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AGENDA
LIQUOR CONTROL ADJUDICATION BOARD
DEPARTMENT OF LIQUOR CONTROL
COUNTY OF MAUI

OFFICE OF THE
COUNTY CLERK

DATE & TIME: DECEMBER 5, 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. 2019-06. PLEA: NOT GUILTY

In the matter of the accusation against TANTE'S MAALAEA LLC dba TANTE'S FISH MARKET RESTAURANT AND BAR, Dispenser General License #158, 300 Maalaea Road, #300, Maalaea, Maui, Hawaii.

- Count 1. On February 6, 2019, TANTE'S MAALAEA LLC dba TANTE'S FISH MARKET RESTAURANT AND BAR, 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 2. On February 6, 2019, TANTE'S MAALAEA LLC dba TANTE'S FISH MARKET RESTAURANT AND BAR, a dispenser general licensee, failed to have an on-duty employee duly approved by the director in active charge of each premises during all times that such premises is open for business, contrary to Section 08-101-70(a) of the Rules of the Liquor Commission, County of Maui.
- Count 3. On February 6, 2019, TANTE'S MAALAEA LLC dba TANTE'S FISH MARKET RESTAURANT AND BAR, 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 4. On February 6, 2019, TANTE'S MAALAEA LLC dba TANTE'S FISH MARKET RESTAURANT AND BAR, a dispenser 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 5. On February 6, 2019, TANTE'S MAALAEA LLC dba TANTE'S FISH MARKET RESTAURANT AND BAR, a dispenser 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 6. On February 6, 2019, TANTE'S MAALAEA LLC dba TANTE'S FISH MARKET RESTAURANT AND BAR, 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.

B. COMPLAINT AND ACCUSATION NO. 2019-07, PLEA: NOT GUILTY

In the matter of the accusation against DIRTY MONKEY LAHAINA LLC dba THE DIRTY MONKEY, Dispenser General License #383, 844 Front Street, Units 201-205, Lahaina, Maui, Hawaii.

- Count 1. During or about the period of March 15, 2019, through March 16, 2019, inclusive, DIRTY MONKEY LAHAINA LLC dba THE DIRTY MONKEY, a dispenser general licensee, did, through its employee(s), sell, serve, or furnish liquor to, or allow the consumption of 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. During or about the period of March 15, 2019, through March 16, 2019, inclusive, DIRTY MONKEY LAHAINA LLC dba THE DIRTY MONKEY, a dispenser 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 08-101-60(b)(5) of the Rules of the Liquor Commission, County of Maui.
- Count 3. During or about the period of March 15, 2019, through March 16, 2019, inclusive, DIRTY MONKEY LAHAINA LLC dba THE DIRTY MONKEY, a dispenser general licensee, did, through its employee(s), fail to exercise due care 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. During or about the period of March 15, 2019, through March 16, 2019, inclusive, DIRTY MONKEY LAHAINA LLC dba THE DIRTY MONKEY, 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.

C. COMPLAINT AND ACCUSATION NO. 2019-08, PLEA: NOT GUILTY

In the matter of the accusation against 90210 MANAGEMENT COMPANY, LLC dba GRAND WAILEA RESORT HOTEL & SPA, Hotel License #238, 3850 Wailea Alanui Drive, Wailea, Maui, Hawaii.

- Count 1. On June 5, 2019, 90210 MANAGEMENT COMPANY, LLC dba GRAND WAILEA HOTEL RESORT & SPA, a hotel licensee, did, through its employee(s), sell, serve, or furnish liquor to, or allow the consumption of 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 June 5, 2019, 90210 MANAGEMENT COMPANY, LLC dba GRAND WAILEA HOTEL RESORT & SPA, a hotel 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, or a disorderly person, 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. On June 5, 2019, 90210 MANAGEMENT COMPANY, LLC dba GRAND WAILEA HOTEL RESORT & SPA, a hotel licensee, did, through its employee(s), fail to exercise due care 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 June 5, 2019, 90210 MANAGEMENT COMPANY, LLC dba GRAND WAILEA HOTEL RESORT & SPA, a hotel licensee, did, through its employee(s) failed 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.

II. ADJOURNMENT

NEXT LIQUOR CONTROL ADJUDICATION BOARD MEETING WILL BE HELD ON JANUARY 2, 2020, 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.