

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

RECEIVED

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COUNTY CLERK

DATE & TIME: NOVEMBER 7, 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

I. HEARINGS BEFORE THE BOARD:

A. 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 engage 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. 2019-04, PLEA: NO CONTEST

In the matter of the accusation against MS MAKAWAO, LLC dba MINIT STOP, Retail Beer & Wine License #077, 1100 Makawao Avenue, Makawao, Maui, Hawaii.

- Count 1. During or about the period of July 1, 2019, through July 6, 2019, inclusive, MS MAKAWAO, LLC dba MINIT STOP, a retail beer & wine licensee, did fail to provide any information, documents, books, or records requested by the commission, board, or the department, contrary to Section 08-101-60(b)(14) of the Rules of the Liquor Commission, County of Maui

C. COMPLAINT AND ACCUSATION NO. 2019-05, PLEA: NO CONTEST

In the matter of the accusation against VILLAGE TAVERN, LLC dba TAVERNA, Restaurant General License #020, 2000 Village Road, Kapalua, Maui, Hawaii.

- Count 1. On January 23, 2019, VILLAGE TAVERN, LLC dba TAVERNA, a restaurant general licensee, failed to have its employee, who was issued a valid "employee approved by

the director" certification card by the department, keep the certification card in the employee's possession or readily available on the premises for inspection at all times while on duty, contrary to Section 08-101-70(b) of the Rules of the Liquor Commission, County of Maui.

- Count 2. On January 23, 2019, VILLAGE TAVERN, LLC dba TAVERNA, 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 3. On January 23, 2019, VILLAGE TAVERN, LLC dba TAVERNA, 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 4. On January 23, 2019, VILLAGE TAVERN, LLC dba TAVERNA 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.

II. ADJOURNMENT

NEXT LIQUOR CONTROL ADJUDICATION BOARD MEETING WILL BE HELD ON DECEMBER 5, 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.

AGENDA
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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.