

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

DATE & TIME: APRIL 5, 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 2018-06, PLEA: NO CONTEST

In the matter of the accusation against HAOLEPINOS OF MAUI, INC. dba 7 POOLS LOUNGE, Dispenser General License No. 106, 331 Hookahi Street, Wailuku, Maui, Hawaii.

- Count 1. On June 7, 2017 at approximately 3:49 p.m., HAOLEPINOS OF MAUI, INC. dba 7 POOLS LOUNGE, a dispenser general licensee, did modify its licensed premises to other than what was submitted to and approved by the liquor commission at the time of the application, contrary to Section 08-101-98(a) of the Rules of the Liquor Commission, County of Maui.

- Count 2. On August 12, 2017 at approximately 10:54 p.m., HAOLEPINOS OF MAUI, INC. dba 7 POOLS LOUNGE, a dispenser general licensee, did fail to obtain a permit for the installation of two video game devices, contrary to Section 08-101-27(a)(4) of the Rules of the Liquor Commission, County of Maui.

- Count 3. On August 12, 2017 at approximately 10:54 p.m., HAOLEPINOS OF MAUI, INC. dba 7 POOLS LOUNGE, a dispenser general licensee, did modify its licensed premises to other than what was submitted to and approved by the liquor commission at the time of the application, contrary to Section 08-101-98(a) of the Rules of the Liquor Commission, County of Maui.

B. COMPLAINT AND ACCUSATION NO. 2018-08, PLEA: NO CONTEST

In the matter of the accusation against WESTERN HOST, INC. dba THE WESTIN MAUI RESORT & SPA, Hotel License No. 236, 2365 Kaanapali Parkway, Kaanapali, Maui, Hawaii.

- Count 1. On June 5, 2017 between the approximate times of 4:15 p.m. and 4:53 p.m., WESTERN HOST, INC. dba THE WESTIN MAUI RESORT & SPA, a hotel licensee, did, through its employee(s), sell, serve, or furnish liquor to, or allow the consumption of liquor by a patron, who was at the time under the influence of liquor, 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 June 5, 2017 between the approximate times of 4:15 p.m. and 4:53 p.m., WESTERN HOST, INC. dba THE WESTIN MAUI RESORT & SPA, a hotel licensee, did, through its employee(s), knowingly permit a 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 June 5, 2017 between the approximate times of 6:06 p.m. and 4:53 p.m., WESTERN HOST, INC. dba THE WESTIN MAUI RESORT & SPA, a hotel licensee, did, through its employee(s), fail to exercise due care, as defined in Section 08-101-5 of the Rules of the Liquor Commission, in determining whether a patron was under the influence of liquor, 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 June 29, 2017 at approximately 6:06 p.m., WESTERN HOST, INC. dba THE WESTIN MAUI RESORT & SPA, a hotel licensee, did, through its employee(s), failed to provide

any information, documents, books or records requested by the commission, board, or the department contrary to Section 08-101-60(b)(14) of the Rules of the Liquor Commission, County of Maui.

- Count 5. On June 29, 2017 at approximately 6:06 p.m., WESTERN HOST, INC. dba THE WESTIN MAUI RESORT & SPA, a hotel licensee, did, through its employee(s), refused to deliver or accede to the taking of any evidence, or tamper with any evidence, requested or taken by the commission or investigator thereof, who has reason to believe or suspect on complaint or otherwise, or in any of its investigation that the conditions of any license are being violated, contrary to Section 08-101-65 of the Rules of the Liquor Commission, County of Maui.
- Count 6. On June 29, 2017 at approximately 6:06 p.m., WESTERN HOST, INC. dba THE WESTIN MAUI RESORT & SPA, a hotel licensee, did, through its employee(s), allow the obstruction, hampering or interfering with investigation and inspections or any of the department's operation in any way, including but not limited to, the sounding of alarms, flashing of lights, or use of a public address system or other advance warning announcing the arrival or presence of the department's liquor control officers, contrary to Section 08-101-65.1 of the Rules of the Liquor Commission, County of Maui.
- Count 7. On June 29, 2017 at approximately 6:06 p.m., WESTERN HOST, INC. dba THE WESTIN MAUI RESORT & SPA, a hotel licensee, did, through its employee(s), fail to have all managers, assistant managers, supervisory personnel, or any other person, who performs any type of managerial or supervisory functions in conjunction with the operations, maintenance, supervision or management of the licensed premises, directly or indirectly, meet the minimum requirements set forth by the commission to be an "employee approved by the director", contrary to Section 08-101-70(g) of the Rules of the Liquor Commission, County of Maui.

C. COMPLAINT AND ACCUSATION NO. 2018-10, PLEA: NO CONTEST

In the matter of the accusation against KAYA, INC. dba MIMI'S LOUNGE, Dispenser General License No. 013, 1063 Lower Main Street, C-103, C-104, Wailuku, Maui, Hawaii.

- Count 1. That during or about the period of September 20, 2017, through October 14, 2017, inclusive, in the County of Maui, State of Hawaii, KAYA, INC. dba MIMI'S LOUNGE, a dispenser general licensee, did fail to obtain a permit for the installation of a video game device, in violation of Section 08-101-27(a)(4) of the Rules of the Liquor Commission, County of Maui.

D. COMPLAINT AND ACCUSATION NO. 2018-11, PLEA: NO CONTEST

In the matter of the accusation against J'OUVERT, INC. dba POLLI'S MEXICAN RESTAURANT & CANTINA, Dispenser General License No. 110, 1202 Makawao Avenue, Makawao, Maui, Hawaii.

- Count 1. On February 1, 2018, J'OUVERT, INC. dba POLLI'S MEXICAN RESTAURANT & CANTINA, a dispenser licensee, did, through its employee(s), sell, serve, or furnish liquor to a minor, as defined in Section 281-1 of the Hawaii Revised Statutes and Section 08-101-5 of the Rules of the Liquor Commission, contrary to Section 281-78(b)(1)(A) of the Hawaii Revised Statutes and Section 08-101-60(b)(1)(A) of the Rules of the Liquor Commission, County of Maui.

- Count 2. On February 1, 2018, J'OUVERT, INC. dba POLLI'S MEXICAN RESTAURANT & CANTINA, a dispenser licensee, did, through its employee(s), fail to properly check the identification of a minor, as defined in Section 281-1 of the Hawaii Revised Statutes and Section 08-101-5 of the Rules of the Liquor Commission, contrary to Section 08-101-61(c) of the Rules of the Liquor Commission, County of Maui.

E. COMPLAINT AND ACCUSATION NO. 2018-12, PLEA: NO CONTEST

In the matter of the accusation against JB,S KITCHEN AND LOUNGE, LLC dba JB,S KITCHEN AND LOUNGE, Dispenser General License No. 360, 752-C Lower Main Street, Wailuku, Maui, Hawaii.

- Count 1. On February 1, 2018, JB,S KITCHEN AND LOUNGE, LLC dba JB,S KITCHEN AND LOUNGE, a dispenser licensee, did, through its employee(s), sell, serve, or furnish liquor to a minor, as defined in Section 281-1 of the Hawaii Revised Statutes and Section 08-101-5 of the Rules of the Liquor Commission, contrary to Section 281-78(b)(1)(A) of the Hawaii Revised Statutes and Section 08-101-60(b)(1)(A) of the Rules of the Liquor Commission, County of Maui.
- Count 2. On February 1, 2018, JB,S KITCHEN AND LOUNGE, LLC dba JB,S KITCHEN AND LOUNGE, a dispenser licensee, did, through its employee(s), fail to properly check the identification of a minor, as defined in Section 281-1 of the Hawaii Revised Statutes and Section 08-101-5 of the Rules of the Liquor Commission, contrary to Section 08-101-61(c) of the Rules of the Liquor Commission, County of Maui.

II. ADJOURNMENT

NEXT LIQUOR CONTROL ADJUDICATION BOARD MEETING WILL BE HELD ON MAY 3, 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.