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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 May 11, 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: AARON BOSWELL  
JERRYBETH DE MELLO  
PATRICE MATSUMOTO  
SNEHAL PATEL  
WILLIAM RICHARDSON

STAFF PRESENT:

DEPUTY CORPORATION COUNSEL: JENNIFER OANA  
DIRECTOR: LAYNE N. SILVA  
DEPUTY DIRECTOR: JARRETT KAHOOHANOHANO  
DEPARTMENT STAFF: KAYLE MATSUSHIMA

1 (May 11, 2022, 9:04 a.m.)

2 \* \* \*

3 CHAIR U'U: Aloha and good morning, everyone. This  
4 is the regular meeting of the liquor control commission. It  
5 is May 11, 2022. The time is 9:04. I'm Bruce U'u, chair of  
6 the commission. I call this meeting to order. (Gavel.) On  
7 the roll call, I'm gonna do a roll call. Pursuant to the  
8 Sunshine Laws, pursuant to the new Sunshine Laws, please also  
9 indicate who if anyone is present with you at your location.  
10 I also ask that all the commissioners please make sure your  
11 video is on throughout this meeting.

12 Vice Chair Ruidas.

13 VICE CHAIR RUIDAS: Home and alone.

14 CHAIR U'U: Commissioner Becraft.

15 (No response.)

16 CHAIR U'U: Commissioner De Mello. Commissioner De  
17 Mello?

18 COMMISSIONER DE MELLO: I'm here. I'm at home in my  
19 office.

20 CHAIR U'U: Thank you.

21 Commissioner Boswell.

22 (No response.)

23 CHAIR U'U: Commissioner Ho. Commissioner Ho said  
24 she'll be joining us a little later in the meeting.

25 Commissioner Patel.

1 COMMISSIONER PATEL: I'm here in my office and  
2 alone.

3 CHAIR U'U: Thank you.  
4 Commissioner Richardson.

5 COMMISSIONER RICHARDSON: I'm in my office and  
6 alone.

7 CHAIR U'U: Thank you.  
8 Commissioner Matsumoto. Commissioner Matsumoto?

9 COMMISSIONER MATSUMOTO: Present in my office and  
10 alone.

11 CHAIR U'U: Thank you.

12 COMMISSIONER MATSUMOTO: You're kind of breaking up.  
13 It's hard to hear you at times.

14 CHAIR U'U: Sorry. I'll do my best.

15 COMMISSIONER MATSUMOTO: Present.

16 CHAIR U'U: Thank you.

17 And the chair is present. I would like to say all  
18 by myself, but I'm not.

19 So we have quorum to conduct this meeting.

20 I'd also ask to do a roll call for staff.

21 Director Silva.

22 DIRECTOR LAYNE N. SILVA: Present.

23 CHAIR U'U: Deputy Director Kahooohanohano.

24 DEPUTY DIRECTOR KAHOOHANOHANO: Present.

25 CHAIR U'U: Commission Secretary Maria is absent,

1 but we have Kayle present.

2 MS. MATSUSHIMA: Present.

3 CHAIR U'U: Lianne Suzuki is absent.

4 Deputy Corporation Counsel Jennifer Oana.

5 CORP COUNSEL OANA: Present.

6 CHAIR U'U: Thank you.

7 On the agenda, approval of today's agenda of May  
8 11th, 2022. I'll entertain a motion to approve today's  
9 agenda. Do I have a motion?

10 COMMISSIONER PATEL: I make a motion, Chair, to  
11 approve the agenda for today's meeting.

12 CHAIR U'U: I have a motion by Commissioner Patel.

13 COMMISSIONER DE MELLO: I second that motion.

14 CHAIR U'U: And I have a second by Commissioner De  
15 Mello. Any discussion?

16 (No response.)

17 CHAIR U'U: Seeing none, I'm gonna call for the  
18 vote. Again, I'm gonna do a roll call vote.

19 Vice Chair Ruidas.

20 VICE CHAIR RUIDAS: Aye.

21 CHAIR U'U: Commissioner Becraft.

22 (No response.)

23 CHAIR U'U: Commissioner De Mello.

24 COMMISSIONER DE MELLO: Aye.

25 CHAIR U'U: Commissioner Patel.

1 COMMISSIONER PATEL: Aye.

2 CHAIR U'U: Commissioner Richardson.

3 COMMISSIONER RICHARDSON: Aye.

4 CHAIR U'U: Commissioner Matsumoto.

5 COMMISSIONER MATSUMOTO: (Inaudible.)

6 CHAIR U'U: Commissioner Matsumoto?

7 COMMISSIONER MATSUMOTO: Aye.

8 CHAIR U'U: Thank you.

9 And the chair votes aye.

10 The votes are unanimous.

11 COMMISSIONER MATSUMOTO: Aye.

12 CHAIR U'U: The vote is unanimous, and the motion  
13 passes.

14 On to public testimony. All testimony shall be  
15 relevant to the meeting's agenda-specific items. As stated on  
16 our agenda, each testifier will be limited to a maximum of two  
17 minutes per agenda item, with one minute to conclude at the  
18 discretion of the chair. Testifiers at the liquor  
19 department's conference room are asked to sign up to testify  
20 on the signup sheets provided. Testifiers via video are asked  
21 to sign up to testify using the chat function by sending a  
22 direct message to the commission secretary providing your name  
23 and which item you'll be testifying on. Testifiers via phone  
24 will be called by the chair after in-person and video  
25 testimony is finished. Testimony shall not be submitted

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

15 Kayle.

16 MS. MATSUSHIMA: Yes.

17 CHAIR U'U: Do we have the first -- can we have the  
18 first testifier, please?

19 MS. MATSUSHIMA: There are no testifiers signed up  
20 at our meeting room. There is also no one signed up in the  
21 chat function.

22 CHAIR U'U: If anyone -- body wishes to testify, now  
23 being the time.

24 (No response.)

25 CHAIR U'U: Any testifiers?

1 (No response.)

2 CHAIR U'U: Hearing no one else express their desire  
3 to testify, with no objections, I will now close public  
4 testimony.

5 (No response.)

6 CHAIR U'U: Moving on to the minutes, approval of  
7 the liquor control commission minutes April 13, 2022.  
8 Commissioners, you all received the April 13th, 2022, regular  
9 meeting transcripts. I'll entertain a motion to approve the  
10 transcripts as the regular meeting minutes of April 13th,  
11 2022, regular meeting. Do I have a motion? Do I have a  
12 motion for the minutes?

13 COMMISSIONER DE MELLO: (Gesturing.)

14 CHAIR U'U: I have a motion made by Commissioner De  
15 Mello. Do I have a second?

16 COMMISSIONER PATEL: I'll go ahead and second that.  
17 Commissioner Patel.

18 CHAIR U'U: I have a second by Commissioner Patel.  
19 Just for the record, Commissioner Boswell is  
20 present. Thank you, Commissioner Boswell.

21 So I have a motion by Commissioner De Mello, a  
22 second by Commissioner Patel for the minutes of the April  
23 13th, 2022, regular meeting. Any discussion or corrections?

24 (No response.)

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



1 vote.

2 Vice Chair Ruidas.

3 VICE CHAIR RUIDAS: Aye.

4 CHAIR U'U: Commissioner Becraft.

5 (No response.)

6 CHAIR U'U: Commissioner De Mello.

7 COMMISSIONER DE MELLO: Aye.

8 CHAIR U'U: Commissioner Boswell.

9 COMMISSIONER BOSWELL: Aye.

10 CHAIR U'U: Thank you.

11 Commissioner Ho.

12 (No response.)

13 CHAIR U'U: Commissioner Patel.

14 COMMISSIONER PATEL: Aye.

15 CHAIR U'U: Commissioner Richardson.

16 COMMISSIONER RICHARDSON: Aye.

17 CHAIR U'U: Commissioner Matsumoto.

18 COMMISSIONER MATSUMOTO: Aye.

19 CHAIR U'U: Thank you.

20 And the chair votes aye.

21 The vote is unanimous, and the motion passes.

22 Item B, April 13th, 2022, executive session.

23 Commissioners, you all received the April 13th, 2022,

24 executive meeting transcripts. I'll entertain a motion to

25 approve the transcripts as the executive meeting minutes of

1 the April 13th, 2022 executive meeting. Do I have a motion?

2 COMMISSIONER RICHARDSON: Commissioner Richardson.  
3 I'll make a motion.

4 CHAIR U'U: Thank you, Commissioner.

5 Do I have a second?

6 COMMISSIONER DE MELLO: Second. De Mello.

7 CHAIR U'U: Second by Commissioner De Mello. So I  
8 have a motion made by Commissioner Richardson, a second by  
9 Commissioner De Mello. Any discussion or corrections?

10 (No response.)

11 CHAIR U'U: Seeing none, I'm gonna call a roll call  
12 vote.

13 Vice Chair Ruidas.

14 VICE CHAIR RUIDAS: Aye.

15 (Audio feedback.)

16 CHAIR U'U: That was two of you, awesome.

17 Commissioner De Mello.

18 COMMISSIONER DE MELLO: Aye.

19 CHAIR U'U: Commissioner Boswell.

20 COMMISSIONER BOSWELL: Aye.

21 CHAIR U'U: Commissioner Patel.

22 COMMISSIONER PATEL: Aye.

23 CHAIR U'U: Commissioner Richardson.

24 COMMISSIONER RICHARDSON: Aye.

25 CHAIR U'U: Commissioner Matsumoto.

1 COMMISSIONER MATSUMOTO: Aye.

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

3 The vote is unanimous, and the motion passes.

4 Moving on to General Licensing Matters:

5 Administrative actions for the commission's confirmation.

6 Commission, Commissioners, these items are on the agenda for

7 commission approval of the department's actions. I'll

8 entertain a motion to approve the department actions taken for

9 Items A through M.

10 COMMISSIONER PATEL: I'll make a motion, Chair.

11 CHAIR U'U: Motion by Commissioner -- was that a  
12 motion, Commissioner?

13 COMMISSIONER PATEL: Commissioner Patel. To move  
14 forward with General Licensing Matters A through M.

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

16 Do we have a second?

17 COMMISSIONER DE MELLO: I second that motion.

18 CHAIR U'U: We have a motion made by Commissioner  
19 Patel, a second made by Commissioner De Mello. Any discussion  
20 on the topic?

21 (No response.)

22 CHAIR U'U: Seeing none, again, I'm gonna do a roll  
23 call vote.

24 Vice Chair Ruidas.

25 VICE CHAIR RUIDAS: Aye.

1 CHAIR U'U: Commissioner B -- Commissioner De Mello.

2 COMMISSIONER DE MELLO: 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 the chair votes aye.

14 The vote is unanimous, and the motion passes.

15 Moving right along to preliminary hearings.

16 Application No. 16, Maui Kuia Estate Chocolate, Incorporated,  
17 doing business as Maui Kuia Estate Chocolate, located at 78  
18 Ulupono Street, Suite 1, Lahaina, Maui, is applying for a  
19 Dispenser General, Category C(ii), premises in which live  
20 entertainment or recorded music is provided liquor -- is  
21 provided liquor license.

22 Would the applicant please unmute your video and  
23 audio; state your name and position?

24 DIRECTOR LAYNE N. SILVA: Gunars, that's you. You  
25 need to unmute your mic.

1 MR. VALKIRS: Yes, I'm unmuted now.

2 CHAIR U'U: Can you please state your name and  
3 position for the record.

4 MS. MATSUSHIMA: I think he froze.

5 CHAIR U'U: I think we might have a small technical  
6 difficulty.

7 DIRECTOR LAYNE N. SILVA: Gunars, could you please  
8 state your name and position for the record?

9 CHAIR U'U: We just lost him.

10 COMMISSIONER DE MELLO: Yeah.

11 CHAIR U'U: Must be some strong chocolate.

12 (Laughter.)

13 CHAIR U'U: We'll try to give him some time to come  
14 back on here. We'll give him some time.

15 What's his name?

16 DIRECTOR LAYNE N. SILVA: Gunars.

17 CHAIR U'U: Gunars?

18 Give him -- we'll give him a few minutes. If  
19 it's -- if he can't get back on, I will suggest we go to  
20 administrative affairs and can always double back and go over  
21 preliminary hearings if that's okay with the commission.

22 COMMISSIONER PATEL: I'm okay with waiting a few  
23 minutes.

24 CHAIR U'U: Okay. We can wait. Give him an  
25 opportunity.

1 MS. MATSUSHIMA: He hasn't come back in yet.

2 CHAIR U'U: Just -- just clarify, I'll be leaving at  
3 10:20 -- 10:40 today; I have a doctor's appointment. But we  
4 are making very good time thus far, so (pause) --

5 COMMISSIONER PATEL: Yeah. I'd like to be pau by  
6 10:00.

7 CHAIR U'U: Perfect. We're on the same page, Sne.  
8 Gunar?

9 MS. MATSUSHIMA: Boswell is not connected as well.

10 CHAIR U'U: We're missing some connections. We'll  
11 ask -- we'll wait for Gunar.

12 MS. MATSUSHIMA: There, Gunars is back.

13 CHAIR U'U: Gunars just got back on. Gunar?

14 MR. VALKIRS: Hello.

15 CHAIR U'U: Hello, Gunar.

16 MR. VALKIRS: I'm going to -- can I just leave my  
17 video off in case that's the reason that I got cut out of the  
18 meeting?

19 CHAIR U'U: Would that work? Would that work, Jen?

20 CORP COUNSEL OANA: Yes. Only the commissioners  
21 have that rule about the video.

22 CHAIR U'U: Sounds good to me, Gunar.

23 MR. VALKIRS: All right. I'll keep my video off.

24 CHAIR U'U: Gunar, could you please state your full  
25 name and your position, please?

1 MR. VALKIRS: My name is Gunars Edwin Valkirs, and  
2 I'm the owner and CEO of (inaudible).

3 CHAIR U'U: Gunar, you went out a little bit. The  
4 last I heard was "owner and CEO of" --

5 MR. VALKIRS: Of Maui Kuia Estate Chocolates, Inc.

6 CHAIR U'U: Thank you very much, Gunar.

7 Staff, will you please provide the details of  
8 (inaudible)?

9 DEPUTY DIRECTOR KAHOOHANO: Good morning.  
10 Application No. 16 for a class -- Dispenser Class, General  
11 C(ii). The applicant is Maui Kuia Estate Chocolate, Inc.,  
12 doing business as Maui Kuia Estate Chocolate. They're  
13 applying for a Dispenser General License, Category C(ii).

14 Officer, director, stockholder of the corporation;  
15 personal history statements; and lease agreements are all  
16 within the investigator's report.

17 The proposed premises is a two-story structure  
18 consisting of approximately 7,009 square feet on the first  
19 floor and 2,730 square feet on the second floor. It is  
20 located at 78 Ulupono Street, Suite 1, Lahaina, Maui, Hawaii.

21 There are no schools, churches, or licensees in the  
22 same -- there's no schools, churches, or licensees of the same  
23 class and kind located within a radius of 500 feet.

24 There are two restaurant general, one dispenser beer  
25 and wine, and eight dispenser general licenses located within

1 a radius of 500 feet.

2 There are 103 licenses of this class and kind  
3 currently issued within Maui County.

4 The applicant plans to be open seven days a week  
5 from 10:00 a.m. to 12:00 midnight.

6 A site inspection was conducted of the proposed  
7 premises on March 8, 2022.

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

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

13 Also, there is a request -- applicant has submitted  
14 a request for the following condition to be placed on their  
15 license if and when it is issued: The first condition is  
16 minors will be allowed to be within an area designated as a  
17 nonconsumption area between the hours of 10:00 a.m. and 5:00  
18 p.m. The second condition is Condition 1 shall be immediately  
19 revoked if the premises is found guilty of Section  
20 281-31B(1) (a) of the Hawaii Revised Statutes and Section  
21 08-101-06B(1) (a) of the Rules of the Liquor Commission. The  
22 applicant is requesting this condition to allow minors to be  
23 allowed to enter the licensed premises unaccompanied by parent  
24 or legal guardian. There is a similar condition on one other  
25 license, Island Art Party.



1 CHAIR U'U: Thank you. Thank you, Jarrett.

2 Does the applicant have anything else to add? Now  
3 would be the time.

4 MR. VALKIRS: No, I do not.

5 CHAIR U'U: Thank you.

6 At this time, I will open up this matter for public  
7 testimony. Do we have any public testimony?

8 MS. MATSUSHIMA: There's no one signed up.

9 CHAIR U'U: Anyone want to give public testimony?  
10 Now would be the time.

11 (No response.)

12 CHAIR U'U: Seeing none, public testimony is now  
13 closed.

14 Commissioners, any applications -- any questions for  
15 staff or the applicant?

16 (No response.)

17 CHAIR U'U: Any questions? Going once.

18 (No response.)

19 CHAIR U'U: Thank you very much. At this time, I'll  
20 entertain a motion to approve this application to proceed to  
21 public hearing. Do I have a motion on the floor?

22 COMMISSIONER PATEL: Commissioner Patel. I make a  
23 motion, Chair, to proceed.

24 CHAIR U'U: I have a motion made by Commissioner  
25 Patel. Do I have a second?

1 COMMISSIONER DE MELLO: De Mello. I second.

2 CHAIR U'U: And a second by Commissioner De Mello.  
3 Again, a motion made by Commissioner Patel, a second made by  
4 Commissioner De Mello. Any discussion?

5 (No response.)

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

8 Vice Chair Ruidas.

9 VICE CHAIR RUIDAS: Aye.

10 CHAIR U'U: Commissioner De Mello. Commissioner De  
11 Mello?

12 COMMISSIONER DE MELLO: Oh, aye.

13 CHAIR U'U: Commissioner Boswell.

14 COMMISSIONER BOSWELL: Aye.

15 CHAIR U'U: Thank you.

16 Commissioner Patel.

17 COMMISSIONER PATEL: Aye.

18 CHAIR U'U: Commissioner Richardson.

19 COMMISSIONER RICHARDSON: Aye.

20 CHAIR U'U: Commissioner Matsumoto.

21 COMMISSIONER MATSUMOTO: Aye.

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

23 The votes are unanimous, and the motion passes.

24 Congratulations.

25 MR. VALKIRS: (Inaudible.)

1 CHAIR U'U: Under Administrative Affairs, A,  
2 Director's Monthly Report, No. 1. Notification of  
3 promulgation of Special Rules For Year 2022 scheduled for  
4 public hearing at the June 8, 2022, meeting. I'll turn it  
5 over to Director Silva.

6 DIRECTOR LAYNE N. SILVA: Thank you, Chair.

7 Good morning, Commissioners. You should have  
8 received it in your packet. It's a -- this is what was  
9 discussed at the last meeting. It's the adoption of the  
10 Special Rules For Year 2022. This is where it's being asked  
11 to extend the deadline to submit renewal applications to June  
12 30th, and it's also extending the expiration of certification  
13 cards to June 30th as well. It was posted in the Maui News as  
14 well as placed on the Maui County Department of Liquor Control  
15 website. And I believe at this time it's notifying and  
16 (inaudible) to get approval.

17 CHAIR U'U: Yes. Jen, can we have clarification on  
18 this process, Director's Monthly Report No. 1? Do we need a  
19 vote by the commission?

20 CORP COUNSEL OANA: Hi, Chair. So in your packets,  
21 you see a draft of the proposed rules, and right now, it's  
22 just a draft.

23 CHAIR U'U: Okay.

24 CORP COUNSEL OANA: The public hearing is scheduled  
25 for your next meeting on June 8th. At that time, the public

1 has the opportunity to either object or support, or recommend  
2 changes to the rules. And then, after the public hearing, you  
3 folks can adopt those rules as-is or with the changes that the  
4 public suggests. For -- I'm sorry, I don't have it in front  
5 of me, but -- so from what I understand with regard to the --  
6 was it the expiration of the liquor licenses, that -- the  
7 expiration of the liquor license is every year -- or, I'm  
8 sorry, the renewal of the liquor license every year, pursuant  
9 to your rules, the deadline is June 15th of every single year.  
10 It's in your Rules of the Liquor Commission. But because  
11 during COVID, the commission has extended through the  
12 emergency rules that you guys had to repeal at the last  
13 meeting because the emergency proclamation is no longer in  
14 effect to justify emergency rules, so you guys did repeal  
15 that, but from what I understand, the department did notify  
16 the liquor licensees -- prior to the governor not extending  
17 the emergency proclamation, the department did notify the  
18 licensees that this year the expiration date is June 30th just  
19 like the last two years during COVID. So because of that  
20 notification, the department wanted to this year only extend  
21 it again. Just like the last two years, have that renewal  
22 deadline on June 30th to make it fair since the department did  
23 notify everybody already that that's the expiration date. So  
24 these rules will just allow that to happen.

25 The other rule was the card expiration. Basically,

1 you know, you guys made emergency rules that said the card  
2 expiration, if it's expired within, you know, the emergency  
3 proclamation, it's still good, and it expires 90 days after  
4 the emergency proclamation is over. That 90-day language, you  
5 know, I'm not really sure how that language came to be. Once  
6 the governor no longer had his emergency -- emergency  
7 proclamation or the mayor having his emergency rules in  
8 effect, we really couldn't have any emergency rules. So you  
9 guys did repeal that, but you guys did allow that to be  
10 repealed effective June, I believe, 23rd, which is --  
11 calculating that out, it is 90 days after the emergency  
12 proclamation ended. So these special rules with regard to the  
13 card expiration just extends it to June 30th. It's the proper  
14 way to, you know, extend it past what the emergency rules  
15 allowed. So this is just kind of like a cleanup for this year  
16 only. I believe the director does want to revert to the real  
17 rules all in your binder starting from next year, but this is  
18 just kind of a cleanup for, you know, fairness to the  
19 licensees because they have been notified in one way or the  
20 other about certain things. So now -- so the director kind of  
21 took it upon himself to publish these rules in the paper just  
22 because it's a tight timeline. You know, if you guys didn't  
23 have the public hearing at your next meeting, you really  
24 couldn't take action, and the licensees wouldn't be allowed to  
25 have that June 30th extension. So the director took it upon

1 himself to go ahead and publish the rules. You're not bound  
2 to adopt it at the meeting. It's solely within your powers to  
3 adopt it after you hear from the public at the public hearing.  
4 So it's just the director kind of doing this kind of for the  
5 commission because of the timeliness. If we had an extra  
6 month in between all of this, you know, it would -- it would  
7 more appropriately first be discussed by you and then set it  
8 for a public hearing, but we just didn't have that time. And,  
9 again, for fairness of -- to the licensees, the director just  
10 wanted to get this moving. And, again, you're not bound to  
11 adopt it. After the public hearing, it's solely within your  
12 jurisdiction and discretion and power to adopt these or not.

13 CHAIR U'U: Okay. Thank you for the clarification.  
14 Anybody need any more clarification?

15 (No response.)

16 CHAIR U'U: Seeing none, thank you very much.

17 Just to make note that this will be Jennifer's last  
18 meeting with us as corp. Counsel. She's moving on to bigger  
19 and better things, so I'm told.

20 On to No. 2, Posting of the repeal of the Liquor  
21 Commission Emergency Rules of the LC May 2020 meeting per  
22 Governor's Executive Order 20-04 and First Amendment to the  
23 Liquor Commission Emergency Rules of the LC May 13th, 2020  
24 meeting per Governor's Executive Order 20-04 adopted April  
25 13th, 2021, on the department's webpage. I'll turn it over to

1 Director Silva.

2 DIRECTOR LAYNE N. SILVA: Thank you very much,  
3 Chair. Actually, that's pretty much it. You covered it. It  
4 has been posted, and it's also posted on the website. I  
5 think, you know, in the order that's it's being presented to  
6 you guys right now, we probably went with the cart in front of  
7 the horse a little bit because this is what Jennifer was  
8 referring to as far as the rules that have been repealed based  
9 on the expiration of the governor's emergency proclamation and  
10 then Item 1, which is the adoption of the special rules that  
11 would, if approved by the commission, allow for those things  
12 that were already in place to be extended until the end of  
13 June. So basically, it's -- they kind of coincide, I guess,  
14 just to clarify.

15 If there's no comment on that, I'll move right along  
16 to Item No. 3, the Status on accepting and processing liquor  
17 license renewals for fiscal year 2023. The department began  
18 receiving and accepting liquor license renewal applications as  
19 of April 1st. The count this morning is approximately 115 out  
20 of approximately 448 licenses that have been renewed to date  
21 as of this morning.

22 Moving on to Item No. 4, the Status of the update of  
23 the licensing forms. We are still working on some of the more  
24 complicated forms that are used in licensing, such as the  
25 personal history statement and further documents. We're going

1 through it with a fine-tooth comb taking into consideration  
2 the suggestions that were received from the public and from  
3 the -- some of the attorneys that submitted suggestions.  
4 Again, I think 4 and 5 pretty much go hand in hand. Although  
5 Item No. 4 is just updating on the status, which is the  
6 department is still working on it. Once we're able to get it  
7 fine-tuned and submitted to corporation counsel for review, at  
8 that time, we will submit it to the commission for your review  
9 and approval.

10 Item No. 5 is the Review and approval of Form  
11 DLC-001. It's the license application checklist. You all  
12 should have received it in your packets. There should be a  
13 Ramseyered format and a final view of what it would look like  
14 if it's approved. If we look -- if you have that document  
15 with you if you look through on page No. 3 -- page No. 2, all  
16 the information in regards to fingerprinting and criminal  
17 history record check has been moved from page 2. Page 2  
18 refers to items that are required for filing of the  
19 application. Hawaii Criminal Justice Data Center policy is  
20 that the department cannot accept or receive any criminal  
21 history record from an applicant prior to having a license  
22 application filed with the department. So we're moving it  
23 from a requirement to file the application; it's been moved  
24 back to page 4 of 5, where we're considering it an additional  
25 item that will be submitted after the -- after (inaudible)



1 filed and stamped. And that -- the reason for that change is  
2 to comply with state law.

3 If anyone has any questions regarding that  
4 particular form, I'd be happy to answer whatever questions you  
5 have.

6 CHAIR U'U: Any questions by the commissioners?

7 DIRECTOR LAYNE N. SILVA: If not, (inaudible).

8 CHAIR U'U: Okay. So we will review and approve  
9 Form DLC-001.

10 Jen, just for clarification, I'll do a roll call  
11 vote on this, Jen?

12 CORP COUNSEL OANA: Yes, Chair. A motion and a  
13 second to approve.

14 CHAIR U'U: Okay.

15 CORP COUNSEL OANA: And then a roll call vote.

16 CHAIR U'U: Okay. Seeing no questions by the  
17 commissioners, can I have a motion?

18 COMMISSIONER PATEL: I'll make a motion, Chair, to  
19 approve --

20 CHAIR U'U: A motion by Commissioner Patel.

21 COMMISSIONER PATEL: DLC-001 checklist.

22 CHAIR U'U: Thank you. Do I have a second?

23 COMMISSIONER RICHARDSON: I'll second. Commissioner  
24 Richardson.

25 CHAIR U'U: We have a second by Commissioner

1 Richardson. We have a motion made by Commissioner Patel. Any  
2 discussion?

3 (No response.)

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

6 Vice Chair Ruidas.

7 VICE CHAIR RUIDAS: Aye.

8 CHAIR U'U: Commissioner De Mello. Commissioner De  
9 Mello?

10 COMMISSIONER DE MELLO: (Gesturing.)

11 CHAIR U'U: Thank you.

12 Commissioner Boswell. Commissioner Boswell? I  
13 think you're on mute.

14 COMMISSIONER BOSWELL: Aye.

15 CHAIR U'U: Thank you.

16 Commissioner Patel.

17 COMMISSIONER PATEL: Aye.

18 CHAIR U'U: Commissioner Richardson.

19 COMMISSIONER RICHARDSON: Aye.

20 CHAIR U'U: Commissioner Matsumoto.

21 COMMISSIONER MATSUMOTO: Aye.

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

23 The vote is unanimous; it passes.

24 Going to No. 6, Report of the results of the FBI  
25 audit, which was conducted to ensure compliance with Criminal

1 Justice Information Services Division policies that govern the  
2 use of FBI CJIS systems. I'll turn it over to Director Silva.

3 DIRECTOR LAYNE N. SILVA: Thank you, Chair.

4 On Item No. 6, basically, the department -- I don't  
5 know if some of you recall a few months ago that we had an FBI  
6 auditor come through. My understanding is every three years  
7 or so, they select agencies at random to come through and to  
8 audit and do an inspection with regards to the taking,  
9 keeping, and storing of our criminal history records and  
10 documents and procedures. We have just received a letter  
11 dated April 26th, 2022. Basically, what that letter says -- I  
12 believe you all received a copy in your packet -- is that the  
13 FBI CJIS staff has indicated that our agency is in compliance  
14 with FBI's CJIS division technical policies and procedures.  
15 So this is just to notify and update you guys on the status of  
16 what the result was from that audit that we had.

17 CHAIR U'U: Thank you, Director. This sounds pretty  
18 important. Thank you.

19 Moving on to B, Director Evaluation 2022. This is  
20 approver -- approval of letter to Director Layne N. Silva to  
21 request that the director provide his 2022 short- and long-  
22 term goals and objectives to the commission. Commissioners,  
23 as you know, the commission is tasked with annually reviewing  
24 and evaluating the performance of the director of liquor  
25 control. I believe we discussed this earlier this year. The

1 commission will conduct the evaluation at the end of the  
2 calendar year. You all have in your meeting materials a draft  
3 letter to Director Silva requesting that he provide the  
4 commission his 2022 short- and long-term goals and objectives  
5 so we can evaluate his performance and progress for this  
6 calendar year. Actually, the commission asked for these goals  
7 and objectives too close in time to the evaluation. So this  
8 letter serves to request this information now so that at the  
9 end of the year, we can evaluate the director's progress in  
10 achieving his goals and objectives. Again, more so proactive  
11 than reactive.

12 Do we have any questions on this? Anybody got any  
13 questions or concerns? Again, it's a proactive approach; give  
14 him some time and give us time as we near the end of the year  
15 evaluation.

16 (No response.)

17 CHAIR U'U: Seeing no questions, I'll entertain a  
18 motion.

19 VICE CHAIR RUIDAS: I make a motion to approve the  
20 letter from the chair.

21 CHAIR U'U: Motion made by Commissioner Ruidas. Do  
22 we have a second?

23 COMMISSIONER DE MELLO: (Gesturing.)

24 CHAIR U'U: We have a second by Commissioner De  
25 Mello. Any discussion on this?

1 (No response.)

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

4 Vice Chair Ruidas.

5 VICE CHAIR RUIDAS: Aye.

6 CHAIR U'U: Commissioner De Mello.

7 COMMISSIONER DE MELLO: (Gesturing.)

8 CHAIR U'U: Commissioner Boswell.

9 COMMISSIONER BOSWELL: Aye.

10 CHAIR U'U: Commissioner Patel.

11 COMMISSIONER PATEL: Aye.

12 CHAIR U'U: Commissioner Richardson.

13 COMMISSIONER RICHARDSON: Aye.

14 CHAIR U'U: Commissioner Matsumoto.

15 COMMISSIONER MATSUMOTO: Aye.

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

17 The vote is unanimous, and the motion passes. Thank  
18 you.

19 C) The liquor adjudication board meeting of  
20 Thursday, May 5th, 2022, was canceled. There were no cases to  
21 be adjudicated.

22 D) The next liquor commission -- the next liquor  
23 control commission regular meeting is scheduled for Wednesday,  
24 June 8th, 2022, at 9:00 a.m.

25 Any questions before we adjourn this meeting?

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(No response.)

CHAIR U'U: With no further business on the agenda  
and with no objections, this meeting is now adjourned. See  
you next month. Aloha. (Gavel.)

(The proceedings were adjourned at 9:42 a.m.)

