

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

RECEIVED

2018 SEP 21 AM 11:46

OFFICE OF THE
COUNTY CLERK

DATE & TIME: OCTOBER 4, 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. 2018-21, PLEA: NOT GUILTY

In the matter of the accusation against MH ENTERPRISES, INC. dba KOBE JAPANESE STEAK HOUSE, Restaurant General License No. 155, 136 Dickenson Street, Lahaina, Maui, Hawaii.

Count 1. On May 6, 2018, MH ENTERPRISES, INC. dba KOBE JAPANESE STEAK HOUSE, a restaurant general licensee, did fail to have the main or primary entrance unlocked while open for business, contrary to Section 08-101-90(a) of the Rules of the Liquor Commission, County of Maui.

Count 2. On May 6, 2018, MH ENTERPRISES, INC. dba KOBE JAPANESE STEAK HOUSE, a restaurant general licensee, did fail to exercise due care to ensure that no person or employee actively engaged in the sale or serving of liquor, or while on duty, be permitted to consume any alcoholic beverages, contrary to Section 08-101-80(a)(1) of the Rules of the Liquor Commission, County of Maui.

B. COMPLAINT AND ACCUSATION NO. 2018-22, PLEA: NOT GUILTY

In the matter of the accusation against IP 1, LLC dba MONKEYPOD KITCHEN BY MERRIMAN, Restaurant General License No. 033, 10 Wailea Gateway Place, Unit B-201, Wailea, Maui, Hawaii.

Count 1. On March 27, 2018, IP 1, LLC dba MONKEYPOD KITCHEN BY MERRIMAN, a restaurant general licensee, did, through its employee(s), sell, serve, or furnish any liquor to, or allow the consumption of any 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 March 27, 2018, IP 1, LLC dba MONKEYPOD KITCHEN BY MERRIMAN, a restaurant general 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 281-78(b)(5) of the Hawaii Revised Statutes and Section 08-101-60(b)(5) of the Rules of the Liquor Commission, County of Maui.
- Count 3. On March 27, 2018, IP 1, LLC dba MONKEYPOD KITCHEN BY MERRIMAN, a restaurant 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 patron was 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)(11) of the Rules of the Liquor Commission, County of Maui.
- Count 4. On March 27, 2018, IP 1, LLC dba MONKEYPOD KITCHEN BY MERRIMAN, a restaurant general licensee, did, through its employee(s), fail to immediately prevent or suppress any violent, quarrelsome, disorderly, lewd, immoral, or unlawful conduct of any person on the premises, contrary to Section 08-101-60(b)(6) of the Rules of the Liquor Commission, County of Maui.
- Count 5. On March 27, 2018, IP 1, LLC dba MONKEYPOD KITCHEN BY MERRIMAN, a restaurant general licensee, failed to have available on the licensed premises a time sheet showing in English the legal first name and surname of all employees, including and not limited to managers, assistant managers, and employees approved by the director, when such employee is on duty, displaying time record entries

made at the time the employee reports on duty and again when the employee goes off duty, contrary to Section 08-101-70(f) of the Rules of the Liquor Commission, County of Maui.

II. ADJOURNMENT

NEXT LIQUOR CONTROL ADJUDICATION BOARD MEETING WILL BE HELD ON NOVEMBER 1, 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.