

9 And Item No. 2 is the notification and updating you
10 guys as far as the licensing forms. In an attempt to
11 streamline the licensing forms to help move some of these
12 applications forward quicker, what I'd like to do today, just
13 so that we're not premature on how we're going forward, is to
14 basically use this as an opportunity to announce to anyone who
15 is interested, of course, the key stakeholders, the attorneys
16 that we deal with, or anyone from the public that would like
17 to submit suggestions on -- on ways that could help to
18 possibly streamline these forms. We're making that available
19 today as an announcement to make sure that we don't leave
20 anyone out. Any suggestions can be sent directly to an email
21 address; it's liquor@mauicounty.gov. We're giving till
22 February 18th to submit all recommendations and suggestions in
23 order to be reviewed and possibly processed prior to our next
24 meeting. We're also gonna be putting out a press release so
25 that we can reach the maximum amount of people and give

1 everybody an opportunity to have some input in this. And with
2 that being said, that concludes my monthly report.

3 CHAIR BOLOSAN: Thank you, Layne.

4 Moving on, C, Creation of a Temporary Investigative
5 Group (TIG) for the Evaluation of the Director --

6 DIRECTOR LAYNE N. SILVA: Excuse me, Chair. I think
7 you're -- you're skipping over Item B.

8 CHAIR BOLOSAN: Oh, okay, all right. On my
9 footnotes, I did. Okay. I'm so sorry. Thank you.

10 Continue Discussion and Comments of the Salary For
11 the Director and Deputy Director For the Department of Liquor
12 Control For the Salary Commission Meeting Scheduled Friday,
13 February 11, 2022, 8:30 a.m. Open for discussion,
14 Commissioners. Does anybody want to --

15 COMMISSIONER PATEL: Bruce has his hand up.

16 CHAIR BOLOSAN: Okay. I don't see Bruce on my --

17 COMMISSIONER U'U: I can go first. I see Jennifer's
18 hand's up.

19 CHAIR BOLOSAN: Okay. Go ahead, Corp. Counsel,
20 followed by Commissioner U'u.

21 CORP COUNSEL OANA: Thank you, Commissioner U'u.

22 I just wanted to provide the commission direction.
23 So they've asked the chair to go to the salary commission to
24 comment on Director Silva's salary, whether you guys recommend
25 an increase or not. I'm sure you guys have seen the media on

1 the police commission's recommendation on the chief of police
2 salary; they are recommending to the salary commission a
3 specific number. So just to kind of help you in your
4 discussion on that, you might want to discuss a number or a
5 percentage.

6 CHAIR BOLOSAN: Thank you, Jen.

7 Now, Commissioners, I want to have you all come up
8 with your opinion or take on this item.

9 COMMISSIONER U'U: I'll start.

10 CHAIR BOLOSAN: Okay. Go ahead, Commissioner U'u.

11 COMMISSIONER U'U: Yeah, I just -- I just want to
12 add based off the last meeting, I'm assuming that Leon is
13 gonna be present there if I'm not wrong.

14 CHAIR BOLOSAN: Yeah.

15 COMMISSIONER U'U: And, again, we talked about it
16 the last time that, you know, we did agree the director for
17 last year -- the first year of, I guess, his tenure so far,
18 I -- you know, I think we base everything off liquor sales, if
19 I'm not mistaken on how it's run, the department is run. Am I
20 wrong on that, or am I correct on that?

21 CHAIR BOLOSAN: I think so. You are right. We are
22 a semiautonomous department.

23 COMMISSIONER U'U: So I think if we give -- I think
24 if we give the factual report to the -- the commission, salary
25 commission, as far as, I don't know, liquor sales, the grades,

1 you know, I'm not against one raise, but I cannot say, you
2 know -- I cannot say give him one raise, I feel like it's out
3 of my place. It's just me, doesn't -- I think everybody
4 deserves one raise, how's that, especially if you get one
5 grade and your grade's good, I think. I think the funding is
6 not from salary base from our tax base, I think it's from a
7 form of a percentage of liquor sales, so I -- you know, I
8 think we can give them the information that I'm happy and
9 pleased with the director and deputy director and I see fit
10 that if anyone deserves a raise, you know, to be consistent
11 with what we're looking at if they're looking at an increase
12 and raise. So just to be consistent with what's -- what's
13 going on with the other departments, taking into
14 consideration, though, that his raise would come from the
15 liquor sales, particularly to consumers, the grade or the
16 forms that (inaudible) that they're working from a class and
17 take that into consideration. I'll leave it there. I'll
18 leave there.

19 CHAIR BOLOSAN: There's some feedback on the --

20 VICE CHAIR BECRAFT: Someone's typing right now.

21 Your sound is still on.

22 CHAIR BOLOSAN: Okay, all right. Thank you.

23 Are you finished, Commissioner U'u?

24 COMMISSIONER U'U: Yes, I am. Thank you.

25 CHAIR BOLOSAN: Any more take from any one of you

1 commissioners?

2 COMMISSIONER BOSWELL: (Gesturing.)

3 CHAIR BOLOSAN: Go ahead, Commissioner Boswell.

4 COMMISSIONER BOSWELL: So my understanding is that
5 this is not necessarily a pay raise as much as it is for Layne
6 as -- it's more has to do with what the position salary will
7 be, not -- this is independent to Layne, but I have a question
8 for Layne. Do you guys have step raises over time? Like
9 every three years, you qualify for a raise? Is that something
10 the liquor department does?

11 DIRECTOR LAYNE N. SILVA: In the rank and file, yes.

12 COMMISSIONER BOSWELL: But not as a commission -- as
13 a department head?

14 DIRECTOR LAYNE N. SILVA: No. My understanding is
15 that as a department head as well as deputy, it's all based on
16 the determination of the salary commission.

17 COMMISSIONER BOSWELL: Okay. Got it. So if they
18 only meet every five years, that means the department head
19 itself has not had a raise in five years. You guys have seen
20 inflation's 7 percent, and they believe the -- they expect it
21 to be even higher the next time they evaluate it. So I'm
22 not -- I'm not saying that Layne's done a good job and he
23 deserves a raise, I'm saying that the department head, the
24 salary needs to keep up to pace with our economy, and as such,
25 I'm in favor of a raise.

1 CHAIR BOLOSAN: Thank you, Commissioner Boswell.

2 VICE CHAIR BECRAFT: (Gesturing.)

3 CHAIR BOLOSAN: Go ahead, Vice Chair Becraft.

4 VICE CHAIR BECRAFT: Just a clarification. I did
5 some research. I believe it's every two years; it's not every
6 five. Is that correct, Layne?

7 DIRECTOR LAYNE N. SILVA: To be perfectly honest
8 with you, I couldn't tell you. I don't know, considering that
9 I have only been here for a year, so I don't really know when
10 it happened last.

11 VICE CHAIR BECRAFT: Well, I'll give my personal
12 information if nobody has definitive -- unless, Corporation
13 Counsel, do you have a definitive answer for that?

14 CHAIR BOLOSAN: Okay.

15 CORP COUNSEL OANA: I do not.

16 CHAIR BOLOSAN: Okay. I'd like to add on something
17 to this item. Vice Chair Becraft, I do know that there is a
18 raise that has been done two years ago. If I may have Maria
19 help me out on this one, we looked at the record last time,
20 the other director had a raise, but that does not mean that
21 our new director is not entitled for a raise.

22 Secretary Maria, are you -- are you over there?

23 MS. KHANGSENGSING: Yes, Chair.

24 CHAIR BOLOSAN: Yes. So we went through some of the
25 record when was the last time we had a director get a raise,

1 and that was two years ago, am I right?

2 MS. KHANGSENGSING: Yeah, I -- I do have
3 documentation --

4 CHAIR BOLOSAN: Yeah.

5 MS. KHANGSENGSING: -- stating that they did get a
6 raise in 2020.

7 CHAIR BOLOSAN: Okay.

8 MS. KHANGSENGSING: I believe I emailed that to you
9 guys in the last meeting. It was in -- I emailed you guys the
10 documentation that was online stating what the director of
11 personnel provided the salary commission of all the salaries
12 for different counties.

13 COMMISSIONER PATEL: Yes.

14 MS. KHANGSENGSING: And part of that -- part of that
15 2020 raise was in that email.

16 CHAIR BOLOSAN: Okay. Thank you, Maria.

17 Just something to add to what you have, Vice Chair.

18 So any more -- Commissioner Ruidas, you have the
19 floor. Go ahead.

20 COMMISSIONER RUIDAS: Prior to the 2020, how -- how
21 often was it before that?

22 CHAIR BOLOSAN: Okay. Don't have no knowledge on
23 that one. Is any --

24 MS. KHANGSENGSING: I don't know.

25 CHAIR BOLOSAN: Yeah. Anyone would have any

1 knowledge on this?

2 COMMISSIONER RUIDAS: I think Jerrybeth touched on
3 that the last time.

4 CHAIR BOLOSAN: Okay.

5 COMMISSIONER DE MELLO: I don't know.

6 CHAIR BOLOSAN: You don't. Some of us probably
7 didn't hear what Commissioner De Mello had said. Commissioner
8 De Mello, can you kind of add on more to that, what you have
9 said for the last meeting?

10 COMMISSIONER DE MELLO: Yeah, I -- like I said, I
11 sat on the salary commission --

12 CHAIR BOLOSAN: Okay.

13 COMMISSIONER DE MELLO: -- in the past, and the
14 salary commission is the one that sets the tiers for all pay
15 raises. But the problem that the salary had, the liquor
16 didn't fall under the salary because of their -- they get
17 their revenues from the fines and the license, so there wasn't
18 part of it, but -- and somehow, I think that was when Edwina
19 Snyder guys was involved in the commission, and they started
20 to put in level of tiers on -- straight across the board,
21 which when I -- when I came on, we had objected to the liquor
22 being part of the -- the tier because they get the revenue
23 through their own budget.

24 And I have a question, though. We know the police
25 commissioner had just came aboard, and it's only been months

1 and, apparently, from the scoop that's going around, that he's
2 asking for a raise above and beyond what he already got, and
3 it's still part of his probation, so -- and I look at the --
4 the salary commission's comparison, our liquor department is
5 lower than Oahu, but like I said, we have the strictest law
6 under the liquor as Maui County. God bless that, you know,
7 because it prevents the young ones from trying to get abuse
8 with alcohol when they're hanging around outside of the
9 market, but yeah. So I'm in favor for the director and the
10 deputy to have an increase.

11 CHAIR BOLOSAN: Thank you, Commissioner De Mello.
12 Any more from the commissioners?

13 COMMISSIONER RUIDAS: (Gesturing.)

14 CHAIR BOLOSAN: Go ahead, Commissioner Ruidas.

15 COMMISSIONER RUIDAS: So, to follow up from what I
16 said earlier -- thank you, Jerrybeth.

17 COMMISSIONER DE MELLO: Thank you.

18 COMMISSIONER RUIDAS: -- I'm in favor for an
19 increase. And like Aaron said, it's for the position and, you
20 know, if we don't do it now, we might fall behind because of
21 the rate of inflation, and we don't want to be, you know,
22 falling behind because, you know, as long as we make money as
23 far as the liquor commission, I mean the liquor control
24 division, I think an increase would be sufficient to -- what
25 you call -- to give to the director and the deputy. Thank

1 you.

2 CHAIR BOLOSAN: Thank you, Commissioner Ruidas. Any
3 more from the commissioners?

4 COMMISSIONER PATEL: Yes. Thank you, Chair.

5 CHAIR BOLOSAN: Go ahead.

6 COMMISSIONER PATEL: Yeah. So I just want to
7 verify; currently, the salary is 139,133?

8 CHAIR BOLOSAN: Yes.

9 COMMISSIONER PATEL: Okay. So inflation is gonna
10 rise about 3 to 5 percent over the next year, probably another
11 3 percent on average the year after. I would say a 7 percent
12 increase is what I would recommend, so that would make an
13 effective salary of 148,872. I think that going forward, too;
14 we have to realize that the economy does come back on Maui as
15 we come out of this pandemic; there's gonna be even more work
16 that's gonna be happening. I already know that Layne wears a
17 few hats, and they're already short-staffed, so it's -- you
18 know, we're gonna have to hire, we're gonna have to have --
19 you know, like Jerrybeth had said, we have some of the
20 strictest law, so it does require more work as well to enforce
21 that and to manage that. So that would be my recommendation,
22 a 7 percent increase.

23 CHAIR BOLOSAN: 7 percent increase annually?

24 COMMISSIONER PATEL: Just until the next review,
25 because it's two years, so that would be --

1 CHAIR BOLOSAN: Oh, two years, okay, 7 percent in
2 two years. Okay. That would be 148,000, Commissioner Patel?

3 COMMISSIONER PATEL: Yeah, just about 148,872. So
4 however we want to break that up, if it's yearly over the next
5 two years or --

6 CHAIR BOLOSAN: Right.

7 COMMISSIONER RUIDAS: Yeah.

8 CHAIR BOLOSAN: Okay. Thank you, Commissioner
9 Patel.

10 Any more take on this issue, Commissioners?

11 (No response.)

12 CHAIR BOLOSAN: Okay. Well, if not, then I'd like
13 to call on corp. Counsel and followed by director, a little
14 something that we can talk about this before we go forward.
15 Do you have any opinion, Jen?

16 CORP COUNSEL OANA: So what would be helpful to you,
17 Chair, because you're gonna be --

18 CHAIR BOLOSAN: Yes.

19 CORP COUNSEL OANA: -- attending the salary
20 commission meeting, right?

21 CHAIR BOLOSAN: Yes.

22 CORP COUNSEL OANA: So if -- you know, after the
23 discussion or within the discussion if you guys can -- the
24 commissioners can make a motion to authorize Chair Bolosan to
25 represent the commission at the salary commission meeting and

1 deliver to the salary commission your folks' comments. So,
2 you know, if there was a number, you know, let's just say
3 \$200,000, if you guys wanted to recommend \$200,000, just that,
4 you know, that would be something in discussion and then you
5 authorize the chair to represent that number or a percentage
6 or a little bit of everything. The percentage that
7 Commissioner Patel recommended, if you guys adopt that, 7
8 percent increase until the next review, and then you can also
9 say -- or Chair Bolosan can represent that you guys are
10 figuring the next review will be in two years. And then you
11 can also authorize Chair Bolosan to provide the additional
12 comments because I think it's probably gonna be a back and
13 forth between the salary commission and Chair Bolosan. So if
14 you wanted to authorize him to say the 7 percent increase as
15 well as the comments, which I kind of jotted down, supports
16 the raise taking into consideration the liquor sales, that the
17 salary has to keep up with the economy, I think that's what I
18 wrote so far. So if you wanted to add any comments that the
19 chair can pass on to the salary commission, that would be
20 great because there will probably be a back and forth.
21 They're gonna ask questions and, you know, you should provide
22 chair with what you want him to tell the salary commission.

23 CHAIR BOLOSAN: Okay. Oh, thank you --

24 COMMISSIONER ANDRION: Mr. Chair.

25 CHAIR BOLOSAN: -- Corp. Counsel.

1 Go ahead, Commissioner Andrion.

2 COMMISSIONER ANDRION: Hearing what corp. Counsel
3 has said, if we went across and say 7 percent -- I understand
4 it's gonna be for two years, but if we broke it down because I
5 guess in the union negotiations, they're front-loading
6 something that's at 7 percent. So would it be a lot more
7 palatable for the commission if we broke it down into a yearly
8 thing and, say, instead of 7 percent, we go at a lower rate,
9 say 4 percent the first year, second year 4 percent, that
10 would still give him more at the end.

11 CHAIR BOLOSAN: Yes.

12 COMMISSIONER ANDRION: It doesn't really show a big
13 bite like 7 percent.

14 CHAIR BOLOSAN: Yeah.

15 COMMISSIONER ANDRION: We kind of want to dwindle it
16 down but still at the end -- at the end, he would get the --
17 what we're looking for, which is 7.5, but in this case, it
18 would be 8. I mean, that is just something to -- to show that
19 we don't want to make a big bite at it.

20 CHAIR BOLOSAN: Yes.

21 COMMISSIONER ANDRION: At the end, resolve if it's a
22 yearly thing and, of course, we know what inflation is, we
23 already went over that, and we're not too far away from that.

24 CHAIR BOLOSAN: Thank you, Bobbie. It makes more
25 sense; 4 percent annually is greater than 7 percent, so okay.

1 Any more take? Go ahead, Commissioner De Mello.

2 COMMISSIONER DE MELLO: I hope you heard what I
3 stated that the liquor department stands alone on their budget
4 because of their license and their fines, and they're not
5 budgeted to the county, so their budget is separate from the
6 county. So with what Sne has stated, 7 percent until we
7 review his next evaluation, and that's a two-year, I'm for it.

8 The other thing is, Jen, is it just Leon going to
9 the salary commission or -- or is it Leon and Jamie as
10 officers for the liquor?

11 CORP COUNSEL OANA: So the salary commission's
12 letter to you, your commission, I believe, was addressed
13 directly to Chair Bolosan, but it doesn't preclude Vice Chair
14 Becraft from showing up as well. And so, please, you know,
15 when you guys are doing your motion, authorize either the
16 chair or if the vice chair wants to go too, both of them to
17 authorize them to represent the commission on the commission's
18 recommendation. This is just a recommendation. The salary
19 commission has ultimate say, but they do want to hear from you
20 folks.

21 CHAIR BOLOSAN: Okay. Thank you, Jen.

22 Go ahead, Commissioner Ruidas.

23 COMMISSIONER RUIDAS: You know, Leon, you know,
24 knowing the -- the county and how commission works and certain
25 departments, I think Roberto had one good point. I think if

1 we put on the 4 percent per year until the next review,
2 because what if the salary commission doesn't meet in two
3 years, then it'll be stuck at two years.

4 CHAIR BOLOSAN: Yes, yeah.

5 COMMISSIONER RUIDAS: So I think that should be
6 something that you should tell the salary commission because,
7 you know, a lot of things happen in the state that -- I mean,
8 in the county that every time you put a deadline, okay, we're
9 gonna do something like a community plan, we do it in ten
10 years, it happens in 16 years, and we fall behind. So taking
11 into account all the history, I think we should just leave it
12 at 4 until the next review of the salary commission. That's
13 my take. Thank you.

14 CHAIR BOLOSAN: Oh, thank you, Commissioner Ruidas.

15 Going back to Commissioner De Mello, you mentioned
16 about the fines and whatnot, but through my knowledge, I
17 believe so, those fines goes to -- for educational. But I
18 think the one that I want to see somehow, maybe if Director
19 Silva would like to pretty much -- again, he stated this
20 before, and I know what is the number of percentage on our
21 sales and whatnot, so what is the total amount that the
22 department taking from those 1 percent sales from alcohol
23 sales annually? Director Silva, maybe you can help me on this
24 one. I pretty much have an idea of what you bring in annually
25 on alcohol sales, but I'd like to hear it from you as the

1 director.

2 Director Silva, are you there?

3 DIRECTOR LAYNE N. SILVA: Yes, I am.

4 CHAIR BOLOSAN: Yeah.

5 DIRECTOR LAYNE N. SILVA: You know, I don't have
6 that document in front of me, but I can tell you that over the
7 course of time, we do -- it averages, you know, anywhere
8 between upward 300 million to lower 400 million --

9 CHAIR BOLOSAN: Yeah.

10 DIRECTOR LAYNE N. SILVA: -- on annual gross liquor
11 sales. And, also, the -- the way we collect our monies for
12 our budget is based on a percentage fee as well at -- well,
13 there's three facets to it, which is the carryover savings as
14 compared to the basic fee for each license that expires on
15 June 30th of every year, as well as a sales percentage that is
16 assessed on the liquor sales to -- to close up the back end to
17 meet our requirement for our budget annually. It is my
18 understanding that as long as I've been with the department,
19 we have never gone over 1 percent of your gross liquor sales
20 to meet our requirement on the back end of the percentage of
21 the gross liquor sales. You know, other than a general
22 explanation like that, which is the -- pretty much the best I
23 can give you at this moment, you know -- like I said, we have
24 very specialized people that work within the department that
25 know these complicated calculations and exactly how to perform

1 them that could probably give you a more detailed answer than
2 I am, but that is my basic understanding of how our budget is
3 derived.

4 CHAIR BOLOSAN: Thank you, Director.

5 So there's big monies that the department's bringing
6 in, and what happens is that when those monies are not used,
7 then they become -- I need your help again, Director. This
8 has been explained to me before, but I would rather it comes
9 from you.

10 DIRECTOR LAYNE N. SILVA: Well, at the end of the
11 year, if we do not, you know, deplete our budget, which as far
12 as I know, we never have, it goes into what's called carryover
13 savings. Carryover savings is put forward to the following
14 year's budget, and it all kind of works hand in hand. You
15 know, the carryover savings goes towards ultimately what the
16 percentage fee ends up being on the back end to fill up the
17 remainder of what our operational budget will be annually. So
18 I -- you know, ultimately, that is what happens. And that's
19 why with our budget, we basically present our budget to the
20 penny as estimated for our need annually. So typically, the
21 carryover savings is not a real abundance of savings, but
22 then, you never know, you end up being years like -- like
23 COVID where there's no travel, you know, all of a sudden our
24 entire travel budget is still here because we couldn't go
25 nowhere and -- no one could go nowhere, so, you know, there's

1 unexpected things like that that happen, and then that goes
2 towards the carryover savings for the following fiscal year.

3 CHAIR BOLOSAN: And the -- some of the carryover
4 monies somehow would help the applicants, the business people,
5 to pay less things for their application. Am I right,
6 Director?

7 DIRECTOR LAYNE N. SILVA: Well, ultimately, the
8 balance is what happens at the -- at the point in time when
9 they're assessed a percentage fee. The percentage is based on
10 the remainder of the need to fulfill the budget. So that's
11 where the return comes in, is how that percentage ends up
12 being calculated.

13 CHAIR BOLOSAN: Okay. Thank you, Director Silva.

14 Okay. Now, that's clear more about what's going on
15 into our department. Any take from any one of you
16 commissioners?

17 COMMISSIONER PATEL: Yeah. So basically, we're
18 looking at about a 1 percent, he said, never -- never really
19 going beyond that, right, Layne?

20 DIRECTOR LAYNE N. SILVA: (Nodding head.)

21 COMMISSIONER PATEL: And so, you know, we're looking
22 at a three to four million dollar intake on the percentage.
23 Annually, our budget is about 3.1, which is kind of what it
24 averages, it looks like, somewhere around there, so we're, you
25 know, not too much, like he said, carryover, but, you know, I

1 expect us to start getting back into that 400 million range as
2 we move on. So I think it's all in line with like what you're
3 saying like we've never had an issue with balancing our
4 budget. So with this 4 percent salary increase goes on over
5 two years, I'm pretty confident it's not gonna affect our
6 overall budget in us meeting it.

7 And just to clarify, I think, Stan, you had said 4
8 percent total, but the idea would be 4 percent, as Roberto had
9 mentioned, per year so that it totals out to 8 percent over
10 two years. I just want to clarify that. So I would make a
11 recommendation for, you know, if -- for Leon to represent us,
12 Chair Bolosan, and looks like we're in agreement that some
13 increase if you agree, a 4 percent per year over the next two
14 years is what the commission would like to seek, and here are
15 the reasons why, and I think Jennifer is probably taking some
16 notes.

17 CHAIR BOLOSAN: Thank you.

18 COMMISSIONER U'U: I'll second that.

19 CHAIR BOLOSAN: Yeah. Thank you. Yeah, I -- my
20 comment is that it's not like our department's actually been
21 through any hardship when it comes to financial,
22 Commissioners, so it wouldn't hurt to ask for any raise for
23 our director and deputy director to, you know, be -- pretty
24 much their pay would, you know, really cover our inflation.

25 Any more take from the commissioners?

1 (No response.)

2 CHAIR BOLOSAN: Okay. I'm gonna ask you, Vice
3 Chair, would you like to join in into this salary commission
4 meeting?

5 VICE CHAIR BECRAFT: If -- I would be willing to go
6 if you wanted me to. My thing is, as long as we have a united
7 front. I'm listening --

8 CHAIR BOLOSAN: Yeah, yeah.

9 VICE CHAIR BECRAFT: -- on whatever Sne's saying,
10 you know. I think it's important in these types of situations
11 that we're --

12 CHAIR BOLOSAN: Yeah.

13 VICE CHAIR BECRAFT: -- we're solidified in where
14 we're headed.

15 CHAIR BOLOSAN: Yeah.

16 VICE CHAIR BECRAFT: And if I'm hearing this
17 correctly, everybody on the board is for a pay raise. I think
18 you just need to be prepared for the questions such as Bruce
19 was saying, you know, because the commission is gonna make the
20 call, so as long as we're prepared to say, yes --

21 CHAIR BOLOSAN: Yeah.

22 VICE CHAIR BECRAFT: -- this is what the income is,
23 this is -- this is where the funding's coming from because we
24 are unique --

25 CHAIR BOLOSAN: Yes.

1 VICE CHAIR BECRAFT: -- like Jerrybeth said. I know
2 in the days of past, they didn't have to go through the
3 council for their budget to be approved and they didn't have
4 to do anything, but those -- I don't know how many years ago
5 that changed where council now approves our budget and also
6 the salary commission dictates what the director gets. So if
7 you wanted me there, you know, I --

8 CHAIR BOLOSAN: Yeah, I -- I like to --

9 VICE CHAIR BECRAFT: -- (inaudible) be united.

10 CHAIR BOLOSAN: Corp. Counsel Oana, could we, me
11 and vice chair could go on in the meeting? Would that --

12 CORP COUNSEL OANA: It's not a violation of Sunshine
13 Law for two members to kind of be together as long as you guys
14 aren't, you know, telling each other to vote a certain way,
15 which you guys aren't, you're just gonna be representing what
16 the commission wants you to represent. Right?

17 CHAIR BOLOSAN: Yes.

18 CORP COUNSEL OANA: So it's okay.

19 CHAIR BOLOSAN: Yeah. Well, to this point, when it
20 comes to the numbers, I have pretty much had jotted down
21 numbers way ahead of time before this, so -- and what we
22 collected, some information today would be added on to the
23 knowledge that I -- I do have that we have for the commission.
24 I mean for the department, I'm sorry. So -- but yet, you
25 know, if it -- well, the thing of it is, again, they -- as

1 testifier, they just probably ask you -- so they probably,
2 what, this is gonna be back and forth and hopefully that they
3 just don't, you know, take your three minutes, you know, time
4 and not, you know, answering some questions.

5 CORP COUNSEL OANA: Chair.

6 CHAIR BOLOSAN: Yeah.

7 CORP COUNSEL OANA: Chair, I think they're inviting
8 you to be a part of their meeting, participate.

9 CHAIR BOLOSAN: Okay.

10 CORP COUNSEL OANA: So I don't believe it's gonna be
11 the public testimony portion where you're gonna be saying the
12 commission's recommendations.

13 CHAIR BOLOSAN: Oh, okay.

14 CORP COUNSEL OANA: I think they will call on you,
15 and I think you're gonna be on an agenda item.

16 CHAIR BOLOSAN: Okay.

17 CORP COUNSEL OANA: So you're a resource person.

18 CHAIR BOLOSAN: Right. Okay. So it would be a --
19 kind of like messy if we had -- because I have something to --
20 to say already on that salary commission, but it would be
21 pretty much a lot better for the department, I believe so, if
22 Vice Chair Becraft would be pretty much on the same page as
23 what I, you know, have to say.

24 CORP COUNSEL OANA: So, Chair, I think at this point
25 I'd recommend that you share with the commissioners what you

1 prepared, and then they can adopt it and say yeah, you're
2 authorized to say that.

3 CHAIR BOLOSAN: Okay. I only have drafted pretty
4 much what you call, you know, and I have to fine -- fine-tune
5 what I got, 'cause these all footnotes are just, you know,
6 just footnotes yet, Corp. Counsel. So for me to -- I was
7 just -- I was gonna talk about our evaluation of the director,
8 how we graded him that high, and I was gonna talk about, you
9 know, the amount of monies that the department have, bring in
10 on the average annually, and I can also add on to what we just
11 talked about right now as far as what we talk about 4 percent
12 annually increase. That's about what I have, and you tell me
13 what should be added on here, Commissioners.

14 COMMISSIONER ANDRION: Mr. Chair, can I be excused
15 for a few minutes, please?

16 CHAIR BOLOSAN: Go ahead, Commissioner Andrion.
17 Yes, you're excused.

18 Commissioner U'u, go ahead.

19 COMMISSIONER U'U: Yeah, I like it. That works for
20 me, what you just said. I mean, yeah, I'm okay with that,
21 unless anybody got any suggestions? I mean, you know, again,
22 you gave them the facts in a short, short version, they can
23 make the decision. But I support the raise also, and that's
24 my two cents. Awesome.

25 CHAIR BOLOSAN: Thank you.

1 Any more from the commissioners?

2 (No response.)

3 CHAIR BOLOSAN: Okay. Going back to being -- you
4 know, asking vice chair to assist me, can be that,
5 Commissioner Becraft, you would be, you know, willing? But,
6 of course, Corp. Counsel Oana, so are we gonna -- if we have
7 vice chair be with me and we are attending the meeting from
8 different locations, is that possible?

9 CORP COUNSEL OANA: Yes. So it's gonna be
10 BlueJeans.

11 CHAIR BOLOSAN: Yes, yeah.

12 CORP COUNSEL OANA: Like how we have our meeting.

13 CHAIR BOLOSAN: Yes.

14 CORP COUNSEL OANA: And when they call you, just,
15 you know, Vice Chair Becraft, put on your -- your video and
16 then, Chair Bolosan, you can just inform them that you also
17 have Vice Chair Becraft with you today to provide the comments
18 of the commission.

19 CHAIR BOLOSAN: Okay. Oh, that sounds good.

20 Now, okay, Commissioner U'u.

21 COMMISSIONER U'U: Yeah, do us proud.

22 CHAIR BOLOSAN: You have more confidence than when I
23 say I fight you to the draft drop of my friend Vice Chair
24 Becraft.

25 (Laughter.)

1 COMMISSIONER U'U: Do us proud, guys.

2 CHAIR BOLOSAN: Proud, okay. Last drop of his
3 blood.

4 (Laughter.)

5 COMMISSIONER U'U: Do us proud. And I'm in
6 agreement with that; I think it's great for us, so awesome.
7 That would be great for us.

8 CHAIR BOLOSAN: Yeah, you know, the monies that, you
9 know, the department bringing in and the evaluation and asking
10 for 4 percent annually raise for the director and deputy
11 director. I don't know if -- what else you folks want to add
12 on into this. Do you have any opinion on this one, Vice
13 Chair, so we -- you know, we know?

14 VICE CHAIR BECRAFT: No. I've already expressed I
15 just -- I'm just listening to everybody. I just want us to
16 have a united front like we're doing and -- and I'm fine with
17 it. If I'm hearing everybody correctly, it's 4 and 4 percent;
18 technically, that's a little over 8, but I've already done the
19 numbers in front of me. As long as we have all our numbers
20 ready to go and we --

21 CHAIR BOLOSAN: Yes.

22 VICE CHAIR BECRAFT: You know, just to answer
23 questions, I think, between the two of us --

24 CHAIR BOLOSAN: Yeah.

25 VICE CHAIR BECRAFT: -- we should be able to answer,

1 hopefully, the board's questions.

2 CHAIR BOLOSAN: Yes, okay. Now, Commissioners, you
3 folks are okay with this?

4 COMMISSIONER RUIDAS: (Gesturing.)

5 CHAIR BOLOSAN: Go ahead, Commissioner Ruidas.

6 COMMISSIONER RUIDAS: So don't forget to tell them 4
7 percent annually until the next review, because unless they
8 meet after two years, say in five years, we'd still be
9 covered.

10 CHAIR BOLOSAN: Correct.

11 VICE CHAIR BECRAFT: No trouble with adding that,
12 but it's just to my knowledge, I do know that they're -- it's
13 by -- I think it's -- well, I'm not gonna say charter, I'm not
14 a hundred percent on that, but they do meet every two years.
15 But like you said, just in case, so we just add the word
16 annually until the -- until the next review, that's no
17 trouble.

18 CHAIR BOLOSAN: Okay, all right. Thank you.

19 COMMISSIONER PATEL: So do I have to change the
20 motion to add that the commission is gonna move forward with
21 the 4 percent annually until the next review that's what we're
22 recommending, and we're recommending that Chair Bolosan and
23 Vice Chair Becraft represent us in relaying this message?

24 COMMISSIONER U'U: And having said that, I'll second
25 it, if you don't mind, Sne, because that sounds appropriate of

1 what is asked.

2 CHAIR BOLOSAN: Okay. So can you make your motion
3 much more clearer, Commissioner Patel? Then we go on.

4 COMMISSIONER PATEL: So I make a motion for Chair
5 Bolosan and Vice Chair Becraft to represent the liquor
6 commission in front of the salary commission, stating our
7 recommendation for an increase to the director and --

8 CHAIR BOLOSAN: Deputy.

9 COMMISSIONER PATEL: -- deputy director of 4 percent
10 per year until the next review.

11 CHAIR BOLOSAN: Okay.

12 COMMISSIONER U'U: I'll second it.

13 CHAIR BOLOSAN: All right.

14 CORP COUNSEL OANA: Sorry. Can I add something?
15 And to provide all the comments to the salary commission.

16 COMMISSIONER PATEL: Yeah, to provide all the --
17 yeah, okay.

18 CORP COUNSEL OANA: As discussed to date.

19 COMMISSIONER PATEL: Yes, that. And, yes, as
20 Jennifer said, to provide all the comments as --

21 COMMISSIONER U'U: As needed.

22 COMMISSIONER PATEL: As needed.

23 CHAIR BOLOSAN: Okay, all right. Moved by
24 Commissioner Patel, seconded by Commissioner U'u. I'm gonna
25 call for the vote. If you are in favor, say aye; to those

1 opposed, say nay.

2 Vice Chair Becraft.

3 VICE CHAIR BECRAFT: Aye.

4 CHAIR BOLOSAN: Commissioner Andrion.

5 COMMISSIONER ANDRION: Aye.

6 CHAIR BOLOSAN: Commissioner De Mello.

7 COMMISSIONER DE MELLO: Aye.

8 CHAIR BOLOSAN: Commissioner U'u.

9 COMMISSIONER U'U: Aye.

10 CHAIR BOLOSAN: Commissioner Boswell.

11 COMMISSIONER BOSWELL: Aye.

12 CHAIR BOLOSAN: Commissioner Ruidas.

13 COMMISSIONER RUIDAS: Aye.

14 CHAIR BOLOSAN: Commissioner Patel.

15 COMMISSIONER PATEL: Aye.

16 CHAIR BOLOSAN: And the chair votes aye.

17 The vote is unanimous, and the motion passes.

18 A reminder that -- to those of you who did not
19 submit their financial disclosure yet, you get up to April
20 15th, 2022, so if you didn't submit your financial disclosure
21 yet, please do.

22 The liquor control adjudication board meeting --

23 MS. KHANGSENGSING: Chair, this is Maria. You
24 skipped Item C.

25 CHAIR BOLOSAN: Did I? I'm sorry, Maria. I'm glad

1 you're paying attention.

2 COMMISSIONER U'U: That was on purpose.

3 CHAIR BOLOSAN: Yeah, I was thinking about --

4 MS. MEHLING: Chairman Bolosan, this is Keri Mehling
5 speaking, and I apologize for speaking out of turn. We were
6 asked, myself and Zendra were asked to be on this call today
7 for purposes of the discussion about forms and other things,
8 and it sounds like that's getting tabled.

9 CHAIR BOLOSAN: Okay.

10 MS. MEHLING: So I just wanted to let you know that
11 we've been here the whole time. Our four pages of single-
12 spaced suggestions were sent to Layne as we were asked to do,
13 and I'm more than happy to get off the call, but I did want it
14 to reflect that we were here and that we did do what we were
15 asked to do.

16 CHAIR BOLOSAN: I apologize, Keri. Yes, I remember
17 Vice Chair Becraft that did somehow -- did ask you to
18 participate on this meeting.

19 Am I right, Vice Chair Becraft? I remember you did.

20 VICE CHAIR BECRAFT: Yes, yes, Chair.

21 CHAIR BOLOSAN: And I -- yes.

22 VICE CHAIR BECRAFT: Yes, Keri, and thank you for
23 coming. I -- it was my understanding that we were gonna have
24 this agendized for this meeting, but that's changed. I think
25 earlier the director expressed that he wanted to extend the

1 time for more public input, so I think that's how it got
2 changed. And I really appreciate you submitting your -- your
3 information and your -- as Bruce would say, your manao on this
4 area because it's gonna be really helpful. And hopefully, I
5 know I'm asking a lot, but hopefully, you can make it to one
6 when it is agendized so we can get your direct input.

7 MS. MEHLING: Okay. Yeah, we're happy to try to
8 appear. We just want to make sure that -- make sure that it's
9 actually on the agenda and that we're gonna be needed. So
10 thank you, and I will sign off. Sorry for interrupting.

11 VICE CHAIR BECRAFT: Thank you very much.

12 CHAIR BOLOSAN: Yeah. Well, you had every right to
13 say so, Keri. We apologize. Yeah, it's not in the agenda,
14 but we do really appreciate you being here patiently, you
15 know, like us. I mean, I apologize on behalf of the
16 commission.

17 MS. MEHLING: Yeah. No worries. Go ahead and
18 finish your agenda. Thank you so much.

19 CHAIR BOLOSAN: Thank you for coming. Thank you.

20 Okay. Now, Creation of a Temporary Investigative
21 Group (TIG) For the Evaluation of the Directors For FY2022. I
22 believe this has been inserted by our corp. Counsel for a
23 suggestion. Before we go on this, I would like to somehow
24 call on Corp. Counsel Oana again and cover a little bit of
25 this before we ask for open discussion. Jennifer Oana.

1 CORP COUNSEL OANA: Thank you, Chair. So we -- when
2 we did the director's evaluation in the last year, there was a
3 lot of discussion on what you guys would want to do for the
4 evaluation for this calendar year. You guys talked about
5 surveys, you talked about anonymous surveys to employees, to
6 the public, to licensees, and so, you know, that's gonna take
7 a lot of work, a lot of homework outside of commission
8 meetings. So in order to get ready for the time when you're
9 gonna be evaluating the director next, I think it's -- it
10 would be appropriate to have a TIG established now because it
11 is a lot of work creating a survey, actually creating a
12 survey, you know, with questions and everything. So, in order
13 to give the TIG enough time so they don't have to be rushed
14 and can meet at, you know, their convenience throughout the
15 year, I thought about, you know, agendizing this now, you guys
16 can decide who the TIG members are, it could be four of you,
17 and the scope of the TIG would be to come up with a process
18 for the next evaluation including for the creation of all the
19 forms necessary, surveys, evaluation forms, whatever.

20 And then what would happen is once the TIG gets a
21 plan, once the TIG does the forms, they would agendize it for
22 a presentation to the full commission at a meeting, and then
23 at the next meeting after that, the commission can adopt the
24 TIG's recommendations and use that process going forward or,
25 you know, change things up if they want. So there was a lot

1 of work, and so it would be good to, you know, establish the
2 TIG now and -- so the TIG can kind of, you know, choose when
3 they want to meet throughout the year so we're not rushed at
4 the end of next year to do the evaluation.

5 CHAIR BOLOSAN: Thank you, Jen.

6 Open for discussion. I see you, Commissioner U'u,
7 raised your hand.

8 COMMISSIONER U'U: Yeah, yeah. So I never know this
9 is gonna be on the -- today's meeting, which is fine. I
10 forgot what we even talked about during the -- the process,
11 and maybe somebody can refresh my memory. I know we talked
12 about -- talked about it during the time when we were doing
13 the evaluation, and I don't know what the end outcome -- I
14 know we did come up with, I guess, an evaluation, but are we
15 looking to change the process of how we did it last time or --
16 I guess I'm trying to feel out what -- what we're doing, I
17 mean, or what we talked about. You know, pardon me, it's been
18 a long -- it's been a long couple of months, so try refresh my
19 memory, if you could.

20 CORP COUNSEL OANA: So I recall it was Vice Chair
21 Becraft who was talking about surveys and putting up a survey
22 on -- on their website for anyone to fill out and submit, but
23 we were kind of in a time crunch. You guys wanted to do the
24 evaluation in December because it made the one year for the
25 director as of like November something, so there was a little

1 bit of time crunch on that. And, you know, it does take
2 preparation and thought and working on these kinds of surveys
3 and things. So I don't want to tell you guys what to do, but
4 it would be good if -- and you guys can discuss as a whole
5 commission too.

6 COMMISSIONER U'U: Right.

7 CORP COUNSEL OANA: But there's a lot of homework,
8 so there's gonna be a lot of work to do outside of a
9 commission meeting, you know, drafting of the surveys,
10 thinking about what kind of questions you want to ask on the
11 survey, and so, you know, that's something that it would be
12 good for a TIG to work on and then just present it to you for
13 adoption, the full commission for adoption at whatever meeting
14 you guys decide the TIG's ready.

15 CHAIR BOLOSAN: Okay. Thank you, Jen.

16 Go ahead, Vice Chair Becraft.

17 VICE CHAIR BECRAFT: I just want to clarify the --
18 I'm not looking to reinvent the wheel here. I'm just speaking
19 of my previous job experience and my -- when I -- when I was
20 working, before they fired me, the -- that we would get evals,
21 you know, to like just say, hey, are you getting -- you know,
22 just as employees, are you getting supported by your
23 supervisors? Do you receive training? Do you feel like you
24 have a clear path? You know, these types of things, and
25 they're just feedback. They're already in existence in a lot

1 of different county departments. I can't speak to the fire
2 department, but I'll ask Aaron if -- if Aaron guys have the
3 same yearly, you know, the staff fills out what's going on.

4 COMMISSIONER BOSWELL: (Gesturing.)

5 CHAIR BOLOSAN: Yeah, so he has a thumbs up.

6 So like I say, I'm not -- I'm not looking to
7 reinvent the wheel, I was just thinking about incorporating
8 some of this so that we may get some anonymous information
9 because, you know, not every employee is gonna stand up and
10 go, yeah, my sergeant's not giving me direction, you know. As
11 a matter of fact, very, very few are gonna do that, but
12 anonymously they may. And if, you know -- and we can put what
13 weight it's worth, you know what I mean? You might get one
14 person that says a crazy -- there's no -- there's no absolute
15 correct system, you know, so if your mind -- your head sets
16 on, oh, we have one disgruntled employee that's gonna say
17 something negative; well, if we only get one negative comment
18 out of everybody, well, then maybe the ship is running well,
19 you know what I mean?

20 And the same thing for public input, not all public
21 input is bad and not all public input is good, but we can, you
22 know, as the old -- the other saying, where there's smoke,
23 there's fire a lot of times, right? If we're getting a whole
24 bunch of public input or private input from -- you know, from
25 within, then maybe it's just something that we can look at and

1 can be part of the eval system.

2 And further on that, it doesn't set his eval. To
3 me, what that sets is if he -- if the director sees a
4 potential problem, then it gets addressed, you know what I'm
5 saying? And that's -- to me, that's what I'm -- that's what I
6 evaluate on. Not necessarily have you done wrong or not done
7 perfect all year, it's what did you do to correct it, what
8 did -- did you do the next best thing? So, anyway, just as
9 clarification, I'm not looking to reinvent the wheel and do
10 something outside the box; I'm looking to implement things
11 that have been used for a long time in a lot of different
12 industries. Thank you.

13 CHAIR BOLOSAN: Thank you, Vice Chair.

14 I'm gonna go down -- from Commissioner Andrion, go
15 down the road, everybody has to come up with their take on
16 this issue so we can come up with a good solution for this
17 one. Commissioner Andrion.

18 COMMISSIONER ANDRION: As far as the evaluation, I
19 think we have a foundation as far as what we're looking at,
20 and I think the -- what we need to do is take a look at what
21 is there, and if we have to tweak it, in a sense, so that we
22 can get a better picture of how we can basically fairly
23 evaluate the position, I think that's what we -- we need to
24 understand. And like Commissioner Becraft says, that, you
25 know, it's good to have surveys, but the surveys would have to

1 be meaningful in the sense that you cannot just -- you know,
2 like he says, the weight of one survey might not -- might skew
3 the thing, and we just use that as -- as a guiding post to --
4 to move forward with that. I think the system that we have is
5 good; we do have something in -- already in place; we just
6 have to tweak it. Whatever that tweak is, and I think it
7 would have to be a consensus of the nine commissioners so that
8 we all think alike and -- and make sure, because we -- we as
9 individuals will see things differently. So, yeah, it's good
10 to have that, but at the same time, let's not get our focus
11 away from that we worked so hard to already set a platform for
12 this.

13 CHAIR BOLOSAN: Thank you.

14 COMMISSIONER ANDRION: That's all I have.

15 CHAIR BOLOSAN: Okay. Vice Chair, I'm gonna come
16 into you, if you don't mind.

17 VICE CHAIR BECRAFT: Yeah, thank you.

18 And I just want to thank Roberto for that
19 clarification, that's -- I should have clarified it that way.
20 I'm not -- also, I think our system that we came up with
21 already for the evaluation should remain as it is. If we find
22 tweaks that we need to make, we can address that in the
23 future. I'm definitely not suggesting that we readdress the
24 evaluation system; I think we already established that, we
25 spent a lot of time on that. It's -- as Roberto said, it's

1 just one more -- just an avenue of information gathering, and
2 we put what weight to the evals that they deserve, you know.
3 So like he said, just reiterating again, one bad -- you know,
4 one bad person -- one person writes in bad, that surely isn't
5 gonna say, well, look, he's bad. You know what I mean? You
6 need a lot, and they all have to be consistent, and we'd have
7 to find -- you know, do our due diligence to see if it has any
8 validity or not, you know. So, yeah, thanks for that
9 clarification, Roberto; I don't -- I'm not looking to revamp
10 our -- our eval at all, I'm just looking for more info.

11 CHAIR BOLOSAN: Thank you, Vice Chair Becraft.
12 Commission Ruidas.

13 COMMISSIONER RUIDAS: So I was trying to figure out
14 where we're going with this TIG thing. If we do it, you know,
15 the commissioners, are we choosing now or choosing later, but
16 I -- I think we don't need it because every meeting we're
17 evaluating the director. We're evaluating -- we're evaluating
18 everyone, we even evaluating ourselves. So I think if lines
19 of communication is open, if they had a problem, they would
20 either see the director or come to the commissioners, and vice
21 versa. So I think what we have in place at this time works
22 and as a group together, when it comes down to the -- what you
23 call, the time, that we can, you know, come to a conclusion
24 and an evaluation together. That's it. Thanks.

25 CHAIR BOLOSAN: Thank you, Commissioner Ruidas.

1 Commissioner De Mello, what is your take on this
2 issue?

3 COMMISSIONER DE MELLO: What everybody stated that
4 we don't -- we already established the wheel for the
5 evaluation and, you know, it's in place, which it wasn't
6 before. So like -- like Jamie's saying that, you know, we
7 have everything there already, so, yeah, we can move on with
8 it.

9 CHAIR BOLOSAN: Okay. Thank you, Commissioner De
10 Mello.

11 Commissioner Boswell.

12 COMMISSIONER BOSWELL: Yeah, I agree with what's
13 being said, that I don't -- if we're -- if I could add
14 anything, you know, it would be that we have to have something
15 to evaluate and what we're basing it off of, whether it's his
16 goals, which he's already submitted, alongside with his job
17 description, but, yeah, I think the -- I think everything's in
18 place for us to be able to be successful at evaluating him
19 this year.

20 CHAIR BOLOSAN: Okay. Thank you, Commissioner
21 Boswell.

22 Commissioner Patel.

23 COMMISSIONER PATEL: So, you know, I like the idea
24 of collecting data, it's always -- it's always smart and good
25 to make decisions off of data. I think the community does

1 have an access to providing that data through, as we saw
2 today, testimony and, you know, keeping the lines of
3 communication open. We have a website; they can contact us
4 from there. We have emails; they can email the department.
5 So, yeah, if it's going after data, I think we're collecting
6 data in these meetings right now and evaluating the director
7 in the way he responds to the public in these meetings. We're
8 getting clear evidence from these meetings. We're actively
9 involved in these meetings. Personally, I don't have the
10 bandwidth to sit on the TIG, so if that is created, I wouldn't
11 be a part -- be able to be a part of it. But I am a part of
12 these meetings every week, I'm engaged, I'm here, I'm present,
13 and I believe that all of us are, and it's good, we've got a
14 great board, and we have a solid director. So that's all I've
15 got to say.

16 CHAIR BOLOSAN: Thank you, Commissioner Patel.

17 Commissioner U'u.

18 COMMISSIONER U'U: You know, kind of -- I'm kind of
19 the same of what everyone's saying. Again, I don't -- I think
20 we're good. I don't think we need one TIG right now. I don't
21 think -- maybe we don't even need a TIG. And the reason I'm
22 saying that is just at today's meeting, we're reaching out to
23 people to give us some solution-oriented -- you know, give us
24 some solutions of the application process, that's what we're
25 asking today. There's a deadline to submit it, right? And,

1 again, as we go through the forms of sending out -- we're
2 already doing or requesting comments and feedbacks unknowingly
3 by holding these meetings by asking, I guess, the applicants
4 and the people we deal with at these meetings to send
5 suggestions of how we can streamline the form.

6 So we're already doing some of it already, and I
7 don't want to reinvent the wheel. I think we had a pretty
8 good first-year evaluation form process that we can build on,
9 and I don't think we need to build on much more. And I guess
10 it's -- throughout the process, I think we can find out more.
11 Again, I agree with what everyone said.

12 Sne, at the end, you went hit it, people are
13 involved weekly, we are involved weekly. And as we get to
14 that process, which happens naturally, we're gonna gain a lot
15 more knowledge and insight to what we see on -- and, again, by
16 gaining the manao of the applicants handing in some of the
17 issues they're having, and we're streamlining it. So I'm more
18 looking how we can fix it internally as a commission and then
19 grading as we get to that point down the line, but definitely
20 not now. Thank you.

21 CHAIR BOLOSAN: Thank you, Commissioner U'u.

22 Any more added on opinion from the commissioners?
23 Go ahead, Vice Chair Becraft.

24 VICE CHAIR BECRAFT: I don't want to be a Debbie
25 downer, but the -- and I definitely don't have anything --

1 again, don't anybody read into this anything. Any issues I
2 have, I may have had, or whatever, I would always bring to
3 Director Silva's attention. I feel that he's wide open for
4 it. So I'm just talking about past and my experience working
5 as a county employee and also with my experience being on this
6 board, I would ask each board member to ask themselves this, and
7 you please don't have to answer publicly, because I don't want
8 to violate any privacy or anything, but I can't imagine I'm
9 the only board member that's been approached privately by some
10 attorneys that have represented or different -- different bar
11 owners or licensees, and they're afraid to come forth.

12 I think in the past, I remember Bruce talking about
13 a Paia, right, when you guys went out and -- and I'm pretty
14 sure -- yeah, I've had attorneys who have approached me, and
15 I've asked them to come public on their stuff, and they're not
16 willing. They have told me that -- and they have told me, I
17 have one -- and I won't out this person, but that person's
18 told me he's spoken to other members on this board. So with
19 that in mind, I get what everybody's saying; I also am saying
20 is that our evaluation process is there. I also speak highly
21 of this board, this board -- I believe everybody puts in a
22 full effort and I'm appreciative, so -- but with that, what --
23 the point of what I'm saying is, is that you've gotta give an
24 avenue for people to voice their opinion anonymously.
25 Everything we've -- we're saying is, hey, we're right here,

1 come on out in the public and say it, but we've acknowledged
2 from the past -- or I've heard others, some of us acknowledge
3 from the past that there may be some hesitancy there.

4 So I, in words of transparency, in the words of, you
5 know, being easy, making life as easy as possible for
6 everybody so that we're trying to help everyone, I believe
7 that anonymous surveys are the way to go. This has been
8 proven, you know, in Maui. I always bring up the police
9 department, I apologize, I'm sure you guys are sick of it,
10 but -- but Maui Police Department, when they were getting
11 accredited, you know, to be nationally accredited, that was
12 one of the things that they had to implement. These are
13 standards that -- that are used from agencies that are trying
14 to make sure that you're as transparent as possible getting
15 the information.

16 And Director Silva is not doing this, but this also
17 does prevent in case you did have a bad director, of somebody
18 who just isn't letting us know that there's disgruntled
19 employees and there's a lot of -- we wouldn't know if there's
20 grievances. How would we know if there's 42 grievances?
21 Director Silva doesn't report to us if there's grievances.
22 You know, we wouldn't know these things, so that's why I'm
23 saying that there needs to be anonymous ways. It's not -- to
24 me, it doesn't take a lot of work to do that. There's already
25 systems in play, fire department, police department, I'm sure

1 other county agencies, we could just collect theirs, whittle
2 it down, and say what applies to us, what doesn't.

3 And, again, at the end of the day, it's data. If
4 you -- when you read it, each one of us has the ability to
5 read it and go, well, this doesn't sound like it's true or --
6 you know what I'm saying? It's still up to us. It doesn't
7 dictate how the director's evaluation is gonna go, but, hey,
8 I'll tell you what, if we got 20 employees saying that they're
9 being, you know, whatever, fill in the blank, then there may
10 be something we need to -- (change of audio) -- you know,
11 anonymous. So that's my -- my point.

12 And just to make sure I'm being abundantly clear, I,
13 too, gave Director Silva a good eval. I'm not saying he's not
14 doing his job; I'm saying I feel that our position is to make
15 it easier. And again, like I said, I can't imagine I'm the
16 only board member here that's been privately contacted by the
17 attorneys, (inaudible), and licensees.

18 CHAIR BOLOSAN: Okay. Thank you, Vice Chair
19 Becraft.

20 Any more opinion from the members?

21 COMMISSIONER U'U: (Gesturing.)

22 CHAIR BOLOSAN: Go ahead, Commissioner U'u.

23 COMMISSIONER U'U: I like some of the things Jamie
24 said, and I like -- you know, again, I guess the -- you know,
25 maybe some things that is unknown and clarity and I guess my

1 goal as a commission is it is for transparency. So I'm in
2 some of the lines of what Jamie is saying and, again, I just
3 think we can -- we can -- I don't think we need to TIG on it
4 now, but I -- you're right, I think we can get lines for some
5 anonymous, you know, so people do not hesitate. Somehow down
6 the line, we as a commission can come up with, you know,
7 certain ways how we do about it. I don't think we need to
8 form a TIG as we speak right now, my two cents. But, again,
9 moving forward, we can look at options like that, Jamie. I
10 would not be against that, by the way.

11 CHAIR BOLOSAN: Any more from the members,
12 Commissioners?

13 COMMISSIONER PATEL: Yes.

14 COMMISSIONER ANDRION: (Gesturing.)

15 CHAIR BOLOSAN: Commissioner Andrion, followed by --
16 go ahead. Commissioner Andrion, Bobbie.

17 COMMISSIONER ANDRION: I just want the commissioners
18 to know that next month they'll be losing, I believe, two
19 commissioners.

20 CHAIR BOLOSAN: Right.

21 COMMISSIONER ANDRION: So maybe you guys gonna want
22 to put this on the side and have a discussion after you have
23 your new commissioners, and maybe you have different light on
24 it. It's just my thought. I know that we mean well, but if
25 there is any type of complaint, I think, yeah, there should

1 be -- there should be a -- some sort of a way to forward that
2 complaint without any retaliation on any part, and I think --
3 I think that is -- that is important. If there is complaints,
4 we need to be -- the commissioners need to follow up on it.
5 But I am sure there are ways to do that without jeopardizing
6 any one specific individual.

7 CHAIR BOLOSAN: Thank you, Bobbie.

8 Any more opinion?

9 COMMISSIONER PATEL: So, is the goal to collect this
10 information, Vice Chair Becraft, without the knowledge of the
11 director receiving that communication?

12 VICE CHAIR BECRAFT: No. The goal is to have a -- a
13 box like leaving the airport where you can dump whatever
14 stuff, you know, your illegal animals or whatever you brought
15 in, without getting in trouble. So the goal is just as
16 Roberto is saying, an avenue for them not to feel that they're
17 gonna have repercussions, because I'm -- you know that this
18 is -- if you've ever worked for the county or, say, for a
19 large organization, of course, you're always afraid to say --
20 not always, but a lot of people are gonna be afraid to say
21 something negative about the boss, you know, you're worried
22 about your next promotion and stuff, but maybe you would make
23 that complaint anonymously and then -- and this is that avenue
24 and that, though, then becomes definitely conveyed to the
25 director, and that's gonna be up to the chair like, you know,

1 we'll all have it, but it's just it's at the end of the year.
2 It's not something that gets publicly every -- every session
3 you sit there and go, well, we have an anonymous complaint
4 saying that the director is drinking on duty or some BS like
5 that; that's not true. You don't -- you never put something
6 personnel-wise out unless it's an investigation completed, and
7 even then, you know, that has its limitations on what can be
8 disclosed. But it would be for the -- for us to know -- back
9 to the root of it would be the director may be saying that
10 we're all happy now, but everybody's disgruntled, everybody's
11 calling in sick, three people quit, five people got written
12 up. It's like, well, we would never know any of that, that's
13 personnel issues, the director doesn't report that to us. So
14 that's not happening, by the way, I know that that's not
15 happening, but I'm just saying it's an avenue to protect; it's
16 just a safeguard. And, again --

17 COMMISSIONER PATEL: And there's no HR department?

18 VICE CHAIR BECRAFT: Again, not a -- not an
19 anonymous one. And how would we --

20 COMMISSIONER PATEL: So we wouldn't be reaching out;
21 we wouldn't be reaching out to this individual to let them
22 know that they've been heard?

23 VICE CHAIR BECRAFT: We wouldn't be going -- no, I'm
24 not saying we would be doing an investigation, either. Let's
25 say it's harassment in the workplace, you know, that would be

1 handled through the -- through the county and their process
2 and through the director and through the managing director of
3 the county. We're not doing that, but it would give them --
4 but, you know, as it stands now, let's say there were a
5 complaint made of some fill-in-the-blank horrific, we
6 wouldn't -- we don't know. We have no idea. Unless there's
7 a -- unless there becomes a situation where there was an
8 investigation held by the county, and it was concluded, and at
9 its conclusion, we would receive that and have a special
10 meeting, and we would make a determination on discipline at
11 that point.

12 COMMISSIONER PATEL: Yeah.

13 VICE CHAIR BECRAFT: But other than that, we
14 wouldn't know. And, again, just so that everybody's really
15 clear, we don't know -- Layne doesn't -- he doesn't report to
16 us about personnel issues. That's not public; that's private.

17 COMMISSIONER PATEL: Yeah. So, I mean, my only
18 thing would be anonymous, is anybody can say anything that
19 they want to and, you know, sometimes you get bad intel and
20 data from that and it's -- I'm sure you know that is the risk.
21 I would suggest maybe put together something for us to review
22 in the next, you know, few meetings and -- when you're ready.
23 And I'm open to it as long as, you know, we're doing it the
24 right way. I just don't have, like I said, the bandwidth to
25 be on a TIG or something like that. But it seems like

1 there's -- you already have some ideas, so --

2 VICE CHAIR BECRAFT: Yeah. I think Roberto showed a
3 lot of his wisdom yet again. I do realize that we're about to
4 lose a couple of people and I think -- I think combined with
5 what you just said, maybe I should put my money where my mouth
6 is and put something together and present it once we get our
7 new people so that we can then maybe decide if we want a TIG
8 with the new folks because, yeah, this might be premature,
9 right? I didn't know this was gonna be on the agenda either.
10 I didn't ask for it to be on the agenda; I had no idea. But I
11 think Roberto and you both have a -- we should just wait, I
12 think, another month or so and readjust this.

13 I'll get some more information together and present
14 it better. But just I want to close with; this isn't no witch
15 hunt. This is -- this is actually just one more safety valve.
16 And you'll find that you don't have a bunch of crazy
17 submissions, you know what I mean? It's actually -- it's been
18 proven. The, you know, police department's had it forever,
19 fire department's had it, you know, that -- I'm not sure what
20 other departments have it, but it's just -- it gives people
21 that outlet.

22 Thank you. I'm sorry it took so much time.

23 CHAIR BOLOSAN: Thank you.

24 All right. I think we heard enough opinions from
25 this going back to the TIG. Pretty much if you've noticed,

1 I'm one of the person that is leaving with Commissioner
2 Andrion soon, and I just wanted to say my personal opinion
3 then that is why that, you know, when I conduct a meeting, I
4 always make sure that everybody -- every member is heard and
5 whether to -- this issue right here would need a TIG is all up
6 to you guys. But for my personal opinion, we have laid
7 already a lot of work, you know, for the form and, you know,
8 you want to tweak it later on, fine, you know, I'll be gone.
9 But my personal opinion is that I've heard, you know, all the
10 members that's saying they're not in favor of the TIG for now,
11 so I would say, you know how long it takes to do the
12 evaluation and whoever becomes the chair then would pretty
13 much know how much time the commission would need to come up
14 and address this issue. So for all of you, I know you will be
15 doing a good job and good luck.

16 (Laughter.)

17 CHAIR BOLOSAN: So, okay. Can I move on, then,
18 to -- I have reminded you on the financial disclosure.

19 The liquor control adjudication meeting of February
20 3rd, 2022, was canceled.

21 The next regular meeting of the liquor commission is
22 scheduled for March 9, 2022, at 9:00. We are going to go for
23 adjournment, but is there any further question or comment by
24 the commission before we adjourn? Is there any?

25 (No response.)

1 CHAIR BOLOSAN: If not, I'm gonna ask someone to
2 move a motion to adjourn.

3 COMMISSIONER U'U: I make a motion to adjourn.

4 COMMISSIONER DE MELLO: Second.

5 CHAIR BOLOSAN: Okay. Seconded by Commissioner De
6 Mello, moved by Commissioner U'u.

7 All in favor, say aye.

8 (Response.)

9 CHAIR BOLOSAN: Meeting adjourned.

10 (The proceedings were adjourned at 11:15 a.m.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

