

LIQUOR CONTROL ADJUDICATION BOARD
DEPARTMENT OF LIQUOR CONTROL
COUNTY OF MAUI, STATE OF HAWAII

TRANSCRIPT OF PROCEEDINGS
REGULAR MEETING

Held at the Department of Liquor Control Conference Room, David K. Trask, Jr. Office Building, 2145 Kaohu Street, Room 108, Wailuku, Maui, Hawaii, commencing at 9:06 a.m., on Thursday, May 4, 2017.

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May 4, 2017 Liquor Adjudication Board

1 BOARD MEMBERS PRESENT:

2 Donald Fujii, Chairperson

3 Wayne Pagan, Vice-Chairperson

4 Lahela Aiwohi, Member

5 Candace Ariaga, Member

6 Zachary Helm, Member

7 Gwen Ueoka, Member

8 Bruce U`u, Member

9 Jason Williams, Member

10 STAFF PRESENT:

11 Edward Kushi, Jr., First Deputy Corporation Counsel

12 Peter Hanano, Deputy Prosecuting Attorney

13 Glenn Mukai, Director

14 Mark Honda, Deputy Director

15 Bill Pacheco, Chief Enforcement Officer

16 Sarah Cordeiro, Secretary to Boards/Commissions II

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May 4, 2017 Liquor Adjudication Board

1 (Thursday, May 4, 2017, 9:06 a.m.)

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3 CHAIR FUJII: Meeting of the Liquor Control
4 Adjudication Board is now called to order pursuant to
5 Section 281-91 of the Hawaii Revised Statutes and 13 --
6 3 -- 08-13.3 of the Charter of the County of Maui to
7 consider matters and issues as posted on today's agenda.
8 At this time I would like the Board members and staff to
9 please introduce yourselves, starting with Candace -- I'm
10 sorry -- starting with our secretary.

11 MS. CORDEIRO: That's okay. Sarah Cordeiro,
12 Liquor Control.

13 MEMBER ARIAGA: Candace Ariaga, Lanai.

14 MEMBER HELM: Zach Helm, Molokai.

15 MEMBER WILLIAMS: Jason Williams, Maui.

16 MR. KUSHI: Ed Kushi.

17 CHAIR FUJII: Donald Fujii, Wailuku.

18 VICE-CHAIR PAGAN: Wayne Pagan, Upcountry.

19 MEMBER U`U: Bruce U`u, Paia.

20 MEMBER UEOKA: Gwen Ueoka, Wailuku.

21 MEMBER AIWOHI: Aloha. Lahela Aiwohi, Kula.

22 DIRECTOR MUKAI: Glenn Mukai, Liquor Control.

23 DEPUTY DIRECTOR HONDA: Mark Honda, Liquor
24 Control.

25 MR. HANANO: Peter Hanano on behalf of the

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1 Prosecuting Attorney's Office.

2 MR. PACHECO: Bill Pacheco, Department of Liquor
3 Control.

4 CHAIR FUJII: Thank you. Thank you, Bill. We
5 would like to, again, acknowledge the first meeting to
6 Jason Williams here. Welcome aboard, Jason.

7 MEMBER WILLIAMS: Thank you.

8 CHAIR FUJII: You always gonna be the newest
9 member because you were excused the last meeting and
10 Lahela has, what you call, one meeting over you.

11 MEMBER AIWOHI: You win.

12 MEMBER WILLIAMS: Yes, she does. I'll ask for
13 her advice.

14 CHAIR FUJII: Anyway, we will now hear Complaint
15 and Accusation Number 2017-18 against Kono Hawaii LLC
16 doing business as Antonio's. At this time I think we need
17 to have our Deputy be recused from this meeting.

18 DEPUTY DIRECTOR HONDA: Thank you, Mr. Chair. I
19 would like to be excused and recuse myself from this
20 matter. I'll reappear for the second matter, but I do
21 have a conflict with Kono Hawaii LLC.

22 CHAIR FUJII: Thank you.

23 DEPUTY DIRECTOR HONDA: Thank you.

24 CHAIR FUJII: Previous to Mr. Honda becoming the
25 Deputy Director, I think he -- he was practicing law and I

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1 think there was some conflict with he being a -- I think
2 our licensee being a -- using Mark Honda as his attorney
3 there. So I guess that's the reason behind his conflict.

4 Again, at this time, as I said, we will be
5 having Complaint and Accusation 2017-18. The respondent
6 will now step forward, state your name and -- at this desk
7 here. Your name and what -- how -- what capacity you
8 represent respondent.

9 MR. AKAO: My name is Konosuke Akao. I am the
10 manager and organizer for Kono Hawaii LLC dba Antonio's.
11 And I'm here to hearing.

12 CHAIR FUJII: Thank you, Mr. Akao.

13 MR. AKAO: Okay.

14 CHAIR FUJII: We'll be going through a whole
15 battery of questions. And most of them will be yes or no
16 answers.

17 MR. AKAO: Yes.

18 CHAIR FUJII: Because we have a recorder here
19 that's going to record your response.

20 MR. AKAO: Yes.

21 CHAIR FUJII: At this time, Mr. Kono --

22 MR. AKAO: Yes.

23 CHAIR FUJII: -- Mr. Akao, you have the option
24 of having the charges -- there are two charges, publicly
25 read, or you can waive the reading.

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1 MR. AKAO: I can waive it.

2 CHAIR FUJII: Again, Mr. Akao --

3 MR. AKAO: Yes.

4 CHAIR FUJII: -- for the record, do you
5 represent the Respondent involved? Do you represent the
6 licensee involved?

7 MR. AKAO: Yes.

8 CHAIR FUJII: Do you have legal counsel? Do you
9 have an attorney?

10 MR. AKAO: Not at this moment, yes.

11 MR. KUSHI: He just left.

12 CHAIR FUJII: Okay. I should have known that.
13 Do you understand that you can have a legal counsel
14 present?

15 MR. AKAO: Yes, I understand. But I have no
16 argument with this happens. I understand that I --

17 CHAIR FUJII: Okay. We will get to that next.

18 MR. AKAO: Yes.

19 CHAIR FUJII: Do you understand the charges
20 against you?

21 MR. AKAO: Yes, I understand.

22 CHAIR FUJII: What is the plea to Count 1 and
23 Count 2?

24 MR. AKAO: I plead no contest.

25 CHAIR FUJII: All right. That's the response

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1 that you may give. Do you understand the violations the
2 Department of Liquor Control alleges against you?

3 MR. AKAO: Yes, I understand.

4 CHAIR FUJII: Do you understand that you have
5 the right to plead not guilty?

6 MR. AKAO: Yes, I understand.

7 CHAIR FUJII: Is your plea of no contest
8 voluntary and not the result of force, threats or of
9 promises from any plea agreement? Is your --

10 MR. AKAO: Yes, it's no -- no --

11 CHAIR FUJII: Voluntary?

12 MR. AKAO: Yes.

13 CHAIR FUJII: Do you understand that, on each
14 count, if the Board accepts your plea of no contest, you
15 will be found guilty, and that the Board may issue a
16 reprimand or assess the penalty or collect up to \$2,000 on
17 each count, or revoke the license at any time, or suspend
18 the license to use the licensee's license?

19 MR. AKAO: Yes. I understand.

20 CHAIR FUJII: Do you still wish to plead no
21 contest?

22 MR. AKAO: Yes.

23 CHAIR FUJII: The Board hereby finds the
24 licensee has entered a knowing and voluntary plea of no
25 contest. The Board accepts your plea and finds you guilty

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1 on Count 1 and Count 2 reflected in Complaint and
2 Accusation Number 2017-18. At this time, Mr. Hanano, will
3 the Department please present a summary of the case?

4 MR. HANANO: Yes. Thank you, Chair.

5 This case involved a minor decoy operation which
6 took place on Friday, December 9, 2016. The Minor Decoy
7 Team was comprised of Chief Enforcement Officer and
8 Supervisor Bill Pacheco, Liquor Control Officers Cielo
9 Molina, Cullen Kawano, Maui Police Department Officers
10 Lawrence Pagaduan and Jeremy Pallone-De La Torre and,
11 also, two minor decoys.

12 Prior to the actual operation, the Minor Decoy
13 Checklist -- Checklist was reviewed with both minor decoys
14 informing them of the requirements and rules pertaining to
15 minor decoy operations. The rules required, among other
16 things, that the minor decoys carry their valid Hawaii
17 state driver's licenses on their persons at all times,
18 that they answer any questions about their ages
19 truthfully, and that they present their valid Hawaii State
20 driver's license when asked by any employee of the
21 licensed premises to do so.

22 Both minor decoys reviewed and signed the Minor
23 Decoy Checklist indicating they understood what was read
24 to them. Minor Decoy One's Hawaii driver's license was
25 printed in a vertical format, which clearly -- clearly

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1 indicated that Minor Decoy One became 21 years of age on
2 10-2-2017. Likewise, Minor Decoy Two's Hawaii driver's
3 license was also printed in a vertical format, which
4 clearly indicated that Minor Decoy Two became 21 years of
5 age on 2-21-2019.

6 For the purposes of this operation, Minor Decoy
7 was instructed to accompany Minor Decoy One, but not to
8 order any liquor. Also as part of the operation, the
9 minor decoys were provided with a \$20 bill to use as buy
10 money.

11 On December 9, 2016, at about 7:54 p.m., both
12 minor decoys entered the Antonio's establishment located
13 at 1215-F South Kihei Road, Kihei, Maui, Hawaii. Upon
14 entering, they were seated at a table for two located
15 towards the back left side of the restaurant next to the
16 cash register.

17 Due to the small size of the restaurant,
18 Sergeant Pagaduan positioned himself on a bench fronting
19 the restaurant where he had a clear view of the interior.
20 While there, Sergeant Pagaduan pretended to be reviewing
21 the posted menu on the door while talking on his cell
22 phone.

23 After being seated, a female server, later
24 identified as Eileen [sic] Pawlowski, approached the table
25 and asked if Minor Decoy Two wanted anything to drink,

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1 which Minor Decoy Two's response was water. Pawlowski
2 then turned to Minor Decoy One and inquired if Minor Decoy
3 One wanted anything to drink, to which Minor Decoy One
4 replied, "A Heineken." Following that, Pawlowski asked
5 for the Minor Decoy One's ID, at which time Minor Decoy
6 One handed his valid Hawaii driver's license to Pawlowski.
7 Pawlowski took the ID, glanced at it for approximately two
8 to three seconds, then returned it to Minor Decoy One.

9 Pawlowski then left the table, returned a few
10 minutes later with a glass filled with a Heineken beer,
11 then placed the glass in front of Minor Decoy One. After
12 Minor Decoy One took possession of the glass of beer, both
13 minor decoys stood up from the table and exited the
14 premises. Following that, Sergeant Pagaduan entered the
15 restaurant, walked up to the table where the minor decoys
16 were seated, examined the glass of beer and subsequently
17 notified Pawlowski that she had just served liquor to a
18 minor.

19 As part of the investigation, Eileen [sic]
20 Pawlowski was interviewed, at which time she provided the
21 following statement, in pertinent part. Stated that she
22 had been working for Antonio's for about three months as a
23 server; that, while employed there, the only training she
24 received in the proper checking of IDs was a class taught
25 by the Liquor Department; with respect to the sale of the

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1 liquor to the minor decoy, Pawlowski stated she asked the
2 minor decoy for his ID and had looked at it, however, she
3 misread the date of birth and miscalculated the minor's
4 age.

5 Nothing further, Chair. Thank you.

6 CHAIR FUJII: Thank you, Mr. Hanano. Any
7 questions on the report as submitted by the attorney,
8 Mr. Hanano? Any Member of the Board have any questions
9 regarding this case as presented? If not, Mr. Akao --

10 MR. AKAO: Yes.

11 CHAIR FUJII: -- you now have the opportunity to
12 make a statement regarding this case. You may inform the
13 Board of any mitigating circumstances which may or may not
14 apply to sentencing. So this is your opportunity to
15 explain further from what the attorney has said.

16 MR. AKAO: Well, I understand the charges and
17 everything. And I do have take responsibility. And I did
18 speak to all the employee after, personally, to -- we
19 usually put her to the front of where the server's station
20 is and make sure that we do not serve the minor. I
21 understand that's the -- one of the very important
22 subjects that I need to be -- make sure that everybody
23 knows about it. But this happens and I do understand
24 that. I spoke to my employee and she said she did check
25 the ID as they stated it, but she miscalculated, which

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1 I -- that's no excuse for her and for us to, you know,
2 argue any of those. So I do take full responsibility.
3 And -- but after that, I did have a meeting with all the
4 employee. I spoke to all the managers and make sure that
5 we do have any employee, especially new employee, have
6 brief meeting, make sure that we do not serve the minor
7 and go over some of the liquor rules and violations and
8 stuff. And whoever works there, I'm making sure that
9 everybody has the liquor management card so that they know
10 the rules of the Liquor Department and how handle the
11 liquor.

12 CHAIR FUJII: Okay. Thank you, Mr. Akao. Any
13 questions by Members of the Board regarding this addressed
14 to Mr. Akao here? Yes.

15 MEMBER U`U: One question, Mr. Akao.

16 MR. AKAO: Yes.

17 MEMBER U`U: How much employees do you have?

18 MR. AKAO: I'm sorry?

19 MEMBER U`U: How much employees do you have in
20 this particular restaurant?

21 MR. AKAO: Antonio's, I have four servers and
22 one cook and me. So that's six.

23 MEMBER U`U: And this employee worked for you
24 for three years?

25 CHAIR FUJII: Three months.

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1 MR. AKAO: Three months.

2 MEMBER U`U: Is it hard to find employees?

3 MR. AKAO: Yes. I do also own another
4 restaurant, it's called Kono's on the Green, which is on
5 the golf course. And she also works there. So she kind
6 of works two shift, but she only works Antonio's when we
7 couldn't find anybody. So she's kind of like relieve
8 server at Antonio's. And right now, she's no longer works
9 Antonio's. She works -- still works at Kono's, server,
10 and some of the marketing, but, yes, it is hard to find
11 employee.

12 MEMBER U`U: Thank you.

13 CHAIR FUJII: Any other questions addressed to
14 Mr. Akao? Mr. Akao, you know, underage, under 21 --

15 MR. AKAO: Yes.

16 CHAIR FUJII: You know the driver's license, if
17 they do drive --

18 MR. AKAO: Yes.

19 CHAIR FUJII: -- is a vertical license. And
20 it's -- it's just basic, you know, clue or, you know, key
21 to an underage person.

22 MR. AKAO: Yes.

23 CHAIR FUJII: You need to stress that --

24 MR. AKAO: Yes.

25 CHAIR FUJII: -- with your employees. They

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1 don't have to --

2 MR. AKAO: Yes.

3 CHAIR FUJII: -- calculate anything. If it's
4 there, the vertical license --

5 MR. AKAO: Yes.

6 CHAIR FUJII: -- then you know this is probably
7 an underage person.

8 MR. AKAO: Yes.

9 CHAIR FUJII: Then you can calculate, because
10 sometimes you can still be 22 and not having got the
11 chance to get your regular license.

12 MR. AKAO: Uh-huh.

13 CHAIR FUJII: So, again, it's possible.

14 MR. AKAO: Yes.

15 CHAIR FUJII: Okay. So any other thing anyone
16 wants to address? I think we pretty much got from the
17 prosecutor as well as Mr. Akao basic information we
18 needed. So, Mr. Hanano, what would be the director's
19 argument as to penalty?

20 MR. HANANO: Yes. Thank you, Chair. Original
21 license for this licensee was issued back in May of 2006.
22 There are no prior convictions of any kind. Based on
23 that, we're recommending, in Count 1, a \$2,000 fine with
24 \$1,000 suspended on the condition that there's no further
25 convictions for the same offense within one year. And for

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1 Count 2, a \$500 fine.

2 CHAIR FUJII: Thank you, Mr. Hanano. The Board
3 will take all matters into --

4 MR. KUSHI: Mr. Chair?

5 CHAIR FUJII: Mr. Kushi.

6 MR. KUSHI: Question for staff. He has two --
7 two licensed premises?

8 CHAIR FUJII: The Kono on the Green as well
9 as --

10 MR. KUSHI: Is it separate licenses?

11 DIRECTOR MUKAI: Yeah, separate licenses.

12 CHAIR FUJII: Okay. Any other questions
13 regarding this case for anyone? Those two separate
14 entities, then, huh? The Board will --

15 MEMBER U`U: Motion to recess.

16 MEMBER ARIAGA: Second.

17 MEMBER AIWOHI: Second.

18 CHAIR FUJII: Okay. We move that we go into
19 deliberation and been seconded. All in favor of the
20 motion, say "aye."

21 (Response.)

22 CHAIR FUJII: Motion carried. The Board will be
23 deliberating, so we'll excuse you and call you back.
24 Thank you. Okay.

25 MR. AKAO: Thank you.

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1 (Deliberations, 9:21 a.m. to 9:31 a.m.)

2 CHAIR FUJII: The Board is back in open session.
3 Mr. Akao, we discussed everything that was presented, we
4 also discussed your responses --

5 MR. AKAO: Yes.

6 CHAIR FUJII: -- on this serious matter,
7 especially underage drinking is a serious matter.

8 MR. AKAO: Yes.

9 CHAIR FUJII: And we did come up, you know, with
10 the -- for Count 1, we are taking the advice of the
11 prosecutor here, the penalty for Count 1 will be \$2,000 of
12 which \$1,000 will be suspended provided there is no
13 reoccurrence of the same offense within a period of one
14 year. So \$2,000 of which 1,000 will be suspended if
15 there's no -- another same violation in a period of one
16 year. On Count 2, the penalty would be \$500. Again,
17 Mr. Akao, we -- we're happy that you're here to represent
18 your business. And we -- again, it is a serious thing
19 that we'd like to keep all the underage people off the
20 streets.

21 MR. AKAO: I understand.

22 CHAIR FUJII: Thank you for coming.

23 MR. AKAO: Thank you. Thank you very much.
24 Have a nice day.

25 CHAIR FUJII: Department will notify you when

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1 payment is due.

2 MR. AKAO: Okay. Thank you. Thank you.

3 CHAIR FUJII: Board Members, before we get into
4 our next Complaint and Accusation 2017-19, the Department
5 will be dismissing Count 2.

6 MEMBER UEOKA: Count 2.

7 CHAIR FUJII: Count 2.

8 MR. PACHECO: Count 2 dismissed.

9 CHAIR FUJII: We'll now hear Complaint and
10 Accusation Number 2017-19 against Koho's Grill & Bar, Inc.
11 doing business as Koho Grill & Bar. Will the respondent
12 please step forward, state your name and what capacity you
13 represent the --

14 MS. ECKART: Good morning. My name is Gerri
15 Eckart, I'm the managing partner of at Koho Grill & Bar.

16 CHAIR FUJII: Ms. Eckart, how do you spell your
17 last name?

18 MS. ECKART: E-C-K-A-R-T.

19 CHAIR FUJII: E-C-K-A-R-T?

20 MS. ECKART: Correct.

21 CHAIR FUJII: Thank you.

22 MS. ECKART: Thank you.

23 CHAIR FUJII: Thank you. At this time,
24 Ms. Eckart, you have the option of having the charge,
25 Count 1 only, publicly read or you can waive the reading.

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1 What is your preference?

2 MS. ECKART: Waive the reading, sir.

3 CHAIR FUJII: Thank you. Again, for the record,
4 Ms. Eckart, do you represent the respondent involved?

5 MS. ECKART: Yes, sir.

6 CHAIR FUJII: Do you have legal counsel?

7 MS. ECKART: No, sir.

8 CHAIR FUJII: Do you understand the charges
9 against you?

10 MS. ECKART: Yes.

11 CHAIR FUJII: First of all, do you understand
12 that you have the right to have your legal counsel
13 present?

14 MS. ECKART: Yes.

15 CHAIR FUJII: You understand the charge against
16 you?

17 MS. ECKART: Yes.

18 CHAIR FUJII: What is your plea to Count 1?

19 MS. ECKART: No contest.

20 CHAIR FUJII: Do you understand the violation
21 the Department of Liquor Control alleges against you?

22 MS. ECKART: Yes.

23 CHAIR FUJII: Do you -- do you understand that
24 you have the right to plead not guilty?

25 MS. ECKART: Yes, I do.

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1 CHAIR FUJII: Do you understand, by pleading no
2 contest, you waive the right to a hearing in which you
3 could present evidence and question witnesses on your
4 behalf?

5 MS. ECKART: Yes.

6 CHAIR FUJII: Is your plea of no contest
7 voluntary and not the result of force, threats or of
8 promises apart from any plea agreement?

9 MS. ECKART: Voluntary.

10 CHAIR FUJII: You understand, Count 1, if the
11 Board accepts your plea of no contest, you will be found
12 guilty, and that the Board may issue a reprimand, or
13 assess and collect a penalty up to \$2,000, or revoke any
14 license at any time or suspend the right of the licensee
15 to use the license?

16 MS. ECKART: Yes.

17 CHAIR FUJII: Do you still wish to plead no
18 contest?

19 MS. ECKART: Yes.

20 CHAIR FUJII: The Board hereby finds that the
21 licensee has entered a knowing and voluntary plea of no
22 contest. The Board accepts your plea and finds you guilty
23 on Count 1 reflected on Complaint and Accusation Number
24 2017-19. At this time, Mr. Hanano, will you please
25 present a summary of the case?

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1 MR. HANANO: Yes. Thank you, Chair.

2 This case involved a minor decoy operation which
3 took place on Thursday, December 15, 2016. The Minor
4 Decoy Team was comprised of Chief Enforcement Officer --
5 Supervisor Bill Pacheco, Liquor Control Officers Cielo
6 Molina, Robert Shiige, Maui Police Department Officers
7 Lawrence Pagaduan and Jeremy Pallone-De La Torre, and a
8 female minor decoy.

9 Prior to the actual operations, the Minor Decoy
10 Checklist was reviewed with the minor decoy informing her
11 of the requirements and rules pertaining to minor decoy
12 operations. The rules required, among other things, that
13 the minor decoy carry her valid Hawaii driver's license on
14 her person at all times, that she answer any questions
15 about her age truthfully, and that she present her valid
16 Hawaii State driver's license when asked by any employee
17 of the licensed premises to do so. The minor decoy
18 reviewed and signed the Minor Decoy Checklist indicating
19 she understood what was read to her. The minor decoy's
20 Hawaii driver's license was printed in a vertical format,
21 which clearly indicated that the minor decoy became 21
22 years of age on 2-21-2019. As part of the operation, the
23 minor decoy was provided with a 20-dollar bill to use as
24 buy money.

25 On December 15, 2016, about 6:53 p.m., Officer

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1 Pallone-De La Torre entered the Koho's Bar & Grill located
2 at 275 Kaahumanu Avenue, Kahului, Maui, Hawaii. Officer
3 Pallone [sic] took a seat at a table in the bar area. And
4 about a minute later, the minor decoy entered the bar and
5 took a seat at the bar which was -- the bar counter stool
6 farthest to the left. A short while later, the female
7 bartender, later identified as Carol Suyama, asked the
8 minor decoy what she wanted to drink. In response, the
9 minor decoy said, "Bud Light." When asked whether she
10 wanted it in a glass or bottle -- bottle, the minor decoy
11 responded, "Bottle." After placing her order, Suyama
12 asked -- after taking the order, Suyama asked to see the
13 minor decoy's identification, at which time the minor
14 decoy handed Suyama her Hawaii driver's license. The
15 bartender took the license, looked at it for less than a
16 second, then handed the license back to the minor decoy.
17 During this time, Suyama appeared to be distracted with
18 other tasks. Following that, Suyama placed a bottle of
19 Bud Light beer in front of the minor decoy, then walked
20 out from behind the bar counter to wait on patrons seated
21 at the tables in the bar area. The minor decoy then took
22 possession of the bottle of Bud Light beer at which time
23 Officer Pallone-De La Torre walked over and took
24 possession of the bottle of Bud Light from the minor
25 decoy. Subsequent to that, Officer Pallone [sic] informed

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1 Suyama that she had just sold liquor to a minor.

2 As part of the investigation, Carol Suyama was
3 interviewed, at which time she provided the following
4 statement: Stated that she had been working for Koho's
5 for about -- for over 20 years; that, while employed
6 there, the only training she received on the proper
7 checking of IDs was from the certification class taught by
8 the Liquor Department and the ID checking books issued by
9 the Department; stated that Koho's does not offer any sort
10 of training regarding the checking of IDs. With respect
11 to the sale to the minor decoy, Suyama stated that she
12 checked the minor decoy's ID and looked at the birthdate,
13 but she must have done the math wrong when checking the
14 birth year.

15 Also, as part of the investigation, the manager
16 on duty, David Ritchey, was interviewed, at which time he
17 provided the following statement: Stated that he was the
18 manager on duty at the time and that he did possess an
19 Employee Approved by the Director card; also stated that
20 Koho's does not currently offer any type of training for
21 its employee on the proper checking of IDs.

22 Thank you, Chair. Nothing further.

23 CHAIR FUJII: Thank you, Mr. Hanano. Any
24 questions directed to Mr. Hanano regarding his report?

25 MEMBER HELM: Yeah. Is this Carol's first

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1 violation as waitress? First -- you said she worked 20
2 years there, yeah?

3 MR. HANANO: Right.

4 CHAIR FUJII: We will ask the licensee,
5 probably. We can defer that. I don't think that was part
6 of the report --

7 MR. HANANO: Thank you, Chair.

8 CHAIR FUJII: -- Mr. Helm. Any other questions
9 directed to Mr. Hanano, anyone? If not, Ms. Eckart, you
10 now have the opportunity to make a statement regarding
11 this case. You may also inform the Board of any
12 mitigating circumstances which may or may not apply to
13 sentencing. So this is your opportunity to add to that
14 report or whatever else you think we need to know before
15 we apply his recommended sentence. Okay?

16 MS. ECKART: We do not have any classes for
17 checking IDs except with the exception of what the Liquor
18 Commission supplies for us. And that is well posted
19 within the bar area. So in Carol's case, you know, I
20 would just say it's negligent on her part that she served
21 this minor. She was suspended immediately for a week for
22 this infraction. And was also told at the time that if
23 this should ever happen again that she would not have a
24 job at Koho's irregardless of how long she worked.

25 CHAIR FUJII: Okay. I think we need to have a

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1 lot of questions for you.

2 MS. ECKART: Oh, boy.

3 CHAIR FUJII: Because Koho's been there forever
4 and, you know --

5 MS. ECKART: Yes, it has.

6 CHAIR FUJII: I'm speaking personally, and the
7 Board can add to it, but not having any training other
8 than what the Department offers them is -- what's your
9 position there, really, as far as -- are you the owner or
10 part owner or manager?

11 MS. ECKART: Just the managing partner.

12 CHAIR FUJII: Manager there. How many years
13 have you been there as manager?

14 MS. ECKART: 10.

15 CHAIR FUJII: 10. Okay. We'll open up to
16 questions, then.

17 MEMBER UEOKA: How many employees do you have
18 there?

19 MS. ECKART: 45.

20 CHAIR FUJII: Go ahead. Any questions directed
21 to --

22 MEMBER U`U: So Carol, she been there 20 years?

23 MS. ECKART: Plus.

24 MEMBER U`U: Wow.

25 MEMBER WILLIAMS: Has she had any other

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1 violations?

2 MS. ECKART: One before. Not necessary towards
3 her, I think it was -- she was a bartender at the time,
4 but she was not the one that -- like this --

5 MEMBER UEOKA: Served.

6 MS. ECKART: -- served the person.

7 MEMBER UEOKA: Thank you.

8 CHAIR FUJII: Okay. Bruce.

9 MEMBER U`U: Question. As part as training,
10 which is mentioned, there's no further training. So I
11 would assume that what you have posted, as far as on the
12 premises, about checking IDs, just by having the
13 notification, you think that's good enough?

14 MS. ECKART: It's there. And, you know, I
15 personally tell them this is what you have to do. That's
16 what we do. I mean, other than -- as they first start
17 working, for instance, in the restaurant, they do get
18 training. The training is for a week. So because Carol's
19 been there so long, I guess, maybe we need to reiterate
20 every once in a while retraining these people.

21 MEMBER U`U: I was going to add my two cents. I
22 would feel the same way. If you have one picture of
23 one -- one ID, every day you look at 'em, I guess, I think
24 that would be good enough for me. I mean, I don't think
25 it's that hard to check one ID.

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1 MS. ECKART: It's right there and --

2 MEMBER U`U: I mean, I just saying it's not
3 hard. But I guess when you there every day, maybe you
4 don't see it.

5 MEMBER AIWOHI: Redundant.

6 MS. ECKART: Yeah, exactly. I understand what
7 you're saying.

8 MEMBER WILLIAMS: Going forward, do you have any
9 plans of implementing once-a-year 10-minute training of
10 showing the employees how important it is and what can
11 happen if they don't check, besides the loss of life, you
12 know, what would happen to the company if -- going
13 forward? Do you have any plans of starting something?

14 MS. ECKART: Yes, we do.

15 CHAIR FUJII: Okay. Again, I think to add to
16 Jason's response there, of course I think, Ms. Eckart,
17 you're aware that the employee will go to court and be
18 prosecuted, also, you know, so you gotta let your
19 employees know it's not you're gonna fire them and they
20 find another job and nothing happens to them at the next
21 job. There will be need to go to court and get prosecuted
22 for serving underage.

23 MS. ECKART: Right.

24 CHAIR FUJII: So that, I think, will be the clue
25 that, wow, this is -- this is pretty serious stuff now.

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1 MS. ECKART: Yeah, it's not -- it's not a game.
2 I understand.

3 CHAIR FUJII: So, again, not only underage
4 people, but, you know, there's other violations,
5 over-serving, and those things can cost life, you know,
6 life -- lives, too. Okay. We'll open it up further.
7 Anybody else want to ask Ms. -- ask Ms. Eckart to respond
8 to anything?

9 MR. KUSHI: Mr. Chair, question for staff. Was
10 this server prosecuted?

11 MR. HANANO: I believe so.

12 MS. ECKART: Yes.

13 MR. HANANO: I think she --

14 MR. KUSHI: She was.

15 MR. HANANO: -- pled no contest.

16 CHAIR FUJII: Yeah, you know --

17 MR. HANANO: My understanding.

18 CHAIR FUJII: In the past, the employee get --
19 gets fired, goes to the next job and just -- you know,
20 just can move along, move along, move along, but nowadays,
21 it's -- you know, it's a court record there, it keeps them
22 from getting jobs.

23 MS. ECKART: I think it's a good idea.

24 CHAIR FUJII: Yeah. And I think that will keep
25 them more aware of, you know, their responsibilities.

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1 MS. ECKART: Correct.

2 CHAIR FUJII: If no further questions,
3 Mr. Hanano, what would be the Director's --

4 MR. HANANO: Yes. Thank you, Chair. Original
5 license for this licensee was issued back in April of
6 1987. There are prior convictions involving overservice,
7 but none involving sale of liquor to a minor. In light of
8 that, we're recommending, in Count 1, a \$2,000 fine with
9 \$1,000 suspended on the condition that there's no further
10 convictions for the same offense within a one-year period.

11 CHAIR FUJII: Thank you, Mr. Hanano. The Board
12 will take all matters presented into consideration. I
13 will entertain a motion to go into deliberation.

14 MEMBER ARIAGA: Motion.

15 MEMBER HELM: Motion.

16 CHAIR FUJII: Okay, motion by Zach and seconded
17 by Candace. Any discussion? All in favor, say "aye."

18 (Response.)

19 CHAIR FUJII: Motion carried. I see everybody
20 moving. Good.

21 (Deliberations, 9:46 a.m. to 9:54 a.m.)

22 CHAIR FUJII: The Board is back in open session.
23 Ms. Eckart, after discussion among the Members of the
24 Board and looking at the business' record here, there was
25 no -- for the length of your license that you've had since

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1 '87, there's been no underage violations. So the Board is
2 recommending a penalty of \$2,000 of which \$1,000 will be
3 suspended on Count 1 provided there is no violation of the
4 same offense within a period of one year. And, again, the
5 Board will notify you when payment is due. And thank you
6 for being here.

7 MS. ECKART: All right. Thank you very much.

8 CHAIR FUJII: Mr. Mukai, are there any other
9 business that the Board needs to attend to or you have to
10 offer?

11 DIRECTOR MUKAI: Not at this time.

12 CHAIR FUJII: What's that?

13 DIRECTOR MUKAI: Not at this time.

14 CHAIR FUJII: Not at this time, okay. Someone
15 make a motion to adjourn.

16 MEMBER ARIAGA: Motion.

17 MEMBER UEOKA: Second.

18 CHAIR FUJII: We are adjourned. Thank you.

19 (Meeting adjourned, 9:55 a.m.)
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CERTIFICATE

I, TONYA MCDADE, Certified Court Reporter of the State of Hawaii, do hereby certify that the proceedings contained herein were taken by me in machine shorthand and thereafter was reduced to print by means of computer-aided transcription; and that the foregoing represents, to the best of my ability, a true and accurate transcript of the proceedings had in the foregoing matter.

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

DATED this 13th day of June, 2016.

/s/ Tonya McDade

Tonya McDade
Certified Shorthand Reporter #447
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