



LIQUOR CONTROL ADJUDICATION BOARD
COUNTY OF MAUI

c/o Department of Liquor Control
110 'Ala'ihī Street, Suite 212
Kahului, Maui, Hawai'i 96732
Telephone & Fax: (808) 244-4666
Email: liquoradjudication@mauicounty.gov
Website: www.mauicounty.gov/185/Liquor-Control-Adjudication-Board

2022 MAY 25 AM 11:05

OFFICE OF THE
COUNTY CLERK

Vacant
Chair

Allan Almeida, Jr.
Vice Chair

Melissa Padilla
Robbie Sanches
Janice Kalanihūia
Shane Dudoit
Kaulana Mossman
Rhonda I.L. Loo
Harold Cathcart

REGULAR ADJUDICATORY MEETING AGENDA

PURSUANT TO CHAPTERS 91 AND 92, HAWAII REVISED STATUTES, AS AMENDED, NOTICE IS HEREBY GIVEN OF A REGULAR REMOTE PUBLIC MEETING OF THE LIQUOR CONTROL ADJUDICATION BOARD, COUNTY OF MAUI.

Date:	Thursday, June 2, 2022
Time:	9:00 a.m.
Remote Meeting Location:	BlueJeans interactive conference technology: https://bluejeans.com, enter Meeting ID 601 389 640
Physical Location:	Department of Liquor Control 110 'Ala'ihī Street, Suite 212A Kahului, Maui, Hawaii

VIDEO ACCESS & TESTIMONY: To observe the meeting or provide video testimony by computer or other mobile devices, log onto <https://bluejeans.com> and enter **Meeting ID 601 389 640** or use the meeting link, <https://bluejeans.com/601389640>.

PHONE ACCESS & TESTIMONY: To listen to the meeting or provide oral testimony by phone, dial **1 (408) 915-6290** and enter **Meeting ID 601 389 640**.

PHYSICAL LOCATION & TESTIMONY: Members of the public may observe the remote meeting or testify in-person using audio/visual technology at the Physical Location. Note: Board Members may not be physically present at this location and COVID-19 pandemic restrictions may limit capacity.

ORAL TESTIMONY: Testimony will be taken at the meeting as determined by the Chair. Oral testifiers are afforded two (2) minutes to testify on each agenda item, with one (1) minute to conclude at the discretion of the Chair if necessary.

Testifiers via video may sign-up to testify by sending a direct message in the Chat function to the Board Staff, signifying their intention to testify and noting the agenda item number. Testimony shall not be submitted within the Chat function, and the Chat function may not be used to contact Board Members, or other meeting participants, for comment on the agenda items, or other matters. Individuals may be disconnected from the meeting for breaking decorum.

Testifiers are asked to mute their audio and video when they are not testifying.

Video testifiers will be called first, followed by phone testifiers, and then in-person testifiers.

WRITTEN TESTIMONY: Whether sent via email, mail, or fax, written testimony should be submitted by noon, two (2) business days before the meeting to ensure its distribution to the Board Members. Email written testimony to liquoradjudication@mauicounty.gov; mail to the **Liquor Control Adjudication Board, c/o Department of Liquor Control, 110 'Ala'ihī Street, Suite 212, Kahului, Hawaii 96732**; or fax to **(808) 244-4666, "Attention: Liquor Control Adjudication Board"**. While the Board requests that written testimony be submitted by a certain date and time, testimony submitted after such date and time will still be accepted by the Board.

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **PUBLIC TESTIMONY:** All testimony shall be relevant to the meeting agenda's specific items.
- IV. **HEARINGS BEFORE THE BOARD:** Pursuant to HRS § 92-6, no public testimony will be received on adjudicatory matters.

A. COMPLAINT AND ACCUSATION NO. 2022-01

In the matter of the accusation against MPK3, LLC dba MONKEYPOD KITCHEN BY MERRIMAN, located at 2435 Kaanapali Parkway, Store No. 101, Kaanapali, Maui, Hawaii, Restaurant General License #092.

Count 1: On February 19, 2022, MPK3, LLC dba MONKEYPOD KITCHEN BY MERRIMAN, a Restaurant General licensee, failed to exercise due care to ensure that no person or employee actively engaged in the sale or serving of liquor, or while on duty, be permitted to consume any alcoholic beverages, contrary to § 08-101-80(a)(1) of the Liquor Commission's Rules Governing the Manufacture and Sale of Intoxicating Liquor of the County of Maui.

Count 2: On February 19, 2022, MPK3, LLC dba MONKEYPOD KITCHEN BY MERRIMAN, a Restaurant General licensee, failed to have the main or primary entrance unlocked while open for business, contrary to § 08-101-90(a) of the Liquor Commission's Rules Governing the Manufacture and Sale of Intoxicating Liquor of the County of Maui.

MPK3, LLC dba MONKEYPOD KITCHEN BY MERRIMAN entered a plea of NOT GUILTY to the alleged accusations.

B. COMPLAINT AND ACCUSATION NO. 2022-02

In the matter of the accusation against PAPA NICHOLAS INCORPORATED dba COLLEEN'S, located at 810 Haiku Road, Building A, Unit 101, Haiku, Maui, Hawaii, Dispenser General License #201.

Count 1: On January 9, 2022, PAPA NICHOLAS INCORPORATED dba COLLEEN'S, a Dispenser General licensee, failed to exercise due care to ensure that no person or

employee actively engaged in the sale or serving of liquor, or while on duty, be permitted to consume any alcoholic beverages, contrary to § 08-101-80(a)(1) of the Liquor Commission's Rules Governing the Manufacture and Sale of Intoxicating Liquor of the County of Maui.

PAPA NICHOLAS INCORPORATED dba COLLEEN'S entered a plea of NO CONTEST to the alleged accusation.

V. ADMINISTRATIVE AFFAIRS:

- A. Election of a new Liquor Control Adjudication Board Officers for Year 2022-2023.
 - 1. Election of Chair
 - 2. Election of Vice-Chair
- B. Report by Member Shane Dudoit of the LCC/LCAB Workshop Meeting of April 26, 2022.
- C. The next Liquor Control Adjudication Board regular meeting is scheduled for Thursday, July 7, 2022 at 9:00 a.m.

VI. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELATION.

SPECIAL ASSISTANCE: If you require an auxiliary aid or service or an accommodation due to a disability, please contact the Board Staff no later than three (3) business days prior to the scheduled meeting by calling **(808) 244-4666** or by email to liquoradjudication@mauicounty.gov.

BOARD PACKETS: Board packets, as defined in § 92-7.5, Hawaii Revised Statutes are available for public inspection at the office of the Department of Liquor Control. They may also be found at www.mauicounty.gov/185/Liquor-Control-Adjudication-Board under Meeting Documents.

EXECUTIVE SESSION: An executive session may be called in order for the Board to consult with its attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities, pursuant to § 92-5(a)(4), Hawaii Revised Statutes.

INTERRUPTION IN VIDEO/AUDIO: If the connection between any testifier and the video conference is lost, the meeting will continue. A meeting held by interactive conference technology shall be automatically recessed for up to thirty minutes to restore communication when audiovisual communication cannot be maintained with Board Members participating in the meeting. If connection cannot be restored within 30 minutes, the meeting is automatically terminated.

PLEASE NOTE: If any member of the Board is unable to attend the scheduled meeting, please call **(808) 244-4666** at least 48 hours prior to the meeting date. Thank you for your cooperation.