

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 9:05 a.m., on Thursday, March 1, 2018.

Reported by: Tonya McDade, CSR, RPR, CRR, CRC  
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1 BOARD MEMBERS PRESENT:

2 Donald Fujii, Chairperson

3 Lahela Aiwohi, Member

4 Candace Ariaga, Member

5 Zachary Helm, Member

6 Gwen Ueoka, Member (In, 9:21 a.m.)

7 Bruce U`u, Member

8 STAFF PRESENT:

9 Edward Kushi, Jr., First Deputy Corporation Counsel

10 Peter Hanano, Deputy Prosecuting Attorney

11 Glenn Mukai, Director

12 Georgette Tyau, Deputy Director

13 Bill Pacheco, Liquor Control Officer IV

14 Karilee Yoshizawa, Liquor Control Officer IV

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1 (Thursday, March 1, 2018, 9:05 a.m.)

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3 CHAIR FUJII: Good morning. The meeting of the  
4 Liquor Control Adjudication Board is now called to order  
5 pursuant to Section 281-91 of the Hawaii Revised Statutes  
6 and Section 8-13.3 of the Charter of the County of Maui to  
7 consider the matters and issues as posted on today's  
8 agenda. At this time we would like to have the Board  
9 Members and staff to introduce themselves. We'll start  
10 with Bruce.

11 MEMBER U`U: Aloha. Bruce U`u, Paia.

12 MEMBER AIWOHI: Good morning. Lahela Aiwohi,  
13 Kula.

14 MR. MURAI: Deputy Corporation Counsel, Gary  
15 Murai.

16 CHAIR FUJII: Chair, Donald Fujii from Wailuku.

17 MEMBER ARIAGA: Candace Ariaga, Lanai.

18 MEMBER HELM: Zach Helm, Molokai.

19 DIRECTOR MUKAI: Glenn Mukai, Liquor Control.

20 DEPUTY DIRECTOR TYAU: Georgette Tyau, Liquor  
21 Control.

22 MR. HANANO: Peter Hanano, Department of  
23 Prosecuting Attorney.

24 MR. PACHECO: Bill Pacheco, Department of Liquor  
25 Control.

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1 MS. YOSHIZAWA: Kari Yoshizawa, Liquor Control.

2 CHAIR FUJII: Okay. Thank you, everybody. We  
3 will now hear Complaint and Accusation Number -- here we  
4 go -- 2018-07 against Maui Fresh Tamales and Mexican  
5 Restaurant. Will the Respondent or representative please  
6 step forward and state your name and in what capacity you  
7 represent the Respondent?

8 MR. TURQUET: Can we both sit?

9 CHAIR FUJII: Yeah, please.

10 MR. RYAN: Michael Ryan, I am half owners with  
11 Chris.

12 MR. TURQUET: Chris Turquet, the other half  
13 owner.

14 CHAIR FUJII: And spell your last name, please.

15 MS. TURQUET: T-U-R-Q-U-E-T.

16 CHAIR FUJII: Thank you, Mr. Ryan and  
17 Mr. Turquet. Gentlemen, at this time, you have the option  
18 of having the charges publicly read or you can waive the  
19 reading. What is your preference?

20 MR. RYAN: I'd like them read.

21 CHAIR FUJII: You would like them read?

22 MR. RYAN: Yeah.

23 CHAIR FUJII: Kari, could you, please?

24 MS. YOSHIZAWA: Complaint and Accusation Number  
25 2018-07, In the Matter of Accusation Against Maui Fresh

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1 Tamales and Mexican Restaurant, Inc. doing business as the  
2 Dog & Duck Irish Pub, Dispenser General License Number  
3 159, 1913-North South Kihei Road, Kihei, Maui, Hawaii.

4 Count 1: On May 26, 2017, at approximately  
5 11:55 p.m., Maui's Fresh Tamales and Mexican Restaurant,  
6 Inc. doing business as the Dog & Duck Irish Pub, a  
7 Dispenser General licensee, did, through its employee(s),  
8 sell, serve or furnish liquor to, or allow the consumption  
9 of liquor by a female patron, who was at the time under  
10 the influence of liquor, drugs or any combination thereof,  
11 as defined in Section 281-1 of the Hawaii Revised Statutes  
12 and Section 08-101-5 of the Rules of the Liquor  
13 Commission, contrary to Section 08-101-60(b)(1)(B) of the  
14 Rules of the Liquor Commission County of Maui.

15 Count 2: On May 26, 2017, at approximately  
16 11:55 p.m., Maui's Fresh Tamales and Mexican Restaurant,  
17 Inc. doing business as the Dog & Duck Irish Pub, a  
18 Dispenser General licensee, did, through its employee(s),  
19 knowingly permit a female patron, who was at the time  
20 under the influence of liquor, drugs or any combination  
21 thereof, as defined in Section 281-1 of the Hawaii Revised  
22 Statutes and Section 08-101-5 of the Rules of the Liquor  
23 Commission, to be or remain in or on the licensed  
24 premises, contrary to Section 08-101-60(b)(5) of the Rules  
25 of the Liquor Commission, County of Maui.

CSR Maui, Inc.  
808-244-DEPO

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1           Count 3: On May 26, 2017, at approximately  
2 11:55 p.m., Maui's Fresh Tamales and Mexican Restaurant,  
3 Inc. doing business as the Dog & Duck Irish Pub, a  
4 Dispenser General licensee, did, through its employee(s),  
5 fail to exercise due care, as defined in Section 08-101-5  
6 of the Rules of the Liquor Commission, in determining  
7 whether a female patron was under the influence of liquor,  
8 drugs or any combination thereof, as defined in Section  
9 08-101-5 of the Rules of the Liquor Commission, contrary  
10 to Section 08-101-60(b)(11) of the Rules of the Liquor  
11 Commission, County of Maui.

12           Count 4: On May 26, 2017, at approximately  
13 11:55 p.m., Maui's Fresh Tamales and Mexican Restaurant,  
14 Inc. doing business as the Dog & Duck Irish Pub, a  
15 Dispenser General licensee did, through its employee(s),  
16 knowingly permit a male patron, who was at the time under  
17 the influence of liquor, drugs or any combination thereof,  
18 as defined in Section 281-1 of the Hawaii Revised Statutes  
19 and Section 08-101-5 of the Rules of the Liquor  
20 Commission, to be or remain in or on the licensed  
21 premises, contrary to Section 08-101-60(b)(5) of the Rules  
22 of the Liquor Commission, County of Maui.

23           Count 5: On May 26, 2017, at approximately  
24 11:55 p.m., Maui's Fresh Tamales and Mexican Restaurant,  
25 Inc. doing business as the Dog & Duck Irish Pub, a

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1 Dispenser General licensee, did, through its employee(s),  
2 fail to exercise due care as defined in Section 08-101-5  
3 of the Rules of the Liquor Commission in determining  
4 whether a male patron was under the influence of liquor,  
5 drugs or any combination thereof, as defined in Section  
6 08-101-5 of the Rules of the Liquor Commission, contrary  
7 to Section 08-101-60(b)(11) of the Rules of the Liquor  
8 Commission, County of Maui.

9           Count 6, on May 26, 2017, at approximately 11:42  
10 p.m., Maui's Fresh Tamales and Mexican Restaurant, Inc.  
11 doing business as the Dog & Duck Irish Pub, a Dispenser  
12 General licensee, did, through its employee(s), fail to  
13 ensure at all times that entrances to the restrooms,  
14 aisles or walkways within the premises are cleared of any  
15 congestion or blockage which would prevent any person from  
16 moving freely within any aisle or walkway, or entry to or  
17 exit from the premises, contrary to Section 08-101-90(b)  
18 of the Rules of the Liquor Commission, County of Maui.

19           Count --

20           CHAIR FUJII: Kari, you need a break?

21           MS. YOSHIZAWA: No. I'm good.

22           CHAIR FUJII: (Inaudible). Go ahead.

23           MS. YOSHIZAWA: Count 7: On May 26, 2017, at  
24 approximately 11:22 p.m., Maui's Fresh Tamales and Mexican  
25 Restaurant, Inc. doing business as the Dog & Duck Irish

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1 Pub, a Dispenser General licensee, did, through its  
2 employee(s), permit liquor to be consumed by patrons  
3 within the area for dancing, music, contrary to Section  
4 08-101-99(a)(7) of the Rules of the Liquor Commission,  
5 County of Maui.

6 Count 8: On May 26, 2017, at approximately  
7 11:28 p.m., Maui's Fresh Tamales and Mexican Restaurant,  
8 Inc. doing business as the Dog & Duck Irish Pub, a  
9 Dispenser General licensee, did, through its employee(s),  
10 allow dancing or entertainment in areas not designated or  
11 approved by the Director, contrary to Section 08-101-23(a)  
12 of the Rules of the Liquor Commission, County of Maui.

13 Count 9: On May 26, 2017, at approximately  
14 11:28 p.m., Maui's Fresh Tamales and Mexican Restaurant,  
15 Inc. doing business as the Dog & Duck Irish Pub, a  
16 Dispenser General licensee, did fail to comply with the  
17 condition that the approved area for dancing shall have,  
18 when utilized, a minimum area of 100 square feet, be a  
19 non-consumption area, and shall be clearly designated for  
20 dancing, contrary to Section 08-101-23(b) of the Rules of  
21 the Liquor Commission, County of Maui.

22 Count 10: On May 26, 2017, at approximately  
23 11:28 p.m., Maui's Fresh Tamales and Mexican Restaurant,  
24 Inc., doing business as the Dog & Duck Irish Pub, a  
25 Dispenser General licensee, did fail to comply with the



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1 condition that it is subject to any other laws or rules  
2 applicable to the business of the licensee, to wit, by  
3 permitting smoking on the licensee's premises, in  
4 violation of HRS Section 328J-3(4), which is contrary to  
5 Section 08-101-40(a) of the Rules of the Liquor  
6 Commission, County of Maui.

7 CHAIR FUJII: Thank you so much, Kari. You are  
8 excused for the day.

9 Moving on, Mr. Ryan and Mr. Turquet, for the  
10 record, do you represent the Respondents involved?

11 MR. RYAN: Yes.

12 MR. TURQUET: Yes.

13 CHAIR FUJII: Do you have legal counsel?

14 MR. RYAN: No.

15 MR. TURQUET: No.

16 CHAIR FUJII: Do you understand that you have a  
17 right to have your legal counsel present?

18 MR. TURQUET: Yes.

19 CHAIR FUJII: Verbally respond.

20 MR. RYAN: Yes. Sorry.

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

23 MR. RYAN: Yes.

24 MR. TURQUET: Yes.

25 CHAIR FUJII: What is your plea to each count?

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1 In Count 1, what is your plea to Count 1?

2 MR. RYAN: Which one was Count 1? There's so  
3 many. Sorry. Count 1 --

4 CHAIR FUJII: According to our records, it's --

5 MR. RYAN: It was the -- the serving a minor?

6 MR. TURQUET: No. It was the consumption of  
7 liquor by a female patron.

8 CHAIR FUJII: Under the influence.

9 MR. TURQUET: Under the influence.

10 MR. RYAN: Yeah, I -- I -- have you seen all the  
11 photographs? You got them in front of you?

12 CHAIR FUJII: We just want you to answer for  
13 each count what you plead, no contest or --

14 MR. RYAN: I would --

15 MR. TURQUET: Well, we would --

16 CHAIR FUJII: Overall, you're -- overall, you're  
17 saying no contest, but we just want -- for the record --

18 MR. RYAN: Yeah.

19 CHAIR FUJII: -- we go to each count and have  
20 you respond to no contest if you're still --

21 MR. RYAN: Well, I would like to talk about this  
22 one definitely.

23 CHAIR FUJII: We'll give you -- you can have an  
24 opportunity as -- once we're done --

25 MR. RYAN: Okay. So we're gonna --

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1 CHAIR FUJII: So just respond to each count.  
2 What is your response to Count 1?

3 MR. RYAN: I would say not guilty.

4 CHAIR FUJII: Overall, according to what we --

5 MR. RYAN: Or no contest, then. That's what we  
6 have to say?

7 CHAIR FUJII: That's right.

8 MR. TURQUET: Right. We -- we want to give an  
9 explanation.

10 CHAIR FUJII: Yeah, yeah, you will have an  
11 opportunity.

12 MR. RYAN: Oh, okay.

13 MR. TURQUET: Yeah.

14 CHAIR FUJII: So just want to move along so that  
15 we know where we are, we all understand what's happening  
16 here. On Count --

17 MR. MURAI: Excuse me, Mr. Chair, before we  
18 proceed. Mr. Ryan --

19 MR. RYAN: Yes.

20 MR. MURAI: -- because you don't have legal  
21 counsel here, I just want to make sure for the record that  
22 you understand what a no contest plea is.

23 MR. RYAN: Yes, I do.

24 MR. MURAI: In other words, by -- you do have  
25 the right to have a hearing where the Department would

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1 have to bring the evidence, including witnesses,  
2 documentary information, whatever information supports the  
3 charge. Now, earlier, I heard you say, well, not guilty.

4 MR. RYAN: Yeah.

5 MR. MURAI: And, of course, if you -- you do  
6 have the right to dispute --

7 MR. RYAN: Yeah.

8 MR. MURAI: -- the charges against you. And if  
9 you did dispute them, then the Department would have to  
10 prove it to the Adjudication Board. Now, if you plead no  
11 contest, that means that you are -- what the Board would  
12 take that as is that you are not disputing the charges and  
13 you're not going to have a hearing, and, you know, it  
14 would be up to the Board what the penalties would be.  
15 So -- although, even though you do plead no contest, you  
16 will have an opportunity to explain if -- you know, to  
17 offer any mitigating factors that you want the Board to  
18 consider.

19 MR. RYAN: Yeah. So long as we're heard, that's  
20 all we need to be.

21 MR. MURAI: Oh, okay. So -- anyway, so you're  
22 clear on the effect --

23 MR. RYAN: Yes.

24 MR. MURAI: -- of a no contest plea?

25 MR. RYAN: Yes.

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1 MR. MURAI: Okay. Very good. Thank you.

2 MR. RYAN: Thank you --

3 CHAIR FUJII: Okay.

4 MR. RYAN: -- for explaining that.

5 CHAIR FUJII: Thank you, Gary. We'll -- we'll  
6 start again --

7 MR. RYAN: Yeah.

8 CHAIR FUJII: -- at the beginning. On Count 1,  
9 what is your plea?

10 MR. RYAN: No contest.

11 CHAIR FUJII: On Count 2?

12 MR. RYAN: No contest.

13 MR. TURQUET: No contest.

14 CHAIR FUJII: Count 3?

15 MR. RYAN: No contest.

16 CHAIR FUJII: On Count 4?

17 MR. RYAN: No contest.

18 MR. TURQUET: No contest.

19 CHAIR FUJII: Count 5?

20 MR. RYAN: No contest.

21 MR. TURQUET: No contest.

22 CHAIR FUJII: Count 6?

23 MR. RYAN: No contest.

24 MR. TURQUET: No contest.

25 CHAIR FUJII: Count 7?

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1 MR. RYAN: No contest.

2 CHAIR FUJII: Count 8?

3 MR. RYAN: No contest.

4 MR. TURQUET: No contest.

5 CHAIR FUJII: Count 9?

6 MR. RYAN: No contest.

7 MR. TURQUET: No contest.

8 CHAIR FUJII: And Count 10?

9 MR. RYAN: No contest.

10 MR. TURQUET: No contest.

11 CHAIR FUJII: Thank you for your response.

12 Do you understand the violations the Department  
13 of Liquor Control alleges against you?

14 MR. RYAN: Yes.

15 MR. TURQUET: Yes.

16 CHAIR FUJII: Do you understand that you have  
17 the right to plead not guilty?

18 MR. TURQUET: Yes.

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

23 MR. TURQUET: Yes.

24 CHAIR FUJII: Is your plea of no contest  
25 voluntary and not the result of force, threats or promises

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1 apart from any plea agreement?

2 MR. TURQUET: Yes.

3 CHAIR FUJII: Voluntary?

4 MR. RYAN: Yeah.

5 MR. TURQUET: Yes.

6 CHAIR FUJII: Do you still wish to plead no  
7 contest?

8 MR. TURQUET: Yes.

9 MR. RYAN: Yes.

10 CHAIR FUJII: The Board hereby finds that the  
11 licensee has entered a knowing and voluntary plea of no  
12 contest.

13 MR. TURQUET: Yes.

14 CHAIR FUJII: The Board accepts your plea and  
15 finds you guilty on Count 1 through 10. To be sure --

16 MR. RYAN: Yes.

17 CHAIR FUJII: -- 10. Okay. At this time, then,  
18 I would like the Department to present a summary of the  
19 case. Mr. Hanano.

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

21 On the evening of May 26th, 2017, members of the  
22 Department of Liquor Control Enforcement Division and the  
23 Maui Police Department were conducting a joint operation  
24 regarding potential violations of liquor-related laws in  
25 the Kihei area over a three -- over the three-day Memorial

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1 Day weekend.

2 At about 11:17 p.m., while standing in the  
3 shared parking lot of the Dog & Duck Irish Pub, located at  
4 1913-N South Kihei Road, Kihei, Maui, Hawaii, Liquor  
5 Control Officer Cullen Kawano observed a male patron  
6 standing on the front deck area fronting the Dog & Duck  
7 Irish Pub vaping, which is a term used to describe smoking  
8 from an electronic cigarette. The male patron took three  
9 large puffs within a few minutes, while standing less than  
10 five feet from an employee of the Dog & Duck Irish Pub.  
11 The employee did nothing to stop the male patron from  
12 smoking from the electronic cigarette.

13 At about 11:28, Liquor Control Officer Kawano  
14 entered the Dog & Duck Irish Pub premises, which was very  
15 full. Officer Kawano found it difficult to walk  
16 throughout the premises due to the large crowd. Numerous  
17 patrons were observed to be blocking the entrance, aisles  
18 and walkways. Additionally, Officer Kawano observed  
19 patrons dancing within areas of the premises which were  
20 outside of the approved dance floor area with many patrons  
21 holding drinks while dancing. There was, also, a male  
22 patron with a drink standing next to the female deejay  
23 within the entertainment area. The dance floor was not  
24 clearly defined.

25 At about 11:55, Officer Molina observed a female



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1 standing by one of the picnic tables take a sip from a  
2 glass of beer. The female appeared unsteady on her feet.  
3 After that, Officer Molina observed a female server, Hali  
4 Jo Thoma, serve the female patron a glass of beer. The  
5 female patron took a sip of the beer and placed it on the  
6 table. Later, the female patron walked over to the back  
7 exit door, opened the door and motioned for a male patron  
8 to come over to where the female patron was standing.  
9 Liquor Control Officers observed that there was no  
10 security personnel or anyone else controlling the access  
11 via the rear exit to the Dog & Duck Irish Pub. After the  
12 male patron entered through the back exit, Liquor Control  
13 Officers noted that he was unsteady on his feet, had a red  
14 flushed face, watery eyes, swayed from side to side, and  
15 was leaning on the female patron for support. After  
16 checking to see if the patrons were okay, a bouncer  
17 approached the couple and said something inaudible to  
18 them, and then motioned them to exit through the back  
19 door.

20 Maui Police Sergeant David Leffler saw the  
21 couple staggering about and around in the back parking lot  
22 of the Kihei Kalama Village behind the Dog & Duck Irish  
23 Pub. According to Sergeant Leffler, the couple were both  
24 intoxicated. The male companion was unable to stand on  
25 his own and was being supported by the female. When asked

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1 if they had a ride home, they responded that they had  
2 called Uber. However, when the Uber ride came, the Uber  
3 driver refused to give them a ride home due to their  
4 intoxication.

5 Further, Sergeant Leffler called a taxi for the  
6 couple; however, the couple mistakenly entered a white  
7 vehicle driven by a female, when they thought that the  
8 vehicle was their taxi. A few minutes later, the actual  
9 taxicab arrived and drove the couple to their hotel.

10 Through the investigation, it was revealed that  
11 the female had been drinking somewhere else prior to going  
12 to the Dog & Duck Irish Pub. Once at the Irish -- Dog &  
13 Duck Irish Pub, the female was served two Guinness beers.  
14 According to server Hali Jo Thoma, the female patron did  
15 not appear to be intoxicated when she was served the  
16 beers -- when she served the beers to the female, but did  
17 notice that the female had been drinking somewhere else  
18 prior to coming to the Dog & Duck Irish Pub.

19 Nothing further. Thank you, Chair.

20 CHAIR FUJII: Thank you, Mr. Hanano. Are there  
21 any questions regarding the report as submitted by the  
22 prosecutor, anyone? If not, we'll move on. And no  
23 questions for the prosecutor, we'll move on and ask the  
24 licensee --

25 MR. RYAN: Did you ask us do we have any

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1 questions?

2 CHAIR FUJII: I'll --

3 MR. RYAN: Yes.

4 CHAIR FUJII: That's where I'm getting right  
5 now.

6 MR. RYAN: I don't want to miss my --

7 CHAIR FUJII: You won't -- you won't miss it.  
8 We'll give you an opportunity now to make a statement  
9 regarding the case.

10 MR. RYAN: Thank you.

11 CHAIR FUJII: As well as present any argument  
12 regarding the sentencing that follows. Again, Mr. Ryan  
13 and Mr. Turquet, your response to the report or whatever  
14 happened that evening.

15 MR. RYAN: Okay. We do have the tab. I think  
16 it was two pints of Guinness that both of them had. And  
17 it was obvious they were drinking, but -- I mean, I'm not  
18 sure why people didn't get these photographs, because we  
19 got these photographs. And they're sitting on a bench.  
20 She's sitting on a curb waiting to get in a car. I mean,  
21 for me to go down to that curb and get up, I don't think I  
22 could do it, you know. Though I have bad knees. But, I  
23 mean, who actually -- was there any test done on these  
24 people, are you drunk? Did you do -- the police were  
25 present at the time at the Dog & Duck when these people

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1 were drunk.

2 MR. TURQUET: Just --

3 MR. MURAI: Sir, please direct your comments  
4 to --

5 MR. RYAN: Oh, sorry.

6 MR. MURAI: -- the Chair and the Board. Yeah.

7 MR. RYAN: Sorry. And, I mean, they look pretty  
8 good in these photographs, which we don't see. And I just  
9 want to find out. I mean, if you get a drunk driving, you  
10 get charged by the police.

11 CHAIR FUJII: Would you like to have that  
12 circulated among the Board, those photographs?

13 MR. RYAN: Yes.

14 CHAIR FUJII: Okay. We'll -- we'll have the  
15 secretary pick it up from you and circulate it while you  
16 continue your --

17 MR. RYAN: It's just -- I mean, a lot of people  
18 do come out. And they weren't driving. And, you know,  
19 they -- they left the property, they got home. I mean, I  
20 just need more proof that they were drunk. They don't  
21 look -- these photographs don't do any justice to these  
22 people. They were sitting down on the curb outside  
23 waiting for a taxi. They went home safely. I mean, my  
24 decision -- my question is, to you, how do you know they  
25 were drunk?

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1 CHAIR FUJII: I guess from the report that was  
2 submitted, which we had earlier, about these people not  
3 being steady on their feet as -- as well as other signs  
4 that the officer -- police officer and the -- the person  
5 from the Department had observed. That's -- that's what  
6 you heard from the reports there --

7 MR. RYAN: Yeah.

8 CHAIR FUJII: We did.

9 MR. RYAN: Normally, when we have a drunk  
10 driving, the LC is involved, checks 'em out and they do a  
11 test on them. So now we're -- we're in this no man's land  
12 where we target somebody, they -- they got out of the  
13 premises and they went home safely. I mean, we -- we  
14 never opened the Dog & Duck for anyone to get injured.

15 CHAIR FUJII: I don't think we should use the  
16 word targeting.

17 MR. RYAN: I'm sorry. Maybe it's --

18 CHAIR FUJII: That's -- that's only opinion.

19 It's not --

20 MR. RYAN: No, no. No. And it's just -- I  
21 mean, the court of law, can you give someone drunk driving  
22 with no tests?

23 MR. HANANO: Yes.

24 MR. RYAN: I mean, if somebody --

25 MR. HANANO: Yes, you can, just for the record.

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1 MR. RYAN: Yeah? Yes, you can. But, I mean,  
2 shouldn't we -- shouldn't the police sorta checked 'em  
3 out?

4 CHAIR FUJII: Okay. Sir, I know that we have  
5 you responded as being no contest.

6 MR. RYAN: Yeah.

7 CHAIR FUJII: And I know you're -- but right  
8 now, you seem like you're contesting the --

9 MR. RYAN: I am -- I'm asking one question, who  
10 decides who is drunk. Because we -- we can cut down -- if  
11 somebody is coming in to cite him for the LC or the Police  
12 Department, they've got to have a little more than this.

13 CHAIR FUJII: As far as the Board's view on this  
14 matter, sir, I think we are well aware of the training the  
15 inspectors, you know, put up to before they are out on the  
16 road observing these at the bars or whatever occurrences  
17 where liquor is served. And it would depend on the  
18 training that they have versus just you and myself  
19 observing who these people are and how they're behaving.  
20 I think we just go by what the professionals --  
21 professionally trained people submitted to the Department.

22 Peter, did you have --

23 MR. HANANO: Yeah, I want to comment on some of  
24 your questions and comments that you have. First of all,  
25 you can convict someone or -- or charge someone with

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1 driving under the influence without a test. And,  
2 basically, the -- the definition of under the influence of  
3 liquor --

4 MR. RYAN: Uh-huh.

5 MR. HANANO: -- for an OUI is pretty similar to  
6 the definition in -- in the Rules of the Liquor  
7 Commission, which is, just for your -- for the Board's  
8 information and for Mr. Ryan, it's found in 08-101-5,  
9 Definitions. And, you know, the Board has heard cases  
10 regarding this term, meaning under the influence of  
11 liquor. I think you have kind of questions about what  
12 that means.

13 MR. RYAN: Was it drugs?

14 MR. HANANO: Well --

15 MR. MURAI: Gentlemen, please direct your  
16 comments --

17 MR. RYAN: Oh, I'm sorry. I'm sorry.

18 MR. MURAI: We don't allow private  
19 conversations.

20 MR. RYAN: I'm sorry.

21 MR. MURAI: All comments should be directed --

22 MR. RYAN: I -- I --

23 MR. MURAI: -- to the Board.

24 MR. RYAN: I'm not used to this at all. I'm  
25 pretty jumpy, so please excuse.

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1 MR. HANANO: So let me read the definition of  
2 what under the influence of liquor is. It says under the  
3 influence of liquor means that the person concerned has  
4 consumed intoxicating liquor sufficient to impair, at the  
5 particular time under inquiry, the person's normal mental  
6 faculties or ability to care for oneself and guard against  
7 casualty, or sufficient to substantially impair, at the  
8 time under inquiry, that the clearness of intellect and  
9 control of oneself which the person would otherwise  
10 normally possess. So that's the definition of under the  
11 influence of liquor.

12 The charge in this case, also, includes drugs.  
13 So it doesn't matter whether you're under the influence of  
14 liquor and/or drugs, you know, one or both. If you're  
15 under the influence to the point where -- in fact, there's  
16 a similar definition for under the influence of drugs  
17 right above that, but it's the same -- pretty much the  
18 same thing. And, basically, you know, if you're -- if you  
19 can't, basically, care for yourself and guard against  
20 casualty, for instance, like driving a vehicle, then,  
21 under the law, you're under the influence. And so that's  
22 the definition that we go under when, you know, you don't  
23 have a test.

24 In OUI, if you're .08 or over, you're  
25 automatically per se, you know, under the influence. But



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1 that's the other way to prove it. There's two different  
2 ways for an OUI. In -- in this kind of case, there's no  
3 test. Sometimes we do get a test when -- when an OUI is  
4 associated with a liquor violation, but in this case, you  
5 know, the police didn't see any -- any evidence that they  
6 were driving under the influence because, you know, they  
7 called the cab or Uber, so there's no reason for them to  
8 do an investigation on -- on that charge. So that's why  
9 we didn't have that.

10 So, basically, you know, like Chair said, it's  
11 based on the officer's training and experience and -- and,  
12 you know, based on the facts that they see before them.  
13 If they feel that person is under the influence according  
14 to the rules, then they're gonna -- they're gonna cite.  
15 And, you know, I hope I've answered some of your  
16 questions.

17 CHAIR FUJII: Okay. Thank you, Mr. Hanano.

18 MR. RYAN: Yes, you did answer --

19 CHAIR FUJII: Mr. Ryan.

20 MR. RYAN: You did answer my question. And like  
21 still is they were -- even though it was drugs in that,  
22 we've decided it was us that gave them the -- the last  
23 drink that made 'em over. I mean, I -- I must say I  
24 wasn't there, I -- I showed up a few minutes later. And I  
25 didn't see these people, but, I mean, by those

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1 photographs, do they look like they're --

2 CHAIR FUJII: Okay. We'd like --

3 MR. RYAN: Oh, sorry.

4 CHAIR FUJII: -- to move on from that.

5 MR. RYAN: Okay.

6 CHAIR FUJII: I think we've heard enough about  
7 the photographs. We all looked at the photograph --

8 MR. RYAN: Yeah.

9 CHAIR FUJII: -- again. And you're pleading no  
10 contest, so again --

11 MR. RYAN: No contest, yeah.

12 CHAIR FUJII: -- we just want to know --

13 MR. RYAN: I just want a chance to --

14 CHAIR FUJII: Yeah.

15 MR. RYAN: -- speak. That's all. Thank you.

16 CHAIR FUJII: We're giving you this opportunity  
17 to speak if you -- like you said, you weren't there,  
18 which, you know, again, not being there doesn't allow you  
19 to kind of speak up for what these patrons -- how they  
20 acted again --

21 MR. RYAN: All I'm saying, the charges, what  
22 they say, these people staggering all over the place,  
23 they're sitting down, they're sitting straight.

24 CHAIR FUJII: You weren't there, again, sir.  
25 You weren't there in the --

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1 MR. RYAN: But they gave me the photographs to  
2 show how bad they were.

3 CHAIR FUJIII: Okay. Let -- let's not get  
4 argumentative about -- so no contest?

5 MR. RYAN: No contest.

6 CHAIR FUJIII: Okay.

7 MR. HANANO: The other thing, Chair, is the  
8 female -- I mean the -- the male was more intoxicated than  
9 the female, obviously, I mean, from the reports, from what  
10 I can tell, but he wasn't charged or -- or the licensee  
11 wasn't charged with serving him, if you look at the  
12 charges, because he -- because there's no evidence that he  
13 got served. What he got charged with was being allowed to  
14 come in unchecked and -- and stay there until, you know,  
15 the bouncer saw the LCOs checking them out and saying,  
16 "Are you guys okay." And that kind of prompted him to go  
17 and take 'em out. By that point, it's too late already.  
18 And so the female was charged because there was evidence  
19 that she was served. And -- and the two beers, from what  
20 I can tell from the reports, is she -- she was served the  
21 two beers. I mean two beers were served to her, not --  
22 not the male. And that's why we didn't charge -- we  
23 didn't add a count for serving the male as well.

24 MR. TURQUET: I would just like to ask --

25 CHAIR FUJIII: Go ahead.

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1 MR. TURQUET: I understand everything that is  
2 being said here. And from the report that it was pretty  
3 much a sting operation by MPD and the Liquor Commission on  
4 that night. And what they observed on the back deck was  
5 two people who pretty much were dressed in aloha shirts, a  
6 couple, and were being served two drinks. Two people, two  
7 drinks; not one person, two drinks. I understand that  
8 they were probably intoxicated, by the report. I  
9 apologize for that. I did speak to my staff about it.  
10 And they said that this was over a period of time that  
11 they were observed. They were on the back deck for, I  
12 think it was, almost 40 minutes being observed. So I  
13 would just like -- and I know when they left, they left on  
14 their own accord. They were -- they were said to be  
15 stumbling or holding onto railings, to say, to get down  
16 the steps from the Dog & Duck, but they did make it to the  
17 parking lot. And they -- thank God they made it home  
18 safe. That -- that's all I can say is I'm grateful for  
19 that.

20 CHAIR FUJII: Again, it's -- we're not  
21 challenging that they're not intoxicated -- that they got  
22 intoxicated at your premises.

23 MR. TURQUET: Right.

24 CHAIR FUJII: They could have come there --

25 MR. TURQUET: Observation.

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1 CHAIR FUJII: -- before and -- and had two beers  
2 on top of what they've had --

3 MR. TURQUET: Right.

4 CHAIR FUJII: -- prior to. Again, that's where  
5 this case --

6 MR. TURQUET: I just want to discuss each point.

7 CHAIR FUJII: Yeah.

8 MR. TURQUET: For --

9 MR. RYAN: This will be my last question. So,  
10 basically, by the report, you were going after him, that's  
11 what the report says. The girl got the ticket. She was  
12 the one taking care of him. Why did she get the ticket?

13 MR. TURQUET: She didn't get a ticket.

14 MR. RYAN: No, nobody got a ticket, but she was  
15 the one taking care of him, took him out, sat him on the  
16 bench and everything. Seems like --

17 MR. TURQUET: It's observation.

18 MR. RYAN: Huh?

19 MR. TURQUET: It was an observation by them.

20 MR. RYAN: Yeah. But they -- you actually --  
21 actually --

22 MR. TURQUET: He's confused.

23 CHAIR FUJII: Do you understand the question?

24 MR. RYAN: I think --

25 MR. MURAI: Gentlemen --

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1 MR. RYAN: Sorry.

2 MR. MURAI: -- because this -- because you  
3 entered a no contest plea --

4 MR. RYAN: Yeah.

5 MR. MURAI: -- the Board is not here to  
6 adjudicate or determine --

7 MR. RYAN: Okay.

8 MR. MURAI: -- the facts of what happened. The  
9 Board will simply accept what the Department has presented  
10 as the facts because you have chosen not to contest them.  
11 And as I explained earlier --

12 MR. RYAN: We could have it --

13 MR. MURAI: -- this is your opportunity to  
14 present mitigating factors for the Board to continue. I  
15 suggest that if you strongly believe that your employees  
16 did not act inappropriately or that these folks were not  
17 intoxicated that -- well, if you strongly believe that,  
18 then you should, you know, dispute these allegations.  
19 What I don't want to have happen is, later on, you -- you  
20 regret your -- your no contest plea.

21 MR. RYAN: Yeah. We do realize it's no contest,  
22 but we --

23 MR. MURAI: Again --

24 MR. RYAN: -- just wanted to ask a few  
25 questions.

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1 MR. MURAI: -- having already pled no contest --

2 MR. RYAN: Yeah.

3 MR. MURAI: -- the Board is not going to  
4 determine the facts of what happened. The Board will  
5 simply accept what the Department has presented.

6 MR. RYAN: Okay.

7 MR. MURAI: Because you have chosen not to  
8 contest them.

9 MR. RYAN: That's fine. And that's my last  
10 words on that charge.

11 CHAIR FUJII: Okay, Mr. Ryan. Anyway, as the  
12 prosecutor -- I mean, as Mr. Murai here has said, we're  
13 here to hear not what the people -- the Department saw,  
14 but if there's things that you have improved or whatever  
15 happened to your employees or whatever it might have been,  
16 that's what you're here --

17 MR. RYAN: I think --

18 CHAIR FUJII: -- discussing.

19 MR. RYAN: -- we can address them as we go  
20 through the charges, I think, but that's -- that's  
21 finished with now. I've asked what I --

22 CHAIR FUJII: Good.

23 MR. RYAN: Thank you.

24 CHAIR FUJII: I think we're ready for the  
25 Director's argument as to penalty, then, Mr. Hanano.

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1 MR. MURAI: Well, just confirm whether they're  
2 done.

3 CHAIR FUJII: Oh, yeah. Are you complete with  
4 your response to the charges?

5 MR. RYAN: Yes.

6 MR. TURQUET: Can we -- do we still have a  
7 chance to --

8 MR. RYAN: Speak on the other charges?

9 MR. HANANO: Now's the time.

10 MR. MURAI: Yeah, this is the time because --

11 MR. RYAN: Okay.

12 MR. MURAI: -- if you're done, the next step  
13 will be for the Department to make its recommendation to  
14 the Board as to what the penalty should be.

15 MR. TURQUET: Can we give an explanation like of  
16 what we've done?

17 MR. MURAI: Yes. That -- that would be  
18 appropriate.

19 MR. TURQUET: At this time?

20 MR. MURAI: Yeah.

21 CHAIR FUJII: Yes.

22 MR. TURQUET: Okay. So since the charges were  
23 brought up in -- from May, we have made a lot of changes.  
24 We've had Bar Association meetings in the Triangle, the  
25 Kalama Village, of the crowd issues in each bar. We have



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1 come to an agreement that we have better security, we have  
2 better attendants on the doors. We no longer employ the  
3 people involved in this, they were dismissed for their  
4 actions, for letting this happen. So I feel that we've  
5 taken steps forward. And I think our record goes to show  
6 that we have improved drastically from this last citation  
7 or case.

8 CHAIR FUJII: Okay.

9 MR. TURQUET: So --

10 CHAIR FUJII: That -- that's the response we had  
11 wanted to hear prior to the penalty phase here.

12 MR. TURQUET: Thank you.

13 MR. RYAN: We're addressing all the charges now?

14 CHAIR FUJII: We'll go count by count.

15 MR. RYAN: I'll wait for the next one.

16 CHAIR FUJII: Okay. Mr. Hanano, are we ready?

17 MR. HANANO: I think Mr. Ryan had --

18 MR. RYAN: No, no, for the next one.

19 MR. MURAI: No, no. Mr. Ryan --

20 MR. RYAN: We do -- we do have questions whether  
21 we need to answer what we've improved, like the dance  
22 floor. We had a problem with other things and we have  
23 corrected them. The girl that served the minor, she's  
24 gone now.

25 MR. TURQUET: Not minor. There's no minor.

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1 MR. RYAN: Yeah, there's no minor.

2 MR. MURAI: Mr. Ryan, we're not going to do each  
3 count separately. So if you have other comments you want  
4 to make about all 10 counts, this is your opportunity.  
5 Once the Department makes its recommendations as to  
6 penalties, they're going to be making recommendations as  
7 to all counts.

8 MR. TURQUET: Yes.

9 MR. MURAI: So this is -- this is your  
10 opportunity to --

11 CHAIR FUJII: Final time.

12 MR. MURAI: -- to discuss each of the issues or  
13 each of the counts that have been -- that you've pleaded  
14 no contest to. So if you want to speak to other -- like,  
15 for example, I heard you mention changes to the dance  
16 floor, this is your opportunity.

17 MR. RYAN: Okay.

18 MR. TURQUET: On everything, though.

19 MR. RYAN: On everything.

20 MR. TURQUET: Everything. This is the final --

21 MR. RYAN: The dance floor --

22 MR. TURQUET: This is the conclusion.

23 MR. RYAN: -- it's real close, we've got it --  
24 we got the area scoped out, but it's this far from the  
25 dance floor and people do wander. And it's a constant

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1 battle keeping that. And we've got hold of our bouncers  
2 and said you can't have alcohol on the dance floor, it  
3 doesn't matter if you're speaking to the deejay or  
4 anything, so -- what else? And --

5 MR. TURQUET: Better security.

6 MR. RYAN: Better security.

7 MR. TURQUET: We mounted up security. We used  
8 to have one on the front door and one on the back exit.  
9 Okay. We now have a third one roam -- roaming from the  
10 dance floor, from the front door to the back door, but  
11 standing in between the two. So there's visual contact  
12 with each doorman and they have a better way of  
13 controlling any instance they see. And, also, our staff  
14 has been retrained to, obviously, mistakes that they made,  
15 the drinks on the dance floor, the aisleways. Everything  
16 has changed for the better. And we -- like I said, we had  
17 to dismiss people and tell them that they weren't being  
18 responsible and they no longer work for us.

19 CHAIR FUJII: I think that's the response we  
20 were expecting from you prior to the penalty phase here.  
21 So, again, we give you all the opportunity to explain, you  
22 know, what improvements you've made. So we're going to  
23 move to the penalty phase now unless you have any final --

24 MR. TURQUET: Well, he has a good point. Sorry.  
25 He wanted to add that on, the charges, it does itemize a

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1 lot of things, like glassware being left on tables, things  
2 like that. All those things have changed. Every one of  
3 these charges has been addressed in our meeting. And  
4 we -- you can explain the glass.

5 MR. RYAN: What we do is our glassware goes into  
6 a tray inside the bar. So everyone puts -- they close the  
7 place, put all the glasses next to the tray. The tray  
8 gets pulled out, put in the dishwasher and then restocked.  
9 We've been doing it that way for 10 years. But now we've  
10 been told you cannot leave the empty glasses on the bar.  
11 Even though we're closing, we're pushing people out, we  
12 can't leave those glasses. So now we're picking up all  
13 our glasses, taking 'em straight to the kitchen and  
14 stockpiling 'em there. I mean, it's one of the rules.  
15 You know, we've never been told that in 10 years, but  
16 we're doing it right now.

17 CHAIR FUJII: That's the kind of response --

18 MR. RYAN: Yeah.

19 CHAIR FUJII: -- you know, the Board wants to  
20 hear, these upgrades that you are making prior to -- or  
21 after the -- you know, being cited. I mean, just being  
22 cited doesn't mean it's getting done, but hearing it from  
23 you --

24 MR. RYAN: Yes.

25 CHAIR FUJII: -- it's good to hear.

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1 MR. TURQUET: Thank you.

2 CHAIR FUJII: On any improvements that you've  
3 been -- since being cited here.

4 MR. RYAN: I'll close with, you know, me and  
5 Chris never opened a bar for anybody to get hurt or anyone  
6 to get killed. And the Triangle is the Triangle. We're,  
7 mostly, a very safe bar, you know, hardly any fights and  
8 it's well respectable. And, me, Chris, we give taxis to  
9 people to get home, we'll pay their taxi home, not asking  
10 for the money back or -- I drove somebody home last night.  
11 We -- we completely -- I mean, we're working at the same  
12 direction, you know, we -- we want safety out there.

13 CHAIR FUJII: That's --

14 MR. TURQUET: We really don't want to be known  
15 as the bar that made all these mistakes. We want to be  
16 known as the bar that is for the community, make sure that  
17 people do get home safe. We do a lot of charitable work.  
18 We raise a lot of money for the community, the schools.  
19 So there's a lot of good that comes out of the bar. And  
20 this is just a -- a bruise on our reputation.

21 CHAIR FUJII: Thank you for offering, you know,  
22 your side of the improvements that were put in place. I  
23 think we're ready for the penalty phase now, Mr. Hanano,  
24 please.

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

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1           Chair, you know, these gentlemen have come  
2 before the Board before. And they do have prior -- a  
3 prior history involving liquor violations, but I will say  
4 that today, I mean, you know, as always, especially today,  
5 they seem very sincere about, you know, trying -- trying  
6 to make some changes. And, you know, we certainly  
7 appreciate them accepting responsibility and, you know,  
8 pleading no contest to all of the charges. And so that  
9 should be taken into consideration. However, like I said,  
10 they do have a prior record. This license was originally  
11 issued in June of 2006. There's been one prior for the  
12 same offense in December of 2009, which is outside, you  
13 know, the five-year period that we normally look at. In  
14 addition, they had two prior convictions for serving  
15 liquor to a minor; one in 2013 and another in 2017. They  
16 have, also, had previously been issued several written  
17 cautions involving similar type of offenses or same  
18 offenses that we've been listening to today involving  
19 congested aisles and walkways and consuming liquor on the  
20 dance floor and others.

21           So looking at the facts of this case as well as  
22 considering the prior history of this licensee and the  
23 fact, you know, that they're accepting responsibility, we  
24 are recommending the following: In Count 1, \$2,000 fine;  
25 Count 2, \$500 fine; Count 3, 500; Count 4, 500; Count 5,

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1 500; Count 6, 500; Count 7, 500; Count 8, 100; Count 9,  
2 100; and Count 10, 100. And due to the prior history, we  
3 would not recommend that any of the portion of the fine be  
4 suspended.

5 CHAIR FUJII: Mr. Hanano, from 7 to 10 again,  
6 please.

7 MR. HANANO: Okay. I'll go over the whole thing  
8 again. Count 1, 2,000; Count 2, 500; Count 3, 500; Count  
9 4, 500; Count 5, 500; Count 6, 500; Count 7, 500; Count 8,  
10 100; Count 9, 100; and Count 10, 100.

11 CHAIR FUJII: Thank you, Mr. Hanano.

12 MR. HANANO: Thank you.

13 CHAIR FUJII: The Board will take all matters as  
14 presented here this morning into consideration, coming  
15 from the licensee as well as the prosecutor. At this time  
16 I would like to entertain a motion to go into  
17 deliberation.

18 MEMBER ARIAGA: Motion.

19 CHAIR FUJII: Okay. Moved by --

20 MEMBER U`U: Second.

21 CHAIR FUJII: Moved and seconded. Any  
22 discussion? If not, all in favor of the motion say "aye."

23 (Response.)

24 CHAIR FUJII: Any opposed?

25 (No response.)

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1 CHAIR FUJII: The Board will excuse everyone  
2 and --

3 MR. MURAI: Oh, one second, Mr. Chair. Before  
4 we go into -- we recess, I think the record should note  
5 that Board Member Ueoka joined us about half an hour ago,  
6 so she was -- she did hear most of the discussion.

7 CHAIR FUJII: Okay. Yeah, good. We do need  
8 everybody's vote today, I guess, to -- to continue -- to  
9 complete this hearing.

10 MR. RYAN: So it's not gonna happen today now?

11 CHAIR FUJII: It's gonna happen today.

12 MR. RYAN: Oh.

13 MR. TURQUET: We step outside.

14 MR. MURAI: What we are going to do is the Board  
15 will go into deliberation.

16 MR. RYAN: Yeah.

17 MR. MURAI: We'll ask you to wait outside. And  
18 we'll call you back in when we're ready.

19 MR. RYAN: Thank you.

20 MR. TURQUET: Thank you.

21 MR. RYAN: I'm sorry to bring you guys all in  
22 for this. I do like you guys, but I don't like sitting at  
23 this table. Thank you

24 (Executive Session, 9:47 a.m. to 10:10 a.m.)

25 CHAIR FUJII: The Board is back in open session.



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1 Mr. Ryan, Mr. Turquet, the Board did -- did review and  
2 discuss every count that's listed on the agenda today, and  
3 the penalty phase has been decided. And if you would like  
4 to take it down or whatever, I'll give you an opportunity.  
5 You will be notified in writing later, but, for the  
6 record, if you would like to take it down, we'll give you  
7 an opportunity to note it.

8 MR. TURQUET: Thank you.

9 CHAIR FUJII: Okay. On Count 1, the Board has  
10 decided that the penalty for Count 1 will be \$1,000.

11 MR. TURQUET: Thank you.

12 CHAIR FUJII: And as far as the others, we  
13 discussed each count and we -- we -- we came out with  
14 following the prosecutor's recommendation. On Count 2,  
15 the penalty is \$500; on Count 3, \$500; on Count 4, the  
16 penalty is \$500; Count 5, also 500; and on Count 6 is 500;  
17 Count 7 is 500; and Counts 8, 9 and 10, \$100 each, \$100  
18 each on Count 8, Count 9, and Count 10, \$100 on each  
19 counts, 8, 9 and 10. The Board -- the -- the Department  
20 will notify you when payment is due. And we appreciate  
21 you being here and offering your side of view from your  
22 perspective. Again, I thank you for being here. And we  
23 hope the changes that you have recommended, you have done,  
24 you have done some improvements, maintain those  
25 improvements, again, so we don't need to go through the

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1 same thing. Okay.

2 MR. TURQUET: We'll strive to better every day.  
3 We understand the difficulty of the liquor business. And  
4 the -- make our staff more aware of the Liquor Commission  
5 and what they -- they always talk to us whenever we come  
6 in. We appreciate whatever information they give us.

7 CHAIR FUJII: Yeah, that's -- that, I think, is  
8 a good summary of -- we're here, also, to help as well as  
9 the Department. We're volunteers here, but, you know, we  
10 just want to make sure that the community is safe and, you  
11 know --

12 MR. TURQUET: Yes, exactly.

13 CHAIR FUJII: -- and businesses can thrive.  
14 Again, we're not out to close any business or --

15 MR. TURQUET: No.

16 CHAIR FUJII: -- put community in any danger,  
17 that sort of thing. So, again, thank you for being here.  
18 And, again, hopefully, we don't see each other any more.

19 MR. TURQUET: I would like to thank the Board  
20 for their time and patience. Thank you.

21 MR. RYAN: And I, also, would like to say I know  
22 you're all volunteers and you come down here, and we have  
23 to have the Liquor Board. I totally agree with Chris.  
24 And thank you for being here today. And we'll just --  
25 we'll just keep doing the best we can, you know.

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1 CHAIR FUJII: That's all we all should strive  
2 for.

3 MR. RYAN: Improve every day.

4 CHAIR FUJII: Yeah. I guess that's all what we  
5 need to strive for.

6 MR. RYAN: That's it. That's it.

7 CHAIR FUJII: Okay. Thank you for being here.

8 MR. TURQUET: Thank you.

9 CHAIR FUJII: Okay. We do have a couple items  
10 on our agenda, people. We'll let the Director handle the  
11 agenda. Glenn, would you like to take care of  
12 Administrative Affairs?

13 DIRECTOR MUKAI: Administrative Affairs, we have  
14 Resolution honoring Donald Fujii.

15 CHAIR FUJII: Oh, boy. Five years went by fast.

16 MS. TYAU: Resolution honoring Mr. Donald Fujii,  
17 Liquor Control Adjudication Board. The Liquor Control  
18 Adjudication Board proposes to adopt this Resolution in  
19 honor of Mr. Donald Fujii for his exemplary services as a  
20 member of the Liquor Control Adjudication Board; and

21 Whereas, Mr. Fujimoto has served as a member of  
22 the Liquor Control Adjudication Board of the County of  
23 Maui for a period from April 2013 to March 2018, as well  
24 as its Chairman from April 2014 to March 2018; and

25 Whereas, the members of the Liquor Control

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1 Adjudication Board as well as the staff of the Department  
2 of Liquor Control have enjoyed the valuable services  
3 rendered by Mr. Fujii in said capacities; and

4           Whereas, the County of Maui and its citizenry  
5 have greatly benefited from the unselfish and responsible  
6 services rendered by Mr. Fujii during said period; and

7           Whereas, his expertise, thoughtful and  
8 cooperative manner and conduct have been the source of  
9 much inspiration and help to the fellow members of the  
10 Liquor Control Adjudication Board; now

11           Therefore, be it resolved that the Members of  
12 the Liquor Control Adjudication Board do hereby express  
13 their sincere appreciation to Mr. Fujii for the competent  
14 leadership and service as a member of the Liquor Control  
15 Adjudication Board of the County of Maui and to hereby  
16 wish him much success in his future undertakings; and

17           Be it further resolved that this Resolution be  
18 entered upon the minutes of this Board and be forwarded to  
19 Mr. Fujii. Adopted this 1st day of March, 2018.

20           CHAIR FUJII: Thank you for those kind words,  
21 Georgette. Oh, we must congratulate, Georgette is our new  
22 Deputy Director. I should have done that at the beginning  
23 of the meeting.

24           MS. TYAU: Thank you.

25           CHAIR FUJII: And I did congratulate her before

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1 the meeting. And I forgot to bring it up at the -- during  
2 the meeting, but we're still on record. From the Board,  
3 congratulations, Georgette. I've known her for about 20  
4 years now and mostly serving. Thank you.

5 MS. TYAU: Thank you.

6 CHAIR FUJII: Oh, let's give her a big hand.

7 (Applause.)

8 CHAIR FUJII: Mr. Mukai.

9 DIRECTOR MUKAI: Item B, Resolution honoring  
10 Mr. Wayne Pagan.

11 MS. TYAU: Resolution honoring Mr. Wayne Pagan,  
12 Liquor Control Adjudication Board. The Liquor Control  
13 Adjudication Board proposes to adopt this Resolution in  
14 honor of Mr. Wayne Pagan for his exemplary services as a  
15 member of the Liquor Control Adjudication Board; and

16 Whereas, Mr. Pagan has served as a member of the  
17 Liquor Control Adjudication Board of the County of Maui  
18 for a period from April 2013 to March 2018, as well as its  
19 Vice Chairman from April 2014 to March 2018; and

20 Whereas, the members of the Liquor Control  
21 Adjudication Board as well as the staff of the Department  
22 of Liquor Control have enjoyed the valuable services  
23 rendered by Mr. Pagan in said capacities; and

24 Whereas, the County of Maui and its citizenry  
25 have greatly benefited from the unselfish and responsible

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1 services rendered by Mr. Pagan during his -- during said  
2 period; and

3           Whereas, his expertise, thoughtful and  
4 cooperative manner and conduct have been the source of  
5 much inspiration and help to the fellow Members of the  
6 Liquor Control Adjudication Board; now

7           Therefore, be it resolved that the Members of  
8 the Liquor Control Adjudication Board do hereby express  
9 their sincere appreciation to Mr. Pagan for the competent  
10 leadership and service as a member of the Liquor Control  
11 Adjudication Board of the County of Maui and to hereby  
12 wish him much success in his future undertakings; and

13           Be it further resolved that this Resolution be  
14 entered upon the minutes of this Board and be forwarded to  
15 Mr. Pagan. Adopted this 1st day of March, 2018.

16           (Applause.)

17           CHAIR FUJII: He isn't here, but I'm sure I'll  
18 get the word to him that he was recognized at this  
19 meeting.

20           Moving on, we do have election of the new  
21 officers for the Liquor Control Adjudication Board. We  
22 have Chairperson vacancy and the Vice-Chair in the period  
23 for the election -- the election period for the -- it will  
24 run from April 1st to March 31st, 2019. Okay.  
25 Nominations are now open for Chair.

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1 MR. MURAI: Oh, you know what, before we do  
2 that, Mr. Chair, so our elections are governed by our  
3 admin rules, 08-102 -- Section 08-102-81. And it requires  
4 the Adjudication Board to elect their Chair and Vice-Chair  
5 in the month of March. So we need to first agree on how  
6 we're going to do this. And what I suggest -- it's up to  
7 the Board how you decide, but what I suggest is we'll  
8 start with the election of the Chair first, then the  
9 Vice-Chair. First, Donald would open the floor for  
10 nominations. And anyone can make a nomination. A  
11 nomination does not need to be seconded. Once -- you  
12 know, the Chair will call for any other nominations. And  
13 if there are no nominations, then there will be a motion  
14 to close nominations. And once the nominations are  
15 closed, then we can have a discussion on the candidates.  
16 In other words, people may speak for or against the  
17 candidate. And once the discussions are pau, then we'll  
18 close the discussions and vote.

19 Now, even the method of voting is something you  
20 can agree upon ahead of time. And is it going to be by  
21 show of hands, by ballot -- of course, you know, if it's a  
22 ballot, you're going to read the results into the  
23 record -- or by -- by roll call or whatever. Most of the  
24 time, it's by -- just by show of hands. So -- and, again,  
25 we'll do the Chair first and then the Vice-Chair.

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1 CHAIR FUJII: Okay.

2 MR. MURAI: So is what I described okay with  
3 everybody?

4 MEMBER UEOKA: Show of hands is okay.

5 MR. MURAI: Show of hands

6 MEMBER U`U: That works.

7 CHAIR FUJII: Okay. Thank you, Gary. I think  
8 everybody is pretty clear of how we're gonna handle the  
9 voting on nomination.

10 MR. MURAI: Oh, I'm sorry. One more thing I --  
11 I'm sorry. One more thing I need to add. Because all  
12 decisions by the Adjudication Board must be made by a  
13 majority of members that the Board is entitled to, in  
14 other words, nine, any election would have to be -- would  
15 have -- any successful candidate would have to have five  
16 votes. In other words, I note that there are --

17 CHAIR FUJII: Six.

18 MR. MURAI: -- six Members present. So any  
19 candidate, successful candidate, would have to have five  
20 votes. Everybody understand that part?

21 MEMBER UEOKA: Got it.

22 CHAIR FUJII: Okay. Thank you, Gary.

23 Nominations are now open for the Liquor Control  
24 Adjudication Board Chairperson for the period April 2018  
25 through March 1st, March, 2019. Nomination are now open



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1 for Chair.

2 MEMBER AIWOHI: I nominate Bruce U`u for Chair.

3 CHAIR FUJII: Bruce has been nominated as Chair.

4 Is there other nominees for Chair, anyone? Okay. Someone  
5 make a motion to close the nomination.

6 MEMBER UEOKA: I move that you close the  
7 nominations.

8 CHAIR FUJII: Okay, it's been moved. Is there a  
9 second?

10 MEMBER ARIAGA: Second.

11 CHAIR FUJII: Okay. All in favor, raise your  
12 hand to close the nominations. Bruce, you don't want to  
13 close the nominations? Okay, we got enough votes, five.  
14 I voted. I thought I didn't have to vote, but I vote any  
15 time we need five. No, no. You got it. Just kidding.

16 MEMBER UEOKA: He's teasing you.

17 CHAIR FUJII: Okay. So we have one candidate  
18 nominated for Chair for the next coming year as Board  
19 Chair. And we need the five votes that Gary mentioned.  
20 All in favor of having Bruce as your next Chair.

21 MR. MURAI: No discussion, yeah?

22 CHAIR FUJII: Any discussion on the motion?  
23 Okay. Did we have one motion to close the nominations?

24 MEMBER UEOKA: Yes.

25 MR. MURAI: You did.

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1 CHAIR FUJII: Any discussion on that motion?

2 That's what Gary is referring to. If not --

3 MR. MURAI: You're ready to vote.

4 CHAIR FUJII: Okay, I think we're ready to vote.

5 Okay. The question is all in favor of having Mr. Bruce

6 U`u be the Liquor Control Board Chairman, raise your hand.

7 Five votes -- six votes, in fact. Unanimous. Okay.

8 MEMBER UEOKA: Congratulations.

9 MR. MURAI: Congratulations, Bruce.

10 CHAIR FUJII: (Inaudible). You been here how

11 long now, Bruce?

12 MEMBER U`U: You know, time is too good, I have

13 no idea.

14 CHAIR FUJII: No idea.

15 MEMBER U`U: I have no idea how long I been --

16 CHAIR FUJII: Two or three years, yeah? Two or

17 three years already.

18 MEMBER U`U: About there.

19 MEMBER UEOKA: Look at your parking pass. When

20 it expires, that's when you know you're done. I happened

21 to see mine this morning.

22 MEMBER U`U: Actually, mine carried over from

23 one other, so --

24 MEMBER UEOKA: You won't know.

25 MEMBER U`U: I wouldn't know.

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1 CHAIR FUJII: Okay.

2 MEMBER U`U: Which is good.

3 CHAIR FUJII: Well, congratulations that the  
4 Board has approved a good person here to be the Chair.  
5 And nominations are now open for Vice-Chair for the period  
6 April 2018 to March 19. Okay, Bruce -- I mean, Zach, if  
7 you wanna --

8 MEMBER HELM: Yeah, I'd like to nominate for  
9 co-chair is Gwen Ueoka.

10 CHAIR FUJII: Okay.

11 MR. MURAI: Vice-Chair.

12 MEMBER HELM: Vice-Chair.

13 CHAIR FUJII: Vice-Chair. Are there any other  
14 nominations for Vice-Chair from the floor? If not,  
15 someone make a motion to close the nominations.

16 MEMBER U`U: Motion to close.

17 CHAIR FUJII: Okay. Is there a second?

18 MEMBER U`U: Second.

19 CHAIR FUJII: There's a second. Okay. All in  
20 favor of the motion, say "aye."

21 (Response.)

22 CHAIR FUJII: (Inaudible) with that. Okay.  
23 Now, being that Gwen is the only candidate, we -- we open  
24 it for voting now. All in favor of having --

25 MEMBER UEOKA: Wait. Wait. No discussion? I

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1 don't know if I know enough. I've only -- I've haven't  
2 been on this Board barely a year.

3 CHAIR FUJII: Nah, you're good.

4 MEMBER HELM: Good to go.

5 MEMBER UEOKA: Okay.

6 CHAIR FUJII: You just hope that Bruce shows up.

7 MEMBER UEOKA: Yeah, you got to come every time.

8 CHAIR FUJII: Any discussion on what the -- the  
9 voting process now? We need the five votes, like I said,  
10 for. All in favor of Gwen as Vice-Chairman for the next  
11 election period, raise your hand. We got the five votes.  
12 Okay. Congratulation, Gwen.

13 MEMBER UEOKA: Thank you.

14 CHAIR FUJII: Vice-Chair of the Liquor Control  
15 Adjudication Board. Is there any other business?

16 DIRECTOR MUKAI: One last thing. In front of  
17 you, you will have the new rule book. It includes all the  
18 rule amendments the Commission passed and the new State  
19 laws. This is your take-home copy.

20 MEMBER UEOKA: Thank you.

21 CHAIR FUJII: Everybody take home except me.

22 DIRECTOR MUKAI: And, also --

23 CHAIR FUJII: Okay.

24 DIRECTOR MUKAI: And, also, in front of you, we  
25 passing out -- we distribute to all the licensee the new

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1 2018 ID Checking Guide. And, also, the same thing from  
2 the Department of Finance on how to check the IDs, the  
3 state and driver's license which assist the licensee in  
4 the training and education.

5 CHAIR FUJII: Okay.

6 DIRECTOR MUKAI: Especially with all these minor  
7 decoy operation coming before you.

8 CHAIR FUJII: Okay. Any other final business  
9 before we adjourn? I need to say I enjoyed all my years  
10 with the Liquor Department, 18 years. It's been 13 with  
11 the Board and five with the Commission, so 18 years. I  
12 think I could go to work for the Department already. I'm  
13 too old, so I not gonna apply. But, again, I enjoyed  
14 working with you guys at the Department level as well as  
15 the Board Members and Commission Members that I served  
16 with. Again, it was something to do. And you learn a  
17 lot. Yeah, something to do. And I -- I make sure I work  
18 my Vegas trips around our meetings and not miss. I think  
19 my attendance has been pretty good here. And like I said,  
20 I feel confident you guys can do great job from tomorrow  
21 on. Okay. Thank you.

22 MEMBER UEOKA: Thank you.

23 CHAIR FUJII: Okay. No further business,  
24 someone make a motion. Any other business? If not,  
25 someone make a motion to adjourn.

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MEMBER ARIAGA: I motion.

MEMBER HELM: Second.

CHAIR FUJII: We are adjourned. Thank you.

(Meeting adjourned, 10:27 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 2nd day of April, 2018.

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