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

TRANSCRIPT OF PROCEEDINGS
REGULAR MEETING

Held via Blue Jeans video conference, commencing at
9:04 a.m., on April 13, 2022.

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

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APPEARANCES

COMMISSION MEMBERS PRESENT:

CHAIRPERSON: BRUCE U'U
VICE CHAIR: STANLEY RUIDAS
COMMISSIONERS: JAMIE BECRAFT
AARON BOSWELL
SYLVIA HO
PATRICE MATSUMOTO
SNEHAL PATEL
WILLIAM RICHARDSON

STAFF PRESENT:

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

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(April 13, 2022, 9:04)

* * *

CHAIR U'U: Good morning, everyone. This is a regular meeting of the Liquor Control Commission. It is April 13th, 2022, and the time is 9:04. I am Bruce U'u, I'll be serving as the chair of the commission, and I call this mission -- meeting to order. I'm going to do roll call. I'm going to do a roll call. Pursuant to the Sunshine Laws, please also indicate who, if anyone, is present with you at your location. Also, at this time, I'd like to introduce the two chairs -- the two new members, I would say. So at the time of your introduction, when I call your name to the new commissioners, please state a little about -- a little bit about yourself if you want to.

Vice Chair Ruidas.

VICE CHAIR RUIDAS: Home and alone.

CHAIR U'U: Commissioner Becraft.

COMMISSIONER BECRAFT: Home and alone.

CHAIR U'U: Commissioner De Mello.

(No response.)

CHAIR U'U: She's not present at the time.

Commissioner Boswell.

COMMISSIONER BOSWELL: In my office and alone.

CHAIR U'U: Thank you.

Commissioner Ho.

1 (No response.)

2 CHAIR U'U: Not present at the time.

3 Commissioner Patel.

4 COMMISSIONER PATEL: In my office and alone.

5 CHAIR U'U: New Commissioner Richardson. And again,
6 you're available to speak briefly about yourself and tell us a
7 little bit about yourself.

8 COMMISSIONER RICHARDSON: Good morning. In my
9 office, alone. I'm general manager at Makena Surf Resort here
10 in Makena. Been in Maui for three years. Born and raised in
11 Oahu. My second career. I actually finished my first career
12 in Washington State in law enforcement. So I'm fortunate and
13 blessed to be part of the commission, and looking forward to
14 learning from you folks.

15 CHAIR U'U: Thank you. Welcome aboard.

16 COMMISSIONER RICHARDSON: Thank you.

17 CHAIR U'U: Commissioner Matsumoto.

18 COMMISSIONER MATSUMOTO: Good morning. I'm Pat
19 Matsumoto. I'm here in my office. I'm alone at my office at
20 Central Pacific Bank. I'm the branch manager of the Kahului
21 branch at Central Pacific Bank, and I have been with the
22 company for about 24 years and been in banking for about 50.

23 CHAIR U'U: Thank you.

24 And also the chair is here not by myself, with other
25 people as you can see. We have quorum to conduct this

1 meeting.

2 Moving on to the agenda, I'll entertain a motion to
3 approve today's agenda. Oh, I'm sorry, I'm sorry. My bad.
4 Jumping the gun. I'd like to introduce the staff.
5 Corporation Counsel Jennifer Oana.

6 CORP COUNSEL OANA: Good morning, everybody.

7 CHAIR U'U: Good morning.

8 Director Layne Silva.

9 DIRECTOR LAYNE N. SILVA: Good morning.

10 CHAIR U'U: Deputy Director Jarrett Kahoohanohano.

11 DEPUTY DIRECTOR KAHOOHANOHANO: Good morning.

12 CHAIR U'U: Lianne Suzuki, secretary to the
13 director.

14 MS. SUZUKI: Good morning.

15 CHAIR U'U: And secretary to the commission, Maria
16 Khangsengsing.

17 MS. KHANGSENGSING: I'm here.

18 CHAIR U'U: Did I miss anyone?

19 CORP COUNSEL OANA: Chair, I see Sylvia Ho's name
20 is -- I think she is present.

21 CHAIR U'U: Silva Ho, are you present?

22 (No response.)

23 CHAIR U'U: Anybody else did I miss out there?

24 Please state your name and tell us if you're alone.

25 (No response.)

1 CHAIR U'U: Seeing none, moving on.

2 COMMISSIONER HO: Good morning, Chair.

3 CHAIR U'U: Oh, good morning, Sylvia. Thank you.

4 So we have eight members present.

5 Okay. Moving on to the agenda, I'll entertain a
6 motion to approve today's agenda. Anybody want to make a
7 motion?

8 COMMISSIONER PATEL: Make a motion, Chair, to
9 approve the agenda for today's meeting.

10 CHAIR U'U: Motion by Commissioner Patel. Is there
11 a second?

12 VICE CHAIR RUIDAS: (Gesturing.)

13 COMMISSIONER BOSWELL: I'll second it.

14 CHAIR U'U: Second, sorry, I saw the hand of Stan
15 Ruidas. Seconded by Stan Ruidas. Any discussion?

16 (No response.)

17 CHAIR U'U: Seeing none, I'm going to do a roll,
18 roll call vote.

19 Vice Chair Ruidas.

20 VICE CHAIR RUIDAS: Aye.

21 CHAIR U'U: Commissioner Becraft.

22 COMMISSIONER BECRAFT: Aye.

23 CHAIR U'U: Commissioner De Mello. Sorry, she's not
24 present.

25 Commissioner Boswell.

1 COMMISSIONER BOSWELL: Aye.

2 CHAIR U'U: Commissioner Ho. Commissioner Ho?

3 COMMISSIONER HO: Aye.

4 CHAIR U'U: Thank you.

5 COMMISSIONER HO: Yes.

6 CHAIR U'U: Commissioner Patel.

7 COMMISSIONER PATEL: Aye.

8 CHAIR U'U: Commissioner Richardson.

9 COMMISSIONER RICHARDSON: Aye.

10 CHAIR U'U: Commissioner Matsumoto.

11 COMMISSIONER MATSUMOTO: Aye.

12 CHAIR U'U: And the chair votes aye.

13 The vote is unanimous. The motion passes.

14 Moving on to public testimony. With regard to
15 written testimony, the commission should have had written
16 testimony handed to them. As stated before on our agenda,
17 each testifier will be limited to a minimum of two minutes per
18 agenda item and one minute to conclude at the discretion of
19 the chair. Testifiers at the liquor department's conference
20 room are asked to sign up to testify on the sign-up sheets
21 provided. Testifiers via video will be asked to sign up to
22 testify using the chat function by sending a direct message to
23 the commission secretary providing your name and which item
24 you will be testifying on. Testifiers via phone will be
25 called by the chair after in-person and video testimony is

1 finished. Testimony should not be submitted within the chat
2 function, and the chat function may not be used to contact
3 commissioners or other meeting participants for commenting on
4 the agenda items or other matters. Individuals may be
5 disconnected from the meeting for breaking decorum. Except
6 for commissioners, those attending the meeting are to mute
7 their audio and video unless called upon by the chair to
8 speak. Those who have signed up to testify can be called by
9 the chair to offer their testimony, at which time they can
10 unmute their audio and video. After completing their
11 testimony, testifiers will mute their audio and video. An
12 individual's request to testify may be deemed withdrawn if the
13 individual does not answer when called to testify. In-person
14 testifiers will be called first, followed by video testifiers,
15 and then phone testifiers. You will have the option to
16 testify now or when the agenda item comes up.

17 Maria, first testifier, please.

18 MS. KHANGSENGSING: I don't see anybody signed up in
19 the chat and there's no one in -- signed up in the conference
20 room either.

21 CHAIR U'U: Thank you, Maria.

22 There is no one signed up currently. Anyone --
23 anybody want to testify?

24 (No response.)

25 CHAIR U'U: Seeing none, public testimony is now

1 closed.

2 Moving on to minutes, approve of the -- approval of
3 the Liquor Commission -- commission meeting minutes of
4 March 9th, 2022, regular meeting. Commissioners, you have all
5 received the March 9th, 2022, regular meeting transcripts. I
6 will entertain a motion to approve the transcripts of the
7 regular meeting minutes of March 9th, 2022, regular meeting.
8 Can I have a motion by -- Commissioners, is there a motion?

9 COMMISSIONER PATEL: Make a motion, Chair.

10 COMMISSIONER BECRAFT: Chair, I make a motion.

11 CHAIR U'U: Motion by Jamie Becraft. And, you know,
12 for clarity, can you state your last name when you make the
13 motion? And the only reason I'm asking is because I have a
14 hard time seeing the screen. So that motion was made by
15 Commissioner Becraft. Do we have a second?

16 COMMISSIONER PATEL: I second that, Chair. Sne
17 Patel.

18 CHAIR U'U: Seconded by Commissioner Patel. Any
19 discussion?

20 (No response.)

21 CHAIR U'U: Seeing none, I'm gonna call to -- gonna
22 call to do a roll vote.

23 Vice Chair Ruidas.

24 VICE CHAIR RUIDAS: Aye.

25 CHAIR U'U: Commissioner Becraft.

1 COMMISSIONER BECRAFT: Aye.

2 CHAIR U'U: Commissioner Boswell.

3 COMMISSIONER BOSWELL: Aye.

4 CHAIR U'U: Commissioner Ho.

5 COMMISSIONER HO: Aye.

6 CHAIR U'U: Commissioner Patel.

7 COMMISSIONER PATEL: Aye.

8 CHAIR U'U: Commissioner Richardson.

9 COMMISSIONER RICHARDSON: Aye.

10 CHAIR U'U: Commissioner Matsumoto.

11 COMMISSIONER MATSUMOTO: Aye.

12 CHAIR U'U: And the chair votes aye.

13 The vote's unanimous, and the motion passes.

14 Under General Licensing Matters, Commissioners,

15 these items that are on the agenda for commission approval of

16 the department's actions. I'll entertain a motion to approve

17 the department's actions taken for Items A through I. Do I

18 have a motion?

19 COMMISSIONER BECRAFT: Mr. Chair, Jamie Becraft.

20 CHAIR U'U: Yes, Jamie.

21 COMMISSIONER BECRAFT: I make a motion to approve

22 General Licensing Matters A through I.

23 CHAIR U'U: Thank you, Jamie.

24 Is there a second?

25 COMMISSIONER PATEL: Commissioner Patel. Second.

1 CHAIR U'U: Motion made by Commissioner Becraft,
2 seconded by Commissioner Patel. Any discussion?

3 (No response.)

4 CHAIR U'U: Seeing none, I'm gonna call to a vote, a
5 roll call vote.

6 Vice Chair Ruidas.

7 VICE CHAIR RUIDAS: Aye.

8 CHAIR U'U: Commissioner Becraft.

9 COMMISSIONER BECRAFT: Aye.

10 CHAIR U'U: Commissioner Boswell.

11 COMMISSIONER BOSWELL: Aye.

12 CHAIR U'U: Commissioner Ho.

13 COMMISSIONER HO: Aye.

14 CHAIR U'U: Okay. Commissioner Patel.

15 COMMISSIONER PATEL: Aye.

16 CHAIR U'U: Commissioner Richardson.

17 COMMISSIONER RICHARDSON: Aye.

18 CHAIR U'U: Commissioner Matsumoto.

19 COMMISSIONER MATSUMOTO: Aye.

20 CHAIR U'U: And the chair votes yes.

21 The vote is unanimous, and the motion passes.

22 Moving right along to Preliminary Hearings under A,
23 Application No. 14, Maalaea GSC LLC doing business as Maalaea
24 General Store and Cafe. Would the applicant unmute your audio
25 and video and state your name and your position.

1 MS. TSUKIYAMA: Good morning, Chair U'u, Commission
2 Members, Director Silva, and Department Staff. My name is
3 Kristine Tsukiyama, attorney for Maalaea GSC LLC, and with me
4 this morning is Doug Ewalt, who is the owner of Maalaea GSC
5 LLC.

6 CHAIR U'U: Thank you for stating your name.

7 Staff, will you please provide the details of this
8 application? Who's gonna be reading? Marc.

9 LCO WEISENFELD: Okay, Application No. 14.
10 Application No. 14, the applicant is Maalaea GSC LLC doing
11 business as Maalaea General Store and Cafe applying for a
12 retail general license. This is a preliminary hearing for a
13 retail general license.

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

17 The department did not have any protests.

18 And that's all I have for Maalaea.

19 CHAIR U'U: Okay. Does the applicant have anything
20 else to add?

21 MS. TSUKIYAMA: Just very briefly, some of you may
22 recall that the Maalaea General Store was issued a dispenser
23 general license on October 1st, 2021. And if you've been to
24 the Maalaea General Store and you go into the main building
25 where the deli and the retail items are, that's like the main

1 restaurant side. If you go to the right, there is a separate
2 building that was used for overflow seating for the deli
3 previously before COVID. Once COVID hit, they closed that
4 down, and it became storage, and our -- the Maalaea GSC LLC
5 took over. So we got a temporary dispenser license and a
6 permanent for the entire building, which includes both sides,
7 but now, you know, that one building on the right really has
8 just been storage, so we're looking to -- to license that area
9 as a retail store just to do very limited retail sales on that
10 side since right now it's really just basically storage. So
11 that's -- that's why you may recall us coming up before you at
12 the end of last year, but we're now trying to basically
13 decrease the dispenser license so that we can have a retail
14 license on that smaller right-hand side building if you're
15 looking at the building from the ocean side.

16 CHAIR U'U: Thank you.

17 Marc is the staff. Marc, is there anything else
18 you'd like to add on your end?

19 LCO WEISENFELD: Yes. There's --

20 CHAIR U'U: And if you -- Marc, if you could, could
21 you please speak a little -- little louder?

22 LCO WEISENFELD: Sure.

23 CHAIR U'U: For clarity.

24 LCO WEISENFELD: Sure. Maalaea GSC doing
25 business -- applying for a retail license. The past history,

1 on October 1st the Dispenser General C(ii) License No. 209
2 was issued to Maalaea GSC LLC for 132 Maalaea Road, Wailuku,
3 Maui, Hawaii.

4 A copy of their past history is attached.

5 The applicant has submitted a copy of a retail lease
6 dated January 15th by and between Rowen Land 5 LLC, landlord,
7 and Maalaea GSC LLC as tenant. It commenced on March 15th,
8 2021, or the later of when landlord takes possession after
9 purchase or immediately upon the issuance of the liquor
10 license to Maalaea General Store, whichever occurs later.

11 The applicant has submitted a copy of the Lease No.
12 1, dated January 27th, 2022, to designate separate leased
13 areas of the premises. The retail license general is
14 designated as Unit A.

15 So, the proposed premises is a portion of the
16 single-story building near the Maalaea Harbor consisting of
17 approximately 549 square feet of space located at 132 Maalaea
18 Road, Unit A, Wailuku, Maui, Hawaii.

19 There are no schools or churches located within a
20 radius of 500 feet.

21 Tradewinds Mart & Deli is a license of the same
22 class and kind located within a radius of 500 feet.

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

25 There are 129 licenses of this class and kind

1 currently issued within Maui County.

2 The plans of the applicant: To be open seven days a
3 week from 6:00 a.m. to 9:00 p.m.

4 The applicant appears to meet the statutory
5 requirements to hold a license.

6 All documents necessary for the issuance of the
7 license have not been submitted.

8 CHAIR U'U: You done, Staff, Marc?

9 LCO WEISENFELD: Yes.

10 CHAIR U'U: Thank you, Marc.

11 Before bringing it to the commissioners, I'm gonna
12 open it up for public testimony. Is there anyone out there
13 who wants to -- who wants to give testimony? Maria?

14 MS. KHANGSENGSING: No, no one has signed up, Chair.

15 CHAIR U'U: Seeing none, with no objections, I want
16 to close public testimony.

17 (No response.)

18 CHAIR U'U: Commissioners, you guys have any
19 questions for the applicant?

20 (No response.)

21 CHAIR U'U: Seeing none, at this time, I'll
22 entertain a motion to approve this application to proceed to
23 public hearing. Can I have a motion?

24 COMMISSIONER BECRAFT: Mr. Chair, Jamie Becraft. I
25 make a motion under Preliminary Hearing, Application No. 14

1 to be approved.

2 CHAIR U'U: Motion made by Commissioner Becraft. Is
3 there a second?

4 VICE CHAIR RUIDAS: Vice Chair Ruidas. I second the
5 motion.

6 CHAIR U'U: And a second by Vice Chair Ruidas. Any
7 discussion?

8 COMMISSIONER PATEL: (Gesturing.)

9 CHAIR U'U: Go ahead.

10 COMMISSIONER PATEL: Chair, Commissioner Patel here.

11 CHAIR U'U: Commissioner Patel.

12 COMMISSIONER PATEL: I wanted to have a clarifying
13 question answered. The storage space now will be converted
14 into a retail store, so that'll have a separate staff member
15 there just executing the sales, the retail side versus the
16 cafe side, correct?

17 MS. TSUKIYAMA: Correct.

18 COMMISSIONER PATEL: Okay. So they'll check out
19 right there; they're not gonna go to the cafe area and then
20 have an employee there complete the transaction?

21 MS. TSUKIYAMA: Right. What we've done is we've had
22 to separate the two areas. So I don't know how familiar you
23 are with it, but there's a walkway between that's gonna be
24 common area, so it will not be part of either license, that
25 way, it's completely separate. If there's someone in the

1 restaurant, there will be signage, and then, like you
2 mentioned, there will be someone checking out, doing point of
3 sale within the four walls of that new retail store, correct.

4 COMMISSIONER PATEL: Okay. Thank you.

5 CHAIR U'U: Any other questions by commission
6 members?

7 (No response.)

8 CHAIR U'U: Seeing none, open up for motion -- I
9 think, Jamie, you made a motion? Am I wrong, Jamie?

10 COMMISSIONER BECRAFT: That's correct, it's been --
11 I made it, and Vice Chair Ruidas seconded the motion.

12 CHAIR U'U: Thank you, thank you. Any other
13 commissions before I call for the vote?

14 (No response.)

15 CHAIR U'U: Seeing none, I'm gonna do a roll call
16 vote.

17 Vice Chair Ruidas.

18 VICE CHAIR RUIDAS: Aye.

19 CHAIR U'U: Commissioner Becraft.

20 COMMISSIONER BECRAFT: Aye.

21 CHAIR U'U: Commissioner Boswell.

22 COMMISSIONER BOSWELL: Aye.

23 CHAIR U'U: Commissioner Ho. Commissioner Ho?

24 (No response.)

25 CHAIR U'U: We might have some minor technical

1 difficulties. We'll get back, but if you're on board, just
2 say aye or state your vote.

3 Commissioner Patel.

4 COMMISSIONER PATEL: Aye.

5 CHAIR U'U: Commissioner Richardson.

6 COMMISSIONER RICHARDSON: Aye.

7 CHAIR U'U: Commissioner Matsumoto.

8 COMMISSIONER MATSUMOTO: Aye.

9 CHAIR U'U: And the chair votes yes.

10 The motion passes.

11 MS. TSUKIYAMA: Thank you very much, everyone.

12 CHAIR U'U: Congratulations and thank you.

13 MR. EWALT: Thank you, Commission. Have a nice day.

14 CHAIR U'U: You're welcome.

15 MS. TSUKIYAMA: Thank you.

16 MR. EWALT: Thank you.

17 CHAIR U'U: Under Public Hearings, A, Application
18 No. 5, Captains Galley LLC doing business as Kapena's Wood
19 Fired Kitchen at 505 Front Street. Would the applicant please
20 unmute your video, audio and video and state your name and
21 position?

22 MR. COON: Yes. My name is Denver Coon. I'm
23 general counselor for Trilogy Corporation, which is the sole
24 member/manager of Captains Galley LLC, and I'm joined here
25 by -- with Ginger Lucy, her husband Gabe Lucy, our manager,

1 and Jim Coon.

2 CHAIR U'U: Thank you.

3 Staff, will you please provide the details of the
4 application?

5 LCO WEISENFELD: Yes. Application No. 5, the
6 applicant is Captains Galley LLC doing business as Kapena's
7 Wood Fired Kitchen. The proposed premises is located at 505
8 Front Street, Suite 101, Lahaina, Maui, Hawaii. This is a
9 public hearing for a Retail General Category B(ii).

10 Documents necessary for completing the remaining
11 application requirements for a liquor license are listed in
12 the summary report.

13 Notice of public hearing was published in the Maui
14 News on February 16th and February 23rd of 2022.

15 There are a total of (pause) --

16 CHAIR U'U: Anything else, Marc?

17 LCO WEISENFELD: Yes, yes. There is an unverified
18 protest and a verified letter of request to this application.

19 CHAIR U'U: At this time, I'm gonna turn it over to
20 the director.

21 DIRECTOR LAYNE N. SILVA: Just for clarification, I
22 believe Investigator Weisenfeld identified as a Retail
23 General; it's actually a Restaurant General Category B(ii).

24 LCO WEISENFELD: I apologize.

25 DIRECTOR LAYNE N. SILVA: This application is a

1 Restaurant General.

2 LCO WEISENFELD: Restaurant General, Category B(ii),
3 B(ii).

4 CHAIR U'U: Thank you. Thank you for that
5 clarification.

6 Does the applicant has -- have anything else to add?
7 You may do so at this time.

8 MR. COON: I don't have anything to add unless you
9 guys have any questions; we're happy to answer.

10 CHAIR U'U: Thank you. At this time, I'm gonna open
11 it up to public testimony. Anybody out there want to give
12 public testimony at this time? Anything, Maria?

13 MS. KHANGSENGSING: No, nothing.

14 CHAIR U'U: Seeing none, I'm gonna close public
15 testimony.

16 Commissioners, any questions for the applicant?

17 (No response.)

18 CHAIR U'U: Seeing none --

19 COMMISSIONER BECRAFT: Mr. Chair.

20 CHAIR U'U: Go ahead, Jamie, Commissioner Becraft.

21 COMMISSIONER BECRAFT: I have a question for Mr.
22 Weisenfeld. What -- I didn't -- couldn't follow what he was
23 saying in regard to letters of opposition. What -- is
24 there -- are there letters of opposition or are there not?
25 'Cause I don't see in my packet --

1 LCO WEISENFELD: There's one -- Jamie, there's one
2 unverified protest and one letter of support.

3 COMMISSIONER BECRAFT: Okay. So what does
4 "unverified protest" mean?

5 LCO WEISENFELD: I believe that was alluding to the
6 signatory on the protest.

7 CHAIR U'U: Marc, could you please speak up? I have
8 a hard time hearing you. Maybe it's Jamie also, but I can
9 hear Jamie clear, but could you please speak a little louder.

10 LCO WEISENFELD: Sure, sure. I believe the
11 unverified protest regards it's -- it's unsigned.

12 COMMISSIONER BECRAFT: Marc, is this this email from
13 Janet that I'm looking at that's the unverified protest, or is
14 that something else? I've just never heard what a -- I've
15 never heard the term unverified protest before in all of our
16 hearings, so I just -- I don't know what it means.

17 CHAIR U'U: I'm with you, Jamie. I have no idea
18 what it means, so it would be nice to have some clarification
19 if possible.

20 MS. LUCY: Karilee called me yesterday about the
21 verified versus unverified. She said that when they're
22 received, they reach out to whoever sent it in to, like,
23 verify it and get confirmation, and the person who sent in the
24 opposing didn't respond, where the Okamotos did respond and
25 did sign their letter. That's how I understood it from her

1 yesterday.

2 CHAIR U'U: Okay. Thank you, thank you. But I'm
3 gonna turn them over to the director.

4 MS. LUCY: Yep.

5 CHAIR U'U: Thank you.

6 COMMISSIONER BECRAFT: Thank you, Lucy.

7 DIRECTOR LAYNE N. SILVA: Okay, yeah, this is
8 something that does not happen very often; however, there are
9 several reasons that a letter received by the department would
10 be deemed unverified is whether or not the department can or
11 cannot confirm if the property owner is actually a property
12 owner located within the 500-foot radius or whether it was
13 received digitally or unsigned. If we receive it via email,
14 we reach out; we attempt to reach out to the property owner
15 just to verify where it came from and who it is that actually
16 sent it. Those are -- I don't know the specifics in this case
17 directly, but those are some reasons why you may hear that
18 verbiage of unverified just to clarify.

19 CHAIR U'U: Commissioner Becraft, does that answer
20 your question?

21 COMMISSIONER BECRAFT: Yes. I guess my -- somewhat,
22 and the secondary backup to that is, is that this email I'm
23 looking at from Janet? Is that what the unverified one is?

24 DEPUTY DIRECTOR KAHOOHANOHANO: Yes, I believe that
25 is.

1 CHAIR U'U: Yes, that's what we believe it is. Yes,
2 Jamie, Commissioner Becraft.

3 COMMISSIONER BECRAFT: Okay. I just -- I just never
4 heard that before, so -- other than that, then I believe
5 that's my only question.

6 CHAIR U'U: Thank you. Thank you, Commissioner
7 Becraft.

8 Any more questions from the commission at this time?

9 COMMISSIONER RICHARDSON: Yeah, Chair, I've got a
10 question.

11 CHAIR U'U: Go ahead, Commissioner Richardson.

12 COMMISSIONER RICHARDSON: For the Director Silva,
13 did someone from the office try to respond to this email from
14 Janet?

15 DIRECTOR LAYNE N. SILVA: Yes. The licensing
16 section reached out to the parties that submitted their
17 letters, yes.

18 COMMISSIONER RICHARDSON: And no response?

19 DIRECTOR LAYNE N. SILVA: Again, I'm not a hundred
20 percent on the specifics regarding this specific letter, but
21 that is my understanding.

22 Marc, do you know if that's correct, or do you know
23 the results?

24 LCO WEISENFELD: Yes, I believe that's correct. An
25 attempt was made to contact her and -- and there was no

1 response.

2 COMMISSIONER RICHARDSON: All right.

3 CHAIR U'U: Thank you.

4 COMMISSIONER RICHARDSON: Well, thanks, thanks for
5 the update on that. I would consider that being a
6 nonresponsive complaint. I mean --

7 LCO WEISENFELD: Yes.

8 COMMISSIONER RICHARDSON: -- there was an email sent
9 on concerns, and then she -- she doesn't respond to the
10 department, so I -- we can't verify what the real complaint
11 that she's stating in her email, yet we have a letter that was
12 signed by two owners of a condo nearby that supports this,
13 this application, so --

14 CHAIR U'U: Thank you.

15 COMMISSIONER RICHARDSON: That's all.

16 CHAIR U'U: Are you done, Commissioner Richardson?

17 COMMISSIONER RICHARDSON: I am. Thank you.

18 CHAIR U'U: Okay. Any other questions by commission
19 members?

20 COMMISSIONER PATEL: Chair, Commissioner Patel. I
21 just wanted to point out that I believe we addressed this in
22 the last meeting, and the applicant is aware of the
23 community's concerns and is taking the mitigating steps to
24 ensure that, you know, what's stated here by the opposition
25 letter is, you know, sort of handled in a way that is going

1 to, I guess, kind of revitalize that area in a way. I think
2 the applicant wants to create more of a family sort of
3 gathering place, as discussed in the last meeting. And I do
4 know, as a west-side resident of that area, of the issues
5 there, so, yeah, I'm looking forward to an entity of this
6 caliber coming in and occupying that space.

7 MR. COON: Thank you.

8 CHAIR U'U: Thank you, Commissioner Patel.

9 Any other questions from the commission members?

10 (No response.)

11 CHAIR U'U: Seeing none, at this time, I will
12 entertain a motion to approve this application.

13 COMMISSIONER BECRAFT: Mr. Chair, Jamie Becraft. I
14 make a motion to approve Application No. 05 under Public
15 Hearings.

16 CHAIR U'U: There's a motion made by Commissioner
17 Becraft. Do we have a second?

18 COMMISSIONER RICHARDSON: Mr. Chair, Commissioner
19 Richardson. I'll second that.

20 CHAIR U'U: Second made by Commissioner Richardson.
21 Is there any discussion?

22 COMMISSIONER BECRAFT: Mr. Chair, in short -- Jamie
23 Becraft. I just wanted to add I was only questioning because
24 I've never heard it before. I'm in complete support of this
25 license, and I -- hopefully, I didn't come across any other

1 way other than I just didn't know the verbiage that we heard
2 earlier. But I'm in complete support of you guys and wish you
3 guys good luck.

4 CHAIR U'U: Thank you, Commissioner Becraft.

5 At this time, I'm -- any other discussion?

6 (No response.)

7 CHAIR U'U: Seeing none, I'm gonna do a roll call
8 vote.

9 Vice Chair Ruidas.

10 VICE CHAIR RUIDAS: Aye.

11 CHAIR U'U: Commissioner Becraft.

12 COMMISSIONER BECRAFT: Aye.

13 CHAIR U'U: Commissioner De --
14 Commissioner Boswell.

15 COMMISSIONER BOSWELL: Aye.

16 CHAIR U'U: Commissioner Ho.

17 COMMISSIONER HO: Yes.

18 CHAIR U'U: Thank you.

19 Commissioner Patel.

20 COMMISSIONER PATEL: Aye.

21 CHAIR U'U: Commissioner Richardson.

22 COMMISSIONER RICHARDSON: Aye.

23 CHAIR U'U: Commissioner Matsumoto.

24 COMMISSIONER MATSUMOTO: Aye.

25 CHAIR U'U: And the chair votes yes.

1 And motion passes. Thank you very much.

2 Congratulations.

3 MR. COON: Thank you very much.

4 MS. LUCY: Thank you. Mahalo.

5 CHAIR U'U: Mahalo.

6 On to the next application, Application No. 07, La
7 Poblana Mexican Food LLC doing business as La Poblana Mexican
8 Food Restaurant. Would the applicant please unmute your
9 video, audio and video and state your name and position
10 please?

11 MR. NAKAMURA: Good morning, Mr. Chair, Members of
12 the Commission. Craig Nakamura, attorney for the applicant,
13 and I believe with me on the phone today is Maria Almonte, who
14 is the member/manager of the applicant.

15 Also, welcome to our new commission members. Good
16 to see you, and thank you for volunteering.

17 CHAIR U'U: Thank you, Mr. Nakamura.

18 Staff, will you please provide the details of this
19 application?

20 LCO WEISENFELD: Yes. Application No. 7, the
21 proposed -- the applicant is La Poblana Mexican Food LLC doing
22 business as La Poblana Mexican Food Restaurant. The proposed
23 premises is located at 362 Huku Lii Place, Space No. 101 in
24 Kihei, Maui, Hawaii. This is a public hearing for a
25 Restaurant General, Category B(ii).

1 Documents necessary for completing the remaining
2 application requirements for a liquor license are listed in
3 the summary report.

4 Notice of public hearing was published in the Maui
5 News on February 16th and 23rd of 2022.

6 There are a total of 194 -- 194 owners and lessees
7 within 500 feet.

8 The department did not receive any protest on this
9 application.

10 CHAIR U'U: Does the applicant have anything to add
11 at this time, now being your chance?

12 MR. NAKAMURA: Just very briefly, Mr. Chair. I
13 guess most of the members might recall the preliminary
14 hearing. As you can tell by the name, this is a Mexican
15 restaurant. It's gonna be located at the Kihei Gateway Plaza,
16 which is just mauka of the highway in Kihei. They've been
17 open for a while now, and they're just applying for a liquor
18 license to be able to add to their service. We'd be happy to
19 answer any questions you have.

20 CHAIR U'U: Thank you.

21 At this time, we're gonna open it up for public
22 testimony. Is there anyone who wants to give public
23 testimony?

24 (No response.)

25 CHAIR U'U: Seeing none, public testimony is now

1 closed.

2 Commissioners, any questions for the staff or the
3 applicant?

4 (No response.)

5 CHAIR U'U: Seeing none, at this time, I'll
6 entertain a motion to approve this application. Do I have a
7 motion?

8 COMMISSIONER PATEL: Chair, Commissioner Patel. I
9 make a motion to approve the applicant.

10 CHAIR U'U: Motion made by Commissioner Patel. Is
11 there a second?

12 VICE CHAIR RUIDAS: Vice Chair Ruidas. I second.

13 CHAIR U'U: Second made by Vice Chair Ruidas. Any
14 discussion?

15 (No response.)

16 CHAIR U'U: Seeing no discussion, I'm gonna do a
17 roll call vote.

18 Vice Chair Ruidas.

19 VICE CHAIR RUIDAS: Aye.

20 CHAIR U'U: Commissioner Becraft.

21 COMMISSIONER BECRAFT: Aye.

22 CHAIR U'U: Commissioner Boswell.

23 COMMISSIONER BOSWELL: Aye.

24 CHAIR U'U: Commissioner Ho.

25 COMMISSIONER HO: Aye.

1 CHAIR U'U: Commissioner Patel.

2 COMMISSIONER PATEL: Aye.

3 CHAIR U'U: Commissioner Richardson.

4 COMMISSIONER RICHARDSON: Aye.

5 CHAIR U'U: Commissioner Matsumoto.

6 COMMISSIONER MATSUMOTO: Aye.

7 CHAIR U'U: And the chair votes aye.

8 The votes are unanimous. Motion passes.

9 Congratulations.

10 MR. NAKAMURA: Great. Thank you very much.

11 Appreciate it.

12 CHAIR U'U: Thank you.

13 Moving on to Application No. 13, Restaurant Lima
14 LLC doing business as Restaurant Lima. Would the applicant
15 please unmute your audio and video and state your name and
16 position?

17 MR. JORGENSEN: Good morning, Chair U'u, Members of
18 the Commission, and Staff. Welcome to Ms. Matsumoto and Mr.
19 Richardson. And I am Dave Jorgensen, legal counsel for the
20 applicant Restaurant Lima LLC. With me this morning is Xavier
21 Valcarcel, who is the principal of the applicant.

22 CHAIR U'U: Thank you.

23 Staff, will you please provide the details of this
24 application?

25 LCO WEISENFELD: Yes. This is Application No. 13.

1 The applicant is Restaurant Lima LLC doing business as
2 Restaurant Lima. The proposed premises is located at 71
3 Baldwin Avenue, Units A1 and A2, in Paia, Maui, Hawaii.
4 The -- this is a public hearing for a Dispenser General,
5 Category C(ii).

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

9 Notice of public hearing was published in the Maui
10 News on February 16th and February 23rd of 2022.

11 There are a total of 187 owners and lessees situated
12 within 500 feet of the proposed premises.

13 The department has not received any protests
14 regarding this application.

15 CHAIR U'U: Thank you, Marc.

16 Does the applicant has -- have anything to add at
17 this time?

18 MR. JORGENSEN: Just that my client is anxious to be
19 able to get open. We are working through the requirements of
20 the county, and due to my client and his crew's hard work, we
21 hope we're -- we're getting close. This is in the old -- the
22 building that housed Dazoo and Provision and a few other
23 businesses in kind of Upper Paia Town. And again, my client's
24 anxious to get going, and we're available for any questions.

25 CHAIR U'U: Thank you. Looking forward to it, by

1 the way, Dave.

2 At the time -- at this time, we're gonna open it up
3 to public testimony. Anybody out there want to give public
4 testimony?

5 (No response.)

6 CHAIR U'U: Seeing none, public testimony is now
7 closed.

8 Commissioners, any questions for the staff or for
9 the applicant?

10 (No response.)

11 CHAIR U'U: Seeing none, at this time, I'll
12 entertain a motion to approve this application. Can I have a
13 motion?

14 COMMISSIONER BECRAFT: Mr. Chair, Jamie Becraft. I
15 make a motion under Preliminary Hearing, Application No. 13
16 to be approved.

17 CHAIR U'U: There's a motion made by Commissioner
18 Becraft. Is there a second?

19 COMMISSIONER RICHARDSON: Commissioner Richardson,
20 Mr. Chair. I'll second that.

21 CHAIR U'U: Second made by Commissioner Richardson.
22 Any discussion?

23 (No response.)

24 CHAIR U'U: Seeing none, I'm gonna do a roll call
25 vote.

1 Commissioner Ruidas.
2 VICE CHAIR RUIDAS: Aye.
3 CHAIR U'U: Commissioner Becraft.
4 COMMISSIONER BECRAFT: Aye.
5 CHAIR U'U: Commissioner Boswell.
6 COMMISSIONER BOSWELL: Aye.
7 CHAIR U'U: Commissioner Ho. Commissioner Ho?
8 (No response.)
9 CHAIR U'U: Commissioner Patel.
10 COMMISSIONER PATEL: Aye.
11 CHAIR U'U: Commissioner Richardson.
12 COMMISSIONER RICHARDSON: Aye.
13 CHAIR U'U: Commissioner Matsumoto.
14 COMMISSIONER MATSUMOTO: Aye.
15 CHAIR U'U: And the chair votes aye.
16 The motion passes. Congratulations.
17 MR. JORGENSEN: Thank you very much, and we look
18 forward to seeing you all out there. Have a good day.
19 CHAIR U'U: Thank you, Dave.
20 Moving on to Application No. 15, Seaboard --
21 Seabird Charters, Incorporated doing business as Ocean Legacy.
22 Will the applicant please --
23 LCO WEISENFELD: I'm sorry.
24 CHAIR U'U: Sorry, go ahead.
25 LCO WEISENFELD: No, I'm sorry.

1 CHAIR U'U: Would the applicant please unmute your
2 video and audio and state your name and position?

3 MS. MEHLING: Good morning, Mr. Chairman and
4 Commissioners. My name is Keri Mehling, counsel for the
5 applicant Seabird Charters, and on this call is Blake Moore,
6 one of the principals.

7 CHAIR U'U: Thank you.

8 Staff, will you please provide the details of this
9 application?

10 LCO WEISENFELD: Yes. Application No. 15, Seabird
11 Charters, Inc., a registered Hawaii corporation doing business
12 as Ocean Legacy applying for a Tour or Cruise Vessel License,
13 Category B.

14 Officers, directors, and stockholders of the
15 corporation are listed on the report.

16 Sea Sport Cruises owns 100 percent of the
17 outstanding capital stock of the corporation.

18 Personal history statements are on file.

19 Past history is Kristie Marie Wrigglesworth and
20 David Blake Moore is an officer and director of Sea Sport
21 Cruises doing business as Ocean Voyager and doing business as
22 Ocean Explorer, Unicorn Tours of Hawaii doing business as
23 Ocean Quest Ventures, Leilani Corporation doing business as
24 Ocean Odyssey, and Four-Island Ocean Adventures doing business
25 as Ocean Spirit, Sea Sport Cruises Inc. doing business as

1 Ocean Explorer and Unicorn Tours of Hawaii doing business as
2 Ocean Spirit, licenses were previously canceled.

3 Debra Lynn Miller was an officer and director of Sea
4 Sport Cruises doing business as Ocean Explorer, Unicorn Tours
5 of Hawaii doing business as Ocean Spirit, and Seabird Charters
6 doing business as Ocean Quest Adventures, licenses were
7 previously canceled.

8 Kristie Marie Wrigglesworth, David Blake Moore, and
9 Debra Lynn Miller are current officers and directors of Four-
10 Island Ocean Adventures doing business as Ocean Discovery and
11 License No. 312, Catamaran Express, Inc. doing business as
12 Ocean Voyager, License No. 475, Leilani Corporation doing
13 business as Ocean Guardian, License No. 477, Unicorn Tours of
14 Hawaii, Inc. doing business as Ocean Explorer, License No.
15 291, Sea Sport Cruises doing business as Ocean Odyssey, No.
16 153, and Ocean Spirit, License No. 289.

17 Attached is a copy of their past history for current
18 active licenses.

19 The vessel documentation has submitted the U.S.
20 Coast Guard Certificate Documentation, Official No. 1321588,
21 dated December the 7th, 2021.

22 The vessel lease: Vessel applicant has submitted a
23 vessel lease by and between Maui Commercial Boat Leasing,
24 Inc., a Hawaii corporation, as the lessor, and Seabird
25 Charters, Inc., a Hawaii corporation, as lessee dated July --

1 I'm sorry, January 7th, 2022.

2 The proposed premises is a 65-foot double-hull
3 engine-powered catamaran authorized to carry 149 passengers,
4 one master's, two hand decks, three other persons and crew,
5 and no others. Total persons allowed is 155.

6 Passengers will be picked up and dropped off at the
7 Lahaina Boat -- Small Boat Harbor, Slip No. 4, in Lahaina,
8 Maui, Hawaii.

9 The men's and women's toilet facilities are located
10 on the main deck.

11 Beverages will be dispensed from within the main
12 cabin level of the vessel.

13 There are 38 licensees of this kind currently issued
14 within the County of Maui.

15 Plans of the applicant is initially to open seven
16 days a week from 6:00 a.m. to 12:00 a.m.

17 The applicant appears to meet statutory requirements
18 to hold a license.

19 All documents for the issuance of this license have
20 not been submitted.

21 CHAIR U'U: Anything else, Staff? Marc?

22 LCO WEISENFELD: Okay.

23 CHAIR U'U: Are you done, Marc?

24 LCO WEISENFELD: Yes.

25 CHAIR U'U: Thank you.

1 Applicant, do you have anything to add? Does the
2 applicant have anything to add? You can do so at this time.

3 MS. MEHLING: Yeah, only that if that was extremely
4 confusing functionally, this is the Pacific Whale Foundation,
5 and there are various holding entities that run each of the
6 different boats pursuant to the DLNR licensing and permitting
7 process, so that's why you heard all of those extra names in
8 there.

9 CHAIR U'U: Thank you.

10 At this time, I'm gonna open it up to public
11 testimony. Is there anyone who wants to give public
12 testimony?

13 (No response.)

14 CHAIR U'U: Seeing none, public testimony is now
15 closed.

16 Commissioners, any questions for the staff or
17 applicant?

18 (No response.)

19 CHAIR U'U: Seeing none, at this time, I'll
20 entertain a motion to approve this application. Do I have a
21 motion?

22 COMMISSIONER BECRAFT: Mr. Chair, Jamie Becraft. I
23 make a motion under Public Hearings, Application No. 15 to be
24 approved.

25 CHAIR U'U: Motion made by Commissioner Becraft. Is

1 there a second?

2 COMMISSIONER PATEL: (Gesturing.)

3 CHAIR U'U: Second made by --

4 COMMISSIONER RICHARDSON: Commissioner Richardson.

5 I'll -- I'll second it.

6 CHAIR U'U: I think -- I think Sne beat you to it,

7 Commissioner Richardson.

8 COMMISSIONER RICHARDSON: All right.

9 CHAIR U'U: Thank you. So we have a motion made by
10 Commissioner Becraft, a second by Commissioner Patel. Any
11 discussion?

12 (No response.)

13 CHAIR U'U: Seeing none, I'm gonna do a roll call
14 vote.

15 Vice Chair Ruidas.

16 VICE CHAIR RUIDAS: Aye.

17 CHAIR U'U: Commissioner Becraft.

18 COMMISSIONER BECRAFT: Aye.

19 CHAIR U'U: Commissioner De Mello. Sorry, she's not
20 present.

21 Commissioner Boswell.

22 COMMISSIONER BOSWELL: Aye.

23 CHAIR U'U: Commissioner Ho.

24 (No response.)

25 CHAIR U'U: Commissioner Patel. Commissioner Patel.

1 I think you're turned off. Are you muted, Commissioner Patel?

2 Would you raise your hand if you're in favor of it?

3 COMMISSIONER PATEL: (Gesturing.)

4 CHAIR U'U: Thank you.

5 Commissioner Richardson.

6 COMMISSIONER RICHARDSON: Aye.

7 CHAIR U'U: Commissioner Matsumoto.

8 COMMISSIONER MATSUMOTO: Aye. Aye.

9 CHAIR U'U: And the chair votes aye.

10 The votes are unanimous. Motion passes. Thank you
11 very much, and congratulations.

12 MS. MEHLING: Thank you.

13 MR. MOORE: Thank you very much, Commission. Aloha.

14 CHAIR U'U: Aloha.

15 COMMISSIONER PATEL: Aloha.

16 CHAIR U'U: Under Administrative Affairs, under A,
17 Director's Monthly Report, No. 1, Status on certification
18 exams and trainings, and No. 2, Status of update of licensing
19 forms, I'm gonna turn it over to the director. Director
20 Silva.

21 DIRECTOR LAYNE N. SILVA: Thank you, Chair U'u. For
22 Item No. 1, Deputy Director Jarrett Kahooanohano is gonna
23 give you guys an update on the status of the certification
24 exams and trainings.

25 DEPUTY DIRECTOR KAHOOHANOHANO: Good morning. I'm

1 happy to announce that we are actually caught up with our
2 backlog of online exams. Any other requests that come in are
3 answered, and a link is sent within three to five days of the
4 initial request; and then, it depends on how quick they take
5 the exam; you can actually have a certification card issued
6 within seven and ten days. So that -- the tail end of it
7 depends on how quickly they take that exam for us to issue
8 that certification card. Between January 1st and March 31st
9 of 2022, 1,003 certification exams were administered online,
10 555 cards were issued. And then, on top of that, 20 to 30
11 cards on an average right now is a daily thing for us, the
12 issuance of the certification cards.

13 We have started in-person exams. April 6th was the
14 first exam. We were offering it to 25 people first-come,
15 first-served at our conference room at Room 207. Seven people
16 showed up; seven people passed, seven people got their cards.
17 We have additional dates on April 27th, March -- I'm sorry,
18 May 4th and May 11th. So this is -- we started in-person
19 again, this is to assist with people that don't have computers
20 or have -- don't have internet access.

21 We have not yet scheduled off-premise classes for
22 outside districts or resorts or whatnot yet, but we are
23 looking into starting those soon.

24 CHAIR U'U: Thank you. Any questions?

25 COMMISSIONER BECRAFT: (Gesturing.)

1 CHAIR U'U: Commissioner Becraft.

2 COMMISSIONER BECRAFT: Thank you, Chair. Jarrett,
3 when you guys are -- when you talk about being caught up,
4 does -- I know -- well, just to bring -- because we have new
5 commissioners, just to bring this up to speed, that was they
6 called -- this is the blue cards we're talking about, right,
7 the --

8 DEPUTY DIRECTOR KAHOOHANOANO: Yes.

9 COMMISSIONER BECRAFT: That they have to have --
10 yes, they can serve liquor, right, work in a -- work in a bar.

11 DEPUTY DIRECTOR KAHOOHANOANO: Basically.

12 COMMISSIONER BECRAFT: Okay. So -- so being --
13 because of COVID, we fell behind 'cause we couldn't give the
14 test and stuff, and we extended past their expiration date.
15 So when we're saying caught up, does that mean that on your
16 list that everybody -- you know, that everybody on that list
17 is submitted and every -- everything is being handled, or does
18 that mean caught up with the recent -- just with the recent
19 applications that have been submitted? I guess, in other
20 words, what I'm saying is if there's 10,000 licenses out
21 there, are we still looking at where we still need to address
22 5,000 of them?

23 DEPUTY DIRECTOR KAHOOHANOANO: Yeah, so the -- all
24 the requests that had come in for an online exam link, we're
25 caught up with that. Now, as of right now, we have current

1 requests that came in this morning, I think about eight of
2 them, but everything else -- there's no past -- there's no
3 waiting list, we're all caught up in that sense.

4 COMMISSIONER BECRAFT: Terrific. And -- and we have
5 sent something out to the licensees letting them know -- I
6 mean, assuming -- because they've all been given extensions,
7 have we sent something out letting them know that we're --
8 we're open for business, you know, get your -- get your
9 employees to apply?

10 DEPUTY DIRECTOR KAHOOHANO HANO: Yeah, actually, we
11 put it out in the newspaper, and it's also on our link for
12 both ways to take the exam. So it's on our -- it's on our
13 website, and we also put it in the media.

14 COMMISSIONER BECRAFT: Okay. Do we -- we don't do
15 like an email blast to the -- to the owners, to the licensees?

16 DEPUTY DIRECTOR KAHOOHANO HANO: Yeah, I've never --
17 I've never done it, and I've never heard of us doing an email
18 blast to our licensees, so (pause) --

19 DIRECTOR LAYNE N. SILVA: It is something --

20 DEPUTY DIRECTOR KAHOOHANO HANO: Okay.

21 DIRECTOR LAYNE N. SILVA: -- (inaudible) in the
22 past. Just to clarify, that is something we're looking into
23 as somewhat of a mass notification system electronically. As
24 of right now, we haven't been able to perfect it to the point
25 where we're actually able to get it out to everyone. However,

1 at this point, just to kind of summarize a little bit, anyone
2 who wants or needs a certification card, it wouldn't take more
3 than ten days to receive it. So the backlog is cleared, and
4 moving forward, the road is also clear for anyone that were to
5 find out today that they needed the card; they would be able
6 to have it within ten days.

7 COMMISSIONER BECRAFT: I appreciate that. The --
8 what was -- and one last question to follow up on that. When
9 were they told that these cards were extended to?

10 DIRECTOR LAYNE N. SILVA: I -- I believe the way it
11 was worded and it was included in with emergency rules from
12 the governor's proclamation, which is -- we are going to
13 discuss in item B of Administrative Affairs today, but I
14 believe the Commission at the time you guys voted to implement
15 the emergency rules, they were given a 90-day extension beyond
16 the expiration of the emergency rules. However, I do believe
17 that that is a subject that we're gonna discuss in more detail
18 when we get to Item B, which is the repeal of the emergency
19 rules. So that, in effect, is what was put out at the time
20 and what was part of the emergency rules.

21 COMMISSIONER BECRAFT: Okay.

22 DIRECTOR LAYNE N. SILVA: Ninety days to any card
23 that was issued after March 1st, 2020.

24 COMMISSIONER BECRAFT: Yeah, it's 90 days after the
25 proclamation ends?

1 DIRECTOR LAYNE N. SILVA: Yes.

2 COMMISSIONER BECRAFT: Okay. I guess my last thing
3 is I was under the impression that we were already doing group
4 emails. You know, like I've been -- I mean, when I was in the
5 department 15 years ago, we were doing group emails to
6 neighborhood crime watches and stuff. So I was under the
7 impression that we had updated, and we were doing that also
8 for the licensees. So I would just add in there that I would
9 suggest that we do move forward and have that ability to
10 just -- instead of just saying putting it in the media and
11 putting it on them to read the newspaper or watch the news,
12 that we actually do a direct blast on things like this. But
13 other than that, I'm happy to hear that we're -- that we're
14 caught up in that bottleneck situation we talked about last
15 month. It seems to have been corrected, so that's terrific.
16 Thank you. That's all I have.

17 CHAIR U'U: Any other questions from commissioners?

18 COMMISSIONER PATEL: Chair, more just a statement of
19 thanking the staff more than anything of catching up on that
20 backlog. I know that was a huge thing, so mahalo to you guys
21 in working hard for that.

22 CHAIR U'U: Thank you.

23 Anybody else with questions?

24 (No response.)

25 CHAIR U'U: Seeing none, No. 2, Status of update of

1 licenses forms.

2 DIRECTOR LAYNE N. SILVA: Okay. Just very briefly,
3 we'll touch on the department is still in the process of
4 working on these forms. We're reviewing and -- and we're
5 trying to prepare the documents to present to the commission
6 for your guys' review and discussion. We've taken the
7 recommendations that was submitted from the public and from
8 some of the key stakeholders that did submit recommendations,
9 and we are in the process of ensuring the changes that we're
10 making does not compromise or -- the integrity of the rules or
11 state laws that were intended to be administered in those
12 forms. We're looking forward and hoping to be able to present
13 it to you in the May meeting.

14 CHAIR U'U: Questions by commissioners?

15 (No response.)

16 CHAIR U'U: Okay. Seeing none, we're going to
17 Administrative Affairs B, Repeal the Liquor Control Commission
18 Emergency Rules adopted on May 13th, 2020, and amended on
19 April 14, 2021, related to the Governor's Executive Order No.
20 20-04. As some of you commissioners know, in 2020 -- and for
21 those of you who don't, the commission adopted emergency rules
22 pursuant to the governor's emergency proclamation suspending
23 certain sections of the Hawaii Revised Statutes and pursuant
24 specifically to the Governor's Executive Order No. 20-04.
25 Then in 2021, the commission adopted a first amendment to the

1 emergency rules. The emergency rule and first amendment was
2 provided to you -- to you as well as posted in the document
3 center. Because the governor's emergency proclamation and
4 mayor's public health emergency rules are no longer in effect,
5 our emergency rules need to be repealed as there's no longer
6 any authority to continue these emergency rules. At this
7 time, I'll entertain a motion and/or discussion to repeal the
8 Liquor Control Commission's Emergency Rules of twenty -- May
9 13th, 2020, meeting and the First Amendment to the Emergency
10 Rules approved on April 14th, 2021. Any discussion or motion?

11 COMMISSIONER BECRAFT: Mr. Chair.

12 CHAIR U'U: Commissioner Becraft.

13 COMMISSIONER BECRAFT: Yes, Jamie Becraft. I'd --
14 I'd like to have some discussion in regard to it, please.
15 When -- when we say repeal, we're just -- we're just as -- if
16 we were to vote it for right now and repeal, that would mean
17 everything that we had voted for or allowed previously would
18 be over, such as outdoor seating?

19 CHAIR U'U: I'll turn it over to the director.

20 COMMISSIONER BECRAFT: Thank you.

21 DIRECTOR LAYNE N. SILVA: Jamie, when referring to
22 outdoor seating, that was not something that was included as
23 part of the emergency rules. The allowance for the outdoor
24 seating was something that was allowed through a memo from
25 Mayor Victorino working in conjunction with the department of

1 planning, department of fire, and all of the other agencies
2 that are involved in waiving certain requirements to allow for
3 temporary outdoor seating or extension of premises based on
4 COVID. And just as an update, that is not affected in any way
5 by the emergency rules because it was not part of the
6 emergency rules. But as an update to that, through a memo
7 from the mayor, he has allowed an extension of that allowance
8 through June 30th to allow licensees or even other businesses
9 that don't hold a liquor license an opportunity to make their
10 extensions permanent if they wish to do so. So the outdoor
11 seating extensions will not be affected by this repeal.

12 COMMISSIONER BECRAFT: Thank you. So what would
13 be -- I guess one of the other ones that would be affected
14 would be the ability to take out liquor from restaurants, that
15 would be -- that would be repealed?

16 DIRECTOR LAYNE N. SILVA: Yes.

17 COMMISSIONER BECRAFT: Is that correct? I can't
18 think of other things other than the -- like the extension
19 of -- extension of the blue cards, would -- if we were to
20 repeal this today, would anybody who's expired be out of luck?

21 DIRECTOR LAYNE N. SILVA: I think for clarification
22 on that, I might ask corporation counsel to weigh in as far as
23 the authority to be allowed to extend beyond the repeal of
24 these emergency rules.

25 CHAIR U'U: Jen, Corp. Counsel Oana.

1 CORP COUNSEL OANA: Hi, everybody. So was the
2 question whether -- if anybody's cards expires today, would
3 they be affected by the repeal?

4 COMMISSIONER BECRAFT: The -- actually, it's for
5 those who are already expired. So by my understanding, we're
6 still in the situation where we've said that 90 days after --
7 after the proclamation ends, that they would be given the
8 ability to still serve under an expired blue card, and in that
9 time, they would be still trying to apply. So my question is
10 if we vote on this today and say yes, repeal this, are those
11 people suddenly gonna be told you can't serve, you can't work
12 in the restaurant?

13 CORP COUNSEL OANA: If you -- when you guys repeal
14 this if you guys repeal this, then, yes, their cards do
15 expire. But I did hear from the deputy director that they are
16 caught up with all of the -- the issuances of the cards, so
17 they can immediately come in and -- and get their card
18 reinstated if that's correct.

19 COMMISSIONER BECRAFT: Right. But just for
20 clarification on what you just stated, I don't believe that
21 they said -- I had asked a follow-up question that they're not
22 saying that out of -- using round numbers if there's 10,000
23 licenses out there, that all 10,000 have applied. There's
24 still, I would assume, a bunch of people out there that still
25 need to apply. So they may be under the impression that they

1 have 90 days after the repeal, so they haven't applied. So if
2 we were -- if I am reading this correctly, if we were to vote
3 this today, those people would suddenly not be able to work?

4 CORP COUNSEL OANA: I believe so, yes.

5 CHAIR U'U: Then let's have some clarification,
6 Director Silva.

7 DIRECTOR LAYNE N. SILVA: Okay. Just -- just so
8 that everybody is in full understanding of what we're actually
9 talking about when we're talking about the certification card,
10 Employee Approved By the Director, that's the blue card we
11 refer to as the blue card. It is not a requirement for an
12 employee of a licensed premises to have this card to be
13 employed. The requirement for the card is that -- the way the
14 rule reads is that you need to have at least one certified
15 employee in active charge of all dispensing areas whenever
16 opened for business. It doesn't -- the bartenders are not
17 required to have it; the people that do -- that are required
18 to have it are people that identify themselves in management
19 roles. So if you're gonna identify yourself as the manager,
20 you are required to have this card; however, one card in an
21 establishment in every dispensing area would meet the
22 requirement of the department. The premises would not be in
23 violation if, say, for example, the servers didn't have the
24 card or the bartender didn't have the card as long as they
25 meet the criteria, which is one certified employee in active

1 charge of all dispensing areas whenever open for business. So
2 there is some leeway in that. It's not a hundred percent,
3 granted. There are licensed premises that are requiring it as
4 a requirement for employment; that is not the department's
5 requirement. A lot of times that is the individual premises'
6 requirement, and it's up to them if they want to do that. So
7 just to clarify the necessity of this card and where it's
8 actually required.

9 COMMISSIONER BECRAFT: Mr. Director, Jamie --

10 CHAIR U'U: Questions?

11 COMMISSIONER BECRAFT: Yeah, sorry.

12 CHAIR U'U: Questions? Anybody else? Don't mind
13 me, Jamie. Hang on one second. Anybody else got questions?

14 (No response.)

15 CHAIR U'U: Commissioner Becraft, go ahead.

16 COMMISSIONER BECRAFT: So I want to flesh out the
17 blue card thing. It's my understanding that a blue -- if you
18 have one person with a blue card, they have to be on the
19 floor, is that correct?

20 DIRECTOR LAYNE N. SILVA: In active charge of the
21 dispensing area, yes.

22 COMMISSIONER BECRAFT: So they can't be in the -- so
23 if it's a manager, they couldn't be in the back office doing
24 payroll; they would have to be out on the floor?

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

1 correct.

2 COMMISSIONER BECRAFT: So it's -- so what I'm trying
3 to point out here is it's not as simplistic as just having one
4 person on property, you know, I don't think it's as simplistic
5 as having just one license there. Because they're subject to
6 not being on the floor at any time, it would be prudent, if I
7 owned a business, to have more than one person. So it all
8 just boils down to me back to that this is -- could be a
9 potential problem for businesses that were suddenly changing
10 from the 90 days that we were, you know, proposing in the
11 beginning that they would have once the proclamation closed to
12 get their licenses done. That if we vote on this today, that
13 ends, we -- they don't -- unless they were reading the media,
14 they didn't even get an email blast letting them know that
15 this was gonna happen. So that's just my -- my whole thing is
16 there's -- there's some potential problems here, so I -- I
17 would suggest that we do an email blast, get it out there,
18 make sure and -- and push this off, you know, and follow what
19 we initially told them, 90 days after the proclamation ends.

20 CHAIR U'U: Thank you, Commissioner Becraft.

21 Any other commissioners?

22 COMMISSIONER PATEL: (Gesturing.)

23 CHAIR U'U: Commissioner Patel.

24 COMMISSIONER PATEL: Thank you, Chair. So I just
25 want to make clear, if we repeal this today, the 90 days which

1 is already in effect would go away?

2 COMMISSIONER BECRAFT: That's what corporation
3 counsel said clearly.

4 CHAIR U'U: Corporation Counsel.

5 CORP COUNSEL OANA: Yes, Commissioners. If you
6 repeal the emergency rules in their totality, then it does
7 go -- the 90 days does go away. But with regard to your
8 liability, I suggest that we go into executive session right
9 now so I can discuss with you your liability in continuing
10 this -- these rules.

11 CHAIR U'U: Okay, okay. So what does it take? Do I
12 need a motion to go into executive session and a second?

13 CORP COUNSEL OANA: You know, Chair, could you take
14 about a ten-minute -- ten-, 15-minute recess? There is a way
15 that Maria can pluck out all of the commissioners and place
16 them in a -- in one of those rooms.

17 CHAIR U'U: Okay.

18 CORP COUNSEL OANA: But we've never done that
19 before, so we need to get some instructions how to do that.
20 So if you can maybe take a 15-minute recess, when we come
21 back, we can come back in regular session, and then Maria can
22 pluck us out into executive session.

23 CHAIR U'U: Maria? Does that work for you, Maria?

24 MS. KHANGSENGSING: Yes, that's perfect.

25 CHAIR U'U: Thank you. So at this time, we're gonna

1 take a 15-minute break. It is 10:13; we'll just go off till
2 10:30. Thank you.

3 (Pause in Proceedings: 10:13 a.m.-10:33 a.m.)

4 CORP COUNSEL OANA: I'm sorry, Chair, I just logged
5 on, came back to my seat just now. Did you call the meeting
6 back to order?

7 CHAIR U'U: Yes. Oh, just now. Just now. The
8 meeting is now called back to order. The commission -- the
9 regular commission meeting, Liquor Commission meeting. Thank
10 you. And at this point, I'll entertain a motion to go into
11 executive session. Can I have a motion?

12 COMMISSIONER PATEL: Commissioner Patel. I make a
13 motion to go into executive session.

14 CHAIR U'U: Thank you, Commissioner Patel. Is there
15 a second? Is there a second to go into executive session?

16 COMMISSIONER RICHARDSON: Commissioner Richardson.

17 CHAIR U'U: Second made by Commissioner Richardson.
18 Any discussion?

19 CORP COUNSEL OANA: Chair, if I may, just for the
20 record, this executive session is for the purpose of
21 consulting the board's attorney on its liabilities.

22 CHAIR U'U: Thank you. At this time, we're gonna do
23 a roll call, say aye or nay.

24 Vice Chair Ruidas.

25 VICE CHAIR RUIDAS: Aye.

1 CHAIR U'U: Commissioner Becraft.

2 COMMISSIONER BECRAFT: Aye.

3 CHAIR U'U: Commissioner Boswell.

4 COMMISSIONER BOSWELL: Aye.

5 CHAIR U'U: Commissioner Ho.

6 (No response.)

7 CHAIR U'U: Commissioner Patel.

8 COMMISSIONER PATEL: Aye.

9 CHAIR U'U: Commissioner Richardson.

10 COMMISSIONER RICHARDSON: Aye.

11 CHAIR U'U: Commissioner Matsumoto.

12 COMMISSIONER MATSUMOTO: Aye.

13 CHAIR U'U: And I also vote aye.

14 At this time, we're gonna go into executive session.

15 (Pause in Proceedings: 10:35 a.m.-11:25 a.m.)

16 CHAIR U'U: At this time, we're going back to our
17 regular Liquor Commission meeting of Wednesday, April 13th,
18 and I'm gonna have to do a roll call again.

19 Vice Chair Ruidas.

20 (No response.)

21 CHAIR U'U: Hence, we do roll call. Again, I'll do
22 the roll call again. Vice Chair -- Commissioner Becraft.

23 COMMISSIONER BECRAFT: Present and alone.

24 CHAIR U'U: Commissioner Boswell.

25 COMMISSIONER BOSWELL: Present and alone.

1 CHAIR U'U: Commissioner Patel. Commissioner Patel,
2 I think you're on mute.

3 COMMISSIONER PATEL: Present and alone.

4 CHAIR U'U: Commissioner Matsumoto.

5 COMMISSIONER MATSUMOTO: Present and alone.

6 CHAIR U'U: Vice Chair Ruidas.

7 VICE CHAIR RUIDAS: Home and alone.

8 CHAIR U'U: Commissioner Richardson.

9 COMMISSIONER RICHARDSON: Present and alone.

10 CHAIR U'U: Thank you, thank you. Welcome back to
11 the regular meeting.

12 At this time, I'd like to make -- propose a motion
13 to be made. Do we have a motion?

14 COMMISSIONER BECRAFT: Mr. Chair, Jamie Becraft.

15 CHAIR U'U: Commissioner Becraft.

16 COMMISSIONER BECRAFT: Yes. I make a motion under
17 Administrative Affairs under B; I make a motion to repeal the
18 Liquor Control Emergency Rules adopted on May 13th, 2020, and
19 amended on April 14, 2021, related to the Governor's Executive
20 Order No. 20-04 repealed as of March 26th, 2022, except that
21 Employees Approved By the Director's card exemption rule shall
22 be repealed effective as of June 23, 2022.

23 CHAIR U'U: Thank you. Do we have a second? The
24 motion made by Commissioner Becraft, second by?

25 VICE CHAIR RUIDAS: (Gesturing.)

1 CHAIR U'U: Vice Chair Ruidas.

2 VICE CHAIR RUIDAS: Second.

3 CHAIR U'U: Any discussion? Any clarity, Jen, that
4 needs to be done now, Corp. Counsel? Is that good?

5 CORP COUNSEL OANA: Just clarification that all of
6 the rules except the Employee Approved By the Director card
7 expiration rule shall be repealed with this motion effective
8 March 26, 2022, and the Employee Approved By the Director card
9 expiration rule will be repealed as of June 23rd, 2022, with
10 no further action.

11 CHAIR U'U: Thank you for the clarity.

12 Any discussion from the commissioners?

13 (No response.)

14 CHAIR U'U: Seeing none, I'll call for the vote.
15 I'm gonna do roll call.

16 Vice Chair Ruidas.

17 VICE CHAIR RUIDAS: Aye.

18 CHAIR U'U: Commissioner Becraft.

19 COMMISSIONER BECRAFT: Aye.

20 CHAIR U'U: Commissioner Boswell.

21 COMMISSIONER BOSWELL: Aye.

22 CHAIR U'U: Commissioner Patel.

23 COMMISSIONER PATEL: Aye.

24 CHAIR U'U: Commissioner Richardson. I think --
25 Commissioner Richardson.

1 COMMISSIONER RICHARDSON: Aye.

2 CHAIR U'U: Commissioner Matsumoto.

3 COMMISSIONER MATSUMOTO: Aye.

4 CHAIR U'U: And the chair votes aye.

5 The motion passes. Thank you.

6 Commissioner Becraft.

7 COMMISSIONER BECRAFT: Yes, Chair, thank you. And
8 one last thing in regard to this, I would request that the
9 director take into consideration making an email blast, a
10 group email, and inform all of the licensees via email of what
11 our decision was today, if that's possible. Thank you.

12 CHAIR U'U: Thank you.

13 At this time, we'll turn it over to Director Silva.

14 DIRECTOR LAYNE N. SILVA: Yeah, we'll definitely
15 look into that, Jamie. And I just wanted to throw out there,
16 and I guess 'cause we're kind of on the subject, maybe this
17 might be reaching a little bit, but just to let you guys know
18 that we are looking to -- we're drafting a proposed rule
19 change to apply a special temporary rule that would apply to
20 the expiration date of -- or the date to submit all liquor
21 license renewal applications specifically for the year 2022
22 and to extend that out to June 30th because that also was
23 affected by this repeal. So we will be providing you guys a
24 draft coming up -- I believe it should be scheduled for the
25 June meeting. And that's just informational; I just wanted to

1 tack it on because it's similar to the subject matter that
2 we're discussing.

3 CHAIR U'U: And, again, just --

4 CORP COUNSEL OANA: Chair, if I may just add one
5 thing. The director said that that is affected by this
6 repeal; it is not. The first amendment and the original rule
7 supplied dates extension date to, and so it doesn't pertain to
8 the year 2022.

9 CHAIR U'U: Thank you for your clarification.

10 DIRECTOR LAYNE N. SILVA: Thank you.

11 CHAIR U'U: Thank you, Jen.

12 Any questions by the commission?

13 (No response.)

14 CHAIR U'U: Seeing none, moving on to C. Again, a
15 reminder that CY 2022 annual update of financial disclosure
16 statement form is due no later than April 15th, 2022. Again,
17 this is, I think, your last reminder.

18 And indeed, the Liquor Control Adjudication Board
19 meeting of April 7th, 2022, was canceled. There were no cases
20 to be adjudicated.

21 Under E, the next Liquor Commission regular meeting
22 is scheduled for May 11th, 2022, at 9:00 a.m.

23 And the last but not least, adjournment.

24 DIRECTOR LAYNE N. SILVA: Hold on.

25 CHAIR U'U: Hang on one second.

1 I'm sorry, I'm sorry. I'm gonna turn them over to
2 Layne Silva, Commissioner Silva. I'll get back to you, Jamie.

3 DIRECTOR LAYNE N. SILVA: Okay. And just a
4 reminder, the annual workshop for the Liquor Control
5 Commission and Liquor Control Adjudication Board is scheduled
6 for Tuesday, April 26th, 2022, at 9:00 a.m. We'll all get
7 together, and we'll go over that; that's the annual workshop.

8 CHAIR U'U: Thank you.

9 Commissioner Becraft.

10 COMMISSIONER BECRAFT: Yes, yes, Mr. Director,
11 did -- on that workshop, is that gonna be Blue Jeans?

12 DIRECTOR LAYNE N. SILVA: I believe it'll still be
13 in this hybrid format that we're in. I guess you could be
14 either way.

15 COMMISSIONER BECRAFT: Yeah. I won't be on island,
16 so -- but I will -- I would be more than happy to attend via
17 Blue Jeans.

18 DIRECTOR LAYNE N. SILVA: Yeah.

19 CHAIR U'U: Okay. Any more questions?

20 COMMISSIONER BECRAFT: (Gesturing.)

21 CHAIR U'U: Commissioner Becraft.

22 COMMISSIONER BECRAFT: Yes, Mr. Chair. In regard to
23 back to C, where it says the financial disclosure statement
24 forms.

25 CHAIR U'U: Yeah.

1 COMMISSIONER BECRAFT: Have we -- do -- I don't want
2 to publicly do it, but I would ask that we -- if our secretary
3 knows how many of us have not submitted.

4 MS. KHANGSENGSING: One is still pending, but I
5 believe it's in the mail, so everybody has turned theirs in.

6 CHAIR U'U: Thus far, everyone has turned it in.

7 COMMISSIONER BECRAFT: Then we're good. I was just
8 gonna suggest that she make further contact, but it sounds
9 good.

10 CHAIR U'U: We good? Anything else, Commissioners?

11 (No response.)

12 CHAIR U'U: Okay. Moving on to the last but not
13 least, thanking you guys for your patience and your time
14 today. Thank you, Jen. Last but not least, go back to Jamie
15 Becraft. Go ahead, Jamie.

16 COMMISSIONER BECRAFT: Oh, sorry, I would -- I just
17 forgot. I would ask that our secretary also share with our
18 new members my phone number and email address to them, please.

19 CHAIR U'U: Okay.

20 COMMISSIONER BECRAFT: Thank you.

21 CHAIR U'U: You're welcome. Anything else, Jamie?
22 Kidding, bro.

23 COMMISSIONER BECRAFT: I'll get back to you.

24 CHAIR U'U: With no further business on the agenda,
25 may I get a motion to adjourn this meeting?

1 COMMISSIONER PATEL: I make a motion to adjourn this
2 meeting, Chair.

3 CHAIR U'U: Okay. Motion made by Commissioner
4 Patel. Is there a second?

5 VICE CHAIR RUIDAS: (Gesturing.)

6 CHAIR U'U: Second made by Vice Chair Ruidas. Any
7 discussion?

8 (No response.)

9 CHAIR U'U: Seeing none, I'm gonna do a roll call
10 vote.

11 Vice Chair Ruidas.

12 VICE CHAIR RUIDAS: Aye.

13 CHAIR U'U: Commissioner Becraft.

14 COMMISSIONER BECRAFT: Aye.

15 CHAIR U'U: Commissioner Boswell.

16 COMMISSIONER BOSWELL: Aye.

17 CHAIR U'U: Commissioner Ho.

18 (No response.)

19 CHAIR U'U: Commissioner Patel.

20 COMMISSIONER PATEL: Aye.

21 CHAIR U'U: Commissioner Richardson.

22 COMMISSIONER RICHARDSON: Aye.

23 CHAIR U'U: Commissioner Matsumoto.

24 COMMISSIONER MATSUMOTO: Aye.

25 CHAIR U'U: And the vote -- and the chair votes aye.

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Thank you, guys, again. See all of you guys next month.

(The proceedings were adjourned at 11:35 a.m.)

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C E R T I F I C A T E

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

I, Sandra J. Gran, Certified Shorthand Reporter for the State of Hawaii, hereby certify that on April 13, 2022, at 9:04 a.m., the proceedings was taken down by me in machine shorthand and was thereafter reduced to typewritten form under my supervision; that the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

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

DATED this 17th day of April, 2022, in Maui, Hawaii.



Sandra J. Gran, RPR
Hawaii CSR 424