

RECEIVED

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

2020 JAN 24 AM 9:07  
OFFICE OF THE  
COUNTY CLERK

DATE & TIME: FEBRUARY 6, 2020 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. CALL TO ORDER

II. ROLL CALL

III. HEARINGS BEFORE THE BOARD:

A. COMPLAINT AND ACCUSATION NO. 2020-01, PLEA: NO CONTEST

In the matter of the accusation against RAA CORP. dba DIAMOND'S ICE BAR & GRILL, Dispenser General License #228, 1279 South Kihei Road, Suite 314, Kihei, Maui, Hawaii.

- Count 1. On October 27, 2018, RAA CORP. dba DIAMOND'S ICE BAR & GRILL, 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. On October 27, 2018, RAA CORP. dba DIAMOND'S ICE BAR & GRILL, 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. On October 27, 2018, RAA CORP. dba DIAMOND'S ICE BAR & GRILL, a dispenser 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.

**B. COMPLAINT AND ACCUSATION NO. 2020-02, PLEA: NO CONTEST**

**In the matter of the accusation against KYO-YA HOTELS & RESORTS, LP dba SHERATON MAUI HOTEL, Hotel License #251, 2605 Kaanapali Parkway, Kaanapali, Maui, Hawaii.**

- Count 1. During or about the period of September 28, 2018, through September 29, 2018, inclusive, KYO-YA HOTELS & RESORTS, LP dba SHERATON MAUI HOTEL, a hotel licensee, did, through its employee(s), permit dancing or entertainment in areas not designated and approved by the director, contrary to Section 08-101-23(a) of the Rules of the Liquor Commission, County of Maui.
- Count 2. During or about the period of September 28, 2018, through September 29, 2018, inclusive, KYO-YA HOTELS & RESORTS, LP dba SHERATON MAUI HOTEL, a hotel licensee, failed to comply with all conditions placed on any permit issued by the department or the commission, contrary to Section 08-101-27(c) of the Rules of the Liquor Commission, County of Maui.
- Count 3. During or about the period of September 28, 2018, through September 29, 2018, inclusive, KYO-YA HOTELS & RESORTS, LP dba SHERATON MAUI HOTEL, a hotel licensee, did, through its employee(s), permit a minor to remain in or about any portion of the licensed premises used or set aside for the sale or consumption of liquor, contrary to Sections 08-101-61(f) of the Rules of the Liquor Commission, County of Maui.
- Count 4. During or about the period of September 28, 2018, through September 29, 2018, inclusive, KYO-YA HOTELS & RESORTS, LP dba SHERATON MAUI HOTEL, a hotel licensee, allowed public dancing by minors in licensed premises without satisfying the following requirements: providing food service, music, and entertainment; setting aside an approved area that was designated a non-consumption area where minors shall remain; or requiring that dancing conclude by 10:00 p.m., contrary to Sections 08-101-61(g)(2), 08-101-61(g)(3) and 08-101-61(g)(4) of the Rules of the

Liquor Commission, County of Maui.

- Count 5. During or about the period of September 28, 2018, through September 29, 2018, inclusive, KYO-YA HOTELS & RESORTS, LP dba SHERATON MAUI HOTEL, a hotel licensee, had illegal liquor or liquor not purchased from a class 3 wholesale dealers' licensee, or a class 1 manufacturers' licensee, class 14 brewpub licensee, class 16 winery licensee, and class 18 small craft producer pub licensee or a solicitor or representative of a manufacturer or wholesale dealer, on a portion of the licensed premises, which is contrary to Section 08-101-63(a) of the Rules of the Liquor Commission, County of Maui.
- Count 6. During or about the period of September 28, 2018, through September 29, 2018, inclusive, KYO-YA HOTELS & RESORTS, LP dba SHERATON MAUI HOTEL, a hotel licensee, failed to have an on-duty employee approved by the director, other than a bartender, capable of maintaining order present in any liquor dispensing area at all times whenever public dancing and/or live entertainment is conducted within, contrary to Section 08-101-81(b) of the Rules of the Liquor Commission, County of Maui.
- Count 7. During or about the period of September 28, 2018, through September 29, 2018, inclusive, KYO-YA HOTELS & RESORTS, LP dba SHERATON MAUI HOTEL, a hotel licensee, did, through its employee(s), provide more than two drinks of distilled spirits at one time to an individual, contrary to Section 08-101-84(b) of the Rules of the Liquor Commission, County of Maui.
- Count 8. During or about the period of September 28, 2018, through September 29, 2018, inclusive, KYO-YA HOTELS & RESORTS, LP dba SHERATON MAUI HOTEL, a hotel licensee, did, through its employee(s), fail to remove all empty glasses and containers by persons serving the customers at the time of or before serving another drink, contrary to Section 08-101-84(e) of the Rules of the Liquor Commission, County of Maui.
- Count 9. During or about the period of September 28, 2018, through September 29, 2018, inclusive, KYO-YA HOTELS & RESORTS, LP dba SHERATON MAUI HOTEL, a hotel licensee, did, through its employee(s), allow 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.

**IV. ADMINISTRATIVE AFFAIRS:**

- A. Travel Policy and Procedures Manual (Revised 01/01/20)
- B. Financial Disclosure Statement

**V. ADJOURNMENT**

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