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LIQUOR COMMISSION
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 9:01 a.m., on November 14th, 2018.

REPORTED BY: SANDRA J. GRAN, RPR/CSR #424

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APPEARANCES

COMMISSION MEMBERS PRESENT:

CHAIRPERSON: ROBERT TANAKA

VICE-CHAIRPERSON: NANE ALULI

COMMISSIONERS: LEON BOLOSAN

ROY UMENO

DAWN BICOY-STEVENSON

JONATHAN TODD

ALBERTA DeJETLEY

LESLIE ANN YOKOUCHI (at 9:10)

STAFF PRESENT:

FIRST DEPUTY CORP. COUNSEL: EDWARD KUSHI, JR.

DEPUTY DIRECTOR: GEORGETTE TYAU

DIRECTOR: GLENN MUKAI

LIQUOR CONTROL OFFICER IV: KARILEE YOSHIZAWA

COMMISSION SECRETARY: SALIKA KHANGSENGSING

PRIVATE SECRETARY: LIANNE SUZUKI

1 (November 14th, 2018, 9:01 a.m.)

2 * * *

3 CHAIR TANAKA: (Gavel.) The commission meeting is
4 called to order. Let's have roll call.

5 MS. SUZUKI: Lianne Suzuki, Liquor.

6 MS. KHANGSENGSING: Maria Khangsensing, Liquor.

7 COMMISSIONER TODD: Jonathan Todd, commissioner.

8 COMMISSIONER BICOY: Good morning. Dawn Bicoy.

9 COMMISSIONER DeJETLEY: Good morning. Alberta
10 DeJetley.

11 MR. KUSHI: Ed Kushi, corp. counsel's office.

12 CHAIR TANAKA: Good morning. Bob Tanaka.

13 VICE CHAIR ALULI: Aloha. Nane Aluli.

14 COMMISSIONER BOLOSAN: Aloha. Leon Bolosan.

15 COMMISSIONER UMENO: Roy Umeno.

16 DIRECTOR MUKAI: Glenn Mukai, Liquor Control.

17 MS. TYAU: Georgette Tyau, Liquor Control.

18 MS. YOSHIZAWA: Kari Yoshizawa, Liquor Control.

19 CHAIR TANAKA: Okay. Before we go on to the agenda,
20 I just want to introduce our new secretary to boards and
21 commission, Maria. How do you pronounce your last name?

22 MS. KHANGSENGSING: Khangsensing.

23 VICE CHAIR ALULI: Khangsidsing.

24 MS. KHANGSENGSING: Khangsensing.

25 VICE CHAIR ALULI: Khangsensing. Great. Good.

1 DIRECTOR MUKAI: And also we have Linda Ayau, she's
2 an administrative assistant.

3 CHAIR TANAKA: Oh, yeah. Linda, please stand up.

4 MS. AYAU: Hi.

5 COMMISSIONER DeJETLEY: Hi.

6 MS. AYAU: Good morning.

7 COMMISSIONER TODD: Good morning.

8 DIRECTOR MUKAI: She'll take Georgette's place.

9 CHAIR TANAKA: Okay. Let's go on. You have your
10 agenda for November 14, 2018. If there's no question, may we
11 have a motion for approval.

12 VICE CHAIR ALULI: So moved.

13 COMMISSIONER TODD: Second.

14 COMMISSIONER BOLOSAN: Second.

15 CHAIR TANAKA: Moved and seconded. All in favor,
16 say "aye."

17 (Response.)

18 CHAIR TANAKA: Opposed, "no."

19 (No response.)

20 CHAIR TANAKA: You also have your commission minutes
21 of October 5th, 2018. If there's no comments or questions,
22 may I have a motion for approval.

23 VICE CHAIR ALULI: So moved.

24 COMMISSIONER TODD: Second.

25 CHAIR TANAKA: Okay. All favor, say "aye."

1 (Response.)

2 CHAIR TANAKA: Opposed, "no."

3 (No response.)

4 CHAIR TANAKA: Now, before we go on to General
5 Licensing Matters, I have one request. Because we have a new
6 court reporter, please identify yourselves before you make any
7 comments so we don't have to go back into the minutes and see
8 who's making these comments. Okay?

9 Okay. Let's go on to General Licensing Matters,
10 Item A -- oh, plenty, Item A through AA. Okay. If there's no
11 comments or questions, may I have a motion for confirmation.

12 COMMISSIONER TODD: So moved, sir.

13 VICE CHAIR ALULI: Second.

14 COMMISSIONER TODD: Jonathan Todd.

15 VICE CHAIR ALULI: Nani Aluli. Second.

16 CHAIR TANAKA: Okay. All in favor, say "aye."

17 (Response.)

18 CHAIR TANAKA: Opposed, "no."

19 (No response.)

20 CHAIR TANAKA: Okay. Motion carried.

21 Okay. Let's go on to Licensing, Public Hearing,
22 Application No. TA-01, Tavern LLC.

23 MR. BARBERI: Aloha. Good morning, Liquor Control.

24 My name is Javier Barberi, member/manager of Tavern LLC.

25 MR. HOPKINS: Good morning. I'm Caleb Hopkins,

1 general manager of Tavern LLC.

2 CHAIR TANAKA: Thank you.

3 Kari.

4 OFFICER YOSHIZAWA: Application No. TA-01, the
5 applicant is Tavern LLC doing business as Tavern at Mala. The
6 proposed premises is located at 1301 --

7 THE REPORTER: I'm sorry.

8 OFFICER YOSHIZAWA: -- Front Street, Lahaina, Maui,
9 Hawaii. This is a public hearing for a transfer of a
10 Restaurant General License, Category B(ii).

11 The documents necessary for completing the remaining
12 application requirements for a liquor license are listed in
13 the summary report.

14 Notice of public hearing was published in the Maui
15 News on October 10th, 2018. The department did not receive
16 any protests.

17 CHAIR TANAKA: Thank you.

18 Do you have anything else to add?

19 MR. BARBERI: No.

20 CHAIR TANAKA: Okay. Since this is a public
21 hearing, I'm going to open it to the public. Anybody for or
22 against this application?

23 (No response.)

24 CHAIR TANAKA: Okay. Seeing none, any questions by
25 the commissioners?

1 VICE CHAIR ALULI: Yeah, one quick question. This
2 is an ownership change too so --

3 MR. BARBERI: Yes.

4 VICE CHAIR ALULI: Oh, okay.

5 CHAIR TANAKA: Any other questions?

6 MR. KUSHI: Transfer.

7 CHAIR TANAKA: Yeah, transfer.

8 VICE CHAIR ALULI: Yeah.

9 CHAIR TANAKA: If there's no questions, may I have a
10 motion.

11 VICE CHAIR ALULI: I move that we approve this
12 License Application No. TA-01.

13 COMMISSIONER DeJETLEY: I second.

14 CHAIR TANAKA: Okay. Moved and seconded. All in
15 favor, say "aye."

16 (Response.)

17 CHAIR TANAKA: Opposed, "no."

18 (No response.)

19 CHAIR TANAKA: Motion carried. Thank you.

20 MR. HOPKINS: Thank you very much.

21 MR. BARBERI: Thank you.

22 CHAIR TANAKA: Okay. Normally I call a recess at
23 this point, but --

24 (Laughter.)

25 CHAIR TANAKA: If I call a recess, it's going to be

1 longer than the meeting.

2 Let's go on to Administrative Affairs, Liquor
3 Control Adjudication.

4 DIRECTOR MUKAI: The commission has a summary for
5 the Liquor Control Adjudication Board that was held on
6 November 1st, 2018.

7 And another item that should go in Administrative
8 Affairs, just a reminder, at the next meeting on December 12
9 is our appreciation luncheon, so please allow time to stay for
10 the appreciation luncheon after the next meeting. Thank you.

11 CHAIR TANAKA: Okay. Are there any questions,
12 comments?

13 COMMISSIONER TODD: I would like to discuss adding
14 something to next meeting's agenda, sir. Are you recognizing
15 me to do that?

16 CHAIR TANAKA: I don't see any problem. Go ahead.

17 COMMISSIONER TODD: Okay. Thank you. So it comes
18 to light that any of us may be accused or attacked as board
19 members, however frivolously, if somebody wants to for ethics
20 violations in this county and I have been so attacked. It
21 turns out that that is not a criminal attack and yet you can
22 be disparaged or reputation harmed or financially fined,
23 despite the fact that it's not criminal. So if somebody
24 doesn't like a ruling that we make, they can bring us up under
25 any number of loosey-goosey statements to the Ethics Board and

1 we must defend ourselves.

2 Corporate counsel will not defend us because
3 corporate counsel has a conflict of interest as they are the
4 defense of the Ethics Commission; therefore, there is no
5 defense for us. And if we choose to be hard and there are
6 attorneys involved and the attorney says, You want to get him
7 back? Let's go do this and cause him hell or her hell, then
8 we have to fight that out ourselves and I find this to be
9 wholly inappropriate. If we're charged for a community
10 service that we're doing for free of our own will to support
11 the community and somebody frivolously throws something at us,
12 we should have the right to be defended by the county at
13 someplace. And I'd like to put that in either as an open or
14 an executive session for discussion by all of us with some
15 research from the director's side as to -- or possibly your
16 side, Mr. Chairman, as to how we deal with this issue.

17 CHAIR TANAKA: What we will do is let me make a
18 suggestion. If you got any problems or whatever, I would
19 suggest you send me a letter as the chair requesting what you
20 saying right now and I'll discuss with our corp counsel and
21 see if we can --

22 COMMISSIONER TODD: In the particular --

23 CHAIR TANAKA: -- agenda the item.

24 COMMISSIONER TODD: So you're saying send a letter
25 restating what I've said?

1 CHAIR TANAKA: Make a formal request.

2 COMMISSIONER TODD: And make it as a formal request.

3 CHAIR TANAKA: Right.

4 COMMISSIONER TODD: Okay. I will do that, sir. I
5 tried to call you about it, but you were out last week, so...

6 CHAIR TANAKA: Yeah. I was on vacation.

7 COMMISSIONER TODD: And they have a very short
8 window where they get to attack.

9 CHAIR TANAKA: Well, send me a letter.

10 COMMISSIONER TODD: Very well, sir.

11 CHAIR TANAKA: Okay. Any other comments or
12 questions?

13 COMMISSIONER DeJETLEY: Mr. Chair, may I -- may I
14 make a comment on what Todd is saying.

15 CHAIR TANAKA: Okay.

16 COMMISSIONER DeJETLEY: What Jonathan is saying. In
17 the Maui News, you know, at the -- the vote we took on the
18 application by the NRA to have guns, there was a letter in the
19 Maui News which pretty much called us fuddy-duddies. And I
20 agree with the public's right to take potshots at us, but I
21 also would be concerned if the counsel -- if the county corp.
22 counsel is not going to represent us. If we do have to go to
23 a hearing, we should be provided with the advice of an
24 attorney.

25 CHAIR TANAKA: I think -- well, my personal opinion

1 is I think if it has anything to do with the commission,
2 commission business or what, then maybe we should be
3 represented because we're actually employees of the county;
4 but if it's a personal attack or if it's something that's not
5 related to what we're doing, then --

6 COMMISSIONER TODD: By definition, sir, when you're
7 brought up on charges from the Ethics Committee, it is not a
8 personal attack alone, it is a corporate attack based on the
9 county's code. I've been charged with a violation of the
10 county's ethics code. So I've been charged and no one is
11 going to represent me, so I've paid for my own attorney. And
12 I'll win because prima facie there's nothing in the complaint
13 that substantiates anything. The point of the matter is if
14 we're going to have teeth, we have to be protected. We have
15 to feel safe to say no to the NRA, no to somebody who's, you
16 know, had multiple DUIs or whatever the issues are that we
17 want to investigate and protect the society against. We have
18 to have some safety. And if people know that we're on our
19 own, attack them and they have to get a lawyer at their own
20 cost, why would anybody serve?

21 CHAIR TANAKA: (Gavel.) Okay. Yeah. Well, send me
22 that letter anyway.

23 COMMISSIONER TODD: Yes, sir.

24 CHAIR TANAKA: Okay. Any other comments not related
25 to this subject?

1 MR. KUSHI: Yes, Mr. Chair. For the record, Member
2 Leslie Ann Yokouchi is present.

3 CHAIR TANAKA: Oh, yeah. Sorry, Leslie.

4 MS. YOKOUCHI: Sorry I'm late.

5 COMMISSIONER TODD: The late Leslie Ann Yokouchi.

6 CHAIR TANAKA: Okay. If there's no other questions,
7 comments, may I have a mission -- may I have a motion for
8 adjournment.

9 COMMISSIONER TODD: What about our recess?

10 CHAIR TANAKA: There's no recess today.

11 COMMISSIONER TODD: I move we adjourn, sir.

12 COMMISSIONER BOLOSAN: Second.

13 CHAIR TANAKA: Okay. Meeting adjourned. Thank you.

14 (The proceedings were adjourned at 9:11 a.m.)
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