

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

DATE & TIME: OCTOBER 3, 2019 AT 9:00 A.M.

PLACE: DEPARTMENT OF LIQUOR CONTROL
DAVID K. TRASK, JR. OFFICE BUILDING
2145 KAOHU STREET, ROOM 108
WAILUKU, MAUI, HAWAII 96793

OFFICE OF THE
COUNTY CLERK

2019 SEP 20 AM 8:26

RECEIVED

I. HEARINGS BEFORE THE BOARD:

A. COMPLAINT AND ACCUSATION NO. 2019-01, PLEA: NOT GUILTY

In the matter of the accusation against BC RESTAURANT OPERATOR INC. dba MERRIMAN'S KAPALUA, Restaurant General License #281, 1 Bay Club Drive, Kapalua, Maui, Hawaii.

- Count 1. On May 8, 2018, BC RESTAURANT OPERATOR INC. dba MERRIMAN'S KAPALUA, 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, contrary to Section 08-101-70(f) of the Rules of the Liquor Commission, County of Maui.
- Count 2. On May 8, 2018, BC RESTAURANT OPERATOR INC. dba MERRIMAN'S KAPALUA, a restaurant general licensee, failed 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 operation, 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.
- Count 3. On May 8, 2018, BC RESTAURANT OPERATOR INC. dba MERRIMAN'S KAPALUA, a restaurant general licensee, failed to have an on-duty employee duly approved by the

director in active charge and be within each liquor dispensing or consumption area at all times whenever there is sale, service, or consumption of liquor, contrary to Section 08-101-70(h) of the Rules of the Liquor Commission, County of Maui.

- Count 4. On May 8, 2018, BC RESTAURANT OPERATOR INC. dba MERRIMAN'S KAPALUA, 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.
- Count 5. On June 8, 2018, BC RESTAURANT OPERATOR INC. dba MERRIMAN'S KAPALUA, a restaurant general licensee, did sell, advertise, or offer to sell "all the liquor you can drink", or more than two drinks of alcoholic beverage for a fixed price, or encourage, sponsor, permit or have any promotion, game or contest that involves the consumption of liquor or the awarding of liquor as a prize contrary to Section 08-101-69(a)(1) of the Rules of the Liquor Commission, County of Maui.
- Count 6. On June 8, 2018, BC RESTAURANT OPERATOR INC. dba MERRIMAN'S KAPALUA, a restaurant general licensee, did fail to have liquor service to a customer made by the licensee or an employee of the licensee, contrary to Section 08-101-84(a) of the Rules of the Liquor Commission, County of Maui.
- Count 7. On June 8, 2018, BC RESTAURANT OPERATOR INC. dba MERRIMAN'S KAPALUA, a restaurant general licensee, did fail to prepare all drinks on the top surface of the bar in such manner as to permit any interested customer or customers to have a clear and unobstructed view of the bartender's operations, contrary to Section 08-101-84(d) of the Rules of the Liquor Commission, County of Maui.
- Count 8. On June 8, 2018, BC RESTAURANT OPERATOR INC. dba MERRIMAN'S KAPALUA, a restaurant general licensee, did

allow the liquor consumption and/or service in areas for dancing, music, and entertainment, contrary to Section 08-101-99(a)(7) of the Rules of the Liquor Commission, County of Maui.

Count 9. On June 8, 2018, BC RESTAURANT OPERATOR INC. dba MERRIMAN'S KAPALUA, a restaurant general licensee, did fail to obtain a permit for product tasting, contrary to Section 08-101-27(a)(9) of the Rules of the Liquor Commission, County of Maui.

Count 10. On June 8, 2018, BC RESTAURANT OPERATOR INC. dba MERRIMAN'S KAPALUA, a restaurant general licensee, did fail 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, contrary to Section 08-101-70(f) of the Rules of the Liquor Commission, County of Maui.

B. COMPLAINT AND ACCUSATION NO. 2019-02, PLEA: NOT GUILTY

In the matter of the accusation against AUMAKUA HOLDINGS INC. dba MAUI BREWING CO., Small Craft Producer Pub License #339, 605 Lipoa Parkway, Kihei, Maui, Hawaii.

Count 1. During or about the period of January 19, 2019 through January 20, 2019, AUMAKUA HOLDINGS INC. dba MAUI BREWING CO., a small craft producer pub licensee, did, through its employee(s), sell, serve, or furnish liquor to, or allow the consumption of liquor by a person, 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. During or about the period of January 19, 2019 through January 20, 2019, AUMAKUA HOLDINGS INC. dba MAUI BREWING CO., a small craft producer pub licensee, did, through its employee(s), knowingly permit a person, 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. During or about the period of January 19, 2019 through January 20, 2019, AUMAKUA HOLDINGS INC. dba MAUI BREWING CO., a small craft producer pub 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 person 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. During or about the period of January 19, 2019 through January 20, 2019, AUMAKUA HOLDINGS INC. dba MAUI BREWING CO., a small craft producer pub 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, 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.

C. COMPLAINT AND ACCUSATION NO. 2019-03, PLEA: GUILTY

In the matter of the accusation against MACADANGDANG GROUP LLC dba JOEY'S KITCHEN, Dispenser General License #195, 5095 Napilihau Street, Space Nos. 107A & 107B, Napili, Maui, Hawaii.

- Count 1. On May 4, 2019, MACADANGDANG GROUP LLC dba JOEY'S KITCHEN, a dispenser 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, contrary to Section 08-101-70(f) of the Rules of the Liquor Commission, County of Maui.
- Count 2. On May 4, 2019, MACADANGDANG GROUP LLC dba JOEY'S KITCHEN, a dispenser general 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.
- Count 3. On May 4, 2019, MACADANGDANG GROUP LLC dba JOEY'S KITCHEN, a dispenser 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.
- Count 4. On May 4, 2019, MACADANGDANG GROUP LLC dba JOEY'S KITCHEN, a dispenser general licensee, did sell, serve, or furnish liquor to a person at a cost below the licensee's cost of liquor purchased at wholesale, contrary to Section 08-101-69(b) of the Rules of the Liquor Commission, County of Maui.
- Count 5. On May 4, 2019, MACADANGDANG GROUP LLC dba JOEY'S KITCHEN, a dispenser 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 6. On May 5, 2019, MACADANGDANG GROUP LLC dba JOEY'S KITCHEN, a dispenser general licensee, did sell, advertise, or offer to sell "all the liquor you can drink", or more than two drinks of alcoholic beverage for a fixed price, or encourage, sponsor, permit or have any promotion, game or contest that involves the consumption of liquor or the awarding of liquor as a prize contrary to Section 08-101-69(a)(1) of the Rules of the Liquor Commission, County of Maui.
- Count 7. On May 5, 2019, MACADANGDANG GROUP LLC dba JOEY'S KITCHEN, a dispenser general licensee, did fail to disclose the volume of a wine pour on the price list for wine sold by the glass, contrary to Section 08-101-86(d) of the Rules of the Liquor Commission, County of Maui.

II. ADJOURNMENT

NEXT LIQUOR CONTROL ADJUDICATION BOARD MEETING WILL BE HELD ON NOVEMBER 7, 2019, AT 9:00 A.M. AT THE DEPARTMENT OF LIQUOR CONTROL, 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, Department of Liquor Control, 2145 Kaohu Street, Room 105, Wailuku, Maui, Hawaii 96793, or by calling 243-7753.