



**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

Allan Almeida, Jr.
Chair

Shane Dudoit
Vice Chair

Melissa Padilla
Robbie Sanches
Janice Kalanihūia
Kaulana Mossman
Rhonda I.L. Loo
Harold Cathcart
Toni K.Rust

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, August 4, 2022
Time:	9:00 a.m.
Remote Location:	via BlueJeans interactive conference technology: Log onto https://bluejeans.com, enter Meeting ID 935 321 906 or Dial 1 (408) 915-6290, enter Meeting ID 935 321 906
Physical Location:	County of Maui Service Center Department of Liquor Control Conference Room 110 'Ala'ihī Street, Suite 212A Kahului, Maui, Hawaii

OFFICE OF THE
COUNTY CLERK

2022 JUL 27 AM 9:10

RECEIVED

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 935 321 906 or use the meeting link, <https://bluejeans.com/935321906>.

PHONE ACCESS & TESTIMONY: To listen to the meeting or provide oral testimony by phone, dial 1 (408) 915-6290 and enter Meeting ID 935 321 906.

PHYSICAL LOCATION & TESTIMONY: Members of the public may observe the remote meeting or provide testimony in-person using audio/visual technology at the Physical Location. Note: Board Members may not be physically present at this location.

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. **HEARING(S) BEFORE THE BOARD:** Pursuant to the Hawaii Revised Statutes § 92-6, no public testimony will be received on adjudicatory matters.

A. COMPLAINT & ACCUSATION NO. 2022-03

In the matter of the accusation against PAIA FISH MARKET/RESTAURANT, INC. dba PAIA FISH MARKET/RESTAURANT, located at 110 Hana Highway, Paia, Maui, Hawaii; Dispenser Bear & Wine, Category A, Lic. No. 018.

Count 1: On January 16, 2022, PAIA FISH MARKET/RESTAURANT, INC. dba PAIA FISH MARKET/RESTAURANT, permitted liquor to be removed from its premises, contrary to the Liquor Commission's Rules Governing the Manufacture and Sale of Intoxicating Liquor of the County of Maui § 08-101-60(b)(10).

Count 2: On January 16, 2022, PAIA FISH MARKET/RESTAURANT, INC. dba PAIA FISH MARKET/RESTAURANT, failed to obtain a permit for a reduction or increase of licensed premises, contrary to the Liquor Commission's Rules Governing the Manufacture and Sale of Intoxicating Liquor of the County of Maui § 08-101-27(a)(5).

Paia Fish Market/Restaurant, Inc. dba Paia Fish Market/Restaurant entered a plea of NO CONTEST to the allegations.

B. COMPLAINT & ACCUSATION NO. 2022-04

In the matter of the accusation against MAUI'S FRESH TAMALES AND MEXICAN RESTAURANT, INC. dba THE DOG & DUCK IRISH PUB, located at 1913-N S Kihei Road, Kihei, Maui, Hawaii; Dispenser General, Category C(ii), Lic. No. #159.

- Count 1: On January 22, 2022, MAUI'S FRESH TAMALES AND MEXICAN RESTAURANT, INC. dba THE DOG & DUCK IRISH PUB, did, through its employee(s), sell, serve, or furnish liquor to, or allow the consumption of liquor by a patron, who was at the time under the influence of liquor, drugs, or any combination thereof, contrary to Liquor Commission's Rules Governing the Manufacture and Sale of Intoxicating Liquor of the County of Maui § 08-101-60(b)(1)(B).
- Count 2: On January 22, 2022, MAUI'S FRESH TAMALES AND MEXICAN RESTAURANT, INC. dba THE DOG & DUCK IRISH PUB, did, through its employee(s), knowingly permit a patron, who was at the time under the influence of liquor, drugs or any combination thereof, or disorderly person to be or remain in or on the licensed premises, contrary to Liquor Commission's Rules Governing the Manufacture and Sale of Intoxicating Liquor of the County of Maui § 08-101-60(b)(5).
- Count 3: On January 22, 2022, MAUI'S FRESH TAMALES AND MEXICAN RESTAURANT, INC. dba THE DOG & DUCK IRISH PUB, did, through its employee(s), failed to exercise due care, in determining whether a patron was under the influence of liquor, drugs, or any combination thereof, contrary to Liquor Commission's Rules Governing the Manufacture and Sale of Intoxicating Liquor of the County of Maui § 08-101-60(b)(11).

Maui's Fresh Tamales and Mexican Restaurant, Inc. dba The Dog & Duck Irish Pub entered a plea of NO CONTEST to the allegations.

C. COMPLAINT & ACCUSATION NO. 2022-05

In the matter of the accusation against MAUI'S FRESH TAMALES AND MEXICAN RESTAURANT, INC. dba THE DOG & DUCK IRISH PUB, located at 1913-N S Kihei Road, Kihei, Maui, Hawaii; Dispenser General, Category C(ii), Lic. No. #159.

- Count 1: On February 12, 2022, MAUI'S FRESH TAMALES AND MEXICAN RESTAURANT, INC. dba THE DOG & DUCK IRISH PUB, did, through its employee(s), failed to ensure that aisles or walkways were cleared of any congestion or blockage which would prevent any person from moving freely within any aisle or walkway, or entry to or exit for the premises, contrary to Liquor Commission's Rules Governing the Manufacture and Sale of Intoxicating Liquor of the County of Maui § 08-101-90(b).
- Count 2: On February 12, 2022, MAUI'S FRESH TAMALES AND MEXICAN RESTAURANT, INC. dba THE DOG & DUCK IRISH PUB, did, through its employee(s), allow liquor consumption and/or service within the areas for dancing, music, and entertainment, contrary to Liquor Commission's Rules Governing the Manufacture and Sale of Intoxicating Liquor of the County of Maui § 08-101-99(a)(7).

Maui's Fresh Tamales and Mexican Restaurant, Inc. dba The Dog & Duck Irish Pub entered a plea of NO CONTEST to the allegations.

D. COMPLAINT & ACCUSATION NO. 2022-07

In the matter of the accusation against CAPU MAUI CORP. dba WOW-WEE MAUI'S KAVA BAR & GRILL, located at 333 Dairy Road, #101A, Kahului, Maui, Hawaii; Dispenser General, Category C(ii), Lic. No. #093.

Count 1: On March 16, 2022, CAPU MAUI CORP. dba WOW-WEE MAUI'S KAVA BAR & GRILL, did, through its employee(s), 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 the Liquor Commission's Rules Governing the Manufacture and Sale of Intoxicating Liquor of the County of Maui § 08-101-80(a)(1).

Count 2: On March 16, 2022, CAPU MAUI CORP. dba WOW-WEE MAUI'S KAVA BAR & GRILL, failed to have its employee, who was issued a valid "employee approved by the director" certification card by the department, keep the certification card in the employee's possession or readily available on the premises for inspection at all times while on duty, contrary to the Liquor Commission's Rules Governing the Manufacture and Sale of Intoxicating Liquor of the County of Maui § 08-101-70(b).

Count 3: On March 16, 2022, CAPU MAUI CORP. dba WOW-WEE MAUI'S KAVA BAR & GRILL, failed to have available on the licensed premises a time sheet showing in English the legal first name and surname of all employees, including and not limited to managers, assistant managers, and employees approved by the director, when such employee is on duty, contrary to the Liquor Commission's Rules Governing the Manufacture and Sale of Intoxicating Liquor of the County of Maui § 08-101-70(f).

Capu Maui Corp. dba Wow-Wee Maui's Kava Bar & Grill entered a plea of NO CONTEST to the allegations.

V. ANNOUNCEMENT(S):

- A. The next Liquor Control Adjudication Board regular meeting is scheduled for Thursday, September 1, 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.

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BOARD PACKETS: Board packets, as defined in the Hawaii Revised Statutes § 92-7.5, 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 the Hawaii Revised Statutes § 92-5(a)(4).

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.