

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

DATE & TIME: MARCH 1, 2018, 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. 2018-07 PLEA: NO CONTEST

In the matter of the accusation against MAUI'S FRESH TAMALES AND MEXICAN RESTAURANT, INC. dba THE DOG & DUCK IRISH PUB, Dispenser General License No. 159, 1913-N South Kihei Road, Kihei, Maui, Hawaii.

Count 1. On May 26, 2017 at approximately 11:55 p.m., MAUI'S FRESH TAMALES AND MEXICAN RESTAURANT, INC. dba THE DOG & DUCK IRISH PUB, a dispenser general licensee, did, through its employee(s), sell, serve, or furnish liquor to, or allow the consumption of liquor by a female patron, who was at the time under the influence of liquor, drugs or any combination thereof, 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)(1)(B) of the Rules of the Liquor Commission, County of Maui.

Count 2. On May 26, 2017 at approximately 11:55 p.m., MAUI'S FRESH TAMALES AND MEXICAN RESTAURANT, INC. dba THE DOG & DUCK IRISH PUB, a dispenser general licensee, did, through its employee(s), knowingly permit a female patron, who was at the time under the influence of liquor, drugs or any combination thereof, 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 08-101-60(b)(5) of the Rules of the Liquor Commission, County of Maui.

Count 3. On May 26, 2017 at approximately 11:55 p.m., MAUI'S FRESH TAMALES AND MEXICAN RESTAURANT, INC. dba THE DOG & DUCK IRISH PUB, 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 female patron was under the influence of liquor, drugs or any combination thereof, as defined in 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 May 26, 2017 at approximately 11:55 p.m., MAUI'S FRESH TAMALES AND MEXICAN RESTAURANT, INC. dba THE DOG & DUCK IRISH PUB, a dispenser general licensee, did, through its employee(s), knowingly permit a male patron, who was at the time under the influence of liquor, drugs or any combination thereof, 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 08-101-60(b)(5) of the Rules of the Liquor Commission, County of Maui.
- Count 5. On May 26, 2017 at approximately 11:55 p.m., MAUI'S FRESH TAMALES AND MEXICAN RESTAURANT, INC. dba THE DOG & DUCK IRISH PUB, 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 male patron was under the influence of liquor, drugs or any combination thereof, as defined in 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 6. On May 26, 2017 at approximately 11:42 p.m., MAUI'S FRESH TAMALES AND MEXICAN RESTAURANT, INC. dba THE DOG & DUCK IRISH PUB, a dispenser general licensee, did, through its employee(s), fail to ensure at all times that entrances to restrooms, aisles, or walkways within the premises are cleared of any congestion or blockage which would prevent any person from moving freely within any aisle or walkway, or entry to or exit from the premises, contrary to Section 08-101-90(b) of the Rules of the Liquor Commission, County of Maui.

- Count 7. On May 26, 2017 at approximately 11:22 p.m., MAUI'S FRESH TAMALES AND MEXICAN RESTAURANT, INC. dba THE DOG & DUCK IRISH PUB, a dispenser general licensee, did, through its employee(s), permit liquor to be consumed by patrons within the area for dancing, music, contrary to Section 08-101-99(a)(7) of the Rules of the Liquor Commission, County of Maui.
- Count 8. On May 26, 2017 at approximately 11:28 p.m., MAUI'S FRESH TAMALES AND MEXICAN RESTAURANT, INC. dba THE DOG & DUCK IRISH PUB, a dispenser general licensee, did, through its employee(s), allow dancing or entertainment in areas not designated or approved by the Director, contrary to Section 08-101-23(a) of the Rules of the Liquor Commission, County of Maui.
- Count 9. On May 26, 2017 at approximately 11:28 p.m., MAUI'S FRESH TAMALES AND MEXICAN RESTAURANT, INC. dba THE DOG & DUCK IRISH PUB, a dispenser general licensee, did, fail to comply with the condition that the approved area for dancing shall have, when utilized, a minimum area of one hundred square feet, be a non-consumption area, and shall be clearly designated for dancing, contrary to Section 08-101-23(b) of the Rules of the Liquor Commission, County of Maui.
- Count 10. On May 26, 2017 at approximately 11:28 p.m., MAUI'S FRESH TAMALES AND MEXICAN RESTAURANT, INC. dba THE DOG & DUCK IRISH PUB, 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, to wit, by permitting smoking on the licensee's premises in violation of H.R.S. Section 328J-3(4), which is contrary to Section 08-101-40(a) of the Rules of the Liquor Commission, County of Maui.

II. ADMINISTRATIVE AFFAIRS:

- A. Resolution Honoring Donald Fujii
- B. Resolution Honoring Wayne Pagan

C. Election of Liquor Control Adjudication Board Chairperson and Vice Chairperson for the period April 2018 through March 2019

III. ADJOURNMENT

NEXT LIQUOR CONTROL ADJUDICATION BOARD MEETING WILL BE HELD ON APRIL 5, 2018, 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.

If you require an auxiliary aid or accommodation due to a disability, please contact the Director three working days prior to the scheduled hearing. The request may be made by writing to the Director at: Department of Liquor Control, 2145 Kaohu Street, Room 105, Wailuku, Maui, Hawaii 96793, or by calling 243-7753.