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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 March 11, 2020.

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

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APPEARANCES

COMMISSION MEMBERS PRESENT:

- CHAIRPERSON: NANE ALULI
- VICE-CHAIRPERSON: ROY UMENO
- COMMISSIONERS: LEON BOLOSAN
- ROBERTO ANDRION, JR.
- JERRYBETH DE MELLO
- JAMIE BECRAFT
- LESLIE ANN YOKOUCHI (in at
9:03 a.m.)

STAFF PRESENT:

- DEPUTY CORPORATION COUNSEL: EDWARD KUSHI, JR.
- DEPUTY DIRECTOR: GEORGETTE TYAU
- LIQUOR CONTROL OFFICER III: LAYNE SILVA
- COMMISSION SECRETARY: MARIA KHANGSENGSING

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(March 11, 2020, 9:01 a.m.)

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CHAIR ALULI: (Gavel.) It's one minute after 9:00. I would like to call our liquor commission meeting for Wednesday, March 11th to order. Again, just for the good of making sure we pick up all the minutes correctly, we don't have a recording secretary, we only have the recording device, so please make sure you speak clearly and give us your names before you start speaking. Thank you very much.

Maria, please, start with the roll call.

MS. KHANGSENGSING: Maria Khangsengsing, department of liquor control.

COMMISSIONER BECRAFT: Jamie Becraft, Wailuku.

COMMISSIONER DE MELLO: Jerry Beth De Mello, Lahaina.

MR. KUSHI: Ed Kushi, corp. counsel office.

CHAIR ALULI: Nane Aluli.

VICE CHAIR UMENO: Roy Umeno.

COMMISSIONER ANDRION: Roberto Andrion, commissioner.

COMMISSIONER BOLOSAN: Aloha. Leon Bolosan.

MS. TYAU: Georgette Tyau, liquor control.

OFFICER LAYNE SILVA: Layne Silva, liquor control.

CHAIR ALULI: Thank you. I would now like to ask that we approve the agenda for this March 11th meeting. May I

1 have a motion for approval.

2 VICE CHAIR UMENO: So moved.

3 COMMISSIONER DE MELLO: Second.

4 CHAIR ALULI: Any discussion?

5 (No response.)

6 CHAIR ALULI: All in favor?

7 (Response.)

8 CHAIR ALULI: It has been moved, seconded, and
9 approved.

10 Let's move on now to the minutes of our January 23rd
11 special meeting and February 12th commission meeting. Do I
12 have an approval for those minutes?

13 COMMISSIONER BOLOSAN: Leon Bolosan. Move to
14 approve.

15 COMMISSIONER DE MELLO: Second.

16 CHAIR ALULI: Any discussion?

17 (No response.)

18 CHAIR ALULI: If not, may I have a vote for
19 approval. All in favor? Sorry. All in favor?

20 (Response.)

21 CHAIR ALULI: Motion carries.

22 Okay. Let's now move on to Public Testimony. I'll
23 move to General Licensing Matters.

24 MR. KUSHI: Take public testimony.

25 CHAIR ALULI: Oh, I'm sorry. Take public --

1 MR. KUSHI: Take public testimony on any agenda
2 item. Just ask for any public testimony.

3 CHAIR ALULI: Yeah. Is there any public testimony
4 at this point?

5 (No response.)

6 CHAIR ALULI: Not seeing any, we will move on to --

7 MR. KUSHI: Mr. Chair.

8 CHAIR ALULI: Yes.

9 MR. KUSHI: Make a motion to close public testimony.

10 CHAIR ALULI: Okay. Sorry. May I have a motion to
11 close public testimony.

12 COMMISSIONER ANDRION: So move.

13 COMMISSIONER BOLOSAN: Second.

14 CHAIR ALULI: All in favor?

15 (Response.)

16 CHAIR ALULI: Okay. Let's move on to General
17 Licensing Matters, Items A and B. May I have a motion for
18 approval.

19 COMMISSIONER ANDRION: So moved.

20 COMMISSIONER BOLOSAN: Second.

21 CHAIR ALULI: Any discussion?

22 (No response.)

23 CHAIR ALULI: All in favor?

24 (Response.)

25 CHAIR ALULI: Any opposed?

1 (No response.)

2 CHAIR ALULI: Motion carries. Thank you.

3 Okay. Let's move on to Licensing Matters,
4 Application No. 11, Velez Enterprises.

5 Layne.

6 MS. BOYLE: Good morning. My name is Mary Ann Boyle
7 from Velez Enterprises doing business as Olowalu General
8 Store.

9 CHAIR ALULI: Thank you.

10 Layne.

11 OFFICER LAYNE SILVA: Application No. 11, the
12 applicant is Velez Enterprises, LLC doing business as Olowalu
13 General Store.

14 The proposed premises is located at 820 Olowalu
15 Village Road, Lahaina, Maui, Hawaii. This is a public hearing
16 for a new retail general.

17 The documents necessary for completing the remaining
18 application requirements for a liquor license are listed in
19 the summary report.

20 Notice of public hearing was published in the Maui
21 News on January 15th and 22nd, 2020.

22 There are a total of nine owners and lessees
23 situated within 500 feet of the proposed premises.

24 The department did not receive any protests.

25 CHAIR ALULI: Thanks, Layne.

1 Elaine, you got anything more to add to that?

2 MS. BOYLE: Me?

3 CHAIR ALULI: Yes, you. I'm sorry. What was your
4 name?

5 MS. BOYLE: Mary Ann.

6 CHAIR ALULI: Oh, I'm sorry, Mary Ann. Excuse me.
7 Mary Ann.

8 MS. BOYLE: Nothing to add, sir.

9 CHAIR ALULI: Okay. Commissioners, any of you have
10 any questions? No?

11 (No response.)

12 CHAIR ALULI: Not having any -- I'm sorry. Oh,
13 yeah. Let the -- let the record reflect that Leslie Ann
14 Yokouchi has now joined us.

15 COMMISSIONER YOKOUCHI: Thank you.

16 CHAIR ALULI: Since there are no questions from the
17 commission, may I have a motion for approval.

18 COMMISSIONER ANDRION: Motion to approve.

19 COMMISSIONER DE MELLO: Second.

20 CHAIR ALULI: All in favor?

21 (Response.)

22 CHAIR ALULI: Motion carries. Thank you very much.

23 MS. BOYLE: Thank you so much.

24 CHAIR ALULI: Okay. Let's move on to Item B, Cold
25 LLC.

1 Layne.

2 OFFICER LAYNE SILVA: Mr. Chair, at this time there
3 is no representative here. They were called, they were -- we
4 left messages for them. They received their notice that they
5 were supposed to appear this morning, we called, left messages
6 to let them know they need to be here, but as of right now,
7 they're -- there's -- they're not here.

8 CHAIR ALULI: Okay. So --

9 (Chair conferring with corp. counsel.)

10 CHAIR ALULI: Okay. So I guess we defer it to the
11 next meeting, then.

12 MR. KUSHI: Question --

13 CHAIR ALULI: Yeah.

14 MR. KUSHI: -- for staff. Layne, there's no
15 publication involved on this; right?

16 OFFICER LAYNE SILVA: No.

17 MR. KUSHI: It's just they have to go through the
18 hearing?

19 OFFICER LAYNE SILVA: It's the one public hearing
20 requirement.

21 MR. KUSHI: Okay. Yeah.

22 CHAIR ALULI: Okay, all right. So we'll defer it to
23 the next meeting, then. Okay.

24 Okay. Let's now move on to Administrative Affairs,
25 the Director's Monthly Report. Georgette.

1 MS. TYAU: Good morning. For liquor license
2 renewals, we've commenced delivery. Renewals will be
3 April 1st through June 15th. At the last director's meeting
4 on February 7th we had a presentation on Real ID. It's not
5 perfect, it still has mistakes, so it seems that the booklet
6 that we hand out, the U.S. and Canada ID checking guides and
7 the international guides are still one of the better options.
8 We are in the process of delivering those ID guides right now
9 to licensees. We provide it to them every year.

10 Liquor certification and education, the licensing
11 section did an excellent job in creating a PowerPoint, so
12 every class you go to, every presentation, you have the same
13 things being covered along with questions and answers.

14 And financial disclosure statement, just a reminder
15 that it's due by April 15th.

16 CHAIR ALULI: Okay. Have all the commissioners
17 turned on -- turned in their financial disclosures yet or are
18 there still people -- commissioners who haven't?

19 (Response.)

20 CHAIR ALULI: Well, let's get them done. Okay?

21 All right. Thank you.

22 All right. We'd now like to move on to Item B, a
23 Presentation by Councilmember Yuki Lei Sugimura and Lieutenant
24 William Hankins with the Maui Police Department, relating to
25 the DUI Tow Bill.

1 MS. SUGIMURA: Yeah. Do we stand --

2 CHAIR ALULI: Yuki Lei, thank you. Yes.

3 MS. SUGIMURA: Yeah. Thank you. Thank you for
4 letting us be here. I'm Yuki Lei Sugimura. Nice to see all
5 of you, I know that some of you have come before the council
6 for confirmation, I'm so proud to see you sitting there doing
7 the job of the community.

8 But in December the county council passed a law and
9 the mayor signed on December 20th a law, we wanted to get down
10 and be stricter with impaired driving, so we passed a towing
11 for impaired driver ordinance which became into law
12 December 20th and signed by the mayor the same day that the
13 council passed second and final reading. And then Lieutenant
14 Hankins here is in charge of the traffic section and we worked
15 with him for education and we thought it was important for us
16 to just come and share with you what we have enacted and to
17 see if we could somehow get to your licensees, if you think
18 it's appropriate.

19 We know that the impaired driving is not only at --
20 at restaurants or -- you know, bars or people who are licensed
21 from you and we do have a problem with family parties and, you
22 know, rage parties that go on in the community. So we're not
23 saying it's only through this body, but we just wanted to
24 reach out and continue doing our education so that you, as
25 important people in the community, would understand what a

1 role you play for getting our drunk driving. As you know --
2 getting it down. As you know, in the whole nation, Hawaii was
3 designated the worst state in the whole nation per capita with
4 drunk drivers, so we think that this is -- although it's a
5 small step, it's a step forward. I think Maui County is -- is
6 taking a position to say that we think your lives are
7 important, that what you do while you're on the road and
8 driving and not being impaired will save lives.

9 So here's Lieutenant Hankins, he can kind of give
10 you some results.

11 CHAIR ALULI: Thank you, Yuki Lei.

12 Yeah.

13 LT. HANKINS: Good morning. Lieutenant William
14 Hankins with the police department's traffic division.

15 Last year we had, off the top of my head, 15
16 fatalities that were alcohol or drug related, that's 15 people
17 who are no longer with us because of the result of alcohol
18 drinking and driving or drugs. It's unacceptable, you know.
19 We're 66 percent last year for alcohol-related fatalities. It
20 was getting to the point where it's ridiculous, so what we did
21 is I worked with the state traffic commanders and they have a
22 law over in Hilo or on the Big Island that's called the Leah's
23 Law and what they did is they enacted this years ago to
24 address the same problem that we're having here now. And what
25 that law is, is if you get arrested for impaired driving,

1 they're gonna tow your vehicle. And this is exactly what we
2 enacted and this is what we've been doing. There's been a big
3 media push behind all of this.

4 So far to date -- we actually started towing
5 January 17th of this year, right about now I want to say we're
6 about 50 vehicles in that short period of time that we've
7 towed. We're over a hundred arrests so far this year, I want
8 to say about 125, for alcohol and/or drugs. But people out
9 there know about this tow ordinance and we think it's making a
10 difference. And the reason I say it's making a difference,
11 and I hate to do this because I'm going to jinx myself, but --
12 traffic, we don't like to talk about numbers, but I've gotta
13 talk about numbers. This time last year we were at seven
14 fatalities on Maui County. I've got two right now, two. So
15 is it making a difference? Yes, it's making a difference.

16 But this is not a police department problem, this is
17 not a county council problem, this is a community problem. So
18 what we would like to do is to reach out to all the licensees,
19 get the licensees, get everybody in the community involved.
20 I've worked with the DUI Task Sergeant Nick Krau, he reached
21 out to Baldwin High School's SADD program, the Students
22 Against Destructive Decisions. They would like to work
23 together to come up with a poster or something related to the
24 DUI tow bill and impaired driving. They're going to come up
25 with a poster and then we'll select this poster and we'll take

1 it to printing and we want to present it to all the licensees
2 that you guys have and have them post this. Whether it be in
3 a bar, whether it be in a restaurant, whether it be in
4 supermarket, doesn't matter where, 7-Eleven, I don't care,
5 whoever's got a license, let's get them the opportunity to
6 post this. It's another visual deterrent to remind people
7 when they walk in the door about the dangers of impaired
8 driving.

9 If there's additional funding available, we would
10 also like to use those students, because we have a really good
11 communication relations section as well as they have some
12 media connections, and we'd like to make a video using the
13 students and put something in the theaters around graduation
14 time, something made by the students to warn their classmates
15 about the dangers of drinking and driving. So there's a
16 letter coming up now from my chief, I spoke to the acting
17 director, Councilmember Sugimura has a copy of this letter,
18 and we're gonna be asking for funding. The previous director
19 sent us a letter late last year saying that there was funding
20 available from enforcement funds or whatever and if you guys
21 have money available for it, this is what we'd like to use it
22 for.

23 Again, you know, I've said before and I'll continue
24 to say it, impaired driving is not a police department
25 problem, it's not a liquor control problem, it's a community

1 problem, everybody needs to get on board and by doing that,
2 you're gonna save lives.

3 CHAIR ALULI: Thank you. Are there any questions --

4 MS. SUGIMURA: Any questions?

5 CHAIR ALULI: -- by any of the commissioners?

6 I have a question -- a question, Yuki Lei and
7 Lieutenant. What -- when you talk about funding being needed,
8 do you have an idea what kind of number you're looking at?

9 MS. SUGIMURA: So we were thinking -- I know that
10 just because of the -- when the liquor department comes before
11 the council, that you have about 20,000, it's a formula that
12 you have --

13 CHAIR ALULI: Right.

14 MS. SUGIMURA: -- based upon your community
15 outreach.

16 CHAIR ALULI: Right.

17 MS. SUGIMURA: So I'm not sure if you've awarded it
18 already, but if you can consider, you know, doing that, we're
19 thinking of 20,000 just so that we can do media, postage, and
20 that poster and printing. You know, as much media as we can
21 to kind of just -- and it's not only this law that we're
22 talking about, but just in general so that we can just elevate
23 the awareness and responsibility of impaired driving. It's a
24 huge problem.

25 CHAIR ALULI: Yes, there is that fund available and

1 we will definitely take a look at it, because the cause is a
2 very worthwhile one. We will give it much -- we will give it
3 definitely serious consideration for the funds to be used to
4 assist in this program, 'cause I feel that it's an excellent
5 and outstanding program and we need to support it as best we
6 can.

7 MS. SUGIMURA: Thank you.

8 LT. HANKINS: Thank you.

9 MS. SUGIMURA: Yeah. Thank you.

10 COMMISSIONER ANDRION: I'm just questioning your
11 poster, do you have any idea how big it is or its size?

12 MS. SUGIMURA: So I think posters are normally,
13 like, 11 by 17 or 8 and a -- or, you know, letter size, so
14 we'll --

15 LT. HANKINS: Yeah, it's gonna -- it's gonna to be
16 something that is visible, but not something that is
17 overwhelming. 'Cause I kind of understand where you're going
18 with this, they don't want us this giant wall-size poster
19 hanging in businesses and stores. It's got to be something a
20 little bit more than 8.5 by 11, you know. I know everybody
21 sees that silly poster with the guy behind the bars with the
22 DUI law on it that they all post and nobody sees anymore.
23 It's going to be bigger than that, you know, I'm thinking
24 maybe 11 by 17 or something along those lines that fits your
25 licensees' needs.

1 COMMISSIONER YOKOUCHI: So, Chair.

2 CHAIR ALULI: Yeah.

3 COMMISSIONER YOKOUCHI: I have a question. So are
4 you gonna have these posters mandatory for these
5 establishments to post or is it gonna be up to them?

6 MS. SUGIMURA: I think it's really your call.

7 LT. HANKINS: That's your call.

8 MS. SUGIMURA: Yeah.

9 LT. HANKINS: We'll have them available for those
10 who want to post it. We would request that they all post it
11 and have it in there, that's why we want the funding for all
12 the licensees, but as far as making it a requirement that they
13 post it, that's -- that's your call.

14 MS. SUGIMURA: I wanna also say that we visited with
15 Glenn Mukai's community group, advisory committee that he had,
16 we did it last month. And he was so gracious to let us come
17 in and talk -- I think we were supposed to only be there for
18 five minutes and I think we were there for probably 15 or 20.
19 Thank you for letting us share our enthusiasm, I guess. But
20 what -- what was mentioned during that meeting was possibly
21 all licensees or people who get the blue card, whatever, you
22 know, people who can administer alcohol, the employees, that
23 we would be able to, if you would allow, give them information
24 also about the laws, the impaired driving laws also. But
25 we'll wait for direction from you if you would allow it and if

1 so, then we would like to be included in the renewal packets.

2 I don't know what the license is called, Georgette.

3 MS. TYAU: It was the certification class we were
4 talking about, if we could -- they wanted to maybe put
5 something in at the end just, you know --

6 CHAIR ALULI: In the certification classes; correct?

7 MS. TYAU: Yes, the ones we hold --

8 CHAIR ALULI: That's when they -- right.

9 MS. TYAU: -- three times a week.

10 CHAIR ALULI: Yeah.

11 MS. TYAU: Yeah.

12 CHAIR ALULI: That's for the -- acquiring their blue
13 card; right?

14 MS. TYAU: Certification card, yeah.

15 CHAIR ALULI: Yeah. Certification card, yeah.
16 Okay. Yeah.

17 MS. SUGIMURA: So if you would allow that, you know,
18 we would also like to just kind of elevate the education about
19 how serious we think this is and what responsibility that each
20 of them hold in helping us, you know, save lives for our
21 citizens of Maui County. So we wanted to be included in that,
22 if you would allow it.

23 CHAIR ALULI: Yeah. Okay. So my question would be,
24 Ed, I guess maybe I ask this of you, is it the council's
25 decision to include it in that process or what -- what's the

1 process for approving that?

2 Georgette, do you know, or --

3 MR. KUSHI: For approving what?

4 CHAIR ALULI: Putting that -- what you asked --

5 MS. TYAU: No. They just wanted to know if we could
6 add in something at -- at the end of the class relating --

7 CHAIR ALULI: Right.

8 MS. TYAU: -- to the tow bill.

9 MR. KUSHI: If it's the educational thing for
10 certification, do it any -- whatever you want.

11 CHAIR ALULI: Yeah.

12 MR. KUSHI: That -- the concern I had was what
13 Member Yokouchi brought up, if it's a requirement the
14 licensees post these posters --

15 CHAIR ALULI: That's a whole different issue.

16 MR. KUSHI: -- and if one licensee refuses and if an
17 enforcement officer comes there, are they going to cite them
18 for that?

19 MS. TYAU: Well, this was the first I was hearing
20 about the requirement. Normally, once we give money in a
21 grant, we're not --

22 MR. KUSHI: No, that's what she said.

23 COMMISSIONER YOKOUCHI: I was just asking.

24 MS. TYAU: Oh. Yeah, we're not in it. So as far as
25 the requirement thing, that would be up to --

1 CHAIR ALULI: The commission.

2 MS. TYAU: -- the commission.

3 MR. KUSHI: You know, you'd have to do it by rules.

4 MS. TYAU: We didn't -- we didn't address that. I
5 was thinking that once the money is given through a grant,
6 normally we're just out of it and you do whatever you want to
7 do. As far as the class thing, it was just putting that
8 information out, whether it be in the form of like a
9 PowerPoint slide maybe like the poster you're going to come up
10 with, just something that we could add to our PowerPoint at
11 the end.

12 CHAIR ALULI: That's the choice of yours.

13 MS. TYAU: Yeah.

14 CHAIR ALULI: You can make that choice, yeah.

15 MS. TYAU: If that's fine, then, we can do that --

16 CHAIR ALULI: Yeah.

17 MS. TYAU: -- add it to our certification classes
18 that we do three times a week, at the very least, and you
19 know, on site.

20 CHAIR ALULI: That could be an administrative
21 decision, it doesn't need to be a commission decision, though,
22 I don't think.

23 MS. TYAU: Okay.

24 CHAIR ALULI: From an administrative standpoint, I'd
25 say, yeah, do it for sure. That's an easy decision. In terms

1 of the licensees, that's a whole different story, you know.

2 MS. TYAU: Yeah.

3 CHAIR ALULI: That's gonna take --

4 MS. SUGIMURA: Correct, yeah. We're not trying to
5 impose anything.

6 CHAIR ALULI: Yeah.

7 MS. SUGIMURA: But whatever we need to do just so
8 that we can communicate --

9 CHAIR ALULI: Right.

10 MS. SUGIMURA: -- is why we're standing here.

11 CHAIR ALULI: Yeah.

12 MS. SUGIMURA: And we appreciate any kind of
13 consideration you would have.

14 CHAIR ALULI: Yeah. And I think the more, the
15 better. The more people that can see it, the better off the
16 community's going to be, for sure.

17 MS. SUGIMURA: For sure.

18 CHAIR ALULI: Yeah.

19 MS. SUGIMURA: Thank you. Thank you very much.

20 CHAIR ALULI: Any other questions?

21 COMMISSIONER YOKOUCHI: I --

22 CHAIR ALULI: Okay.

23 COMMISSIONER YOKOUCHI: I just wanted to add that
24 this bill is awesome and thank you for bringing it to us.

25 MS. SUGIMURA: Oh, thank you. Thank you.

1 CHAIR ALULI: Yeah, I agree.

2 MS. SUGIMURA: Thank you for the good work that you
3 do, it's so important, so thank you.

4 CHAIR ALULI: Okay. Thank you, Yuki Lei.

5 MS. SUGIMURA: Okay.

6 CHAIR ALULI: Thank you, Lieutenant.

7 LT. HANKINS: Thank you.

8 (Chair conferring with corp. counsel.)

9 CHAIR ALULI: Okay. I am going to call for a five-
10 minute recess so that we can pass out some documents here.
11 Okay. So we're taking a five-minute recess.

12 (Pause in proceedings: 9:19 a.m.-9:24 a.m.)

13 CHAIR ALULI: Okay. Let's call our commission
14 meeting back to order and move on to Item C in Administrative
15 Affairs, the Selection and Appointment of a New Director of
16 Liquor Control. And with that, I'm going to turn the mic over
17 to Ed Kushi, who is our corp. counsel, who will advise the
18 council on the process and the public on the process.

19 MR. KUSHI: Yeah, Mr. Chair, if I may. On your
20 behalf and at your request, I agendized this item. As you
21 know, there -- there's a vacancy in the office of the
22 director, so what we -- what I passed out to you, some of it
23 is -- you had in your packet previously, but first is a copy
24 of the rules, you have commission rules in terms of selection
25 of the director and it kind of sets forth the procedure. It

1 involves the announcement -- let me see. It involves the --
2 it's Rule 08-102-36(a). There's a notice -- notice of vacancy
3 requirement, it has a publication requirement, statewide
4 publication, and it has a deadline for applications and then
5 upon receipt, it has an interview process. That's your rules.

6 The second handout was the copy of the notice of --
7 that happened the last time in 2016 and it just lists the
8 requirements and it references an application. And for your
9 information, at that time the annual salary was 118, I was
10 surprised, but it's gone up. I just got a notice that -- I'll
11 tell you how much it went up to. (Pause - referring.)

12 CHAIR ALULI: 134, I think.

13 MR. KUSHI: 136 and some odd dollars.

14 CHAIR ALULI: Yeah, something like that.

15 MR. KUSHI: So it's gone up significantly.

16 The next one is the application that was used at
17 that time and it's about seven pages. And the last document
18 is the revised additional background data, which has personal
19 data, financial data, listing of loans, and etc.

20 Now, at this point in time, in discussions with the
21 chair, we wanted the commissioners to look at the documents
22 and at least set the procedure going. If you can agree on the
23 notice as revised and instruct staff to publish the notice of
24 vacancy -- and I would recommend two, two publications, the
25 Maui News and the Star-Advertiser at least two times. The

1 rule says at least once. And then set a deadline for receipt
2 of applications, review of the application form itself, and
3 review the additional background form itself.

4 Once that's approved by the commission, I believe we
5 can start the process as soon as the documents can be revised
6 and publications can be set. The schedule would be -- this is
7 the middle of March, the next meeting is in April, if you
8 cannot decide on the documents and the -- the procedure, I
9 would recommend a special meeting before the next April
10 meeting. If you can do it today, fine and well, we can
11 instruct staff to start publication. Lianne, I believe we
12 were talking about end of the month, late March and early
13 April. And then if you go a minimum of 30 days from there,
14 possibly end of April or early May to receive the
15 applications. You need at least 30 days, the rule says -- I
16 mean, no earlier than 30 days and no later than 50, I believe.

17 CHAIR ALULI: Sixty.

18 MR. KUSHI: Sixty?

19 MS. TYAU: Sixty.

20 CHAIR ALULI: I thought it was sixty.

21 MR. KUSHI: Yeah. The rule says after the last date
22 of publication, no sooner than 30 days, calendar days, no
23 later than 60 calendar days, so you have that -- that window.
24 I would recommend maybe 35 or 40, then you would get the
25 applications in early May, then the commission can -- the

1 whole commission can receive all the applications by its May
2 meeting.

3 At that point in time, the commission itself or --
4 what happened last -- last time around, the commission
5 appointed a subcommittee to accept all the applications and
6 select -- recommend five candidates, no more than five. At
7 that time, we only received five.

8 CHAIR ALULI: Yes.

9 MR. KUSHI: So they punted to the whole commission.
10 Now, we don't know how many people will apply this time, but
11 if the commission feels you've gotta appoint the subcommittee
12 and say, you know, give me your -- your best recommendations
13 for the best three, and then -- based on the applications
14 alone, and then submit it to the entire commission. Or the
15 commission can hear every -- can receive it and look at
16 every -- everybody's, that's your choice. But we're looking
17 at the -- at the earliest to receive all the applications in
18 May, middle of May, and then schedule interviews between the
19 May meeting and the June meeting. Okay? So that would
20 include -- that would incur, probably, special meetings.

21 Now, interviews would have to be before the full
22 commission.

23 CHAIR ALULI: Right.

24 MR. KUSHI: And I think the commission agreed that
25 the last time if you missed an interview, you couldn't vote,

1 you had to hear all candidates. But, again, it's up to this
2 commission.

3 CHAIR ALULI: Right.

4 MR. KUSHI: So that's the procedure proposed,
5 suggested procedure. Now, this being a commission-appointed
6 position, it's not like civil service. In fact, the applicant
7 is not a civil servant, it's an appointee. The police
8 commission basically follows the same procedure, maybe more
9 detailed, as well as the fire commission. I'm not sure what
10 the Civil Service Commission does, but -- anyway, at the last
11 go around, we did check with department of personnel services
12 and they just -- they said the procedure is -- is okay.

13 Later on, when you get into the interview process --
14 and, by the way, for the commission members and the members of
15 the public, all interviews as well as discussions and
16 selections are done in -- in executive session pursuant to
17 Hawaii Sunshine Law. You are choosing and evaluating an
18 employee, a director, so that should be done in executive
19 session if -- unless the applicant wants it done in open
20 session, that's his or her choice.

21 That being said, once you get into the interview
22 stages, there is a flier out from department of personnel
23 services as to what kind of questions you've gotta be --
24 you've gotta stay away from, okay, and we can get into that
25 later on.

1 But aside from that, Mr. Chair, that's all I have
2 today and I would suggest you either look at it in detail
3 today as far as the documents that need to be approved --

4 CHAIR ALULI: Right.

5 MR. KUSHI: -- or call a special meeting to do it.

6 CHAIR ALULI: My question at this point is: We
7 don't need an approval for every step, do we? I mean, for
8 instance, the posting, I'd like the posting to be effective
9 immediately and we post immediately, we don't need a motion
10 for that kind of a decision, do we?

11 MR. KUSHI: Well, I think you need to instruct staff
12 to post as soon as possible.

13 CHAIR ALULI: I'd like to ask the commissioners, I
14 mean, if they have any questions at this point regarding the
15 process. Are there any questions on any part of the
16 commissioners?

17 COMMISSIONER ANDRION: Mr. Chair.

18 CHAIR ALULI: Yes.

19 COMMISSIONER ANDRION: I did have a question for
20 Mr. Kushi. When you -- when you were talking about -- when
21 you were explaining that if you miss an interview, then you
22 would not be able to vote, so my question is: Do you need a
23 quorum to make a decision? And if you didn't have that and if
24 you needed a quorum, how would that fall into if a couple of
25 commissioners did miss a portion or more of any interview at

1 all?

2 MR. KUSHI: Yeah. Okay. Working backwards through
3 your last question. You need a quorum to do anything and you
4 need a majority to approve any action. So let's say -- I
5 mean, the commission the last time, fortunately, everybody was
6 there for all of the candidates, so -- but, you know, again,
7 if -- and -- and also we had a court reporter there, you know,
8 so there was a record, so in event one of you, one member
9 misses it, before the selection, they could look at the record
10 at that time. Now we don't have one, but, again, it's up to
11 the commission how you want to do the selection process, but
12 at the end of the day, you need five of you --

13 CHAIR ALULI: A quorum.

14 MR. KUSHI: -- to agree to a vote.

15 COMMISSIONER ANDRION: Okay. Thank you.

16 CHAIR ALULI: Okay. So I would like to suggest that
17 we post immediately. We don't need a motion for that, do we?

18 MR. KUSHI: Well, you've gotta agree to what you're
19 gonna post.

20 COMMISSIONER BECRAFT: Mr. Chair.

21 CHAIR ALULI: Yes.

22 COMMISSIONER BECRAFT: Jamie Becraft. I have a
23 question for corp. counsel. I noticed that this still has
24 a -- there's -- the police department used to have this, but a
25 one-year requirement, residency requirement. The police

1 department, I believe, got -- went away from that a long time
2 ago and made it a 1/19ths, one-day requirement. Is that still
3 in effect or is that something that's changed and it's on the
4 old application? I'm not sure if that was an old --

5 MR. KUSHI: I can check, but it's basically on the
6 base of -- pursuant to Chapter 281, the state law of liquor,
7 as well as an HRS on all appointees. But I'll check on that.

8 CHAIR ALULI: Okay. So I'm gonna go back to my
9 question: Can we -- is there a reason to not post right -- as
10 soon as possible?

11 COMMISSIONER BECRAFT: Mr. Chair. Jamie Becraft
12 again. If that's not -- if we're gonna post and say it's a
13 requirement when it's not, then that would probably be
14 problematic.

15 CHAIR ALULI: Yeah. Okay. All right. Let's -- can
16 we clarify that as soon as possible -- well, I guess my
17 question remains: Do we need a commission approval to post
18 the position once we make sure we have all the salient
19 information?

20 MR. KUSHI: Well, Mr. Chair, if I may. Why don't I
21 suggest this? In terms of the concern Member Becraft has as
22 far as the term --

23 CHAIR ALULI: Right.

24 MR. KUSHI: -- okay, I will check that out with --
25 according to state law and liquor -- liquor state law.

1 CHAIR ALULI: Yeah.

2 MR. KUSHI: And whatever it requires, I will list
3 it.

4 CHAIR ALULI: Okay.

5 MR. KUSHI: Okay. That being the case, so -- and
6 with your permission, I will talk to you, first.

7 CHAIR ALULI: Right.

8 MR. KUSHI: Let me take care of that. And the only
9 other change is at the bottom we need to put a deadline.

10 CHAIR ALULI: Change it, right.

11 MR. KUSHI: So based on the last publication, we
12 need to move -- I would recommend 35 days.

13 CHAIR ALULI: Okay.

14 MR. KUSHI: So we need to figure that out, so Lianne
15 would have to -- staff would have to figure when is the last
16 publication date.

17 CHAIR ALULI: Right.

18 MR. KUSHI: If you -- if you permit staff to just
19 fill in the dates, that's fine.

20 CHAIR ALULI: Yeah, yeah.

21 MR. KUSHI: And, lastly, the annual salary would
22 need to be --

23 CHAIR ALULI: Checked out, right.

24 MR. KUSHI: So then you'd have to at least agree
25 upon what -- what you're gonna post.

1 CHAIR ALULI: Okay. So --

2 MR. KUSHI: Next, the posting would refer to an
3 application.

4 CHAIR ALULI: Which needs to be -- okay. So one of
5 the things that the commissioners do need to make sure, even
6 though this was in our packet, is to take a look at the
7 applications and if there are any questions, I think we need
8 to address the application questions to corp. counsel. If any
9 of the commissioners have any questions regarding the
10 applications, we need to address that with corp. counsel. So
11 I -- at this point, those would be the two most important
12 steps, clarifying the -- what's gonna be posted, making sure
13 the applications are in order so that they can be gotten out
14 to the potential applicants, and then the timeline at this
15 point.

16 And then depending on the number of applications
17 that we receive, I think we'll then determine whether we come
18 up with a separate subcommittee to review the applicants. If
19 there are just three or four applicants and they all fit the
20 necessary requirements, it might -- it will probably not be
21 necessary to get a subcommittee because I think then the
22 entire commission can review those applicants and interview
23 them at that point.

24 How does the commission feel about that?

25 COMMISSIONER YOKOUCHI: How many -- how many

1 applicants did we have the last time?

2 CHAIR ALULI: Five. And we interviewed all five of
3 them, I think. No, we interviewed four of them.

4 MR. KUSHI: One --

5 CHAIR ALULI: One dropped out. So the entire -- the
6 entire commission interviewed. And the entire commission will
7 interview all the final applicants, anyway, so if there are
8 only like three of them and they all fill the bill, then we'll
9 interview -- all of us will interview them.

10 MR. KUSHI: Mr. Chair, if I may. If you accept --
11 or if you appoint a subcommittee of three and let's say there
12 are ten applicants --

13 CHAIR ALULI: Yeah.

14 MR. KUSHI: -- formal applications, and your
15 instructions to the subcommittee is to pare it down, give me
16 your best recommendations of the best three, that's fine and
17 well, and it's the subcommittee's recommendation to the whole
18 body.

19 CHAIR ALULI: Right.

20 MR. KUSHI: But I would also instruct the
21 subcommittee to allow the commission, the entire commission to
22 see all of the applications.

23 CHAIR ALULI: All the applications, okay.

24 MR. KUSHI: Not just the -- only the top three.

25 CHAIR ALULI: The top three, right. Okay.

1 COMMISSIONER BECRAFT: Mr. Chair.

2 CHAIR ALULI: Yes, Jamie.

3 COMMISSIONER BECRAFT: Jamie Becraft. I have a
4 question for corporation counsel. I looked over the
5 application, it doesn't have anything in regard to discipline
6 that the applicant may have received in previous jobs, so at
7 what point -- I wasn't, you know -- at what point -- what type
8 of background information are we able to get and is there a
9 process for obtaining that type of information further down
10 the road or does that need to be in the application?

11 CHAIR ALULI: There's a -- I think there is a -- on
12 page 5, Item No. 6, criminal and traffic -- are you talking
13 about those kinds or are you talking disciplinary --

14 COMMISSIONER BECRAFT: I'm talking about
15 disciplinary situations while you're at work. You're
16 suspended for sexual harassment, you're suspended for
17 stealing, you're suspended for fill in the blank, you were
18 disciplined at your workplace. It doesn't cover that type of
19 stuff, you know, like -- if you don't know a person, you could
20 have 20 years experience somewhere else and maybe you're
21 leaving because of that, how do we get to that level to know?
22 It's not in the application, you don't have to put down --

23 CHAIR ALULI: Yeah.

24 MR. KUSHI: That may -- that may be confidential.

25 CHAIR ALULI: Yeah, that may be confidential.

1 MR. KUSHI: Because that may be employers and
2 employees type.

3 CHAIR ALULI: And I don't -- corp. counsel would
4 have to address that on our behalf because I'm not sure if we
5 can get into --

6 COMMISSIONER BECRAFT: I'm 99 percent certain --

7 CHAIR ALULI: -- confidential --

8 COMMISSIONER BECRAFT: -- that that's on other
9 applications, including the police department, that if you're
10 coming from another job, you've gotta list down what type of
11 problems you've had, so -- you also have to sign a waiver to
12 allow us -- so that the department can do a background check
13 and go to your place and obtain your records.

14 CHAIR ALULI: Can corp. counsel get a clarification
15 on that for us?

16 MR. KUSHI: Sure.

17 CHAIR ALULI: Yeah. Okay.

18 COMMISSIONER BECRAFT: So do we have -- I mean,
19 this -- can we get from the chair -- you were here, I take it,
20 for the last -- the last process; correct?

21 CHAIR ALULI: We did not ask that kind of a question
22 in the interviewing process and it wasn't in the application
23 at the time.

24 COMMISSIONER BECRAFT: Do we do it -- do we conduct
25 a background check further? Do we go to former employers, go

1 to their neighbors to find out who these folks are, or we just
2 going off this application?

3 CHAIR ALULI: That did not take place in the
4 previous process.

5 MR. KUSHI: What do you mean, going to their
6 neighbors?

7 COMMISSIONER BECRAFT: That background checks --
8 I've conducted background checks. We check with your
9 neighbors to see if you're the -- you just find out who the
10 person is. So you'd have a complete background check of
11 talking to neighbors, talking to former employers, talking to,
12 you know, their present employer if they're still working,
13 it's a background check. So I'm wondering if we're doing a
14 background check or if we're just going off this?

15 MR. KUSHI: I don't know what to say.

16 CHAIR ALULI: I can only say that at the -- the last
17 one, that did not happen. Now, I'm not sure what the
18 guidelines would be from a human resource standpoint. I think
19 we'd have to go back to the county's human resource
20 department, take their guidelines as the guidelines in terms
21 of vetting -- you know, how --how much vetting we can do on
22 the applicant in terms of, you know, digging into their
23 confidential backgrounds. I -- I don't know, I think that
24 borders on privacy issues that we need a legal opinion on. I
25 absolutely feel we need a legal opinion on that.

1 COMMISSIONER BECRAFT: Mr. Chair, I can just tell
2 you this: Maui Police Department does that on everyone.

3 CHAIR ALULI: Well, Maui Police Department and the
4 liquor commission are two separate situations.

5 COMMISSIONER YOKOUCHI: (Inaudible) the director.

6 COMMISSIONER BECRAFT: This is law enforcement.

7 CHAIR ALULI: Rather than us getting into any kind
8 of back and forth on that, I would like to ask that corp.
9 counsel, if they could look into that for us so that we can
10 address that issue.

11 MR. KUSHI: I will look into any -- any employment
12 disciplinary matters --

13 CHAIR ALULI: Okay.

14 MR. KUSHI: -- of previous employment.

15 CHAIR ALULI: Right.

16 MR. KUSHI: I will not look into background checks
17 on your neighbors.

18 CHAIR ALULI: Right.

19 COMMISSIONER YOKOUCHI: Mr. Kushi, applications for
20 other directors, like the housing director and so forth, do
21 they have questions that refer to what Mr. Becraft is asking?

22 MR. KUSHI: I haven't seen any director position
23 applications, but I can get a copy of the regular, you know,
24 civil service application. Yeah, I'm not sure if that
25 includes --

1 COMMISSIONER YOKOUCHI: Maybe you could look at that
2 and kind of compare the applications --

3 MR. KUSHI: Right.

4 COMMISSIONER YOKOUCHI: -- for this and other
5 directors.

6 COMMISSIONER BECRAFT: Mr. Chairman. Jamie Becraft
7 again. My point is not to make this for like the countywide,
8 but I view this agency as -- as a form of law enforcement.
9 You know, they -- they're enforcing laws, so -- and you need a
10 level of credibility and a level of honesty to make sure that
11 we're not having any problems. So I'm just comparing it
12 directly to the police department because they're doing pretty
13 much what the police department does, they go out there and
14 enforce laws, they have the ability to -- as anyone, to amend
15 laws. We want to make sure that we're vetting a person
16 thoroughly, that's all I'm saying, and I'm -- and, you know,
17 if the question is, is it legal or not, the corporation
18 counsel said he would -- he will not check to see if we can do
19 a full background check inclusive of -- of neighbor checks and
20 I find that to be strange that we wouldn't want to do a
21 complete background check on someone.

22 If we don't know this person from Adam, you know
23 what I mean, why wouldn't we want to do a complete background
24 check to find out if we're getting a good person? You know,
25 doing a check-in with your neighbors, you know, letters of

1 reference, those are normal aspects to most normal jobs, you
2 know, so that's -- that's what a background check is, is that
3 you ask for reference, you check on them, you check previous
4 employment, you check with neighbors to see if the -- you
5 know, if this person's putting up a facade or not, that's all
6 it is, so --

7 COMMISSIONER YOKOUCHI: I -- I feel we're bordering
8 like Homeland Security or FBI kind of check here and I don't
9 think that's necessary.

10 CHAIR ALULI: Rather than us go back and forth on
11 that, again, I'm going to ask corp. counsel if you would check
12 into it and then according to what you find out, those are the
13 guidelines we'll follow. Okay?

14 MR. KUSHI: Correct, Mr. Chair.

15 CHAIR ALULI: Okay. Thank you very much.

16 Let's --

17 MR. KUSHI: If I --

18 CHAIR ALULI: Yes. Okay.

19 MR. KUSHI: I may say this, what the commission did
20 last time, and I understand it's standard procedures, is that
21 once the appointing authority decides on a candidate --

22 CHAIR ALULI: Right.

23 MR. KUSHI: -- they make a preemployment offer to
24 that candidate subject to criminal history record check and a
25 drug test. So a criminal record history check may disclose

1 something, a drug test definitely may disclose something, so
2 I'm not sure if that's enough fail -- fail-safe for all of
3 you.

4 CHAIR ALULI: Okay.

5 COMMISSIONER ANDRION: Mr. Kushi. Robert Andrion.
6 So was the norm that -- within the last ones and previous ones
7 before as far as the proper application where you're subject
8 to a drug test and a -- of course --

9 CHAIR ALULI: A criminal background check.

10 COMMISSIONER ANDRION: -- a background check?

11 CHAIR ALULI: Yes.

12 MR. KUSHI: I can say it was done the last time.

13 CHAIR ALULI: Yes.

14 MR. KUSHI: I wasn't here when Mr. Silva was
15 appointed.

16 COMMISSIONER ANDRION: Okay. So -- so there is some
17 sort of system to actually vet out the applications should
18 that person be afforded the position.

19 MR. KUSHI: Once the offer is made.

20 COMMISSIONER ANDRION: Yes. Okay. Thank you.

21 MR. KUSHI: And, you know, perhaps -- again, it's up
22 to you as a commissioner. What we did the last time before
23 the interviews, we went over a list of questions to be asked
24 of all the candidates and we went -- we first started off with
25 30 and then we pared it down to maybe like ten, okay, all --

1 all approved by the entire commission. Okay. The questions
2 to be asked of every candidate and they assigned questions to
3 each member to -- I mean, it was that detailed. But at
4 that -- at that point in time or when you get to that round,
5 maybe some sort of questions like that can be asked, but it's
6 up to you to approve it.

7 CHAIR ALULI: Yeah. And what I would recommend we
8 have prior to that -- going into that process is that we have
9 a special meeting to make sure that we develop the right
10 questions to ask that we, hopefully, can vet accordingly and
11 then get the -- the most -- the best candidate to fill the
12 job.

13 MR. KUSHI: Yeah, I mean --

14 CHAIR ALULI: I think we would have to -- yeah.

15 MR. KUSHI: And then we bounce those questions off
16 of personnel services.

17 CHAIR ALULI: Right.

18 MR. KUSHI: 'Cause some questions you may ask in the
19 interview can get you into trouble. When is the last time you
20 beat your wife, you know, that kind of stuff.

21 CHAIR ALULI: Right. And I can only say in
22 business, we're really -- we're -- when I hire an employee at
23 the hotel, I've gotta be very, very careful the questions that
24 I ask, because there are personal issues that cannot be asked
25 in the interviewing process, period, so I think that would

1 apply to this process also.

2 But, anyway, corp. counsel's going to address the
3 questions that Jamie has asked and then he and I will meet and
4 we'll determine what can and what cannot be pursued, we will
5 formulate what the posting will be and then we'll get that
6 posted.

7 In the meantime, what I would ask is that the
8 commission please -- Commissioners, please take a look at the
9 applications. If you feel there is something that is missing
10 and should be added, let us -- let me know as soon as possible
11 so I can pass that up the line and we can get that added or
12 determine whether it need -- does not need to be addressed.

13 Okay. Any further questions regarding the selection
14 and appointment of the new director and the application?

15 MR. KUSHI: You able to go over this?

16 CHAIR ALULI: That -- I asked them to do it --

17 MR. KUSHI: Okay.

18 CHAIR ALULI: -- on their own and then let us know
19 as soon as possible and we can make any correction.

20 The only thing that, honestly, I saw were the dates
21 needed to be changed, I thought the -- application was
22 adequate, myself, but...

23 MR. KUSHI: Mr. Chair, so we've approved the
24 announcement, the notes of vacancy subject to clarifications.

25 CHAIR ALULI: Right.

1 MR. KUSHI: I have some concerns about -- on the
2 application itself.

3 CHAIR ALULI: Okay.

4 MR. KUSHI: On the first page, education and
5 training, high school is not listed. I would include high
6 school, because, again, it's not required that you be --
7 you're a college grad, so in case somebody just a high school
8 graduate, just high school.

9 On page --

10 CHAIR ALULI: Oh, that's where that is in the
11 application.

12 MR. KUSHI: It's in the application, so --

13 CHAIR ALULI: Yeah, but it doesn't --

14 COMMISSIONER YOKOUCHI: Where is high school?

15 MR. KUSHI: On page 4, References, we need to change
16 the date on that.

17 On page 6, Additional Reference Materials, a
18 question for the department, you have -- do you have like a
19 job description for the director?

20 MS. TYAU: There's no official job description for
21 directors and deputies within the county.

22 MR. KUSHI: Last time I recall there was, there was
23 something passed out.

24 MS. TYAU: What I provided them was -- and I had
25 noted it at that time, was the unofficial, but nothing goes

1 through -- nothing went through like human resources to
2 approve like they do other position descriptions.

3 MR. KUSHI: Right, right.

4 MS. TYAU: All that wasn't done on it, it was just
5 something that was done in-house previously.

6 MR. KUSHI: Yeah. So it says internal department
7 description.

8 MS. TYAU: Yeah.

9 MR. KUSHI: Can we get --

10 MS. TYAU: We do have one.

11 MR. KUSHI: Can we have that?

12 MS. TYAU: Yes.

13 MR. KUSHI: Yeah. Okay. And the latest table of
14 organization, you have that?

15 MS. TYAU: Yes.

16 MR. KUSHI: Okay. So that needs to be included,
17 yeah.

18 And lastly, at page 7, the date needs to be changed.
19 Those are my requirements, Mr. Chair.

20 COMMISSIONER ANDRION: Mr. Chair, if we could go
21 back to page 4 on the military service, I would recommend that
22 we ask if the person was discharged honorably or dishonorably.
23 Number 5, Military Service, it just tells you from what date
24 to what date.

25 MR. KUSHI: Okay. What about the reserve unit, do

1 you get discharged?

2 COMMISSIONER ANDRION: That would be the same as the
3 reserve unit as well.

4 MR. KUSHI: Okay. So maybe put another line
5 discharge on it, honorably --

6 COMMISSIONER ANDRION: Whether it's honorable or
7 dishonorable. 'Cause you would have that certificate saying
8 that you've been discharged --

9 CHAIR ALULI: Yeah, there's an honorably discharged.

10 COMMISSIONER ANDRION: -- honorably or dishonorably.

11 MR. KUSHI: So I'll put honorable discharge, colon,
12 yes or no?

13 COMMISSIONER ANDRION: Yes or no.

14 MR. KUSHI: No. Just put yes or no; right?

15 OFFICER LAYNE SILVA: See that -- if I can add
16 something to this, actually, you -- right on the bottom where
17 it refers to attach copy of the --

18 CHAIR ALULI: Yeah, the DD.

19 OFFICER LAYNE SILVA: -- DD Form 214.

20 CHAIR ALULI: 214.

21 OFFICER LAYNE SILVA: That -- that is your discharge
22 papers. If you're going to attach a copy of your DD 214 to
23 the application, it will tell you exactly.

24 COMMISSIONER ANDRION: Okay.

25 CHAIR ALULI: If you're 0honorably or dishonorably

1 discharged.

2 OFFICER LAYNE SILVA: Yes.

3 CHAIR ALULI: That's correct. Yes.

4 MR. KUSHI: They need to attach the --

5 COMMISSIONER ANDRION: Oh, that's good.

6 OFFICER LAYNE SILVA: Yes.

7 CHAIR ALULI: Yeah, it asks for that.

8 MR. KUSHI: So that should be highlighted, then,
9 yeah, instead of a paren.

10 OFFICER LAYNE SILVA: It might be -- bigger print
11 would be --

12 MR. KUSHI: Yeah. Please, please attach those,
13 right.

14 OFFICER LAYNE SILVA: Yes.

15 MR. KUSHI: Thank you.

16 CHAIR ALULI: Or you might -- you could add the -- a
17 question, Were you honorably discharged --

18 OFFICER LAYNE SILVA: Sure.

19 CHAIR ALULI: -- there to make it easy.

20 MR. KUSHI: But Layne said that form would show.

21 CHAIR ALULI: Yeah, the DD 214 will. But I'm
22 talking about that would tell them immediately if they put a
23 yes or no to that answer, you would know. The DD 214, you
24 wouldn't even have to look at, because sometimes they don't
25 look at -- their DD 214 is a pretty lengthy --

1 OFFICER LAYNE SILVA: Or if they say yes and the DD
2 214 says no, then --

3 CHAIR ALULI: Yeah. Then they're lying, yeah.

4 OFFICER LAYNE SILVA: -- that'll tell you something
5 about the person as well.

6 CHAIR ALULI: Yeah. So if you just -- if you were
7 to add just that question, Were you honorably discharged, let
8 them answer it.

9 MR. KUSHI: If they answer that, they don't need the
10 form.

11 CHAIR ALULI: Well, I don't know. Sometimes
12 people --

13 MR. KUSHI: Just let them attach the form.

14 CHAIR ALULI: Okay.

15 OFFICER LAYNE SILVA: The form not gonna lie.

16 MR. KUSHI: Yeah.

17 CHAIR ALULI: Well, the form doesn't lie, for sure,
18 yeah. 'Cause I have a DD 14, 214, yeah. Okay.

19 The other thing on that, if -- on that education and
20 training, couldn't we just on that first column put high
21 school and college.

22 MR. KUSHI: High school, comma, college or
23 university.

24 CHAIR ALULI: Yeah, yeah. Rather than just put a
25 whole new column.

1 COMMISSIONER YOKOUCHI: All high schools.

2 CHAIR ALULI: Yeah. Other than that, are there any
3 other changes that any of you see that -- 'cause we could
4 approve the form now, then; right?

5 MR. KUSHI: If you want to.

6 CHAIR ALULI: Yeah. What about -- what about the
7 additional background data, any comments on that?

8 MR. KUSHI: Mr. Chair, it was revised by -- Deputy
9 Murai did a good job, I think he -- if he -- it's mainly
10 personal and financial review.

11 CHAIR ALULI: Right.

12 MR. KUSHI: And he tried to tailor it to what the
13 board of ethics requires, so --

14 CHAIR ALULI: Okay.

15 MR. KUSHI: -- we can look it over, but --

16 CHAIR ALULI: So then -- has -- have you guys had a
17 chance -- has the -- have the commissioners had an opportunity
18 to look through the additional background data form?

19 MR. KUSHI: No. I just passed it out this morning.

20 CHAIR ALULI: Oh, you -- well, no, it was in the
21 packets.

22 MR. KUSHI: No, it wasn't.

23 CHAIR ALULI: Yeah, it was.

24 COMMISSIONER ANDRION: It was in the packet.

25 MR. KUSHI: 'Cause the old form contained too much

1 information.

2 CHAIR ALULI: Oh, it did? Okay.

3 Do the commissioners have any questions regarding
4 the additional background data form?

5 (No response.)

6 CHAIR ALULI: If not, I would like to ask for a
7 motion to approve the application form and the additional
8 background data form. Can I get a motion for approval for
9 those two forms?

10 COMMISSIONER ANDRION: Robert Andrion. Move to
11 accept the application form as --

12 CHAIR ALULI: With the changes.

13 COMMISSIONER ANDRION: With the changes.

14 COMMISSIONER DE MELLO: Second. Jerry Beth
15 De Mello.

16 CHAIR ALULI: Any further discussion?

17 (No response.)

18 CHAIR ALULI: All in favor?

19 (Response.)

20 CHAIR ALULI: Any opposed?

21 (No response.)

22 CHAIR ALULI: Motion carries, so we'll -- these two
23 forms are approved. Okay.

24 MR. KUSHI: With that, Mr. Chair, I think you're on
25 your way.

1 CHAIR ALULI: That's on the yeah. That's it for
2 now. Okay.

3 All right. Let's move on to Item E, which is the
4 resolution for Mr. Roy Umeno, our vice chair, who is retiring
5 and --

6 MS. TYAU: Excuse me, Chair.

7 CHAIR ALULI: Yes.

8 MS. TYAU: Before you move on to that, I just wanted
9 to say that the liquor control adjudication board meeting for
10 March was cancelled.

11 CHAIR ALULI: Cancelled. Okay. Thank you. I
12 appreciate that.

13 Okay. So let's move on to the resolution for
14 Mr. Roy Umeno and if I can, I would like to read that.

15 This Resolution is Honoring Roy Umeno, Liquor
16 Control Commission.

17 The Liquor Control Commission proposes to adopt this
18 resolution in honor of Roy Umeno for his exemplary services as
19 a member of the Liquor Control Commission and

20 Whereas, Mr. Umeno has served as a member of the
21 Liquor Control Commission of the County of Maui for a period
22 from April 2015 to March 2020, and

23 Whereas, the members of the Liquor Control
24 Commission, as well as the staff of the Department of Liquor
25 Control, have enjoyed the valuable services rendered by

1 Mr. Umeno in said capacities, and

2 Whereas, the County of Maui and its citizenry have
3 greatly benefited from the unselfish and responsible services
4 rendered by Mr. Umeno during said period, and

5 Whereas, his expertise, thoughtful and cooperative
6 manner and conduct has been the source of much inspiration and
7 help to the fellow members of the Liquor Control Commission,
8 now therefore,

9 Be It Resolved that the members of the Liquor
10 Control Commission do hereby express their service -- their
11 sincere appreciation to Mr. Umeno for the competent leadership
12 and service as a member of the Liquor Control Commission of
13 the County of Maui, and do hereby wish him much success in his
14 future undertakings, and

15 Be It Further Resolved that this resolution be
16 entered upon -- into the minutes of this Commission and be
17 forwarded to Mr. Umeno.

18 Adopted this 11th day of March, 2020.

19 Roy, thank you very much for your service,
20 appreciate it.

21 (Applause.)

22 CHAIR ALULI: We also have a resolution for
23 Mr. Pedro, but he isn't here, so we'll just give it to him.

24 Okay. Let's see.

25 MR. KUSHI: Chair.

1 CHAIR ALULI: Yes.

2 MR. KUSHI: If I may, an announcement. Mr. Pedro
3 Venenciano, he came up for reappointment for another full
4 term, unfortunately, the council denied his appointment and
5 unless something changes tomorrow, he will be disapproved.
6 And the administration also recommended the appointment of a
7 Lanai member, Linda Fernandez, and that too was disapproved by
8 the council officially tomorrow. So you have a vacancy on the
9 Lanai and Molokai members and the administration is looking
10 for nominees. On the bright side, the council yesterday
11 approved the nomination of Mr. Bruce U'u, who is your current
12 chair of the --

13 CHAIR ALULI: Adjudication board.

14 MR. KUSHI: -- adjudication board to be a new member
15 of this commission. But that won't happen until probably the
16 end of March, so he'll probably be on board on April.

17 CHAIR ALULI: In April. Okay. Good.

18 Okay. The last item on the agenda is Item G, it's
19 the Election of Liquor Commission Chairperson and Vice
20 Chairperson for the period April 2020 through April 21st.

21 COMMISSIONER ANDRION: Mr. Chair, I'd like to
22 nominate you to continue being the chair, so I'll make that
23 motion.

24 COMMISSIONER DE MELLO: I second.

25 CHAIR ALULI: All in favor?

1 (Response.)

2 CHAIR ALULI: Any opposed?

3 (No response.)

4 CHAIR ALULI: Motion carries. Thank you very much.

5 Vice chair position.

6 COMMISSIONER DE MELLO: Mr. Chair. Jerry Beth

7 De Mello. I would like to nominate Leon Bolosan for the vice

8 chair position.

9 COMMISSIONER ANDRION: Roberto Andrion. I'll second

10 that motion.

11 CHAIR ALULI: Okay. All in favor?

12 (Response.)

13 CHAIR ALULI: Any opposed?

14 (No response.)

15 CHAIR ALULI: Motion carries. Thank you very much.

16 So I will remain as chair and Leon Bolosan will take the vice

17 chair position.

18 There are no further items on the agenda, I would,

19 therefore, like to have a motion for adjournment.

20 COMMISSIONER ANDRION: Motion for adjournment.

21 COMMISSIONER DE MELLO: Second.

22 CHAIR ALULI: All in favor?

23 (Response.)

24 CHAIR ALULI: Motion carries. Thank you very much.

25 COMMISSIONER DE MELLO: Thank you.

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CHAIR ALULI: Meeting adjourned.
(The proceedings were adjourned at 10:03 a.m.)

