

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 9:00 a.m., on Thursday, June 1, 2017.

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June 1, 2017 -- Liquor Adjudication Board

1 BOARD MEMBERS PRESENT:

2 Donald Fujii, Chairperson

3 Wayne Pagan, Vice-Chairperson

4 Candace Ariaga, Member

5 Jerrybeth De Mello, Member

6 Zachary Helm, Member

7 Gwen Ueoka, Member

8 Jason Williams, Member

9 STAFF PRESENT:

10 Edward Kushi, Jr., First Deputy Corporation Counsel

11 Peter Hanano, Deputy Prosecuting Attorney

12 Glenn Mukai, Director

13 Mark Honda, Deputy Director

14 Kayle Matsushima, Acting Liquor Control Officer IV

15 Sarah Cordeiro, Secretary to Boards/Commissions II

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1 (Thursday, June 1, 2017, 9:00 a.m.)

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3 CHAIR FUJII: (Gavel.) Good. The meeting of
4 the Liquor Control Adjudication Board is now called to
5 order pursuant to Section 281-91 of the Hawaii Revised
6 Statutes and Section 8-13.3 of the Charter of the County
7 of Maui to consider the matters and issues as posted on
8 today's agenda. At this time we would like the Board
9 Members and staff to please introduce yourselves, starting
10 with our Board Secretary.

11 MS. CORDEIRO: Sarah Cordeiro, Liquor Control.

12 MEMBER DE MELLO: Jerrybeth De Mello from
13 Lahaina.

14 MEMBER ARIAGA: Candace Ariaga, Lanai.

15 MEMBER HELM: Zach Helm, Molokai.

16 MEMBER WILLIAMS: Jason Williams, Maui.

17 MR. KUSHI: Ed Kushi, Corp Counsel's Office.

18 CHAIR FUJII: Donald Fujii, Wailuku.

19 VICE-CHAIR PAGAN: Wayne Pagan, Upcountry.

20 MEMBER UEOKA: Gwen Ueoka, Wailuku.

21 DIRECTOR MUKAI: Glenn Mukai, Liquor Control.

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

24 MR. HANANO: Peter Hanano, Prosecuting Attorney.

25 MS. MATSUSHIMA: Kayle Matsushima, Liquor

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1 Control.

2 CHAIR FUJII: Thank you. We would like the
3 records to show that Bruce U`u, our Board Member, and
4 Lahela Aiwohi are excused for today's meeting.

5 And we are now ready to proceed with -- to hear
6 Complaint and Accusation Number 2017-21 against Maui Fresh
7 Tamales and Mexican Restaurant doing business as The Dog &
8 Duck Irish Pub. At this time, will the Respondent please
9 step forward, at the table, state your names and in what
10 capacity you represent the Respondent.

11 MR. RYAN: Oh, the seats are nice.

12 CHAIR FUJII: Make yourself comfortable.

13 MR. RYAN: Michael Ryan. I'm one of the owners.
14 I'm the president.

15 CHAIR FUJII: Thank you, Mr. Ryan. At this
16 time, Mr. Ryan, you have the option of having the charges,
17 Counts 1 and 2, publicly read, you can waive the reading.

18 MR. RYAN: No. It's fine. We can have the
19 reading if we may?

20 CHAIR FUJII: You wanna waive the reading?

21 MR. RYAN: No. I would like to listen to it.
22 Sorry.

23 CHAIR FUJII: If the Secretary would read Counts
24 1 and 2.

25 MS. CORDEIRO: Complaint and Accusation Number

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1 2017-21, in the matter of the accusation against Maui's
2 Fresh Tamales and Mexican Restaurant doing business as The
3 Dog & Duck Irish Pub, Dispenser General License, number
4 159, at 1913-North South Kihei Road, Kihei, Maui, Hawaii.

5 Count 1: On December 9, 2016, at approximately
6 10:00 p.m., Maui's Fresh Tamales and Mexican Restaurant
7 doing business as The Dog & Duck Irish Pub, a Dispenser
8 General licensee, did, through its employees, sell, serve
9 or furnish liquor to a minor, as defined in Section 281-1
10 of the Hawaii Revised Statutes and Section 08-101-5 of the
11 Rules of the Liquor Commission, contrary to Section
12 281-78(b)(1)(A) of the Hawaii Revised Statutes and Section
13 08-101-60(b)(1)(A) of the Rules of the Liquor Commission,
14 County of Maui.

15 Count 2: On December 9, 2016, at approximately
16 10:00 p.m., Maui's Fresh Tamales and Mexican Restaurant
17 doing business as The Dog & Duck Irish Pub, a Dispenser
18 General licensee, did, through its employees, fail to
19 properly check the identification of a minor as defined in
20 Section 281-1 of the Hawaii Revised Statutes and Section
21 08-101-5 of the Rules of the Liquor Commission, contrary
22 to Section 08-101-61(c) of the Rules of the Liquor
23 Commission, County of Maui.

24 CHAIR FUJII: Thank you, Madam Secretary.
25 Mr. Ryan, for the record, do you represent the Respondent

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1 involved?

2 MR. RYAN: I've --

3 CHAIR FUJII: Are you the licensee or --

4 MR. RYAN: I'm the -- I am the license, but the
5 girl that served, I've let her leave the business, you
6 know.

7 CHAIR FUJII: But you are the licensee or the
8 Respondent?

9 MR. RYAN: Yes. Yes.

10 CHAIR FUJII: You are the person in charge of
11 the business there?

12 MR. RYAN: Yes.

13 CHAIR FUJII: Thank you. Do you have legal
14 counsel?

15 MR. RYAN: No.

16 CHAIR FUJII: Do you understand that you have
17 the right to have legal counsel --

18 MR. RYAN: Yes.

19 CHAIR FUJII: -- present? Do you understand the
20 charges against you in Counts 1 and 2?

21 MR. RYAN: How come it's 1 and 2?

22 CHAIR FUJII: We'll get to that.

23 MR. RYAN: Okay.

24 CHAIR FUJII: You'll have the opportunity to
25 question --

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1 MR. RYAN: Okay.

2 CHAIR FUJII: -- the attorneys and the
3 Department --

4 MR. RYAN: Okay.

5 CHAIR FUJII: -- at the proper time. What is
6 your plea to Count 1 and 2?

7 MR. RYAN: No contest.

8 CHAIR FUJII: Thank you. Do you understand the
9 violations the Department of Liquor Control alleges
10 against you?

11 MR. RYAN: Yes.

12 CHAIR FUJII: Do you understand that you have
13 the right to plead not guilty -- or no contest --

14 MR. RYAN: Yes.

15 CHAIR FUJII: I mean -- I'm sorry -- you have --
16 you can plead not guilty, do you understand that?

17 MR. RYAN: Yes.

18 CHAIR FUJII: Okay. Do you understand that, by
19 pleading no contest, you waive the right of having a
20 hearing in which you could present evidence and question
21 witnesses on your behalf?

22 MR. RYAN: I understand.

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

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1 MR. RYAN: No. It's from me.

2 CHAIR FUJII: Okay. It's voluntary?

3 MR. RYAN: Yeah, voluntary.

4 CHAIR FUJII: You understand that, on each
5 count, if the Board accepts your plea of no contest, you
6 will be found guilty, and the Board may issue a reprimand,
7 or assess a penalty of up to \$2,000 on each count, or
8 revoke any license at any time, or to suspend the right of
9 the licensee to use his license.

10 MR. RYAN: Yes.

11 CHAIR FUJII: Do you still wish to plead no
12 contest?

13 MR. RYAN: Yes.

14 CHAIR FUJII: The Board hereby finds that the
15 licensee has entered a knowing and voluntary plea of no
16 contest. The Board finds you -- accepts your plea and
17 finds you guilty of Count 1 and 2 reflected in Complaint
18 and Accusation Number 2017-21. At this time, we would
19 like the Department to present a summary of the case.
20 Mr. Hanano.

21 MR. HANANO: Thank you, Chair. This case
22 involved a minor decoy operation which took place on
23 Friday, December 9, 2016. The minor decoy team was
24 comprised of Chief Enforcement Supervisor Bill Pacheco,
25 Liquor Control Officers Cielo Molina, Cullen Kawano, and

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1 Maui Police Department Officers Lawrence Pagaduan and
2 Jeremy Pallone-De La Torre, and a minor decoy.

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

19 On December 9, 2016, at about 9:58 p.m., Officer
20 Pallone-De La Torre entered the premises of The Dog & Duck
21 Irish Pub located at 1913-N South Kihei Road, Kihei, Maui,
22 Hawaii. About a minute later, the minor decoy entered the
23 premises. At that time, the minor decoy did not see any
24 bouncer or security person stationed at the front door
25 entry and was able to enter and walk up to the bar

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1 unchecked. After walking up to the bar counter, the
2 female bartender, later identified as Kelsea Mavety, asked
3 the minor decoy, "What can I get for you tonight"? In
4 response, the minor decoy ordered a Budweiser beer on tap.
5 Following that, Mavety poured the beer into a glass from
6 the tap and handed it to the minor decoy. At the same
7 time, Mavety also asked the minor decoy if the minor decoy
8 wanted to run a tab. Prior to serving the minor decoy the
9 glass of Budweiser beer, Mavety did not ask for the minor
10 decoy's ID or ask the minor decoy of her age. After being
11 served the glass of Budweiser beer, the minor decoy
12 signaled Officer Pallone-De La Torre, at which time he
13 informed Mavety that she had just served liquor to a
14 minor.

15 As part of the investigation, Kelsea Mavety was
16 interviewed, at which time she provided the following
17 statement, in pertinent part: She confirmed that she did
18 not ask the minor decoy for her ID because, according to
19 their procedures, the front door bouncer/security person
20 was responsible for ensuring that every patron's ID was
21 checked prior to allowing entry into the premises. Mavety
22 explained that the bartenders assume that the patrons have
23 been checked upon entry and, therefore, there was no need
24 to ask patrons a second time for the patron's ID while
25 they ordered their drinks at the bar.

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1 Also, as part of the investigation, Michael
2 Ryan, the President and owner of The Dog & Duck Irish Pub,
3 was interviewed, at which time he provided the following
4 statement, in pertinent part: Stated that no formal
5 training was provided to employees on the checking of
6 personal identification. That management does conduct
7 regular staff meetings with all employees where
8 in-depth discussions of overservice and the checking for
9 underage minors are the major topics. Ryan also stated
10 that Mavety had been working at The Dog & Duck Irish Pub
11 as a bartender for about a month, but was formerly working
12 in the same position at his other business establishment,
13 Diamond's Ice Bar & Grill, for the past three years.

14 Also, as part of the investigation, Michael
15 Lerry, the front door bouncer, who was working that night,
16 was also interviewed, at which time he provided the
17 following statement, in pertinent part: Stated that he
18 started his shift at 9:00 p.m., and was stationed at the
19 front entry door. Stated it was a slow night, and, on
20 slow nights, bouncers and security personnel are expected
21 to assist with clearing tables of empty glasses or bottles
22 in addition to their security and safety responsibilities
23 of the premises. Lerry claimed that the only time he left
24 his post at the front door was when he grabbed a few
25 glasses and empty beer bottles from the picnic tables on

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1 the front patio and walked over to the kitchen to deliver
2 them. According to Lerry, he was not gone for more than
3 one minute, which he presumed must have been the time the
4 minor decoy entered the premises unchecked.

5 Nothing further.

6 CHAIR FUJIII: Thank you, Mr. Hanano. Are there
7 any questions regarding the report submitted by Mr. Hanano
8 regarding this case by Members of the Board? Any
9 questions? If none, Mr. Ryan, at this point, you now have
10 the opportunity to make a statement regarding this case.
11 You may inform the Board of any mitigating circumstances
12 which may or may not apply to sentencing. This is your
13 opportunity.

14 MR. RYAN: Thank you. The bouncer has now left
15 us for the reason he wasn't clearing glasses. He used it
16 as an excuse for me that he was doing his work. But if
17 you do clear glasses, you walk to the kitchen where this
18 minor came in. And he wasn't nowhere near it, which I
19 found out afterwards. But he's been released from us
20 since then. So, you know, his job is to stay on the door.
21 That's it. That's our biggest problem, is the door, you
22 know.

23 And as far as Kelsea, she's been manager at a
24 few places and she knows better. We have meetings every
25 week, we talk about this.

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1 Going back to how it went down. She told me the
2 girl came in and said, "Oh, can I have a drink?" She gave
3 her the drink. Then the girl turned away and walked away
4 from the bar. I'm not saying she didn't have the drink,
5 but she walked away from the bar. She looked at her and
6 said, "Excuse me," and then she realized that she had done
7 something wrong. She was walking to the end of the bar to
8 go and speak to her, to check her ID. But this is all --
9 she realized because the girl got her drink and walked
10 away. And she didn't pay. So she went to speak to her,
11 and the police officer approached her then and said, "I
12 need to speak to you outside."

13 There was -- like, normally, the LC, when they
14 do a sting, they come in and they'll order the drink,
15 they'll give them \$20, \$20 will go in the till, LC will
16 come in, go to the till, get the same \$20 out that's in
17 the paperwork in front of you. And it didn't happen this
18 way. So it's just -- she was trying to correct something,
19 but it was too late. She served the drink and -- and
20 that's about it.

21 Every Monday, we -- that's our biggest thing, is
22 over-serving. I -- you know, we have meetings first of
23 the month. And I don't know how we got that onto the
24 thing that we don't train 'em, because that's what we beat
25 in their heads. When I go in, I say, "What's the magic

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1 word of the day?" And they said, "What, what?" I said,
2 "Are you 21?" And -- and that's all they have to do.

3 And, you know, to say the doorman checked,
4 that's not right. She -- she should -- if she had a
5 question -- you people, the Liquor Control -- their
6 training is one thing, they -- they know not to give
7 drinks away, and -- and our trainings know -- knows
8 exactly not to give drinks away, too, you know. So it's a
9 policy we have.

10 She's been laid off since. We let her go.

11 As far as everything I do -- I opened this bar
12 10 years ago and I never wanted any accidents. I make
13 sure people get home safely. I watch out for 'em. The
14 girls know to check 'em and, you know, make sure they're
15 not -- had too much, you know. And I -- I'm -- take
16 people home at times when there's storms, or they do have
17 a car and I say, "Well, you're over-served," and I will
18 take them home. I spend maybe a couple hundred dollars a
19 year getting people back to their house safely.

20 I'm sorry for being here today, but this is all
21 part of the business. And all I can do is apologize for
22 being -- not being a proper boss and not staffing my
23 people right. Which, this Monday, we have a big meeting
24 and it's all -- that's all we're gonna talk about is the
25 Liquor Board and what people can do. Thank you.

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1 CHAIR FUJII: Thank you, Mr. Ryan. I know we've
2 seen each other previously.

3 MR. RYAN: Yes.

4 CHAIR FUJII: And, again, it -- it still comes
5 down to the owner, the licensee, that -- whether the
6 person paid or -- the person was served, in other words.

7 MR. RYAN: Exactly. I'm not fighting that.

8 CHAIR FUJII: So, anyway, I'm sure the Board
9 Members have questions for you. Any questions by Members
10 of the Board regarding --

11 MEMBER WILLIAMS: I just have one.

12 CHAIR FUJII: Go ahead, Jason.

13 MEMBER WILLIAMS: I just have one question.
14 What you were saying was based upon looking out for the --
15 the control group. For us, more important besides that,
16 is for the individuals and people out there driving. Do
17 you -- I know you have your staff ask if they're 21, but
18 do you also have them ask to show the ID? Because --
19 'cause I know on Liquor Control, they can't lie --

20 MR. RYAN: Yeah.

21 MEMBER WILLIAMS: -- but a random person can.
22 And so do you have your staff also --

23 MR. RYAN: Yes.

24 MEMBER WILLIAMS: -- ask for ID?

25 MR. RYAN: Yes. They're all check -- they all

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1 check the ID. "Are you 21? May I see your driver's
2 license?"

3 MEMBER WILLIAMS: Perfect. Perfect. Thank you.
4 Just wanted to verify.

5 CHAIR FUJII: Thank you, Jason. Any other
6 questions, Members of the Board?

7 MR. KUSHI: Mr. Chair, if I may, question for
8 staff. Mr. Hanano, on Count 2, is the allegation to fail
9 to properly check -- is the allegation on the bartender or
10 is it on the doorman?

11 MR. HANANO: I think on both. I mean --

12 MR. KUSHI: Both?

13 MR. HANANO: On the licensee.

14 CHAIR FUJII: It is the licensee, yeah.

15 MR. HANANO: I mean, however they gotta check
16 it, they should check it. Basically, you know --

17 MR. RYAN: May I say something?

18 CHAIR FUJII: Sure.

19 MR. RYAN: We've -- we've actually -- you know,
20 we figured that -- people who's actually there and they're
21 working, we give them part of the fine. And -- and that's
22 the way -- if they're giving the drink away, they're
23 taking part of the fine. And they've been so good for a
24 long time, but, you know, people just get relaxed, you
25 know. So, you know, punishment happens, you know.

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1 CHAIR FUJII: How many members in -- in your
2 working staff there on any given evening, Mr. Ryan --

3 MR. RYAN: I would say --

4 CHAIR FUJII: -- that --

5 MR. RYAN: Six.

6 CHAIR FUJII: Service.

7 MR. RYAN: Maybe that night was six or seven.

8 CHAIR FUJII: On the floor?

9 MR. RYAN: Yeah.

10 CHAIR FUJII: Yeah. So, again, the question I
11 think brought up earlier was that they -- the ID is the --
12 especially if someone -- most of the, I guess, the people
13 that are at the community college are the ones that are
14 recruited to do the minor stings. So we're not -- these
15 are not, you know, tweeners, I guess, between being a teen
16 and an adult. So, again, it is a practice that not only
17 ask the questions, but you gotta see the ID. Of course,
18 the -- the people that are part of the sting must answer
19 the question about are you over 18, but. Again, for the
20 general public that's, you know, we --

21 MR. RYAN: Yeah.

22 CHAIR FUJII: -- still would encourage everybody
23 to ask -- I mean that your workers to ask for the ID.

24 MR. RYAN: We do have the bouncers. If they
25 find underage ID -- there's a lot of that around now. And

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1 if they get one, I -- I give 'em extra money. I give 'em
2 an extra \$25. And that -- that's -- you know, they're
3 there studying that ID. And if they do get one, they just
4 keep the ID.

5 CHAIR FUJII: Yeah. I think a whole publication
6 you can get from the Department of IDs that are, you
7 know --

8 MR. RYAN: Oh, we've got the books, yeah.

9 CHAIR FUJII: From that --

10 MR. KUSHI: The bouncers don't serve liquor.

11 MR. RYAN: No. They do have a liquor card,
12 though. We -- we were -- everybody in the -- the -- the
13 cook's the only one that doesn't have a liquor card.

14 CHAIR FUJII: Yeah. The ones on the floor
15 should be aware of --

16 MR. RYAN: The dishwasher, yeah.

17 CHAIR FUJII: Okay. Any other questions?

18 MEMBER HELM: Yeah. So you weren't there during
19 this incident?

20 MR. RYAN: I got there just after.

21 MEMBER HELM: Okay. So who -- was this gal that
22 served, was she the supervisor or --

23 MR. RYAN: Yes. Normally, she's the lead
24 bartender, yeah. She would have been running that night.

25 MEMBER HELM: So you said that you let her go?

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1 MR. RYAN: Yes.

2 MEMBER HELM: How long was she working for you?

3 MR. RYAN: Oh, she was with me -- she was with
4 Beach Bums, she was manager down there, and she was with
5 me for about year and-a-half.

6 MEMBER HELM: Thank you.

7 MR. RYAN: Sorry. Both locations.

8 MEMBER WILLIAMS: Yeah.

9 CHAIR FUJII: So you are licensed at two
10 locations, Mr. Ryan?

11 MR. RYAN: Yes.

12 CHAIR FUJII: Okay. No -- any -- any questions
13 -- any questions, further questions by the Members of the
14 Board? If not, Mr. Hanano, what would be the Director's
15 argument as to penalty?

16 MR. HANANO: Thank you, Chair. Original license
17 for this licensee was issued back in June of 2006. There
18 are prior convictions. On July 18th, 2013, licensee was
19 convicted for the same offense as in Count 1. So,
20 therefore, based on that, we're recommending, in Count 1,
21 a \$2,000 fine with no portion of the fine suspended due to
22 the prior conviction within five years, and, on Count 2, a
23 \$500 fine.

24 CHAIR FUJII: Thank you, Mr. Hanano. The Board
25 will take all matters presented here into consideration.

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1 At this time I would like the Board to make a motion to go
2 into deliberation.

3 MEMBER HELM: So moved.

4 MEMBER WILLIAMS: Second.

5 CHAIR FUJII: Moved and seconded by Zach and
6 Jason. Any discussion? If not, all in favor of the
7 motion say "aye."

8 (Response.)

9 CHAIR FUJII: Motion carried. And we will be
10 deliberating, Mr. Ryan, and call all of you back later.
11 If you will leave. Okay.

12 MR. RYAN: All right.

13 (Deliberations, 9:23 a.m. to 9:38 a.m.)

14 CHAIR FUJII: The Board is back in open session.
15 Mr. Ryan, after deliberating on Counts 1 and 2, the Board
16 has assessed -- on Count 1, the Board has assessed a
17 penalty of \$2,000. For Count 2, the Board has assessed a
18 penalty of \$1,000. The Department will notify you when
19 payment is due.

20 MR. RYAN: Thank you.

21 CHAIR FUJII: Thank you for being here.

22 MR. RYAN: All right. Bye for now.

23 CHAIR FUJII: Bye. Not for now.

24 MR. RYAN: It's so nice to say. I don't want to
25 say I never want to see you again. All right. Thank you.

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1 CHAIR FUJII: Okay. Here we go. We'll now hear
2 Complaint and Accusation Number 2017-22 against Village
3 Tavern, LLC doing business as Taverna. Will the
4 Respondent or its representative please step forward and
5 state your name and in what capacity you represent the
6 Respondent.

7 MR. KAIWI: Good morning. Good morning, Chris
8 Kaiwi, the Managing Partner/Owner of Village Tavern LLC
9 dba Taverna restaurant.

10 CHAIR FUJII: Mr. Kaiwi, at this time you have
11 the option of having the charges publicly read, Counts 1
12 and 2, or you can waive the reading.

13 MR. KAIWI: I would like to waive --

14 CHAIR FUJII: Okay.

15 MR. KAIWI: -- reading, please.

16 CHAIR FUJII: Again, Mr. Kaiwi, for the record,
17 do you represent the Respondent involved?

18 MR. KAIWI: Yes.

19 CHAIR FUJII: Do you have legal counsel?

20 MR. KAIWI: No.

21 CHAIR FUJII: Do you understand the charges
22 against you?

23 MR. KAIWI: Yes.

24 CHAIR FUJII: What is your plea to Count 1?
25 What is your plea?

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1 MR. KAIWI: No contest.

2 CHAIR FUJII: And Count 2?

3 MR. HANANO: Count 2 is being dismissed, Chair.

4 CHAIR FUJII: Oh, that's right. I'm sorry.

5 MR. HANANO: Pursuant to plea agreement.

6 CHAIR FUJII: (Inaudible) didn't inform the
7 Board, also. Board Members, on Count 2, it has been
8 dismissed. Okay. It's all on your record, but we're
9 addressing just Count 1 this morning. Again, Mr. Kaiwi,
10 do you understand the violation the Department of Liquor
11 Control alleges against you?

12 MR. KAIWI: Yes.

13 CHAIR FUJII: Do you understand that you have
14 the right to plead not guilty?

15 MR. KAIWI: Yes.

16 CHAIR FUJII: We need to record it.

17 MR. KAIWI: Yes.

18 CHAIR FUJII: Okay. Thank you. Do you
19 understand that, by pleading no contest, you waive the
20 right to have a hearing in which you could present
21 evidence and question witnesses on your behalf?

22 MR. KAIWI: Yes.

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

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1 MR. KAIWI: It is voluntary, yes.

2 CHAIR FUJII: That you understand, on Count 1,
3 if the Board accepts your plea of no contest, you will be
4 found guilty, and that the Board may issue a reprimand or
5 assess and collect a penalty of up to \$2,000, or revoke
6 any license at any time, or suspend the right of the
7 licensee to use the licensee's license?

8 MR. KAIWI: Yes.

9 CHAIR FUJII: Do you still wish to plead no
10 contest?

11 MR. KAIWI: Yes.

12 CHAIR FUJII: The Board hereby finds that the
13 licensee has entered a knowing and voluntary plea of no
14 contest. The Board accepts your plea and finds you guilty
15 of Count 1 reflected in Complaint and Accusation Number
16 2017-23 [sic]. At this time we'll have the Department
17 present a summary of the case. Mr. Hanano.

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

19 This case involved a minor decoy operation which
20 took place on Sunday, January 15th, 2017. The Minor Decoy
21 Team was comprised of Chief Enforcement Officer Bill
22 Pacheco, Liquor Control Officers Marc Weisenfeld, Cullen
23 Kawano, and Maui Police Department Officers Ryan Saribay
24 and Jeremy Pallone-De La Torre as well as a minor decoy.

25 Prior to the actual decoy operation, the Minor

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1 Decoy Checklist was reviewed with the minor decoy,
2 informing him of the requirements and rules pertaining to
3 minor decoy operations. The rules required, among other
4 things, that the minor decoy carry his valid Hawaii State
5 driver's license on his person at all times, that he
6 answer any questions about his age truthfully, and that he
7 present his valid Hawaii State driver's license when asked
8 by any employee of the licensed premises to do so. The
9 minor decoy reviewed and signed the Minor Decoy Checklist,
10 indicating he understood what was read to him. The minor
11 decoy's Hawaii driver's license was printed in a vertical
12 format which clearly indicated that the minor decoy became
13 21 years of age on 10-2-2017. As part of the operation,
14 the minor decoy was provided with a \$20 bill to use as buy
15 money.

16 On January 15, 2017, at about 7:49 p.m., Officer
17 Saribay entered the premises of Taverna, located at 2000
18 Village Road, Kapalua, Maui, Hawaii. About a minute
19 later, the minor decoy entered the premises and sat at the
20 bar. After sitting at the bar counter, the minor decoy
21 was approached by the bartender, later identified as Daryl
22 Smith, who greeted the minor decoy and asked what the
23 minor decoy wanted to drink. At first, the minor decoy
24 ordered a Bud Light beer; however, Smith advised the minor
25 decoy that they did not serve a Bud Light beer, instead

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1 suggested a Maui Brewing Company Coconut Porter Ale. In
2 response, the minor decoy told Smith that that sounded
3 good and that he would have that. About five minutes
4 later, Smith returned with a can of Maui Brewing Company
5 Coconut Porter Ale, poured it into a glass in front of the
6 minor decoy then served it to the minor decoy. The minor
7 decoy then took hold of the glass of beer, at which time
8 Officer Saribay moved towards the minor decoy to secure
9 the glass of beer as evidence. The minor decoy
10 immediately exited the premises and returned to the
11 operations vehicle. Prior to serving the minor decoy the
12 beer, Smith never asked the minor decoy for his ID or his
13 age.

14 As part of the investigation, Bartender Daryl
15 Smith was interviewed, at which time he provided the
16 following statement: Stated that he had been working --
17 had been bartending for about 30 years, with 20 of those
18 years being on Maui. Smith stated that he also works at
19 the Ritz-Carlton Hotel and at Down the Hatch in Lahaina.
20 Stated that he had years of on-the-job training which --
21 years of on-the-job training when he began working for
22 Taverna back in March of 2016, and received training from
23 management. Specifically, he was instructed by Taverna to
24 ask for ID for anyone who appears younger than 21 years
25 old before serving them. With respect to serving the

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1 minor decoy, Smith admitted that he did not ask the minor
2 decoy for his age nor his identification because he
3 thought he knew the minor decoy and had mistaken the minor
4 decoy for the boyfriend of someone who works at Taverna.
5 Smith also confirmed that he did not request -- he did
6 suggest the Maui Brewing Company Coconut Porter Ale beer
7 to the minor decoy after informing the minor decoy that
8 Taverna did not serve Bud Light beer.

9 Also, as part of the investigation, the manager
10 on duty at the time, Aaron Kapunihana Wong was
11 interviewed, at which time he provided the following
12 statement, in pertinent part: Stated he was a manager on
13 duty and was able to produce his Employee Approved by the
14 Director card. Stated that he did not observe the service
15 of the liquor to the minor decoy. That Smith is one of
16 the best bartenders -- is one of their best bartenders and
17 that he was very surprised that he made such a mistake.
18 According to Wong, he believed that Smith was more
19 responsible than that and that -- and was aware that Smith
20 had years of experience as a bartender. Added that, part
21 of Smith's initial training by Taverna, in March of 2016,
22 included instruction pertaining to "know who and what you
23 are serving."

24 Nothing further, Chair. Thank you.

25 CHAIR FUJIII: Thank you, Mr. Hanano. Any

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1 questions by Members of the Board regarding the report as
2 submitted by the Prosecutor?

3 MEMBER WILLIAMS: And Count 2 was dropped
4 because of --

5 MR. HANANO: Pursuant to plea agreement.

6 MEMBER WILLIAMS: Okay.

7 CHAIR FUJII: Any other questions? If not,
8 Mr. Kaiwi, you now have an opportunity to make a statement
9 regarding this case. You may also inform the Board of any
10 mitigating circumstances which may or may not apply to
11 sentencing. Mr. Kaiwi.

12 MR. KAIWI: You know, it's very unfortunate.
13 I've been as a managing partner for about 25 years in the
14 resort up at three locations, this is the very first time
15 I'm ever sitting in front of the Board with this case.
16 Prior to that, I've been with Charthouse restaurants for
17 10 years, and have really gone through the training with
18 that company to continue to train my three restaurants
19 that I have been a partner at about how we need to
20 maintain proper identification and uphold the liquor laws.
21 Been on Maui for a long time, obviously.

22 Yeah, Daryl Smith's been a professional
23 bartender. He's very, very, very apologetic. He's
24 written a letter the next day, I think, stating what
25 Mr. Hanano has read. And put it on paper just to, you

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1 know, verify why he thought that gentleman was a -- a
2 boyfriend of a newly hired employee.

3 The fact remains that he did serve a underage
4 minor, but you know my first time ever sitting in front of
5 the Board for a violation, I'm very embarrassed. I take
6 pride in the way I run my restaurant, obviously, over
7 25-plus years on Maui. And it is -- it is what it is, as
8 they say. But I -- we go through pre-service meeting, we
9 go through extensive training, they read the book, the
10 Maui County liquor book that's provided to the
11 establishment. Everyone has their liquor card. Everyone
12 has to -- if anyone looks under 30 years old, that's our
13 standard, that they have to ask for ID, not ask them if
14 they're 21. The ID will -- will justify or verify that.
15 So that's my procedures at all my restaurants.

16 Yeah, very disappointed that I'm sitting in
17 front of the Board for this violation, but I certainly
18 understand the -- the -- you know, the charges. So I'm
19 very sorry.

20 CHAIR FUJII: Okay. So you will be open to
21 questions by Members of the Board?

22 MR. KAIWI: Yes. Absolutely.

23 CHAIR FUJII: Yeah, Mr. Kaiwi, I've known you
24 been on Maui, especially in the Kapalua area --

25 MR. KAIWI: Yeah.

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1 CHAIR FUJII: -- for years and years, about
2 three or four restaurants up there. And, again -- but
3 these things do happen. And that's why we're all here
4 today.

5 MR. KAIWI: I understand.

6 MEMBER UEOKA: Would you elaborate on the
7 frequency and nature of the training you provide on a
8 regular basis?

9 MR. KAIWI: Every new employee that is a server,
10 bartender or somebody that's gonna be serving goes through
11 extensive training of not only the liquor book, going
12 through the classes, and then every -- 30 to 45 minutes
13 pre-service to every night, we go over, you know, issues
14 pertaining to, you know, anything that regards liquor
15 and -- and, you know, obviously food. So I believe that
16 we do a very extensive training for all of our staff that
17 serves liquor. So I hope I answered your question. I
18 don't know.

19 MEMBER UEOKA: So you don't have a formal kind
20 of training, then? It's a meeting before service every
21 day?

22 MR. KAIWI: They go through -- they get their
23 liquor card, so it's --

24 MEMBER UEOKA: Yeah.

25 MR. KAIWI: They go through the training.

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1 MEMBER UEOKA: Uh-huh.

2 MR. KAIWI: We have the liquor book, we go
3 through the liquor book. There is, you know, very detail,
4 how do you identify a ID.

5 MEMBER UEOKA: Uh-huh.

6 MR. KAIWI: It's -- you know, the information
7 provided is very thorough. So, you know, every ID is
8 different from every state.

9 MEMBER UEOKA: Uh-huh.

10 MR. KAIWI: And especially because I've been
11 operating in the resort for over 25 years, there's so many
12 families that, you know, oh, yeah, you know, they're --
13 you know, so I -- I do not accept that from my staff.

14 MEMBER UEOKA: Uh-huh.

15 MR. KAIWI: So they understand the severity of
16 their job at risk and as well now, in this particular
17 situation, my -- my risk, my personal risk at this point.

18 MEMBER UEOKA: Uh-huh.

19 MR. KAIWI: And prior to that, you know,
20 protecting my partner's risk in the two previous
21 locations.

22 MEMBER UEOKA: Was there a consequence for this
23 employee?

24 MR. KAIWI: The consequence was -- with Daryl, I
25 sat down with him for a two-hour meeting the day after.

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1 Daryl has -- he's -- he's the consummate pro and great
2 employee. He -- he -- I don't want to say broke down, but
3 he was very, very apologetic and would have done -- I
4 said, "Daryl, I'm responsible for you."

5 MEMBER UEOKA: Uh-huh.

6 MR. KAIWI: I will always support my staff. I
7 will have to face the Board. And -- and, hopefully,
8 they'll, you know -- you know, see how upstanding, in my
9 opinion, as an operator of a restaurant, as a partner, as
10 an owner now, that it's important to, you know, uphold the
11 Maui County liquor law. So at that point, did I reprimand
12 him, no, but I did have a good two-hour meeting with him.
13 And last night, we were working and he -- you know, do you
14 want me to come with you, I'm sorry, you know. I said,
15 Daryl, listen, let's just do your job, do it right and you
16 you're fine.

17 MEMBER UEOKA: Uh-huh.

18 MR. KAIWI: So I protect -- not I protect --
19 yeah, protect my employees, I support my employees,
20 because they understand the -- what I'm expecting of them.

21 MEMBER UEOKA: Uh-huh. Thank you.

22 CHAIR FUJII: Any further questions by Members
23 of the Board? If not, Mr. Hanano, the Board's ready for
24 your argument as to penalty.

25 MR. HANANO: Yes. Thank you, Chair. Original

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1 license for this licensee was issued back in March of
2 2016. There are no prior convictions. In light of that,
3 we're recommending a -- in Count 1, a \$2,000 fine with
4 \$1,000 suspended on the condition that there's no further
5 convictions for the same offense within a one-year period.

6 CHAIR FUJII: Thank you, Mr. Hanano. Again, we
7 will dismiss Count 2, and the penalty is for Count 1 only?
8 Yeah?

9 MR. HANANO: That's correct, Chair.

10 CHAIR FUJII: The Board will take the matters
11 that have been presented this morning into consideration.
12 We'll be going into deliberations. So could I have a
13 motion to go into deliberations?

14 MEMBER UEOKA: So moved.

15 VICE-CHAIR PAGAN: Second.

16 CHAIR FUJII: Okay. Motion was carried. All in
17 favor?

18 (Response.)

19 CHAIR FUJII: Motion was carried. We will call
20 you all back in a few minutes.

21 (Deliberations, 9:54 a.m. to 10:03 a.m.)

22 CHAIR FUJII: The Board is back in open session.
23 Mr. Kaiwi, after deliberations among the Members of the
24 Board, the Board will proceed -- accept the Prosecutor's
25 recommendation. The penalty for Count 1 will be \$2,000

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1 fine of which \$1,000 will be suspended provided there is
2 no reoccurrence of the same violation for a period of one
3 year. Okay. So thank you for being here. The Department
4 will notify you when payment is due.

5 MR. KAIWI: All right. Thank you very much.
6 Have a nice day.

7 CHAIR FUJII: Got one more, guys, huh? We will
8 now hear Complaint and Accusation Number 2017-23 against
9 Gala Inc. doing business as South Shore Tiki Lounge. And
10 I do see the Respondent at the table there. Will you
11 please state your name and what your position is with
12 the -- as the Respondent.

13 MS. TASSI: Alma Tassi, I'm the president of
14 Gala Inc.

15 CHAIR FUJII: How do you spell your last name?

16 MS. TASSI: Tassi. T-A-S-S-I.

17 CHAIR FUJII: T-A -- oh, Tassi -- S-S-I. So,
18 Ms. Tassi, at this time you can have the charges, Counts 1
19 and 2, publicly read or you could waive the reading.

20 MS. TASSI: I'll waive reading.

21 CHAIR FUJII: Okay. For the record, do you
22 represent the Respondent involved?

23 MS. TASSI: Yes.

24 CHAIR FUJII: Do you have legal counsel?

25 MS. TASSI: No.

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1 CHAIR FUJII: Do you understand that you have
2 the right to have legal counsel present?

3 MS. TASSI: Yes.

4 CHAIR FUJII: Do you understand the charges
5 alleges against you?

6 MS. TASSI: Yes.

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

8 MS. TASSI: No contest.

9 CHAIR FUJII: Count 2?

10 MS. TASSI: No contest.

11 CHAIR FUJII: Do you understand the violations
12 the Department of Liquor Control alleges against you?

13 MS. TASSI: Yes.

14 CHAIR FUJII: Do you have -- understand that you
15 have the right to plead not guilty?

16 MS. TASSI: Yes.

17 CHAIR FUJII: Do you understand, by pleading no
18 contest, you waive the right to have a hearing in which
19 you could present evidence and question witnesses on your
20 behalf?

21 MS. TASSI: Yes.

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

25 MS. TASSI: Yes.

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1 CHAIR FUJII: Do you understand that, if, on
2 each Count, 1 and 2, if the Board accepts your plea of no
3 contest, you will be found guilty, and that the Board may
4 issue a reprimand, or assess and collect a penalty of up
5 to \$2,000 on each count, or revoke any license at any
6 time, or suspend the licensee to use the licensee's
7 license?

8 MS. TASSI: Yes.

9 CHAIR FUJII: Do you still wish to plead no
10 contest?

11 MS. TASSI: Yes.

12 CHAIR FUJII: The Board hereby finds that the
13 licensee has entered a knowing and voluntary plea of no
14 contest on Counts 1 and 2. The Board accepts your plea
15 and finds you guilty of Counts 1 and 2 reflected in
16 Complaint and Accusation Number 2017-23. At this time,
17 Mr. Hanano, will you present the summary of the case?

18 MR. HANANO: Yes. Thank you, Chair. This case
19 involved a minor decoy operation which took place on
20 Sunday, January 22, 2017. The Minor Decoy Team was
21 comprised of Chief Enforcement Supervisor Bill Pacheco,
22 Liquor Control Officers Marc Weisenfeld, Robert Shiigi,
23 Maui Police Department Officers, Officer Frank Abreu and
24 Sergeant Derek Kaaukai, and a minor decoy.

25 Prior to the actual operation, the Minor Decoy

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

16 On January 22nd, 2017, at about 7:23 p.m.,
17 Officer Abreu entered the premises of Tiki's South Shore
18 Lounge [sic] located at 1913-J South Kihei Road, Kihei,
19 Maui, Hawaii. About two minutes later, the minor decoy
20 entered the premises. Once inside, the minor decoy took
21 up a seat at the bar where she was later approached by the
22 bartender, later identified as Arbie Hamayelian. At
23 first, Hamayelian offered the minor decoy a menu and asked
24 if she wanted anything to drink. In response, the minor
25 decoy ordered a Bud Light beer, but was told by Hamayelian

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1 that they do not serve that brand, so, instead, the minor
2 decoy ordered a Coors Light beer. At that time,
3 Hamayelian then asked to see the minor decoy's
4 identification, at which time the minor decoy presented
5 her current Hawaii driver's license to him. Hamayelian
6 then looked at the minor decoy's driver's license, then
7 returned it to her. Shortly thereafter, Hamayelian served
8 the minor decoy the Coors Light beer. Following that,
9 Officer Abreu approached the minor decoy and instructed
10 her to return to the operations vehicle.

11 As part of the investigation, Arbie Hamayelian
12 was interviewed, at which time he provided the following
13 statement, in pertinent part: Stated that he was -- he
14 has worked for Tiki's South Shore Lounge [sic] for about
15 12 years and had been bartending for about 20 years. He
16 previously worked at the Ale House in Kahului. Said that
17 most of his training had been on the job. Stated that his
18 shift started at 6:00 p.m. that night because they were
19 short-staffed. Stated that he never received any formal
20 training for his job as a bartender while at Tiki's South
21 Shore Lounge [sic]. Indicated that he usually only asked
22 for ID from patrons after 10:00 p.m., but did ask to see
23 the minor decoy's ID because she appeared young. Stated
24 that he mistakenly thought the year of birth on the minor
25 decoy's ID indicated 1988, and he never asked the minor

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1 decoy for her age. He did admit that he served the minor
2 decoy a glass of Coors Light beer.

3 Nothing further, Chair. Thank you.

4 CHAIR FUJII: Thank you, Mr. Hanano. Any
5 questions by the presentation by Mr. Hanano from Members
6 of the Board?

7 MEMBER WILLIAMS: Just one question. Was the ID
8 vertical or --

9 MR. HANANO: Yes, it was vertical.

10 MEMBER WILLIAMS: Okay. So the date would be on
11 that. Okay.

12 MR. HANANO: Yeah.

13 MEMBER WILLIAMS: Okay.

14 CHAIR FUJII: Any further questions? If not,
15 Ms. Tassi, you now have the opportunity to make a
16 statement regarding this case. You may also inform the
17 Board of any mitigating circumstances which may or may not
18 apply to sentencing. So this is your opportunity.

19 MS. TASSI: As the owner, I want to take
20 responsibility for Arbie -- his name is Bart -- Bart's
21 mistake. He's worked for me for over six years. He's
22 been a quality bartender. I consider him a family friend.
23 I've found his testimony to be surprising because I've
24 actually seen him ID regularly. We emphasize almost IDing
25 too much to the point where we'll turn a bride away at the

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1 door for not having ID with her whole party. We're really
2 strict and we have it that way so that there's no slippery
3 slope. So it's automatic that people ask for ID. But he,
4 obviously, made a mistake. And we have zero tolerance, he
5 was fired immediately after the incident. That following
6 Monday, we brought in the entire staff, including our head
7 of security, to not only go over the rules, but he
8 actually gave them a lesson on how to read the ID, not
9 just ask for it. So I just wanted to emphasize we --
10 we -- this is our first time this has ever happened.
11 We -- we're really strict. We don't -- we're not
12 laissez-faire, like, oh, check it if you think so. You
13 know, to us, it's a minute to ask. And most people
14 understand. Usually, it's the tourists that kind of get a
15 little eggy about it, but, you know, most locals know how
16 strict Maui is. So we err on the side of -- of over-IDing
17 rather than kind of thinking oh, maybe, maybe not. You
18 know, we say, "Just ask."

19 And in addition to our meeting with the staff,
20 we secured a secret shopper company to come regularly.
21 And they, actually, eat and drink at the bar and we get
22 reports on whether they ID'd, whether -- besides good
23 service and quality of food, which we also aim for, that's
24 also a question. Those are the steps we're taking to,
25 hopefully, never be here again.

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1 CHAIR FUJII: Okay. You're done? Okay.

2 MS. TASSI: Sure.

3 CHAIR FUJII: Questions by Members of the Board?
4 I have a couple, maybe. Anyone? How many servers in the
5 restaurant that do serve alcohol?

6 MS. TASSI: The most people we have on staff are
7 two bartenders and two servers.

8 CHAIR FUJII: Four, then?

9 MS. TASSI: Yes.

10 CHAIR FUJII: And in this case here, Arbie was
11 dismissed following this incident?

12 MS. TASSI: And he never worked. I mean,
13 that -- honestly, that was a hard thing to do because
14 he -- I mean, he's been at my kids' birthday parties, but
15 he understood. And we -- we want our staff to know that
16 we have zero tolerance for mistakes like that.

17 CHAIR FUJII: What's the room capacity there,
18 roughly?

19 MS. TASSI: 24 inside and 83 outside.

20 CHAIR FUJII: Okay. Thank you. Anybody else,
21 any questions regarding the report as well as Ms. Tassi's
22 presentation?

23 MEMBER HELM: Yeah, I do. Like you say you have
24 a training. What kind of training do you go over your
25 staff and then how often did you say you do train?

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1 MS. TASSI: Well, we -- we have quarterly
2 meetings with the entire staff. And, of, course the Rules
3 of the Liquor Commission are key. We discuss those. But
4 after this incident, we -- we brought in our head of
5 security so that he can actually give them -- you know,
6 here's the book, here -- international things, here's how
7 to handle different situations, so we could specifically
8 go over actually not only IDing, but how do you -- how do
9 you read an ID, how do you check. You know, we got
10 blacklights for them so they could see the flowers. Just
11 taking that extra step. Like, obviously, it's not enough
12 to encourage them to always ask, we wanted to supplement
13 it with like, okay, when you look at the ID, here's what
14 you look for.

15 MEMBER HELM: So what is your security in charge
16 of?

17 MS. TASSI: Our head of security or -- they
18 check -- they check IDs at the door after 9:00 p.m. But
19 we also emphasize to our staff that they're the first line
20 of, you know, checking. And then they -- the staff is
21 still encouraged to ID, like even when we have security.

22 MEMBER HELM: Thank you.

23 CHAIR FUJII: Any further questions for the
24 licensee? If not, Mr. Hanano, could we have the
25 Director's argument as to penalty?

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1 MR. HANANO: Yes. Thank you, Chair. Original
2 license for this licensee was issued back in January of
3 2012. There is a prior conviction, but not for service to
4 a minor. So based on that, in Count 1, we're recommending
5 a \$2,000 fine with \$1,000 suspended on the condition that
6 there's no further convictions for the same offense within
7 a one-year period. In Count 2, we are recommending a \$500
8 fine. Thank you, Chair.

9 CHAIR FUJII: Thank you, Mr. Hanano. The Board
10 will take all matters as presented today into
11 consideration. At this time I would like the Board to
12 entertain a motion to go into deliberation.

13 MEMBER ARIAGA: Motion.

14 MEMBER DE MELLO: Second.

15 CHAIR FUJII: Moved and seconded that we do go
16 into deliberation. All in favor of the motion say "aye."

17 (Response.)

18 CHAIR FUJII: Any opposed?

19 (No response.)

20 CHAIR FUJII: Motion carried. We will be
21 deliberating and call you later.

22 (Deliberations, 10:16 a.m. to 10:23 a.m.)

23 CHAIR FUJII: The Board is back in open session.
24 Ms. Tassi, after deliberating regarding Counts 1 and 2,
25 the Board has gone along with the Prosecutor's

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1 recommendation that the licensee be fined \$2,000 for Count
2 1, of which we'll -- the Board will suspend \$1,000
3 provided there is no reoccurrence of the same violation
4 for a period of one year. On Count 2, the Board has
5 decided to be a little different on the -- from the
6 recommendation, the Board will extend the penalty of \$500
7 of which they will suspend the \$500 provided there is no
8 reoccurrence of the same violation.

9 MS. TASSI: Thank you.

10 CHAIR FUJII: Okay. And -- yeah, thank you for
11 being here.

12 MS. TASSI: Thanks so much. Sorry for your
13 time.

14 CHAIR FUJII: Mr. Director, anything?

15 DIRECTOR MUKAI: Yeah. Just one announcement.
16 I don't believe Mr. Williams was here when we made the
17 announcement, that state conference is on October 22nd to
18 the 25th in Kona.

19 MEMBER WILLIAMS: Okay.

20 DIRECTOR MUKAI: So please block off that date.
21 Normally, you fly the day before. We'll pay your airfare,
22 your hotel room and everything else.

23 MEMBER ARIAGA: Kona.

24 DIRECTOR MUKAI: Kona.

25 CHAIR FUJII: Okay. All Board Members are

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1 invited. And, again, if you can't make it, again let
2 Sharon or staff know. No further business, then will
3 someone make a motion to adjourn?

4 MEMBER ARIAGA: Motion.

5 MEMBER WILLIAMS: Second.

6 CHAIR FUJII: And we are adjourned. (Gavel.)

7 (Meeting adjourned, 10:25 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 28th day of June, 2017.

Tonya McDade
Certified Shorthand Reporter #447
Registered Professional Reporter
Certified Realtime Reporter
Certified Broadcast Reporter