

A G E N D A
LIQUOR CONTROL ADJUDICATION BOARD
DEPARTMENT OF LIQUOR CONTROL
COUNTY OF MAUI

DATE & TIME: THURSDAY, OCTOBER 3, 2013, AT 9:00 A.M.

PLACE: DEPARTMENT OF LIQUOR CONTROL CONFERENCE ROOM
DAVID K. TRASK, JR. OFFICE BUILDING
2145 KAOHU STREET, ROOM 108
WAILUKU, MAUI, HAWAII 96793

I. HEARINGS BEFORE THE BOARD:

A. COMPLAINT AND ACCUSATION NO. 2013-33, PLEA: NO CONTEST

In the matter of the accusation against MAUI MOOSE, INC. dba MOOSE MCGILLYCUDDY'S, Dispenser General License No. 233, 844 Front Street, Lahaina, Maui, Hawaii.

Count 1. On February 5, 2012 at approximately 1:38 a.m., MAUI MOOSE, INC. dba MOOSE MCGILLYCUDDY'S, a dispenser general licensee, did fail to exercise due care to ensure that no person or employee, while on duty, be permitted to consume any alcoholic beverages, contrary to Section 08-101-80(a)(1) of the Rules of the Liquor Commission, County of Maui.

Count 4. On February 5, 2012 at approximately 1:38 a.m., MAUI MOOSE, INC. dba MOOSE MCGILLYCUDDY'S, a dispenser general licensee, did fail to comply with the condition that it is subject to any other laws or rules applicable to the business of the licensee, contrary to Section 08-101-40(a) of the Rules of the Liquor Commission, County of Maui.

B. COMPLAINT AND ACCUSATION NO. 2013-34, PLEA: NO CONTEST

In the matter of the accusation against O & Y, INC. dba SANDY'S LOUNGE, Dispenser General License No. 362, 270 Waiehu Beach Road, #105, Wailuku, Maui, Hawaii.

Count 1. On August 3, 2012 at approximately 11:15 p.m., O & Y, INC. dba SANDY'S LOUNGE, a dispenser general licensee, did, through its employee, sell, serve, or furnish liquor to a minor, as defined in Section 281-1 of the Hawaii Revised Statutes and Section 08-101-5 of the Rules of the Liquor Commission, contrary to Section 281-78(b)(1)(A) of the Hawaii Revised Statutes and Section 08-101-60(b)(1)(A) of the Rules of the Liquor Commission, County of Maui.

C. COMPLAINT AND ACCUSATION NO. 2013-27, PLEA: NOT GUILTY

In the matter of the accusation against GVJSK, INC. dba WATERCRESS SPORTS BAR & GRILL, Dispenser General License No. 066, 270 Waiehu Beach Road, #106, Wailuku, Maui, Hawaii.

- Count 1. On February 9, 2012 and February 10, 2012 between the approximate times of 11:00 p.m. and 1:00 a.m., GVJSK, INC. dba WATERCRESS SPORTS BAR & GRILL, a dispenser general licensee, did, through its employee(s), sell, serve, or furnish liquor to, or allow the consumption of liquor by a minor, as defined in Section 281-1 of the Hawaii Revised Statutes and Section 08-101-5 of the Rules of the Liquor Commission, contrary to Section 281-78(b)(1)(A) of the Hawaii Revised Statutes and Section 08-101-60(b)(1)(A) of the Rules of the Liquor Commission, County of Maui.
- Count 2. On February 9, 2012 and February 10, 2012 between the approximate times of 11:00 p.m. and 1:00 a.m., GVJSK, INC. dba WATERCRESS SPORTS BAR & GRILL, a dispenser general licensee, 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, as defined in Section 281-1 of the Hawaii Revised Statutes and Section 08-101-5 of the Rules of the Liquor Commission, contrary to Section 281-78(b)(1)(B) of the Hawaii Revised Statutes and Section 08-101-60(b)(1)(B) of the Rules of the Liquor Commission, County of Maui.
- Count 3. On February 9, 2012 and February 10, 2012 between the approximate times of 11:00 p.m. and 1:00 a.m., GVJSK, INC. dba WATERCRESS SPORTS BAR & GRILL, a dispenser general licensee, did, through its employee(s), fail to exercise due care, as defined in Section 08-101-5 of the Rules of the Liquor Commission, in determining whether a patron was under the influence of liquor, as defined in Section 281-1 of the Hawaii Revised Statutes and Section 08-101-5 of the Rules of the Liquor Commission, contrary to Section 08-101-60(b)(11) of the Rules of the Liquor Commission, County of Maui.
- Count 4. On February 9, 2012 and February 10, 2012 between the approximate times of 11:00 p.m. and 1:00 a.m., GVJSK, INC. dba WATERCRESS SPORTS BAR & GRILL, a dispenser general licensee, did, through its employee(s), knowingly permit a patron, who was at the time under the influence of liquor, as defined in Section 281-1 of the Hawaii Revised Statutes and Section 08-101-5

of the Rules of the Liquor Commission, to be or remain in or on the licensed premises, contrary to Section 281-78(b)(5) of the Hawaii Revised Statutes and Section 08-101-60(b)(5) of the Rules of the Liquor Commission, County of Maui.

Count 5. On February 9, 2012 and February 10, 2012 between the approximate times of 11:00 p.m. and 1:00 a.m., GVJSK, INC. dba WATERCRESS SPORTS BAR & GRILL, a dispenser general licensee, did, through its employee, fail to properly check the identification of a minor, as defined in Section 281-1 of the Hawaii Revised Statutes and Section 08-101-5 of the Rules of the Liquor Commission, contrary to Section 08-101-61(c) of the Rules of the Liquor Commission, County of Maui.

Count 6. On February 9, 2012 and February 10, 2012 between the approximate times of 11:00 p.m. and 1:00 a.m., GVJSK, INC. dba WATERCRESS SPORTS BAR & GRILL, a dispenser general licensee, did fail to have available on its licensed premises a time sheet showing in English the legal first name and surname of all employees, contrary to Section 08-101-70(f) of the Rules of the Liquor Commission, County of Maui.

II. ADJOURNMENT:

NEXT LIQUOR CONTROL ADJUDICATION BOARD MEETING WILL BE HELD ON THURSDAY, NOVEMBER 7, 2013, AT 9:00 A.M. AT THE DEPARTMENT OF LIQUOR CONTROL CONFERENCE ROOM, DAVID K. TRASK, JR. OFFICE BUILDING, 2145 KAOHU STREET, ROOM 108, WAILUKU, MAUI, HAWAII.

Any person desiring to attend the hearing and requiring an accommodation (i.e., large print, taped material, sign language interpreter, accessible parking, etc.) may request assistance provided such a request is received three (3) working days prior to the scheduled hearing. This request may be made by writing to the Director at: Department of Liquor Control, 2145 Kaohu Street, Room 105, Wailuku, Hawaii, 96793, or by calling 243-7753.