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LIQUOR COMMISSION  
DEPARTMENT OF LIQUOR CONTROL  
COUNTY OF MAUI, STATE OF HAWAII

TRANSCRIPT OF PROCEEDINGS  
REGULAR MEETING

Held via Blue Jeans video conference, commencing at  
9:01 a.m., on June 10, 2020.

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

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APPEARANCES

COMMISSION MEMBERS PRESENT:

- CHAIRPERSON: NANE ALULI
- COMMISSIONERS: LEON BOLOSAN
- ROBERTO ANDRION, JR.
- JERRYBETH DE MELLO
- JAMIE BECRAFT
- LESLIE ANN YOKOUCHI
- BRUCE U'U
- STAN RUIDAS

STAFF PRESENT:

- DEPUTY CORPORATION COUNSEL: MIMI DESJARDINS
- ACTING DIRECTOR: GEORGETTE TYAU
- LIQUOR CONTROL OFFICER III: LAYNE SILVA
- COMMISSION SECRETARY: MARIA KHANGSENGSING

1 (June 10, 2020, 9:01 a.m.)

2 \* \* \*

3 CHAIR ALULI: Okay. It's nine o'clock. I want to  
4 call the meeting to order, the liquor commission meeting,  
5 virtual meeting on Blue Jeans for June 10th, 2020. I'd like  
6 to start with the roll call, please. So I'll call out the  
7 names, if you would just designate that you're here. Leon  
8 Bolosan. Leon, unmute -- I'm going to mute everybody right  
9 now.

10 Leon, unmute yourself. There you go.

11 COMMISSIONER BOLOSAN: Okay.

12 CHAIR ALULI: Okay. Leon Bolosan.

13 COMMISSIONER BOLOSAN: Aloha. Aloha. Present.

14 CHAIR ALULI: Nane Aluli, present.

15 Jerry Beth.

16 COMMISSIONER DE MELLO: Jerry Beth De Mello.

17 Present.

18 CHAIR ALULI: Bruce U'u.

19 COMMISSIONER U'U: Present.

20 CHAIR ALULI: Jamie Becraft.

21 COMMISSIONER BECRAFT: Present.

22 CHAIR ALULI: Bobbie Andrion.

23 COMMISSIONER ANDRION: I'm not getting anything.

24 Okay. I'm on.

25 SPEAKER: You got it.

1 COMMISSIONER ANDRION: Okay. Thank you.

2 Okay. You guys got me now?

3 SPEAKER: Yeah. We can hear you.

4 CHAIR ALULI: Yeah. Okay. Bobbie Andrion, you're  
5 here. Okay.

6 Jamie Becraft.

7 COMMISSIONER BECRAFT: Yes, sir, I'm present.

8 CHAIR ALULI: Leslie Ann? Not here.

9 MS. SUZUKI: I need to send her the link. She just  
10 text me.

11 CHAIR ALULI: Okay. Who did I miss? Got everybody.  
12 Okay. We've also got a new board member --

13 COMMISSIONER ANDRION: Okay. Put that (inaudible)  
14 on my desk.

15 CHAIR ALULI: -- from Lanai. Right, Stan? Stan,  
16 can you hear me? Oh, there you are.

17 COMMISSIONER RUIDAS: I can hear you.

18 CHAIR ALULI: Can you hear me?

19 COMMISSIONER RUIDAS: Can you hear me? I can hear  
20 you. I can hear you.

21 CHAIR ALULI: Okay. I just -- we're doing the roll  
22 call now, if you would just identify yourself.

23 COMMISSIONER RUIDAS: Stan Ruidas, present.

24 CHAIR ALULI: Okay. And, Stan, you're from Lanai;  
25 right?

1 COMMISSIONER RUIDAS: Yes.

2 CHAIR ALULI: Okay. Good. All right. We've got a  
3 quorum. Thank you.

4 Let's move on to the agenda. I would like a  
5 motion --

6 ACTING DIRECTOR TYAU: Chair, are you going to do  
7 roll call for staff?

8 CHAIR ALULI: Oh, sorry. Sorry, Georgette. Yes.  
9 Continue. I'm sorry, Georgette. Georgette Tyau.

10 ACTING DIRECTOR TYAU: Present. George Tyau, liquor  
11 control.

12 CHAIR ALULI: Tyau. Thank you.

13 Layne Silva.

14 OFFICER LAYNE SILVA: Layne Silva, liquor control.

15 CHAIR ALULI: That's right -- that's it for staff;  
16 right?

17 ACTING DIRECTOR TYAU: Maria.

18 CHAIR ALULI: Maria. Sorry, Maria. Yeah, Maria.

19 MS. KHANGSENGSING: I'm here.

20 CHAIR ALULI: Okay. Good. All right. So we've got  
21 everybody. All right.

22 COMMISSIONER BECRAFT: Corp. counsel, sir.

23 MS. KHANGSENGSING: Corp. counsel.

24 CHAIR ALULI: Oh, corp -- yeah, corp. counsel.

25 Sorry.

1 MS. DESJARDINS: I'm here.

2 CHAIR ALULI: Oh, I see that Leslie -- Leslie  
3 Yokouchi.

4 COMMISSIONER YOKOUCHI: I'm here.

5 CHAIR ALULI: Okay, all right. We've -- that's the  
6 roll call; right? We've got everybody.

7 Okay. Good. Let's move on to the agenda for June  
8 10th, 2020. I'd like a motion to approve the agenda for  
9 today.

10 COMMISSIONER DE MELLO: I make the motion to accept  
11 the agenda today. Jerry Beth De Mello.

12 COMMISSIONER BOLOSAN: Leon Bolosan. Second.

13 CHAIR ALULI: It's been moved and seconded. Any  
14 discussion?

15 (No response.)

16 CHAIR ALULI: All in favor?

17 (Response.)

18 CHAIR ALULI: Okay. You know what I'm gonna have to  
19 do, I think, for all the motions, we're gonna have -- I'm just  
20 gonna have to call out names, if we could, so we get everybody  
21 on properly. Okay? So let's go to the agenda. All right.  
22 Jamie Becraft.

23 COMMISSIONER BECRAFT: Aye.

24 CHAIR ALULI: Leon Bolosan.

25 COMMISSIONER BOLOSAN: Aye.

1 CHAIR ALULI: Jerry Beth De Mello.

2 (Background noise.)

3 COMMISSIONER YOKOUCHI: Ay-yi-yi.

4 COMMISSIONER BECRAFT: Leslie, can you just mute  
5 yourself until you speak, that way nobody --

6 CHAIR ALULI: Yeah.

7 COMMISSIONER BECRAFT: -- we don't have any problem.

8 COMMISSIONER YOKOUCHI: Yeah.

9 CHAIR ALULI: Jerry Beth De Mello.

10 COMMISSIONER DE MELLO: Aye.

11 CHAIR ALULI: Leslie Ann Yokouchi.

12 COMMISSIONER YOKOUCHI: Aye.

13 CHAIR ALULI: Bruce U'u.

14 COMMISSIONER U'U: Aye.

15 CHAIR ALULI: Stan Ruidas.

16 COMMISSIONER RUIDAS: Aye.

17 CHAIR ALULI: Any opposed?

18 (No response.)

19 CHAIR ALULI: Motion carries. Thank you.

20 Okay. Let's move on to public testimony. Maria, is  
21 there anybody that wants to --

22 MS. DESJARDINS: Chair.

23 CHAIR ALULI: -- provide testimony this morning.

24 MS. DESJARDINS: Can you have the approval of the  
25 minutes?

1 CHAIR ALULI: Yes.

2 MS. DESJARDINS: Chair, can you do the approval of  
3 the minutes, please?

4 CHAIR ALULI: Yes. Sorry. Oh, I thought -- okay.  
5 Sorry. Okay, all right. We need -- Item 4, I'd like approval  
6 for the liquor control commission minutes of May 13th, 2020.  
7 Can I have a motion for approval?

8 COMMISSIONER BOLOSAN: I move to approve those.

9 CHAIR ALULI: Leon Bolosan is making the motion for  
10 approval. Second?

11 COMMISSIONER DE MELLO: Second. De Mello.

12 CHAIR ALULI: Okay. Jerry Beth De Mello is second.  
13 Any discussion?

14 (No response.)

15 CHAIR ALULI: All in favor? Leon Bolosan.

16 COMMISSIONER BOLOSAN: Aye.

17 CHAIR ALULI: Jamie Becraft.

18 COMMISSIONER BECRAFT: Aye.

19 CHAIR ALULI: Jerry Beth De Mello.

20 COMMISSIONER DE MELLO: Aye.

21 CHAIR ALULI: Bruce U'u.

22 COMMISSIONER U'U: Aye.

23 CHAIR ALULI: Leslie Ann Yokouchi.

24 COMMISSIONER YOKOUCHI: Aye.

25 CHAIR ALULI: Stan Ruidas.



1 COMMISSIONER RUIDAS: Aye.

2 CHAIR ALULI: Stan. Okay. Any opposed?

3 (No response.)

4 COMMISSIONER RUIDAS: Aye.

5 CHAIR ALULI: No opposed. Motion carries. Thank  
6 you.

7 All right. Let's move on to public testimony.

8 Maria, is there anybody that is going to give public  
9 testimony?

10 MS. KHANGSENGSING: I don't have anybody on the list  
11 now.

12 CHAIR ALULI: Okay. Then what I will ask -- let me  
13 go through the applicants, if there's anybody that does want  
14 to testify at that time, I'll ask again at that point.

15 Okay. Let's move on to Item No. 6, General  
16 Licensing Matters, Items A through H. Do I have a motion for  
17 approval?

18 COMMISSIONER U'U: Motion to approve.

19 CHAIR ALULI: Who's that? Please mention your name.  
20 Okay?

21 COMMISSIONER U'U: Bruce U'u.

22 CHAIR ALULI: Okay. Second.

23 COMMISSIONER BECRAFT: Jamie Becraft. Second.

24 Jamie Becraft. Second, Chair.

25 CHAIR ALULI: Okay. Any discussion?

1 (No response.)

2 CHAIR ALULI: All right. All in favor? Jamie

3 Becraft.

4 COMMISSIONER BECRAFT: Aye.

5 CHAIR ALULI: Leon Bolosan.

6 COMMISSIONER BOLOSAN: Aye.

7 CHAIR ALULI: Jerry Beth De Mello.

8 COMMISSIONER DE MELLO: Aye.

9 CHAIR ALULI: Bruce U'u.

10 COMMISSIONER U'U: Aye.

11 CHAIR ALULI: Leslie Ann Yokouchi.

12 COMMISSIONER YOKOUCHI: Aye.

13 CHAIR ALULI: Stanley Ruidas.

14 COMMISSIONER RUIDAS: Aye.

15 CHAIR ALULI: Any opposed?

16 (No response.)

17 CHAIR ALULI: Motion carries. Thank you.

18 Okay. Let's move on to Item 7, Public Hearing --

19 Licensing, Public Hearings. First on the list is Applicant

20 No. 4, Makena Beverage Club.

21 MR. NAKAMURA: Yeah. Good morning. Good morning,

22 Mr. Chair. Craig Nakamura, attorney on behalf of the

23 applicant. And I believe -- I don't -- I'm not sure, but I

24 believe on the line should be Rick Tramontin, Richard

25 Tramontin representing the applicant.

1 MR. TRAMONTIN: Yes. Rick is here.

2 MR. NAKAMURA: Okay. Thank you.

3 MR. TRAMONTIN: Thank you.

4 CHAIR ALULI: Very good. All right. Layne.

5 OFFICER LAYNE SILVA: Okay. Application No. 4, the  
6 applicant is Makena Beverage Club, Inc. doing business as  
7 Kilohana Restaurant. The proposed premises is located at 5415  
8 Makena Alanui Road, Makena, Maui, Hawaii. This is a public  
9 hearing for a new Club General, Category B(ii).

10 The documents necessary for completing the remaining  
11 application requirements for a liquor license are listed in  
12 the summary report.

13 Notice of public hearing was published in the Maui  
14 News on February 19th and 26th, 2020.

15 There are a total of 30 owners and lessees situated  
16 within 500 feet of the proposed premises.

17 The department did not receive any protests.

18 CHAIR ALULI: Okay. Thank you very much.

19 Craig.

20 MR. NAKAMURA: Yeah.

21 CHAIR ALULI: Any more --

22 MR. NAKAMURA: Just very quickly, very quickly,  
23 Mr. Chair, this is a new license application for the existing  
24 clubhouse restaurant at the Makena Golf Course.

25 CHAIR ALULI: Okay. Good. Is there anybody in the

1 public that wants to provide any testimony on this applicant?

2 (No response.)

3 CHAIR ALULI: I don't see any hands raised or  
4 anybody asking. With that said, are there any questions by  
5 any of the commissioners?

6 (No response.)

7 CHAIR ALULI: Not hearing any, I would like to call  
8 for approval.

9 COMMISSIONER U'U: Motion to approve. Bruce U'u.

10 CHAIR ALULI: Do I have a second?

11 COMMISSIONER BOLOSAN: Leon Bolosan.

12 COMMISSIONER BECRAFT: Second. Jamie --

13 COMMISSIONER BOLOSAN: Second.

14 CHAIR ALULI: Okay. Lean Bolosan is the second.  
15 Any discussion? Any further discussion?

16 (No response.)

17 CHAIR ALULI: Okay. So motion for approval.  
18 Andrion, Bobbie Andrion.

19 COMMISSIONER ANDRION: Yes.

20 CHAIR ALULI: Okay. Jamie Becraft.

21 COMMISSIONER BECRAFT: Yes.

22 CHAIR ALULI: Lean Bolosan.

23 COMMISSIONER BOLOSAN: Aye.

24 CHAIR ALULI: Jerry Beth De Mello.

25 COMMISSIONER DE MELLO: Aye.

1 CHAIR ALULI: Leslie Yokouchi?  
2 COMMISSIONER YOKOUCHI: Yes.  
3 CHAIR ALULI: Bruce U'u.  
4 COMMISSIONER U'U: Aye.  
5 CHAIR ALULI: Stan Ruidas.  
6 COMMISSIONER RUIDAS: Aye.  
7 CHAIR ALULI: Any opposed?  
8 (No response.)  
9 CHAIR ALULI: Motion carries. Thank you very much.  
10 Okay. Let's move on to --  
11 MR. NAKAMURA: Thank you very much.  
12 CHAIR ALULI: -- Applicant No. 5, Makena Beverage  
13 Club. Craig, you're representing them; right?  
14 MR. NAKAMURA: Yes. Again, Mr. Chair, Craig  
15 Nakamura, attorney on behalf of the applicant. And Richard  
16 Tramontin representing the applicant is also on the line.  
17 CHAIR ALULI: Okay. Thank you.  
18 Layne.  
19 OFFICER LAYNE SILVA: Application No. 5, the  
20 applicant is Makena Beverage Club, Inc. doing business as  
21 Makena OP Hale Bar. The proposed premises is located at 4500  
22 Makena Alanui Road, Makena, Maui, Hawaii. This is a public  
23 hearing for a new Club General, Category B(ii).  
24 The documents necessary for completing the remaining  
25 application requirements for a liquor license are listed in

1 the summary report.

2 Notice of public hearing was published in the Maui  
3 News on February 19th and 26th, 2020.

4 There are a total of 78 owners and lessees situated  
5 within 500 feet of the proposed premises.

6 And the department did not receive any protests.

7 CHAIR ALULI: Okay. Thank you, Layne.

8 Craig, you got anything more to offer on that?

9 MR. NAKAMURA: Just very briefly, Mr. Chair, this is  
10 new small beach club facility that's being constructed by  
11 Makena.

12 CHAIR ALULI: Okay. Thank you, Craig.

13 Is there anybody in the public that want to testify  
14 on this applicant?

15 (No response.)

16 CHAIR ALULI: Not -- not seeing any. Are there any  
17 questions by any of the commissioners?

18 (No response.)

19 CHAIR ALULI: Not having -- not seeing any, can I  
20 get a motion for approval?

21 COMMISSIONER U'U: Motion to approve. Bruce U'u.

22 CHAIR ALULI: Okay. Bruce U'u moves. Can I have a  
23 second?

24 COMMISSIONER YOKOUCHI: Second. Leslie Yokouchi.

25 Second.

1 CHAIR ALULI: Okay. Any further discussion?

2 (No response.)

3 CHAIR ALULI: If not, I'll call for the vote.

4 Andrion.

5 COMMISSIONER ANDRION: Yes.

6 CHAIR ALULI: Becraft.

7 COMMISSIONER BECRAFT: Aye.

8 CHAIR ALULI: Bolosan.

9 COMMISSIONER BOLOSAN: Aye.

10 CHAIR ALULI: De Mello.

11 COMMISSIONER DE MELLO: Aye.

12 CHAIR ALULI: Yokouchi.

13 COMMISSIONER YOKOUCHI: Aye.

14 CHAIR ALULI: U'u.

15 COMMISSIONER U'U: Aye.

16 CHAIR ALULI: Ruidas. Ruidas. Stan Ruidas, can you  
17 hear me?

18 COMMISSIONER RUIDAS: Aye.

19 CHAIR ALULI: Okay. Stan said aye. Motion carries.

20 Thank you very much.

21 MR. NAKAMURA: Thank you. Thank you very much.

22 CHAIR ALULI: Item C -- thanks, Craig.

23 Move on to Item C, Applicant No. 12, Empanada Lady.

24 Let's see if she --

25 OFFICER LAYNE SILVA: Kristin.

1 CHAIR ALULI: Kristin, right. Kristin Holmes.

2 Kristin, are you there?

3 MS. HOLMES: I am. Good morning. Yes, I just --

4 CHAIR ALULI: Oh good morning.

5 MS. HOLMES: -- just cleared my mic.

6 Good morning. I'm here with Sara Polanco from  
7 Empanada Lady and I'm representing her as her agent for this  
8 application.

9 MS. POLANCO: Good morning.

10 CHAIR ALULI: Good morning. Thank you.

11 Layne.

12 OFFICER LAYNE SILVA: Application No. 12, the  
13 applicant is The Empanada Lady, LLC doing business as The  
14 Empanada Lady. The proposed premises is located at 2119 West  
15 Vineyard Street, Wailuku, Maui, Hawaii. This is a public  
16 hearing for a new Dispenser General License, Category C(ii).

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 February 19th and 26th, 2020.

22 There are a total of 113 owners and lessees situated  
23 within 500 feet of the proposed premises.

24 The department did not receive any protests.

25 CHAIR ALULI: Thank you, Layne.



1 Kristin, do you got anything more to add to that?

2 MS. HOLMES: No. I think we're just happy to be  
3 here after a couple of delays over the last couple months, so  
4 we're happy to be here.

5 CHAIR ALULI: Yeah, good. I think we all are.  
6 We're back on track, hopefully.

7 MS. HOLMES: Yes, yes.

8 MS. POLANCO: How can I -- how can I donate some  
9 empanada to you guys?

10 CHAIR ALULI: Don't say that.

11 (Laughter.)

12 CHAIR ALULI: Don't say that online, please.

13 MS. HOLMES: No, no. You can't.

14 CHAIR ALULI: Okay. But thank you very much. We  
15 appreciate the offer.

16 All right. Is there anybody in the public that  
17 would like to provide any testimony at this point?

18 (No response.)

19 CHAIR ALULI: Not seeing any or hearing any. Are  
20 there any questions by any of the commissioners?

21 (No response.)

22 CHAIR ALULI: If not, can I have a motion for  
23 approval?

24 COMMISSIONER ANDRION: Roberto Andrion. Move to  
25 approve.

1 CHAIR ALULI: Andrion approve. Do I have a second?  
2 COMMISSIONER BOLOSAN: Leon Bolosan. Second.  
3 CHAIR ALULI: Seconded by Leon Bolosan. Any -- any  
4 discuss -- any further discussion?  
5 (No response.)  
6 CHAIR ALULI: Not having any, I'll call for the  
7 vote. Andrion.  
8 COMMISSIONER ANDRION: Yes.  
9 CHAIR ALULI: Becraft.  
10 COMMISSIONER BECRAFT: Aye.  
11 CHAIR ALULI: Bolosan.  
12 COMMISSIONER BOLOSAN: Aye.  
13 CHAIR ALULI: De Mello.  
14 COMMISSIONER DE MELLO: Aye.  
15 CHAIR ALULI: Yokouchi.  
16 COMMISSIONER YOKOUCHI: Aye.  
17 CHAIR ALULI: U'u.  
18 COMMISSIONER U'U: Aye.  
19 CHAIR ALULI: Ruidas.  
20 COMMISSIONER RUIDAS: Aye.  
21 CHAIR ALULI: Motion carries. Thank you very much.  
22 MS. HOLMES: Thank you very much as well.  
23 MS. POLANCO: Thank you so much.  
24 CHAIR ALULI: Okay. Thanks, Kristin. Thank you.  
25 MS. HOLMES: All right. Aloha.

1 CHAIR ALULI: Aloha.

2 Okay. Move on to Item E, Application No. 16, Lanai  
3 Island Management. Layne.

4 Oh, sorry. Sorry.

5 OFFICER LAYNE SILVA: I'm sorry. Yeah.

6 CHAIR ALULI: I'm sorry. I'm sorry, I missed it.  
7 I'm sorry. It's Applicant number four -- Item D, Applicant  
8 No. 14, Noodles and Rice by Nutcharee. Layne. I'm sorry.

9 OFFICER LAYNE SILVA: Michael. Michael.

10 CHAIR ALULI: Excuse me. Excuse me. Yeah. So,  
11 let's see, who's representing them?

12 OFFICER LAYNE SILVA: Michael Kawagishi.

13 CHAIR ALULI: Oh, Mike Kawagishi is.

14 MR. KAWAGISHI: Hello. I'm here.

15 CHAIR ALULI: Oh, Mike, there you are. Okay. Good.  
16 All right, Mike. All right. You're representing Noodles and  
17 RICE. Okay. So you're there.

18 Okay. Layne.

19 OFFICER LAYNE SILVA: Application No. 14, the  
20 Applicant is Noodles and Rice by Nutcharee, Inc. doing  
21 business as Noodles and Rice by Nutcharee, Inc. The proposed  
22 premises is located at 1280 South Kihei Road, Suite one --  
23 No. 128, Kihei, Maui, Hawaii. This is a public hearing for a  
24 new Dispenser Beer and Wine License, Category C(ii).

25 The documents necessary for completing the remaining

1 application requirements for a liquor license are listed in  
2 the summary report.

3 Notice of public hearing was published in the Maui  
4 News on February 19th and 26th, 2020.

5 There are a total of 258 owners and lessees situated  
6 within 500 feet of the proposed premises.

7 The department did not receive any protests.

8 CHAIR ALULI: Okay. Great. Thanks, Layne.

9 Mike, you got anything more to add to that?

10 MR. KAWAGISHI: Nothing further to add.

11 CHAIR ALULI: Okay. Is there anybody in the  
12 audience or the public that wants to provide any testimony?

13 (No response.)

14 CHAIR ALULI: Not hearing any. Are there any  
15 questions by any of the commissioners?

16 (No response.)

17 CHAIR ALULI: Not hearing any. Can I have a motion  
18 for approval?

19 COMMISSIONER ANDRION: Roberto Andrion. Motion to  
20 approve.

21 CHAIR ALULI: Okay. Andrion made the motion. Do I  
22 have a second?

23 COMMISSIONER DE MELLO: Second. De Mello.

24 CHAIR ALULI: De Mello is second. Any further  
25 discussion?

1 (No response.)

2 CHAIR ALULI: Okay. I'll call for the vote.

3 Andrion.

4 COMMISSIONER ANDRION: Yes.

5 CHAIR ALULI: Becraft.

6 COMMISSIONER BECRAFT: Aye.

7 CHAIR ALULI: Bolosan.

8 COMMISSIONER BOLOSAN: Aye.

9 CHAIR ALULI: De Mello.

10 COMMISSIONER DE MELLO: Aye.

11 CHAIR ALULI: Yokouchi.

12 COMMISSIONER YOKOUCHI: Aye.

13 CHAIR ALULI: U'u.

14 COMMISSIONER U'U: Aye.

15 CHAIR ALULI: Ruidas.

16 COMMISSIONER RUIDAS: Aye.

17 CHAIR ALULI: Okay. Motion carries. Thank you very

18 much.

19 Okay. Let's move on to --

20 MR. KAWAGISHI: Thank you, Commissioners.

21 CHAIR ALULI: -- Item E, Applicant No. 16, Lanai

22 Island Management.

23 MR. NAKAMURA: Yes. Thank you. Thank you,

24 Mr. Chair. Craig Nakamura --

25 CHAIR ALULI: Craig, you're representing them?

1 MR. NAKAMURA: -- attorney -- yeah. Craig Nakamura,  
2 attorney on behalf of the applicant. And I hope on line  
3 should be Sarah Simmons also representing the applicant.

4 Sarah, are you there?

5 MS. SIMMONS: Yes, Craig. Good morning, everyone.

6 CHAIR ALULI: Good morning.

7 Okay. Layne.

8 OFFICER LAYNE SILVA: Application No. 16, applicant  
9 Lanai Island Management, Inc. doing business as Lanai II  
10 applying for a Tour Or Cruise Vessel License, Category B.

11 Officers, directors, agent, and stockholder of the  
12 corporation; personal history statements; criminal history  
13 statements; past history; and vessel lease are all listed in  
14 the investigator's report.

15 Applicant has submitted a U.S. Coast Guard  
16 Certification of Documentation dated October 29th, 2019.

17 The proposed premises is a 65-foot auxiliary sail  
18 passenger catamaran. The vessel will be moored within the  
19 Manele Small Boat Harbor floating dock, Lanai City, Hawaii.

20 The men's restroom is located within the port hull  
21 and the women's restroom is located within the starboard hull  
22 sections of the vessel.

23 There are 40 licenses of this class and kind  
24 currently issued within Maui County.

25 Applicant initially plans to be open seven days a

1 week from 8:00 a.m. to 2:00 a.m. the following day.

2 In the opinion of this investigator, the applicant  
3 appears to be fit and proper and does not appear to be  
4 disqualified by any provision as stated within Section 281.56  
5 HRS from obtaining or exercising a liquor license.

6 All documents necessary for the issuance of a liquor  
7 license have not been submitted. Those items are listed in  
8 the investigator's report.

9 CHAIR ALULI: Okay. Thank you, Layne.

10 Craig, any more or is there anything further to add?

11 MR. NAKAMURA: Mr. Chair, just a -- just a brief  
12 explanation, yeah. This is a liquor license for a new  
13 catamaran that the company has -- is gonna be putting into  
14 operation for tours on Lanai.

15 CHAIR ALULI: Okay. Thank you.

16 Okay. And is there anybody in the audience or the  
17 public that would like to provide any testimony on this  
18 applicant?

19 (No response.)

20 CHAIR ALULI: Okay. I don't see any hands or hear  
21 anybody raising their voice.

22 I do have a question, Craig. Is this catamaran only  
23 going to be sailing Lanai to -- around Lanai for customers on  
24 Lanai, not coming to Maui?

25 MR. NAKAMURA: I believe that's the case, Mr. Chair.

1           Maybe, Sarah, do you know if there's going to be any  
2 tours on -- on Maui?

3           MS. SIMMONS: No. We stay in the waters outside of  
4 Lanai.

5           CHAIR ALULI: Okay. So Lanai only, then; right?  
6 It's only going to be for guests on Lanai, then; correct,  
7 Sarah?

8           MS. SIMMONS: Yes.

9           CHAIR ALULI: Okay, all right. Thank you.

10           Are there any questions -- or further questions by  
11 any of the commissioners?

12           (No response.)

13           CHAIR ALULI: If not, can I have a motion for  
14 approval?

15           COMMISSIONER U'U: Motion to approve. Bruce U'u.

16           CHAIR ALULI: Okay. Bruce U'u made the motion to  
17 approve. May I have a second.

18           COMMISSIONER BOLOSAN: I move to -- do the second.

19           CHAIR ALULI: Okay. Leon Bolosan is second. Any  
20 further discussion?

21           (No response.)

22           CHAIR ALULI: Okay. I call for the vote. Andrion.

23           COMMISSIONER ANDRION: Aye.

24           CHAIR ALULI: Andrion.

25           COMMISSIONER ANDRION: Aye.



1 CHAIR ALULI: Becraft.  
2 COMMISSIONER BECRAFT: Aye.  
3 CHAIR ALULI: Bolosan.  
4 COMMISSIONER BOLOSAN: Aye.  
5 CHAIR ALULI: De Mello.  
6 COMMISSIONER DE MELLO: Aye.  
7 CHAIR ALULI: Yokouchi.  
8 COMMISSIONER YOKOUCHI: Aye.  
9 CHAIR ALULI: U'u.  
10 COMMISSIONER U'U: Aye.  
11 CHAIR ALULI: Ruidas.  
12 COMMISSIONER RUIDAS: Aye.  
13 CHAIR ALULI: Motion carries. Thank you very much.  
14 MR. NAKAMURA: All right. Thank you. Thank you  
15 very much, Mr. Chair, Commission Members.  
16 CHAIR ALULI: Thanks, Craig. Thanks, Sarah.  
17 All right. Let's move on to Item F, Applicant  
18 No. 17, Kaanapali Kai Charters.  
19 OFFICER LAYNE SILVA: Dave? Dave Weiss?  
20 MR. WEISS: Dave Weiss present.  
21 CHAIR ALULI: Okay. Good.  
22 All right. Layne.  
23 OFFICER LAYNE SILVA: Application No. 17, Applicant  
24 Kaanapali Kai Charters, Inc. doing business as Teralani 5  
25 applying for a Tour Or Cruise Vessel License, Category B.

1           Officers, directors, and stockholders of the  
2 corporation; personal history statements; criminal history  
3 statements; past history; and vessel ownership are all listed  
4 in the investigator's report.

5           Applicant has submitted a U.S. Coast Guard  
6 Certificate of Documentation dated November 20th, 2019.

7           The proposed premises is a 64-foot by 34-foot  
8 sailing catamaran. The vessel will be moored at the Kaanapali  
9 offshore mooring area D#2.

10           Passengers would -- will be picked up at the landing  
11 area fronting the Whalers Village.

12           The men's and women's toilet facilities are located  
13 within the hulls of the vessel.

14           Beverages will be dispensed from within the cabin  
15 located on the cabin level of the vessel.

16           There are 40 licenses of this class and kind  
17 currently issued within Maui County.

18           Applicant initially plans to be open seven days a  
19 week from 8:00 a.m. to 2:00 a.m.

20           In the opinion of this investigator, the applicant  
21 appears to be fit and proper and does not appear to be  
22 disqualified by any provision as stated within Section 281-56  
23 HRS from obtaining or exercising a license.

24           All documents necessary for the issuance of a liquor  
25 license have not been submitted. Those items are listed in

1 the investigator's report.

2 CHAIR ALULI: Thank you, Layne.

3 David, do you have anything more to add?

4 MR. WEISS: I'd just like to add this is a liquor  
5 license for a new catamaran we just completed and thank you  
6 very much for the opportunity to appear before you.

7 CHAIR ALULI: Okay. Thank you, David.

8 Is there anybody in the public that would like to  
9 provide any testimony on this applicant?

10 (No response.)

11 CHAIR ALULI: Not hearing or seeing anyone.  
12 Commissioners, are there any questions by any of the  
13 commissioners?

14 (No response.)

15 CHAIR ALULI: Okay. Not having any, I will -- can I  
16 have a motion for approval?

17 COMMISSIONER YOKOUCHI: I -- Leslie Yokouchi. I so  
18 move.

19 CHAIR ALULI: Second?

20 COMMISSIONER DE MELLO: Jerry Beth De Mello. I so  
21 move.

22 CHAIR ALULI: Any further -- it's been moved and --  
23 moved by Leslie Yokouchi and second by De Mello.

24 COMMISSIONER DE MELLO: Uh-huh.

25 CHAIR ALULI: Any further discussion?

1 (No response.)

2 CHAIR ALULI: Okay. I'll call for the vote.

3 Andrion.

4 COMMISSIONER ANDRION: Aye.

5 CHAIR ALULI: Becraft.

6 COMMISSIONER BECRAFT: Aye.

7 CHAIR ALULI: Bolosan.

8 COMMISSIONER BOLOSAN: Aye.

9 CHAIR ALULI: De Mello.

10 COMMISSIONER DE MELLO: Aye.

11 CHAIR ALULI: Yokouchi.

12 COMMISSIONER YOKOUCHI: Aye.

13 CHAIR ALULI: U'u.

14 COMMISSIONER U'U: Aye.

15 CHAIR ALULI: Ruidas.

16 COMMISSIONER RUIDAS: Aye.

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

18 MR. WEISS: Thank you, everybody.

19 CHAIR ALULI: Let's move on to Item G, Cold LLC dba

20 Cafe O'Lei at the Dunes. And I -- James, you're here; right?

21 Where's James?

22 MR. BYLER: Yes, I'm present.

23 CHAIR ALULI: Oh, there you are, James Byler. Yeah.

24 Okay. Good.

25 All right. Layne.

1           OFFICER LAYNE SILVA: The applicant is Cold LLC  
2 doing business as Cafe O'Lei at the Dunes. Dispenser General  
3 License, Category C(ii).

4           Members and agent of the member-managed LLC is  
5 listed in the investigator's report.

6           The nature of the request: The licensee is  
7 requesting commission approval to change to a Class 2  
8 Restaurant General License, Category B(ii).

9           The Rules of the Liquor Commission and requirements  
10 are all listed in the investigator's report.

11           A financial report submitted by the licensee on  
12 February 13, 2020. After reviewing the 12-month financial  
13 report, it is found that the licensee does meet the  
14 requirements in which at least 30 percent of the  
15 establishment's gross revenue is derived from the sale of  
16 foods for a Class 2 restaurant license and all of the  
17 requirements have been met.

18           CHAIR ALULI: Great. Okay. Thank you, Layne.  
19 James, do you have anything further to add?

20           MR. BYLER: No, not at this time.

21           CHAIR ALULI: Okay. Is there anybody in the public  
22 that would like to provide any testimony at this point?

23           (No response.)

24           CHAIR ALULI: Not seeing or hearing any. Do I have  
25 any questions by any of the commissioners?

1 (No response.)

2 CHAIR ALULI: Not hearing of any. Can I have a  
3 motion for approval?

4 COMMISSIONER DE MELLO: De Mello. Motion to  
5 approve.

6 COMMISSIONER YOKOUCHI: Second. Yokouchi.

7 CHAIR ALULI: Okay. Any further discussion?

8 (No response.)

9 CHAIR ALULI: Okay. Calling for the vote. Andrion.

10 COMMISSIONER ANDRION: Aye.

11 CHAIR ALULI: Becraft.

12 COMMISSIONER BECRAFT: Aye.

13 CHAIR ALULI: Bolosan.

14 COMMISSIONER BOLOSAN: Aye.

15 CHAIR ALULI: De Mello.

16 COMMISSIONER DE MELLO: Aye.

17 CHAIR ALULI: Yokouchi.

18 COMMISSIONER YOKOUCHI: Aye.

19 CHAIR ALULI: U'u.

20 COMMISSIONER U'U: Aye.

21 CHAIR ALULI: Ruidas.

22 COMMISSIONER RUIDAS: Aye.

23 CHAIR ALULI: Motion carries. Thank you very much,  
24 James.

25 MR. BYLER: Thank you so much for your time,

1 everyone. Have a great day.

2 CHAIR ALULI: Okay. Thank you.

3 MR. BYLER: Aloha.

4 CHAIR ALULI: Aloha.

5 Okay. Let's move -- you know what, I'd like to take  
6 a -- if we could, about a ten-minute break. I need to get  
7 some water. So let's take a ten-minute break. It is 9:30,  
8 we'll reconvene at 9:40. Okay.

9 (Pause in Proceedings: 9:30 a.m.-9:40 a.m.)

10 CHAIR ALULI: Okay, all right. It's 9:30 -- let's  
11 reconvene the meeting and move on to Item No. 8, our  
12 Director's Monthly Report. Georgette.

13 ACTING DIRECTOR TYAU: Good morning.

14 CHAIR ALULI: Good morning, Georgette.

15 ACTING DIRECTOR TYAU: Okay. So just to update --  
16 just to update you, liquor license renewal, to date we have  
17 220 renewed.

18 And then on Item 2, Liquor Commission Emergency  
19 Rules of the LC May 13, 2020, meeting, per Governor's  
20 Executive Order 20-04. You've been provided with a copy. It  
21 was reviewed by corporation counsel and Chair Aluli and it has  
22 also been posted on the department's website. For  
23 clarification, the department considers unopened and  
24 prepackaged as manufacturer sealed and not sealed by  
25 employees.

1 (Background noise.)

2 COMMISSIONER BECRAFT: Leslie, you've gotta mute  
3 yourself.

4 CHAIR ALULI: Leslie, can you mute your --

5 COMMISSIONER YOKOUCHI: I'm trying to break.

6 CHAIR ALULI: There you go. Okay.

7 COMMISSIONER BECRAFT: There you go.

8 CHAIR ALULI: All right. Go ahead. Sorry,  
9 Georgette.

10 ACTING DIRECTOR TYAU: Oh, no problem. I can start  
11 over, if need be.

12 So for clarification, the department considers  
13 unopened and prepackaged as manufacturer sealed and not sealed  
14 by employees. Distilled spirits and growlers were not  
15 affected by the LC emergency rules, because it was not  
16 addressed in the governor's executive order. Because hard  
17 ciders are taxed as wine and hard seltzers are taxed as beer  
18 by TTB tax classifications, we consider that covered under the  
19 governor's executive order. And hours for delivery and  
20 takeout allowed between the hours of 6:00 a.m. and 11:00 p.m.  
21 as defined in Section 08-101-25.

22 Then moving on to Item 3 and 4, the State Conference  
23 and Liquor Investigator's Workshop has been cancelled for this  
24 year and the liquor -- the NCSLA is going to be virtual and  
25 they're also looking at preparing the fall conferences to go



1 virtual also, the ones that would be held in September and  
2 October.

3 And that's it for the director's report.

4 CHAIR ALULI: Okay, all right. Thank you,  
5 Georgette.

6 Anybody -- any commissioners have any questions of  
7 Georgette?

8 COMMISSIONER BECRAFT: Mr. Chair, Jamie Becraft.

9 CHAIR ALULI: Yes, Jamie.

10 COMMISSIONER BECRAFT: Yes, I have a couple of  
11 questions. One is you said 220 licenses were renewed,  
12 Georgette?

13 ACTING DIRECTOR TYAU: Yes.

14 COMMISSIONER BECRAFT: Is there -- is that a lot  
15 less than last year? Do we have a lot of businesses that  
16 still haven't renewed because of COVID?

17 ACTING DIRECTOR TYAU: Well, it's always -- they  
18 always wait till the last minute, but we are a little behind.  
19 We have seen about 330 renewal applications, but those,  
20 they're working with licensing and so forth to do their  
21 changes or maybe they're missing their state tax clearance at  
22 this time. But as of right now, we have seen 330 out of the  
23 457.

24 COMMISSIONER BECRAFT: I'm sorry, I missed that last  
25 number, the four hundred and what?

1 (Background noise.)

2 ACTING DIRECTOR TYAU: We have seen 330 applications  
3 out of 457 licenses that need to be renewed.

4 COMMISSIONER BECRAFT: 457?

5 ACTING DIRECTOR TYAU: Is what -- is our existing  
6 licenses right now.

7 COMMISSIONER BECRAFT: Okay. That's really what I  
8 wanted to know.

9 (Background noise.)

10 COMMISSIONER BECRAFT: Somebody needs to mute  
11 themselves because I can't hear.

12 MS. DESJARDINS: Michael Kawagishi given. Michael  
13 Kawagishi needs to mute.

14 MR. KAWAGISHI: Okay. I thought I joined in --

15 CHAIR ALULI: Mike.

16 MR. KAWAGISHI: -- on the video conference for about  
17 30 minutes or so.

18 SPEAKER: Oh, yeah. No problem.

19 CHAIR ALULI: Maybe I can. No, he's -- I muted him.  
20 Go ahead.

21 COMMISSIONER BECRAFT: Thank you. I appreciate it.

22 CHAIR ALULI: Sorry.

23 COMMISSIONER BECRAFT: And then the unopened sealed  
24 containers definition, where did -- where does that come from?

25 ACTING DIRECTOR TYAU: Okay. I don't know if you

1 guys want to take that up under the change, but for unopened  
2 prepackaged, the department considers it manufacturer sealed  
3 and not sealed by employees just based on our Rule 08-101-84,  
4 which requires freshly made mixed drinks for immediate  
5 consumption, and, also, they may be subject to federal  
6 labelling and bottling requirements by TTB. So that was our  
7 interpretation.

8 COMMISSIONER BECRAFT: Okay, all right. So  
9 that's -- okay. So I understand, you guys made that  
10 interpretation, not corporation counsel nor -- nor the  
11 commission?

12 ACTING DIRECTOR TYAU: No. So -- and I think in  
13 item -- if you guys want to change anything, the next --  
14 there's an item on there after.

15 COMMISSIONER BECRAFT: All right, okay. Thank you.  
16 I appreciate it. I have no further questions. Thank you.

17 CHAIR ALULI: Okay. Thank you, Jamie.

18 Okay. Let's move on to Item B, Review of the Liquor  
19 Commission Emergency Rules of the Liquor Commission May 13th,  
20 2020, meeting per the Governor's Executive Order 20-4. I have  
21 discussed this with corp. counsel and I asked that we get some  
22 clarification -- further clarification on that rule from the  
23 Governor's Sixth Supplementary Proclamation. And that  
24 relates, obviously, to COVID-19 -- to the COVID-19 emergency  
25 that took effect on the 25th of April.

1 Chapter 291 of the Hawaii Revised Statutes --  
2 statutes, which covers the regulation of intoxicating liquor,  
3 was suspended, in part, in order to allow the liquor  
4 commissions of the separate counties to enact emergency rules  
5 allowing for the delivery, in-home delivery and sale of  
6 unopened beer or unopened wine or unopened packaged cocktails  
7 with food for pickup, delivery, takeout, or other means to be  
8 consumed off premises.

9 At the May 13 meeting we enacted emergency rules to  
10 allow for home delivery of intoxicating liquor consistent with  
11 the governor's emergency proclamation. Since then, a number  
12 of questions and concerns have been raised to the topic and it  
13 has been placed back on the agenda in order to further clarify  
14 those emergency rules. And the areas are as follows:

15 The emergency rule -- at what point will the  
16 emergency rule no longer be in place? Clearly, once the  
17 Governor's Sixth Emergency Proclamation is rescinded, the  
18 liquor commission's authority to enact our emergency rules  
19 will cease to exist and HRS Chapter 291 will be restored in  
20 its entirety. So one logical point in time to end our  
21 emergency rules will be at the time that the governor rescinds  
22 his proclamation allowing them; however, this commission has  
23 the authority to rescind our emergency rules any time prior to  
24 then if we choose to do so.

25 Whatever way this goes, I suggest we make it clear

1 in our emergency rules. So I'd like to open this up for  
2 discussion and then to entertain a motion depending on the  
3 collective will of our commission to amend the rules to  
4 include when the emergency rules will expire. Just to clarify  
5 that, what I wanted to make sure was clear was that, as I've  
6 read, when the emergency rules cease, that our motion that was  
7 voted on for delivery at our June meeting would also sunset at  
8 that point or -- is that clear to the commission? Anybody  
9 have any questions regarding my comments I've just made?

10 (No response.)

11 CHAIR ALULI: Okay.

12 COMMISSIONER YOKOUCHI: Um.

13 CHAIR ALULI: Okay. So what I'd like to do is --

14 COMMISSIONER BECRAFT: Leslie Ann had a question,  
15 has a question.

16 CHAIR ALULI: Yeah. I'm sorry.

17 COMMISSIONER YOKOUCHI: Chair, so, in other words,  
18 you're saying that when the governor rescinds his  
19 proclamation, we will just follow suit automatically?

20 CHAIR ALULI: Yes.

21 COMMISSIONER YOKOUCHI: Is that what --

22 CHAIR ALULI: The rule -- the emergency rules that  
23 we voted on at our last meeting will at that point sunset  
24 also.

25 COMMISSIONER YOKOUCHI: So is that what we're

1 discussing now or can we discuss that maybe we can just come  
2 together again and decide as the Maui commission what will be  
3 best for the island?

4 CHAIR ALULI: Well, I was gonna -- I was gonna call  
5 for a motion to enact -- to clarify that this -- these  
6 emergency rules will sunset at the point that the governor  
7 proclaims that the emergency rules are no longer in place. So  
8 I'm asking for a motion on that and then we can have that  
9 discussion once we get through the motion and the second.  
10 Okay?

11 COMMISSIONER BECRAFT: Mr. Chair.

12 CHAIR ALULI: So I -- yes, Jamie.

13 COMMISSIONER BECRAFT: Jamie Becraft. I'd like to  
14 make a motion.

15 MS. DESJARDINS: Sorry. Can I interject real  
16 quickly before you do that, Commissioner Becraft?

17 CHAIR ALULI: Yes. Go head.

18 MS. DESJARDINS: Chair.

19 CHAIR ALULI: Yes, Mimi.

20 MS. DESJARDINS: I just want to be -- yeah, I just  
21 want to clarify that -- I know when you were explaining about  
22 the governor's proclamation, you had mentioned Chapter 291 of  
23 the Hawaii Revised Statute, which was the -- suspended, it's  
24 actually Chapter 281 --

25 CHAIR ALULI: Oh, I'm sorry, 281.

1 MS. DESJARDINS: -- dash 31. That's okay. But my  
2 point is not so much just to clarify that, but to say that the  
3 reason why the governor is -- was even allowed to -- to put  
4 this out about the home delivery is because he suspended a  
5 portion of a law that already exists. So when -- Commissioner  
6 Yokouchi, when you asked, you know, can we -- you folks come  
7 together as the commission and make up your own decision, your  
8 endgame is when that proclamation is over, that -- after that,  
9 once that proclamation is rescinded, the authority under  
10 281 -- the suspension of 281-31 will no longer exist, so you  
11 can't go beyond that.

12 COMMISSIONER YOKOUCHI: Okay.

13 MS. DESJARDINS: All right. Thank you.

14 CHAIR ALULI: Okay. Thank you, Mimi.

15 All right. So there's a motion on the floor by  
16 Commissioner Becraft. Do I have a second?

17 COMMISSIONER BECRAFT: I haven't -- I haven't stated  
18 the motion, Chair.

19 CHAIR ALULI: Oh, sorry. Go ahead, Jamie. Yeah,  
20 yeah, yeah.

21 COMMISSIONER BECRAFT: Chair, Jamie Becraft. I  
22 motion to amend the rules to include a provision stating that  
23 these rules shall expire when the governor's emergency  
24 proclamation allowing for emergency rules is rescinded.

25 CHAIR ALULI: Okay. Do I have a second?

1 COMMISSIONER U'U: I'll second. Bruce U'u. Second.

2 CHAIR ALULI: Okay. Any further discussion?

3 COMMISSIONER BECRAFT: Yes, Mr. Chair. I'll support  
4 the motion by just stating that all we're really doing here is  
5 clarifying for everyone that we're going to be following the  
6 law. The law requires us to rescind all of this once the  
7 emergency proclamation is ended and we're -- and we're going  
8 to be following that. We can, of course, always still go  
9 back, if we want, and end it earlier, we have that ability,  
10 but I'm just -- we're just doing this for clarification, to my  
11 understanding, and we will be following the law if we approve  
12 this motion.

13 CHAIR ALULI: Okay. Good. Any -- any other  
14 comments by any of the commissioners or questions?

15 COMMISSIONER U'U: Yeah, comments. Bruce U'u.

16 CHAIR ALULI: Yes, Bruce.

17 COMMISSIONER U'U: Yeah, I guess I'm -- and corp.  
18 counsel explained it pretty clear. I was -- I had other  
19 thoughts in mind, but it changed once I heard what the corp.  
20 counsel said.

21 CHAIR ALULI: Okay. Great. Thank you.

22 COMMISSIONER YOKOUCHI: Chair.

23 CHAIR ALULI: Leslie, yeah.

24 COMMISSIONER YOKOUCHI: I just want to make a  
25 comment. Now I'm aware that it's the law and I -- we can't do



1 anything about it, but I just want to go on record that Maui  
2 is very different from the other islands and we're so  
3 dependent on the hotel industry, the restaurants are so  
4 dependent on the hotel industry. And I think a lot of  
5 restaurants are not opening because the hotels, the tourists  
6 aren't able to come yet. So I wish we were able to prolong  
7 this rule if the governor had stopped it, but I guess if it's  
8 law, we have no choice. But I just wanted to go on record  
9 that if there's any other way we can help support these  
10 restaurants, I can -- I hope we can find something.

11 CHAIR ALULI: Okay, Leslie.

12 Any further -- any other comments?

13 COMMISSIONER U'U: I want to make a comment.

14 CHAIR ALULI: Yes. Go ahead, Bruce. Yeah.

15 COMMISSIONER U'U: And I had the same thoughts as  
16 Commissioner Yokouchi where, you know, in case he jumps the  
17 gun and -- and I guess the rules state that we stop and a  
18 second wave hits, to restart it would be a lot harder than to  
19 extend it, was my thought process, if there is a second wave.  
20 So that was my thought process as -- so I just, again, wanted  
21 to go on record to be -- I was hoping to be more proactive  
22 than reactive, but I guess we'll be breaking the law. So I  
23 just wanted to go on the record with Commissioner Yokouchi.  
24 Thank you.

25 CHAIR ALULI: Okay.

1 COMMISSIONER BECRAFT: Mr. Chair, Jamie Becraft.

2 CHAIR ALULI: I -- yeah, Jamie, go ahead.

3 COMMISSIONER BECRAFT: Just one other -- I support  
4 everything that Bruce and Leslie are saying. We're just  
5 making this motion because -- for clarity, you know, so  
6 everybody's on the same page. This is being done because this  
7 is what the law requires.

8 CHAIR ALULI: Correct. Right, right. And I would  
9 also just like to add a comment that, you know, we, as  
10 commissioners, have, really, kind of a balancing act when we  
11 consider our responsibilities, 'cause we have, obviously,  
12 responsibility to our licensees, but we also have a -- you  
13 know, responsibility to the public too and it's in the  
14 interests of the public that we sometimes have to give  
15 consideration to issues that do arise when we can -- when we  
16 allow practices like home delivery of alcohol beverages and  
17 spirits. So, you know, I think we just have to keep in mind  
18 that we are -- we have a balance of responsibilities  
19 between our licensees and the public.

20 Is there any further discussion?

21 (No response.)

22 CHAIR ALULI: Okay. I would like to call for the  
23 vote, then. Those in favor, designate so. Andrion.

24 COMMISSIONER ANDRION: Aye.

25 CHAIR ALULI: Becraft.

1 COMMISSIONER BECRAFT: Aye.

2 CHAIR ALULI: Bolosan. Bolosan.

3 COMMISSIONER BOLOSAN: Aye.

4 CHAIR ALULI: De Mello.

5 COMMISSIONER BOLOSAN: You hear me?

6 CHAIR ALULI: Yeah.

7 De Mello.

8 COMMISSIONER DE MELLO: Aye.

9 CHAIR ALULI: Yokouchi.

10 COMMISSIONER YOKOUCHI: Aye.

11 CHAIR ALULI: U'u.

12 COMMISSIONER U'U: Aye.

13 CHAIR ALULI: Ruidas.

14 COMMISSIONER RUIDAS: Aye.

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

16 Okay. Let's move on to Item C, a Temporary

17 Investigative Group, acronym TIG.

18 MS. DESJARDINS: I'm sorry, Chair.

19 CHAIR ALULI: Yes.

20 MS. DESJARDINS: Chair, did you want to take up any

21 other clarifications?

22 CHAIR ALULI: Oh, sorry. Yes.

23 MS. DESJARDINS: We had an issue about the vote on

24 the home delivery.

25 CHAIR ALULI: Yes, yep. Sorry. Yeah, that was the

1 other thing. There -- I wanted to have a clarification made  
2 on the motion of whether a person conducting the home delivery  
3 on behalf of an establishment needs to actually have the  
4 director's card in order to do so. You know, at the last  
5 meeting we took a vote on whether or not the person who  
6 delivers the liquor or food under the emergency rules should  
7 be required to possess a current director's card or, as we  
8 sometimes call it, the blue card. A motion to not require  
9 this was voted on and it appeared that three people did not  
10 make a show of hands or vote on the motion or I did not hear a  
11 verbal yes or no, so it appeared they did not vote. Corp.  
12 counsel has advised that a non-vote would be counted as an in  
13 favor of the motion vote, so the motion passed. However,  
14 after the meeting, corp. counsel advised me that Section  
15 8-102-31(c) of our rules states that a non-vote shall be  
16 construed as a no vote, so it appears that the motion may not  
17 have passed. I think given that our first Blue Jeans meeting,  
18 that was our first Blue Jeans meeting, I would like to vote on  
19 this motion again in order to clarify whether it passed or  
20 not.

21 COMMISSIONER BECRAFT: Mr. Chair.

22 CHAIR ALULI: Jamie Becraft.

23 COMMISSIONER BECRAFT: Jamie Becraft. Yes, sir.

24 I'd like to make a motion to include a provision in the  
25 emergency rules that states that a person hired to make home

1 deliveries of liquor under the emergency rules does not need  
2 to possess a current director's card.

3 COMMISSIONER YOKOUCHI: Second. Yokouchi. Second.

4 CHAIR ALULI: Okay. Any further discussion?

5 COMMISSIONER BECRAFT: Mr. Chair, Jamie Becraft.

6 I'd would like to support that motion.

7 CHAIR ALULI: Okay. Jamie.

8 Bruce U'u, yes.

9 COMMISSIONER BECRAFT: I just -- well, I'd like to  
10 just --

11 CHAIR ALULI: I'm sorry.

12 COMMISSIONER BECRAFT: -- explain why. Right now --  
13 if you guys remember, when we had spoken, Georgette had let us  
14 know that they're not presently testing for the blue card. So  
15 if an agency right now were to try and hire somebody to do  
16 deliveries, they would not be able to obtain a blue card for  
17 their -- for their delivery person if they're getting someone  
18 new. So there's just no way to get it, 'cause they're -- you  
19 know, the -- they're not holding any testing of that nature  
20 right now, so I believe it's important that we -- that we go  
21 ahead and waive this process.

22 CHAIR ALULI: Bruce, you had a comment.

23 COMMISSIONER U'U: Yeah. A comment or question,  
24 yes. Is it the only thing it's called blue card and so what  
25 is the definition of the blue card just so we all on the same

1 page prior to me voting on this?

2 COMMISSIONER BECRAFT: It's called a director's card  
3 and that's in the motion I -- at the end I said that does --  
4 does not need to possess a current director's card. In short,  
5 we call it a blue card, but it's the director's card that I'm  
6 referring to.

7 COMMISSIONER U'U: Thank you. Just for clarity.  
8 Thank you.

9 COMMISSIONER BECRAFT: Yeah.

10 COMMISSIONER ANDRION: Mr. Chair, Roberto Andrion.

11 CHAIR ALULI: Yes, Bobbie.

12 COMMISSIONER ANDRION: I guess I do have a question  
13 pertaining to the blue card, I guess that would go to corp.  
14 counsel. Is it -- the holder of the blue card would basically  
15 handling liquor, so my question is if there is a delivery  
16 person and that person is just delivering the package and not  
17 actually putting his hands in the package, would that -- would  
18 that be -- how would we look at that?

19 MS. DESJARDINS: Good question. I'm going to defer  
20 to the department, though, if Georgette can answer. I do know  
21 that regardless of whether you vote that they have to have a  
22 card or not, they have to be 21 years old to do the delivery  
23 regardless because they are -- holding the liquor in a bag is  
24 posing the liquor, so you can't ever get around saying 'cause  
25 they haven't touched it. Possession is having it in a bag or

1 not in a bag. But in terms of the more technical aspect of  
2 that, I'm going to have to defer to Georgette to answer that.

3 COMMISSIONER ANDRION: No, I'm sorry, I understand  
4 you have to be 21.

5 MS. DESJARDINS: Okay.

6 COMMISSIONER ANDRION: But the -- I guess the  
7 question would be if you are 21 and --

8 MS. DESJARDINS: Right.

9 COMMISSIONER ANDRION: The purpose of that blue card  
10 is, is that to handle it? So by delivering, is that  
11 considering handling it if you're not putting your hands on it  
12 and you're just delivering a package? I guess that would be  
13 the question that I have.

14 MS. DESJARDINS: Well, I'm gonna say under the law  
15 that would be handling it, definitely.

16 COMMISSIONER ANDRION: Okay. Understood. Thank  
17 you.

18 MS. DESJARDINS: If there's anything -- any further  
19 clarification, Georgette can make it.

20 I do want to make one clarification on the voting  
21 thing and that is if you don't vote, then the vote does not  
22 count. It's not a no vote, meaning could you're opposing  
23 something, it's just not counted. And that's why it's very  
24 confusing if people don't vote, because then you're not  
25 getting an accurate count of, you know, how you're feeling

1 about something.

2 CHAIR ALULI: All right.

3 ACTING DIRECTOR TYAU: Okay. So I can clarify. I  
4 have provided it the first time around, but I can read you two  
5 parts of the Section 08-101-70, Employee Approved By the  
6 Director, that's the official name of the card. So, in part,  
7 it states, On every licensed premises an on-duty employee duly  
8 approved by the director must be in active charge of each  
9 premises during all times that such premises is open for  
10 business, provided this section shall not apply to Class 8  
11 transient vessel except for Class 8 transient vessels that  
12 have been issued an annual license.

13 And then in B, The term employee approved by the  
14 director means a managerial or supervisory employee or the  
15 holder of the license who is 21 years of age or older, has  
16 successfully completed an examination administered by the  
17 department of liquor laws and rules of the commission,  
18 attended a server training program approved by the department,  
19 and issued a certificate by the department. The certificate  
20 shall be valid for a term of four years from date of issue and  
21 must be in the employee's possession or be readily available  
22 on the premises for inspection at all times while on duty.

23 Just to -- just for clarification, if you're in a --  
24 if you're in a store, someone who's 18 to 20 can handle  
25 liquor, but always under the supervision of someone with this



1 employee approved by the director card.

2 CHAIR ALULI: So, Georgette, I have a question,  
3 then. So that means that a delivery person who works for an  
4 establishment and a person in that establishment, say the  
5 manager, as long as they have that director's card, the person  
6 delivering it can do it as long as the -- a person within the  
7 establishment has that director's card; is that correct?

8 ACTING DIRECTOR TYAU: No. The clarification is in  
9 active charge, so they would have to be supervised. They need  
10 to be able to see the area that sale or service is being --  
11 taking place.

12 CHAIR ALULI: Right. If they were on -- as long as  
13 they're on duty, right, I mean, if that person --

14 ACTING DIRECTOR TYAU: No. They need to be in  
15 active charge, meaning -- if you were in a store, it could be  
16 debatable on whether someone is in active charge if in --  
17 they're in the back office and activity is in front. They  
18 need to be within the area --

19 CHAIR ALULI: Where the activity is taking place.

20 ACTING DIRECTOR TYAU: -- that are active charge.

21 CHAIR ALULI: So if they're standing by the, let's  
22 say, the cash register or the front portion of the  
23 establishment and the person delivering the beverage with the  
24 food leaves from that area where that active person with the  
25 card is, they're within their rights, then; correct? That

1 covers it; correct?

2 ACTING DIRECTOR TYAU: No. Like I said earlier, if  
3 the person doesn't have -- we would have taken it as if the  
4 person delivering does not have a certification card, and this  
5 is why it was brought up, then you would need someone in that  
6 vehicle with them with the certification card --

7 CHAIR ALULI: Oh, okay.

8 ACTING DIRECTOR TYAU: -- because service is still  
9 being -- so that would be by rule --

10 CHAIR ALULI: Right, right. Okay.

11 ACTING DIRECTOR TYAU: -- in that area. So even  
12 when you have a premises that has an outside seating area, if  
13 they cannot see that area, you would normally have someone  
14 with the certification card, employee approved by the director  
15 card also in that outside area.

16 CHAIR ALULI: Okay, all right. Thank you. Okay.

17 COMMISSIONER BECRAFT: So, Mr. Chair.

18 CHAIR ALULI: Yes.

19 COMMISSIONER BECRAFT: Jamie Becraft.

20 CHAIR ALULI: Yeah.

21 COMMISSIONER BECRAFT: So I think, in short, what's  
22 being said here is the person in the car, once they drive,  
23 would have to have their own card if you have -- if they're  
24 relying on their manager or somebody, they would have to be in  
25 the car also, so we're back to they wouldn't be able to hire

1 someone new. So I just want to point out that, again, we  
2 don't have a process, if they're hiring somebody right now, to  
3 get a blue card.

4 CHAIR ALULI: Right, right.

5 COMMISSIONER BECRAFT: Because the --

6 CHAIR ALULI: Right, right. Yeah.

7 COMMISSIONER BECRAFT: -- the department is not  
8 holding those classes or testing.

9 CHAIR ALULI: Correct.

10 COMMISSIONER BECRAFT: And I also want to point out  
11 to everyone, this also sunsets when this proclamation is done.  
12 This isn't a permanent, you know, removal of the -- of the  
13 blue card requirement.

14 CHAIR ALULI: Right.

15 COMMISSIONER BECRAFT: It's only during this time  
16 that we're having this COVID situation. Thank you.

17 CHAIR ALULI: And that's clarified in the motion.  
18 So it's -- it's been moved by Becraft and seconded by U'u;  
19 right?

20 COMMISSIONER YOKOUCHI: No. Me.

21 COMMISSIONER U'U: Yes.

22 CHAIR ALULI: Oh, sorry. Seconded by Yokouchi.

23 COMMISSIONER U'U: Oh, Leslie. Sorry.

24 CHAIR ALULI: By Leslie. Sorry. Okay.

25 All right. So if there's no further -- is there any

1 further discussion?

2 COMMISSIONER ANDRION: Mr. Chair.

3 CHAIR ALULI: Yes, Bobbie.

4 COMMISSIONER ANDRION: I've got one more question.

5 CHAIR ALULI: Yes, Bobbie.

6 COMMISSIONER ANDRION: And this is basic, I -- I  
7 guess the question that I have is: Are we going outside  
8 our -- is there any repercussions if we vote to say the person  
9 doesn't have to have that? Is there anything that's gonna  
10 come back on this commission because now we're -- we basically  
11 went outside the -- outside the law of the -- I guess the  
12 director's card?

13 CHAIR ALULI: I'm going to -- ask corp. counsel for  
14 that. Because the way I read it, the emergency rules allow us  
15 to do that and that's what the motion is on and that it  
16 sunsets when the emergency's -- emergency rules are no longer  
17 in place. That's my understanding, but I'll defer to corp.  
18 counsel for, perhaps, further clarification.

19 MS. DESJARDINS: That's correct. This clarification  
20 only applies as long as these emergency rules are in place and  
21 once the governor's proclamation is rescinded or if you guys  
22 rescind your emergency rules earlier, then this would also be  
23 rescinded. It's only attached to this.

24 COMMISSIONER ANDRION: Okay. Understood. Thank  
25 you.

1 MS. DESJARDINS: It's an exception to your regular  
2 rules.

3 COMMISSIONER ANDRION: Thank you.

4 CHAIR ALULI: Any further questions or discussion?

5 (No response.)

6 CHAIR ALULI: Okay. Then I will call for the vote  
7 on the motion. Andrion.

8 COMMISSIONER ANDRION: Aye.

9 CHAIR ALULI: Becraft.

10 COMMISSIONER BECRAFT: Aye.

11 CHAIR ALULI: Bolosan.

12 COMMISSIONER BOLOSAN: Aye.

13 CHAIR ALULI: De Mello.

14 COMMISSIONER DE MELLO: Aye.

15 CHAIR ALULI: Yokouchi.

16 COMMISSIONER YOKOUCHI: Aye.

17 CHAIR ALULI: U'u.

18 COMMISSIONER U'U: Aye.

19 CHAIR ALULI: Ruidas.

20 COMMISSIONER RUIDAS: Aye.

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

22 Okay. Let's move on to Item C --

23 COMMISSIONER BECRAFT: Mr. Chair.

24 CHAIR ALULI: Yes.

25 COMMISSIONER BECRAFT: Mr. Chair, Jamie Becraft.

1 CHAIR ALULI: Yes, Jamie.

2 COMMISSIONER BECRAFT: I think we have one more  
3 clarification on the term unopened.

4 CHAIR ALULI: Oh, sorry. Thank you for keeping me  
5 on track, Jamie. All right. Yes, we do have one more  
6 clarification and that is a clarification on the term  
7 unopened. Again, according to the -- to the acting director,  
8 there is some confusion over what types of unopened  
9 containers, as she kind of outlined earlier, can be delivered  
10 under the emergency rules. The governor's emergency  
11 proclamation refers to unopened containers, but -- but does  
12 this include growlers, for instance, are unopened containers  
13 the same thing as closed containers? Where no definition of a  
14 word is provided, we need to turn to the everyday meaning and  
15 interpretation of the word. Here, the definition -- or  
16 dictionary definition of unopened is not open. Does that mean  
17 sealed and never opened or does it mean closed? Does a  
18 growler of beer qualify as unopened or a closed mason jar  
19 containing mixed cocktail, is that considered an unopened  
20 prepackaged cocktail? I would just like to have a motion and  
21 then discuss the clarification of unopened and what other  
22 option there may be. That does not provide -- and this does  
23 not provide for any guidance to those who are tasked with  
24 enforcing this emergency rule, so we need further  
25 clarification on that.

1 COMMISSIONER BECRAFT: Mr. Chair.

2 CHAIR ALULI: Yes. So, Jamie.

3 COMMISSIONER BECRAFT: Jamie Becraft.

4 CHAIR ALULI: Yeah.

5 COMMISSIONER BECRAFT: I'd like to make a motion to  
6 clarify the rules to include closed containers under the  
7 definition of unopened containers.

8 CHAIR ALULI: Okay. There's a motion on the floor  
9 by Becraft. Do I have a second?

10 COMMISSIONER YOKOUCHI: Second. Yokouchi. Second.

11 CHAIR ALULI: Okay. Yokouchi seconded. So  
12 discussion, further discussion.

13 COMMISSIONER BECRAFT: Yes, Mr. Chair, Jamie  
14 Becraft.

15 CHAIR ALULI: Yes.

16 COMMISSIONER BECRAFT: I would like to support my  
17 motion. This -- this is going to cover -- I think it's what  
18 we all intended and -- when we first did this. This is to  
19 cover all containers, six packs, growlers, mixed drinks. This  
20 is all, again, during this proclamation time. This will also  
21 sunset once this proclamation is over. I don't know how we  
22 got to the definition we did. I know before it used to be  
23 growlers were okay, I'm not sure if they're saying it's okay  
24 now or not, but we're just opening it up right now for during  
25 this time where businesses are struggling so that it's not

1       cumbersome for them. It's just closed, make sure it's closed  
2       and it can be -- it could be anything from a mason jar to a  
3       growler to a six pack of beer, wine, etc.

4               CHAIR ALULI: Okay.

5               ACTING DIRECTOR TYAU: We would just need also  
6       clarification if -- if growlers is allowed in delivery and  
7       takeout, if it's limited to the existing licenses that can do  
8       growlers, which is 2, 4, 14, and 18; or if you're allowing  
9       growlers to all classes of licenses that have been approved  
10      under takeout and delivery.

11              We cannot hear you.

12              CHAIR ALULI: Yeah, I --

13              MS. DESJARDINS: You're muted, Jamie.

14              COMMISSIONER BECRAFT: Oh, I'm so sorry. The --  
15      yeah, I think in the beginning we did name all the classes and  
16      it's for delivery, it's for -- it's not for every -- you know,  
17      a regular bar isn't to just deliver liquor, it's --  
18      everything's supposed to be with food delivery. So it's all  
19      those classifications that we covered, I believe those numbers  
20      were 2, 4, 5, 6, 12, 14, and 18. Is that correct?

21              ACTING DIRECTOR TYAU: Yes. My question was just if  
22      you were expanding growlers to the other classes of licenses  
23      that were approved -- no, within your approval. Because  
24      within the delivery and takeout, 5, 6, 12 do not currently --  
25      are not currently allowed to do growlers, but -- so my



1 question is: Are you gonna allow growlers for the ones that  
2 currently cannot by rule?

3 COMMISSIONER BECRAFT: We're opening it up for every  
4 number who's gonna be delivering food.

5 ACTING DIRECTOR TYAU: Okay. And for takeout also?

6 COMMISSIONER BECRAFT: Takeout food. As long as  
7 it's accompanied with food, as we came across on the first  
8 one, yes.

9 ACTING DIRECTOR TYAU: And just one more  
10 clarification. You mentioned closed container, any closed  
11 container to include mason jar, mason jars -- yes, six pack of  
12 beer is considered unopened because it's manufacturer sealed,  
13 cans are manufactured sealed, but when now you're including  
14 unopened, I would just need clarification. You did say mason  
15 jars, would that be paper cups also covered, anything for  
16 mixed drinks? And just to bring up our current Rule  
17 08-101-84, Preparation of drinks and clearing of tables, it  
18 states, All mixed alcoholic drinks, that would be the  
19 prepackaged cocktails. We were thinking it was, you know,  
20 prepackaged cocktails from the manufacturers where they have  
21 those prepackaged daquiris, but if we're going to include  
22 those, just so that you're aware that we have a rule that all  
23 mixed alcoholic drinks shall be freshly made for immediate  
24 consumption. Premixed drinks may be utilized by obtaining a  
25 permit pursuant to Subsection B or an approval letter from the

1 department of the treasury, bureau of alcohol, tobacco, and  
2 firearms, or both, and filing such documents with this  
3 department. So the reason we went with -- just so you're that  
4 clear, the reason we went with manufacturer sealed is that it  
5 may also be subject to federal labeling and bottling  
6 requirements by TTB.

7 COMMISSIONER BECRAFT: We're going under the  
8 government -- the governor's proclamation and we're utilizing  
9 that, that's what this is all falling under. I know that  
10 there's all sorts of other rules, but the governor's  
11 proclamation is giving us the authority to make these changes.  
12 And we're just doing this to clarify at this point because it  
13 was my understanding that at our last meeting this -- this is  
14 what we wanted, this is what we voted on. We're only doing  
15 this for clarification. So I get that you have read all  
16 the -- those rules are in existence under normal  
17 circumstances, but under the governor's proclamation, we're  
18 opening it up and we're opening it up to any sealed container.  
19 So if -- if an agency thinks they can transmit a beer with  
20 a -- in a cup with a plastic cover on the top and not spill it  
21 all over, I guess that's on them, but I don't think they're  
22 going to go to that level. But I don't think we can also  
23 define every single thing. It's just easier to use the common  
24 definition out of the dictionary and allow them under these  
25 circumstances to go ahead and try and make a -- you know, a

1 living at this point in time.

2 MS. DESJARDINS: Can I interject something?

3 CHAIR ALULI: Yes, Mimi.

4 COMMISSIONER BECRAFT: Yes, please.

5 MS. DESJARDINS: So I just want to raise one issue  
6 that Georgette raised and that is that if there is a -- the  
7 emergency proclamation also says, though, that provided --  
8 okay. We're doing it -- it has all the stuff about the  
9 unopened beer, wine, or unopened prepackaged cocktails; then  
10 it says, Provided that liquor licensees shall comply at all  
11 times with any and all federal laws and any and all state and  
12 county laws that are not specifically suspended herein. And  
13 then they talk about the pesticides law, but they say  
14 including, but not limited to the Hawaii pesticides law. So I  
15 guess I just want to caution that if there is a federal law  
16 that does not allow for certain types of beverages to be  
17 transported, then that's not suspended because the governor,  
18 obviously, doesn't have the authority to suspend a federal  
19 law. So I think that for purposes of just these emergency  
20 rules, you're probably better off just being very clear and  
21 defining like you're trying to do, Commissioner Becraft. But  
22 if there's federal laws that prohibit certain types of  
23 transportation, those are not suspended. Okay?

24 COMMISSIONER BECRAFT: I appreciate what you're  
25 saying.

1 CHAIR ALULI: Yeah.

2 COMMISSIONER BECRAFT: So -- but I've also -- from  
3 how I've heard the -- how I've heard it presented -- and  
4 correct me if I'm wrong, Georgette. You don't see a specific  
5 federal law that you can quote that says cannot be done,  
6 you're just saying that there may be some out there; correct?

7 ACTING DIRECTOR TYAU: I would defer to corp.  
8 counsel because, like I said, there may be TTB requirements  
9 and that's why we went with manufacturer sealed.

10 COMMISSIONER BECRAFT: Okay. And that --

11 ACTING DIRECTOR TYAU: Because there are -- there  
12 are such things as prepackaged -- there are prepackaged  
13 cocktails, which is sealed like daquiris, vodkas with -- you  
14 know, spirits with other kind of juices that is actually  
15 prepacked from the manufacturer, so that's why we went with  
16 manufacturer sealed.

17 COMMISSIONER BECRAFT: Okay. Just -- but so that  
18 supports what I just said. We're using the word may be out  
19 there, so we don't know, so I'm -- I'm looking to move this  
20 forward. We're already so late in the ball game on this, you  
21 know, we're not -- we're not helping anybody. Our intention  
22 is to help the community right now and unless we can read a  
23 law and unless, Georgette, if you have one in front of you  
24 that you know of that you can say, Hey, this federal prohibits  
25 something, I say we move forward with the motion. If you come

1 across one, please notify the commission.

2 DEPUTY DIRECTOR TYAU: I would --

3 COMMISSIONER BECRAFT: I'm sorry.

4 ACTING DIRECTOR TYAU: I would defer to corp.

5 counsel, because, like I said, we do have it that in order for

6 them to do mixed drinks, that they would need an approval

7 letter from TTB, so I cannot tell you that it does not exist.

8 It's always -- it may be subject to federal labeling and

9 bottling requirements, so --

10 COMMISSIONER BECRAFT: What I'm -- and what I'm

11 saying is we should move forward with this situation that we

12 have now, make -- make our vote. If somebody comes up with

13 something, you know, bring it to corporation counsel, we can

14 call for an emergency meeting, make changes as such. But I

15 don't want to walk down the world of what if when we have

16 what's in front of us, the governor's proclamations. It seems

17 clear to me what they're attempting to do from the governor

18 down. We, as a board, appear to be on the same page that we

19 want to -- this commission wants to move forward and help the

20 licensees during this hard time. So I say we approve this and

21 if we find a law later, we'll make adjustments.

22 COMMISSIONER YOKOUCHI: I have a question.

23 MS. DESJARDINS: Commissioner Becraft, can you just

24 repeat the motion that you made?

25 CHAIR ALULI: The motion, yeah.

1 MS. DESJARDINS: What was the language?

2 COMMISSIONER BECRAFT: The motion I'm making is a  
3 motion to clarify the rules to include closed containers under  
4 the definition of unopened containers.

5 CHAIR ALULI: And that was seconded by Yokouchi.

6 COMMISSIONER YOKOUCHI: And I seconded. Yes. And I  
7 seconded.

8 CHAIR ALULI: Okay. So is there any further  
9 discussion?

10 COMMISSIONER U'U: Discussion.

11 COMMISSIONER YOKOUCHI: I would like -- discussion.

12 CHAIR ALULI: Yes.

13 COMMISSIONER YOKOUCHI: Go ahead Bruce.

14 CHAIR ALULI: Yes. Leslie, go ahead.

15 COMMISSIONER YOKOUCHI: I'm just wondering, Oahu,  
16 are they having takeout done already? And if they are, aren't  
17 we in the same position that we're wondering if the federal  
18 government has any rules and if Oahu is already doing this, I  
19 would feel comfortable following suit and not making -- not  
20 pleading the federal government rules are gonna be overturned  
21 because of what we're doing at the state level. If the other  
22 islands are doing it, I think Maui should have -- get on the  
23 move because we've wasted a month already.

24 CHAIR ALULI: I can comment on that. Yes, they are.  
25 I spoke to the director on Oahu about it and, yes, they are,

1 but I don't --

2 COMMISSIONER YOKOUCHI: Okay.

3 ACTING DIRECTOR TYAU: Kauai is not.

4 CHAIR ALULI: No, Kauai is not, but --

5 COMMISSIONER YOKOUCHI: Yeah, but (inaudible) is  
6 already and I think -- I think Oahu, I think we can pretty --  
7 feel pretty safe they did -- probably did a lot of research on  
8 their own.

9 CHAIR ALULI: Bruce U'u.

10 COMMISSIONER U'U: Yeah, yeah. On the same subject,  
11 I know California is doing it also, so, you know, I'm just  
12 saying that we can take examples from other areas, yes or no.  
13 But I know California is doing it as we speak, so -- I'm  
14 comfortable supporting it knowing that other people are doing  
15 it, so it's not like we're going against something that -- I  
16 feel comfortable with it, making a decision.

17 CHAIR ALULI: Okay. Any further discussion?

18 (No response.)

19 CHAIR ALULI: Okay. Then I'm going to call for the  
20 vote. Andrion.

21 COMMISSIONER ANDRION: Aye.

22 CHAIR ALULI: Becraft.

23 COMMISSIONER BECRAFT: Aye.

24 CHAIR ALULI: Bolosan.

25 COMMISSIONER BOLOSAN: Aye.

1 CHAIR ALULI: De Mello.

2 COMMISSIONER DE MELLO: Aye.

3 CHAIR ALULI: Yokouchi.

4 COMMISSIONER YOKOUCHI: Aye.

5 CHAIR ALULI: U'u.

6 COMMISSIONER U'U: Aye.

7 CHAIR ALULI: Ruidas.

8 COMMISSIONER RUIDAS: Aye.

9 CHAIR ALULI: Motion carries. Thank you.

10 COMMISSIONER BECRAFT: Mr. Chair, Jamie Becraft.

11 CHAIR ALULI: Yes, Jamie.

12 COMMISSIONER BECRAFT: Just for clarification that

13 once this motion carries, that as of right now they're allowed

14 to do -- it's in effect; is that correct?

15 CHAIR ALULI: Yes. It's in effect immediately,

16 correct.

17 COMMISSIONER BECRAFT: Thank you. Just wanted to

18 clarify that for all our licensees that may be listening in.

19 Thank you.

20 CHAIR ALULI: Okay, all right. Let's move on to

21 Item C, the Temporary Investigative Group, acronym TIG,

22 regarding the hiring of a new director of the department of

23 liquor control. Jamie, I'm going to turn this over to you,

24 you want to --

25 COMMISSIONER BECRAFT: Thank you, Mr. Chair. Okay.



1 So our TIG has been getting together and we're working on  
2 different things and one of the things that we've decided and  
3 we'd like to get a motion for is the removal of the residency  
4 requirement language under HRS 78-1 that requires that you  
5 have to have a one-year residency prior to being applicable  
6 for this position. And so that's just going to allow us to  
7 obtain a larger pool, a more, you know, in-depth pool for the  
8 commission as a whole to deliberate on who they decide they  
9 want to, you know, place as the new director. Anybody have  
10 any questions about that?

11 CHAIR ALULI: Well, yeah. So let's move it -- get  
12 it into a motion. Do you want make a motion, Jamie, and we  
13 can second and then open it up for discussion?

14 COMMISSIONER BECRAFT: Okay. So I make the motion  
15 to remove the residency requirement language under HRS Section  
16 78-1 for a one-year residency requirement to be the director  
17 of liquor in the County of Maui, State of Hawaii.

18 COMMISSIONER YOKOUCHI: Second. Yokouchi. Second.

19 CHAIR ALULI: Okay. Yokouchi second. Okay. Let's  
20 open it up for discussion. Any further comments, Jamie, you  
21 want to make on that?

22 COMMISSIONER BECRAFT: Yeah, just reiterate what I  
23 said. This is not meaning that we're gonna be taking anybody  
24 specifically from the mainland or anything of that nature.  
25 You know, this covers -- it could be -- -- it does cover those

1 who aren't in state right now, maybe doing other jobs on the  
2 mainland and may want to return home or it may -- it may  
3 actually be a mainland person or it may not be anybody from  
4 outside, it may just be from right off island. But it's just  
5 to open up our recruitment efforts and to just get a larger  
6 pool for our commission to take into consideration when  
7 they're making their decision. I'll answer any questions if  
8 anyone has any.

9 CHAIR ALULI: Okay. It has been moved and seconded  
10 that the removal --

11 COMMISSIONER BECRAFT: Bruce has a comment.

12 CHAIR ALULI: I'm sorry, Bruce. Yeah, Bruce, go  
13 ahead.

14 COMMISSIONER U'U: Yeah. I wanted to make a  
15 comment. So when they had it that --

16 CHAIR ALULI: Bruce, where did you go?

17 COMMISSIONER U'U: Oh, sorry, my phone rang.

18 Based on what was said previously about federal laws  
19 and how we should be careful, what I'm saying is when you say  
20 residency, we're crossing the threshold that that might be a  
21 federal law where we cannot go outside. Is that correct,  
22 Jamie?

23 COMMISSIONER BECRAFT: It's not federal. It's a  
24 Hawaii Revised Statute.

25 COMMISSIONER U'U: Hawaii. Okay.

1           COMMISSIONER BECRAFT:  It's specific to directors  
2           and also, if I'm not mistaken, like mayor and things of that  
3           nature, but in this particular one we're reading, it's in  
4           regard to director.  It's already been removed for other  
5           positions such as police department --

6           COMMISSIONER U'U:  Correct.

7           COMMISSIONER BECRAFT:  -- as an officer and things  
8           of that nature.  But as time went on, I -- we learned through  
9           DPS, the head of DPS, Mr. Underwood pointed it out to me.  So  
10          after we're reviewing it, we're like, okay, there is a special  
11          law addressing directors, but it also gives us the ability  
12          that if we want to get more in depth, that we're able to.  So  
13          as a commission, we can, you know, try to get a more in  
14          depth -- we can waive it and move forward.

15          CHAIR ALULI:  Jamie, so -- okay.

16          COMMISSIONER BECRAFT:  (Inaudible) acknowledgment to  
17          get my definition or thought pattern was accurate.

18          COMMISSIONER U'U:  Yeah, yeah.  That was good.  
19          Sorry.

20          CHAIR ALULI:  Okay.  Jamie, did you also want to  
21          include in that motion the items regarding the applicants  
22          downloading, ability to download the application and --

23          COMMISSIONER BECRAFT:  Is it -- I think it's best if  
24          we at least do No. 1 separately --

25          CHAIR ALULI:  Fine.  Okay, all right.

1 COMMISSIONER BECRAFT: -- because we're addressing  
2 an HRS. The other is kind of our procedural stuff --

3 CHAIR ALULI: Okay, all right.

4 COMMISSIONER BECRAFT: -- that we do --

5 CHAIR ALULI: All right. So there is a motion on  
6 the floor and it has been seconded. Oh, who made the second?  
7 Sorry.

8 COMMISSIONER YOKOUCHI: Leslie Yokouchi.

9 CHAIR ALULI: Leslie did. Okay, all right. Is  
10 there any further discussion?

11 (No response.)

12 CHAIR ALULI: Okay. I'm going to call for the vote,  
13 then. Andrion.

14 COMMISSIONER ANDRION: Aye.

15 CHAIR ALULI: Becraft.

16 COMMISSIONER BECRAFT: Aye.

17 CHAIR ALULI: Bolosan.

18 COMMISSIONER BOLOSAN: Aye.

19 CHAIR ALULI: De Mello.

20 COMMISSIONER DE MELLO: Aye.

21 CHAIR ALULI: Yokouchi.

22 COMMISSIONER YOKOUCHI: Aye.

23 CHAIR ALULI: U'u.

24 COMMISSIONER U'U: Aye.

25 CHAIR ALULI: Ruidas.

1 COMMISSIONER RUIDAS: Aye.

2 CHAIR ALULI: Okay. Motion carries.

3 COMMISSIONER BECRAFT: Mr. Chair.

4 CHAIR ALULI: Yes, Jamie.

5 COMMISSIONER BECRAFT: Jamie Becraft. Not to throw  
6 a monkey wrench in anything. Did we have to open that -- I'm  
7 new at this, so did we have to open that up for public --  
8 public discussion?

9 CHAIR ALULI: We had -- we already opened the floor  
10 up for public discussion and there was no discussion at that  
11 point, so let me -- let me ask Mimi. Good point, Jamie.  
12 Mimi, are you there?

13 MS. DESJARDINS: I'm here. So I guess, technically,  
14 it's better to close public testimony right after you say is  
15 there any public testimony and there wasn't. And I don't  
16 recall you closing public testimony, but you did provide  
17 testimony on the other items. I guess you can ask if anybody  
18 present wants to testify on it, but I would also, just in an  
19 abundance of caution at this point, close public testimony.  
20 Because you already gave an opportunity, it was on the agenda,  
21 and there wasn't anybody present who wished to voice any  
22 opinion about the subject.

23 CHAIR ALULI: Okay. You know, rather than close it,  
24 because I do see there are some people in the public that are  
25 present online, I would like to give the public an

1 opportunity, you know, to say something about the motion  
2 that's on the floor now and then I will close it for further  
3 public testimony.

4 So is there anybody in the audience or in the public  
5 that would like to provide any public testimony on the motion  
6 that is currently on the floor?

7 (No response.)

8 CHAIR ALULI: Okay. Not seeing anybody, I will at  
9 this point -- yeah, sorry. Rick, go ahead.

10 MR. COLLINS: I'm sorry. I was trying to navigate  
11 my bar here. Yeah, so I just want -- there's a -- there's a  
12 number of things I just want to kind of testify on. I know  
13 that you're looking to disallow those blue cards at this  
14 point, but it's my understanding that -- and I know when  
15 Garrett was talking about this, he was really trying to keep  
16 his current employees employed and he didn't talk about hiring  
17 new people. And when we talk about struggling businesses, I  
18 know they're trying to keep people on the payroll. So I just  
19 really want to recommend to the liquor commission that I think  
20 anybody who's going to be delivering alcohol should at least  
21 at some level have some training, and that's what that blue  
22 card ensures. Right?

23 And so I just want to make sure that we're putting  
24 the protection of our public health also in this discussion  
25 with businesses. So I think there's a way there to support

1 those businesses who are -- who are currently looking to hire  
2 their employees and -- or looking to keep their employees on  
3 their payroll who already have blue cards and ensuring that we  
4 protect the public by sending out people in the community who  
5 are doing this who know those rules already, who know the  
6 rules you're talking about. That could be mean anyone could  
7 today get in a car and deliver this without having any -- any  
8 knowledge of your rules or how to check ID or anything like  
9 that. To me, that's very dangerous in terms of a public  
10 health perspective and I'm concerned about this falling in the  
11 hands of young people or -- and other potential problems that  
12 could happen in a delivery situation where I'm showing up at  
13 someone's private residence, I have no training. So I  
14 think -- I think that that's -- I think that that's not right  
15 for the public to be kind of under those potential risks.

16 The other piece that I think is also risky is: How  
17 are we defining an open container now? If I'm driving with a  
18 Dixie cup of beer down the road, where is my open container --  
19 where is that open container law? If the police pulls me  
20 over, it -- where does that begin and end? There's no  
21 clarification. As long as I don't spill my beer, is it not  
22 open container? I'm not understanding that. I think that  
23 that's another public health issue because if I wanted to stop  
24 at a restaurant and pick up some food and drive down the road  
25 now with a -- with a Dixie cup of beer, that seems to me, from

1 what I understand, to be legal. That's just dangerous, I  
2 think it's putting the public health -- the public health at  
3 a -- at a very high risk of -- of alcohol-related injuries, I  
4 think, so I just want you to consider that.

5 I understand and totally support us trying to get  
6 businesses what they need, I just think we can do that and  
7 also pair that with public safety, which, if I'm not mistaken,  
8 was part of the governor's proclamation that we ensure that  
9 public safety is ensured while we make these rules. So thank  
10 you for letting me testify and have a good day. And I'm open  
11 for questions.

12 COMMISSIONER BECRAFT: Mr. Chair, Jamie Becraft.

13 CHAIR ALULI: Yes, Jamie.

14 COMMISSIONER BECRAFT: And, Mr. Collins, thank you  
15 for your testimony. I appreciate it.

16 MR. COLLINS: Yeah.

17 COMMISSIONER BECRAFT: I'm a retired police officer  
18 from the County of Maui, was the --

19 MR. COLLINS: Yes.

20 COMMISSIONER BECRAFT: I was in charge of the DUI  
21 Task Force and did fatal traffic investigations for probably  
22 about close to 15 years of my 25-year career, so I've worked a  
23 lot with alcohol-related situations and whatnot. Our rulings  
24 and stuff, just for your knowledge, don't override the laws  
25 and so the laws really are for transport of liquor, you pretty



1 much gotta put it in your trunk, it's gotta be out of your  
2 reach. So you won't have -- nobody will have issues with, you  
3 know, the open containers and stuff like that if you're --  
4 you're securing it outside of your reach. And so we're not  
5 encouraging to have an open container or anything right there  
6 beside you where you can grab it and drink. So they -- they  
7 still got to comply with the state laws.

8 MR. COLLINS: So if I -- if I grabbed the -- a  
9 martini or something like that from a -- as a takeout, I'd  
10 have to put that martini in my trunk, that's the --

11 COMMISSIONER BECRAFT: You have to have it out of  
12 your reach. You can't have it sitting right there. That's  
13 also how you got your -- your -- to get a little further, I  
14 won't go any further other than this last supporting. You  
15 know, if your passenger has an open container, the driver gets  
16 charged with open container also because the theory is, is  
17 don't just put it a little bit away from you and pretend like  
18 you weren't going to drink it while driving. So there's laws  
19 in regard to that that they'll be able to support. But thank  
20 you, I appreciate your comments and your concerns because we  
21 do need to keep everything in perspective. Thank you.

22 CHAIR ALULI: Thanks, Jamie.

23 MS. DESJARDINS: I just want to interject real  
24 quick, Chair. And I agree with what Commissioner Becraft just  
25 said, but, remember, too that these rules about home delivery

1 only apply to people that are actually employed and delivering  
2 on behalf of an establishment. So this is not allowing people  
3 to go to a bar and get a closed container of alcohol and drive  
4 around with it. The home delivery rules apply to the person  
5 who's doing the delivery on behalf of an establishment, so I  
6 think that sort of pairs with what Commissioner Becraft is  
7 saying.

8 But the other thing is, is that as far as  
9 Mr. Collins' testimony, because under the Sunshine Law you are  
10 supposed to receive your public testimony prior to  
11 deliberations and both of these motions have already been, you  
12 know, voted on and have passed, both the closed -- the  
13 definition of an unopened container as well as the -- sorry,  
14 what was your other issue, Mr. Collins? Oh, the unopened  
15 container and then you testified to --

16 MR. COLLINS: The blue card.

17 MS. DESJARDINS: -- the blue card. That -- I think  
18 that for both of those, you probably want to, in an abundance  
19 of caution, Chair Aluli, ask whether or not separately there  
20 is any motion for reconsideration of anybody's vote on either  
21 of those motions based on Mr. Collins' testimony. Because  
22 we've sort of put the, you know, horse before the cart or  
23 however you want to say it.

24 CHAIR ALULI: Right, right, right.

25 MS. DESJARDINS: Okay? So --

1 MR. COLLINS: Yeah. And I would just say, I  
2 would've testified, but it wasn't clear to me what --

3 CHAIR ALULI: Yeah.

4 MR. COLLINS: -- I would be testifying on, so --

5 CHAIR ALULI: Right. Okay.

6 MR. COLLINS: -- that was all.

7 CHAIR ALULI: Thank you.

8 MR. COLLINS: Yeah.

9 ACTING DIRECTOR TYAU: For clarification -- for  
10 clarification, you may -- did you say it was just for home  
11 delivery? I thought the motion was to include closed  
12 containers under the definition of unopened, and unopened and  
13 prepackaged were -- unopened and prepackaged were considered  
14 for both home delivery and takeout.

15 MS. DESJARDINS: My apologies, Georgette. You're  
16 absolutely right. It's food for pickup, delivery, takeout.

17 DEPUTY DIRECTOR TYAU: Okay.

18 MS. DESJARDINS: So you're exactly right, it doesn't  
19 apply just to the person doing the home delivery, but that  
20 doesn't change the fact that the law does not allow you to  
21 have an opened container of alcohol in your car. So as  
22 Commissioner Becraft pointed out, it's a criminal offense to  
23 have an open container. So nothing under the definition, the  
24 way that it was amended today, could be construed that we --  
25 that you folks are allowing opened containers of alcoholic

1 beverages to be in a vehicle.

2 ACTING DIRECTOR TYAU: But just to clarify, a paper  
3 cup was for takeout also? I just wanted to clear up that's  
4 the definition (inaudible).

5 MS. DESJARDINS: Yeah. My apologies. Don't mean to  
6 keep muddling it up any. Yeah. Thank you.

7 So, Chair, you might to just ask for a -- see  
8 whether there's a motion for recon on either of those based on  
9 Mr. Collins' testimony.

10 CHAIR ALULI: Yes. So I will ask, are -- is -- do  
11 any of the commissioners want to reconsider the motion, any of  
12 the previous motions that were voted on following up on  
13 Mr. Collins' comments?

14 (No response.)

15 CHAIR ALULI: Okay. I don't see anybody raising  
16 their hand.

17 COMMISSIONER BECRAFT: Mr. Chair, you probably want  
18 to do it individually.

19 MS. DESJARDINS: I believe --

20 CHAIR ALULI: Mimi.

21 MS. DESJARDINS: I believe Ms. Snow, I see she would  
22 also like to testify, she's online. And then, also, we just  
23 want to make sure that the testifiers state clearly their  
24 first and last names for the record when they testify.

25 CHAIR ALULI: Yeah.

1 MS. DESJARDINS: And I know Rick Collins, you did,  
2 so just anybody else who's testifying.

3 CHAIR ALULI: Oh, I don't see Snow. Oh, let's see.

4 MS. DESJARDINS: She's right here.

5 CHAIR ALULI: Oh, now I see her. Okay.

6 All right. Andrea, do you want testify? Did you  
7 want to provide testimony?

8 MS. SNOW: Yes. Yeah. Thank you for opening up. I  
9 was -- I was -- yeah. My name is Andrea Snow. I was waiting  
10 'cause I think you mentioned that you were going to ask for  
11 testimony as different topics came up at the beginning of the  
12 meeting.

13 So I would just like to take us back to the last  
14 meeting when we had two business owners, Maui Brewing and  
15 another restaurant owner, and I believe they were asked  
16 directly if allowing home delivery would save their business  
17 and neither of them really gave a good answer that this was  
18 going to make a huge difference to them. So I -- I know  
19 that -- I know that we're all wanting to help our restaurants  
20 and help our businesses, but -- I think what you said, Chair  
21 Aluli, at the -- at the beginning when you said we need to  
22 balance, you know, our duty to the public and our duty to our  
23 licensees, I would really ask you to consider -- consider that  
24 balance. Because the benefit that this has to restaurants,  
25 it's gonna come at a cost to the kids in the community. We

1 know from California's Alcoholic Beverage Department that --  
2 that this is going to fall into the hands of children. Even  
3 not using a third-party delivery app, just using the  
4 restaurant's own employees to deliver, they still found 25 to  
5 50 percent of the time that when teens tried to order alcohol,  
6 they were able to have it delivered. So I think we need to  
7 have a little bit more discussion on -- on the ramifications  
8 of that, I think that should be more strongly considered. So  
9 that's -- you know, California is allowing, you know, use  
10 maybe unsealed containers to be delivered right to homes, but  
11 it's not -- it's not working out well, so I don't think we  
12 should just follow their precedence.

13 I mean, like Leslie said earlier, Maui is really  
14 unique. Right? We're different than Oahu and California. We  
15 can learn from what's not going well for them, though, and we  
16 shouldn't just kind of follow blindly because it's being --  
17 home delivery is being allowed in other places. I think we  
18 should really look at the fact that Maui has a teen drinking  
19 issue as it is and home delivery facilitates even more teen  
20 alcohol consumption. Thank you.

21 CHAIR ALULI: Okay. Thank you, Andrea.

22 Well, the motion has already been made and passed,  
23 so -- on the home delivery, so I would ask the commissioners  
24 again: Do we want to open this discussion and the motion? Do  
25 any of the commissioners want to do that, or does the motion

1 as voted on sit as it is?

2 (No response.)

3 CHAIR ALULI: Okay. Mimi, my understanding is the  
4 motion still stands and since there is -- there hasn't been  
5 any move to reopen that motion for vote, it's already in place  
6 and we at this point will not go back to it. Is that correct?

7 MS. DESJARDINS: That's correct.

8 COMMISSIONER BECRAFT: Mr. Chair.

9 CHAIR ALULI: Yes, Jamie, go ahead.

10 COMMISSIONER BECRAFT: Yes. Because we've been  
11 doing this format, you know, nobody said anything, so maybe we  
12 should poll each one of us and ask each one individually if we  
13 would like to readdress any of the previous voted upon motions  
14 and get it verbally on the record.

15 CHAIR ALULI: Okay. Thank you, Jamie. Good point.

16 So I'm going to ask individually if any of the  
17 commissioners would like to reopen the discussion. Bobbie  
18 Andrion, would you like to reopen the discussion that was  
19 brought up by Andrea Snow or not?

20 COMMISSIONER ANDRION: In short, no, 'cause I  
21 think -- no.

22 CHAIR ALULI: Okay. Becraft.

23 COMMISSIONER BECRAFT: Mr. Chair, Jamie Becraft. I  
24 do not want to reopen any of our previously voted upon motions  
25 as a result of any of the discussion we've just had or public

1 testimony. Thank you.

2 CHAIR ALULI: Okay. Bolosan.

3 COMMISSIONER BOLOSAN: I say no.

4 CHAIR ALULI: Okay. De Mello.

5 COMMISSIONER DE MELLO: No.

6 CHAIR ALULI: Yokouchi.

7 COMMISSIONER YOKOUCHI: No.

8 CHAIR ALULI: U'u.

9 COMMISSIONER U'U: Just a quick one. I would say no  
10 and the no -- why I'm saying no is because I understood that  
11 in California on -- what we're doing on Maui is that we're  
12 going to take pictures of the ID to deliver, one. Second, we  
13 getting rid of the third party. So I disagree that we are  
14 following it blindly. We're creating -- Maui's so unique, we  
15 came up with our own rules and for stating that, I believe we  
16 are doing right thing and I would not want to revisit. Thank  
17 you.

18 CHAIR ALULI: Ruidas. Ruidas.

19 COMMISSIONER BECRAFT: He didn't vote on any of the  
20 previous ones, Mr. Chair, anyway.

21 CHAIR ALULI: Yeah, that's true, he didn't. Okay.  
22 So he wouldn't apply to this. Okay.

23 All right. So since there -- there is -- Mimi, I've  
24 gotta ask you here again, we don't need to -- well, they  
25 already said they don't want to, so there's no -- there was no



1 motion on that, though, was there, Mimi?

2 MS. DESJARDINS: No. That's why I --

3 CHAIR ALULI: No. It was just a question.

4 MS. DESJARDINS: You're asking --

5 CHAIR ALULI: Yeah.

6 MS. DESJARDINS: There was --

7 CHAIR ALULI: Yeah, we did. Okay.

8 MS. DESJARDINS: You asked whether anybody would  
9 like to make a motion --

10 CHAIR ALULI: Yeah, yeah.

11 MS. DESJARDINS: -- for reconsideration based on  
12 public testimony.

13 CHAIR ALULI: Yeah. Right, right.

14 MS. DESJARDINS: And the answer was no.

15 CHAIR ALULI: Okay. No.

16 MS. DESJARDINS: That's where it stands.

17 CHAIR ALULI: All right. Okay. So let's -- okay.

18 I -- if there's no further discussion from -- or any comments  
19 from the public -- or let me ask: Are there any further  
20 comments from anybody in the public?

21 (No response.)

22 CHAIR ALULI: Okay. Not seeing any, I'm going to  
23 close public testimony now. Thank you.

24 Okay. So, Jamie, let's move on further with Item C.

25 COMMISSIONER BECRAFT: Okay. Mr. Chair, I already

1 have a motion on the floor in regard to removal of the  
2 residency requirement.

3 CHAIR ALULI: That's right.

4 COMMISSIONER BECRAFT: Yeah. So it's already been  
5 seconded and --

6 CHAIR ALULI: Seconded. Any further discussion on  
7 the removal of the residency requirement?

8 (No response.)

9 CHAIR ALULI: Okay. Then I will call for the vote.  
10 Andrion.

11 COMMISSIONER ANDRION: Aye.

12 CHAIR ALULI: Becraft.

13 COMMISSIONER BECRAFT: Aye.

14 CHAIR ALULI: Bolosan.

15 COMMISSIONER BOLOSAN: Aye.

16 CHAIR ALULI: De Mello.

17 COMMISSIONER DE MELLO: Aye.

18 CHAIR ALULI: Yokouchi.

19 COMMISSIONER YOKOUCHI: Aye.

20 CHAIR ALULI: U'u.

21 COMMISSIONER U'U: Aye.

22 CHAIR ALULI: Ruidas. Ruidas. Stan?

23 COMMISSIONER ANDRION: He's muted.

24 CHAIR ALULI: Oh. I think he's -- Stan? I don't  
25 think he's -- well, we already have one, two, three -- okay.

1 We already have -- and since Ruidas isn't voting, what is that  
2 considered, Mimi? It's just a -- it doesn't count at all,  
3 then; right? What happened?

4 COMMISSIONER BECRAFT: Mr. Chair.

5 CHAIR ALULI: Yes.

6 COMMISSIONER BECRAFT: Jamie Becraft.

7 CHAIR ALULI: Okay. There we go.

8 COMMISSIONER BECRAFT: We may want to wait just a  
9 second. I notice Stan's not moving, so I'm assuming --

10 MS. DESJARDINS: Yeah, I think he's frozen.

11 COMMISSIONER BECRAFT: I'm assuming he's frozen, so  
12 maybe we should give him a second. Or call his phone or tell  
13 him to unfreeze himself. Nah, I'm only kidding.

14 CHAIR ALULI: I see his head moving a little bit. I  
15 hope -- Stan, can you hear? He would be able to hear me.  
16 Stan, can you waive your hand if you can hear me. What if he  
17 fell asleep. But, anyway. Okay. I tried to unmute his mic,  
18 but I can't unmute his mic at this point.

19 COMMISSIONER BECRAFT: Do we have his phone number?  
20 Can someone -- without audiolizing his number, can somebody  
21 call him and let him know we're --

22 CHAIR ALULI: I don't have his phone number. Let me  
23 just ask --

24 MS. KHANGSENGSING: I'm calling him right now.

25 CHAIR ALULI: Okay, Maria.

1 DEPUTY DIRECTOR TYAU: I had Maria call him.

2 CHAIR ALULI: Yes. Okay.

3 COMMISSIONER BECRAFT: Thank you.

4 CHAIR ALULI: Thank you.

5 COMMISSIONER YOKOUCHI: Chair.

6 CHAIR ALULI: Yes, Yokouchi. Leslie.

7 COMMISSIONER YOKOUCHI: Can we take another five-  
8 minute break?

9 CHAIR ALULI: Yeah, okay. Let --

10 COMMISSIONER YOKOUCHI: I need to (inaudible).

11 CHAIR ALULI: Let's take a five-minute break and  
12 I'll reconvene in five minutes.

13 (Pause in Proceedings: 10:47 a.m.-10:53 a.m.)

14 CHAIR ALULI: Okay. Let's reconvene the meeting.  
15 Jamie, why don't you restate your motion, please.

16 COMMISSIONER BECRAFT: Okay. So I was making a  
17 motion to remove the residency requirement language under HRS  
18 Section 78-1 to allow us to -- that's it. I'll end it there.

19 CHAIR ALULI: Okay.

20 COMMISSIONER BECRAFT: Remove the -- I'll say it  
21 again. To remove the residency requirement language under HRS  
22 78-1.

23 CHAIR ALULI: All right. And it was seconded;  
24 right?

25 COMMISSIONER YOKOUCHI: Yes.

1 COMMISSIONER BECRAFT: I believe Leslie Ann did.

2 COMMISSIONER YOKOUCHI: Yes.

3 CHAIR ALULI: Yeah, Leslie Ann seconded it. And the  
4 ayes were Andrion, Becraft, Bolosan, De Mello, Yokouchi, and  
5 U'u. Stan, now that you've heard the motion, can I get a vote  
6 from you? Stan?

7 (Background noise.)

8 MS. DESJARDINS: Need to mute, Mr. U'u.

9 COMMISSIONER U'U: Sorry.

10 CHAIR ALULI: Okay. So, Stan, did you hear the  
11 motion?

12 COMMISSIONER RUIDAS: Yes. I said aye.

13 CHAIR ALULI: Okay. Aye. Okay. Thank you.

14 All right. The motion carries.

15 ACTING DIRECTOR TYAU: Excuse me, Chair.

16 CHAIR ALULI: I'm sorry. Go ahead.

17 ACTING DIRECTOR TYAU: Chair.

18 CHAIR ALULI: Yes.

19 ACTING DIRECTOR TYAU: I just wanted to know if you  
20 guys were going to do a motion to -- going back to the other  
21 one, the motion was include closed containers under the  
22 definition of unopened, will a motion be done to include that  
23 same definition to be included in prepackaged? 'Cause  
24 unopened only referred to the wine and beer, prepackaged was  
25 for the cocktails.

1 CHAIR ALULI: I'm going to say it --

2 MS. DESJARDINS: It's unopened -- unopened  
3 prepackaged cocktails under the governor's proclamation.

4 ACTING DIRECTOR TYAU: Yeah. No, it --

5 MS. DESJARDINS: So close -- unopened or closed  
6 prepackaged cocktails, I think unopened and closed.

7 ACTING DIRECTOR TYAU: Well, I guess we didn't --

8 CHAIR ALULI: Did we put it in the motion?

9 DEPUTY DIRECTOR TYAU: -- that one. Ours just said  
10 pre -- said unopened beer, unopened wine, and prepackaged  
11 cocktails, so I just wanted to know if that closed containers  
12 was included in the definition of prepackaged also.

13 MS. DESJARDINS: I thought that the motion was to  
14 just include the word closed under unopened, period. There  
15 wasn't anything about each one specifically.

16 CHAIR ALULI: That's what the motion was, correct.  
17 That's what --

18 MS. DESJARDINS: So -- right.

19 ACTING DIRECTOR TYAU: Well, the specific order that  
20 we got only said unopened beer, unopened wine, and prepackaged  
21 cocktails, so I was just wondering if it was included under  
22 prepackaged definition.

23 COMMISSIONER BECRAFT: Mr. Chair, may I restate --

24 CHAIR ALULI: Yes.

25 COMMISSIONER BECRAFT: -- what the motion was?

1 CHAIR ALULI: Yes, Jamie. Yes.

2 COMMISSIONER BECRAFT: Okay. Georgette, please --  
3 I'm going to read this and tell me if you see that there's  
4 some -- may be some type of problem. The motion was to  
5 clarify the rules -- and it's plural, rules -- to include  
6 closed containers under the definition of unopened containers.  
7 My intention it was -- was with that to be all encompassing so  
8 that we don't have any problems in any area, but do you  
9 need -- do you believe we need further clarification to make  
10 it across the board?

11 ACTING DIRECTOR TYAU: I would, yes, because -- only  
12 because it said -- the one that we have said unopened beer,  
13 unopened wine.

14 COMMISSIONER BECRAFT: Okay. But that's not the --  
15 that's not the one my motion (inaudible).

16 ACTING DIRECTOR TYAU: I just wanted to make sure  
17 that it was -- you were including -- if you wanted to, if you  
18 were including the cocktails also, that was my main concern.

19 COMMISSIONER BECRAFT: Yes, I believe that the  
20 verbiage --

21 ACTING DIRECTOR TYAU: If that makes sense.

22 COMMISSIONER BOLOSAN: -- once used -- and I guess  
23 we can ask you and corporation counsel also on this, that the  
24 motion to clarify the rules, so it's plural, all -- we're  
25 intending all the rules to address the liquor. So motion to

1 clarify the rules to include closed containers under the  
2 definition of unopened containers, so we're intending on that  
3 to cover everything. Is that clear? Is that -- do you need a  
4 further motion for that to clarify -- or further  
5 clarification?

6 ACTING DIRECTOR TYAU: Well, as long as -- no.  
7 That's fine if you said it prepackaged cocktails are included.

8 CHAIR ALULI: Yes.

9 COMMISSIONER BECRAFT: The verbiage pre -- I don't  
10 have the verbiage -- that exact verbiage. I'm saying motion  
11 to clarify the rules, so when you're quoting a rule that  
12 you're saying now in a different section and it's addressing  
13 prepackaged, we want it to cover all of that.

14 ACTING DIRECTOR TYAU: So I guess if you would  
15 actually say that -- you know, in the original one we gave  
16 you, to the extent necessary to enable the county liquor  
17 commission to allow licensees to sell unopened beer, unopened  
18 wine, or prepackaged cocktails, so I just wanted to know if  
19 you wanted to include closed containers under the definition  
20 of prepackaged also.

21 COMMISSIONER BECRAFT: Yes, because in our  
22 discussion we --

23 MS. DESJARDINS: Some clarification to this --

24 COMMISSIONER BECRAFT: Right.

25 MS. DESJARDINS: I need to clarify the law on this.



1 COMMISSIONER BECRAFT: Mimi, go ahead.

2 MS. DESJARDINS: Okay. So I understand what  
3 Georgette's confusion is because on April 16th, the governor  
4 issued Executive Order 20-04 and in that he -- the language  
5 that was used was to allow licensees to sell unopened beer,  
6 unopened wine, or prepackaged cocktails, that's the language  
7 that was used on that -- in that. But then a few days later,  
8 the governor issued his Sixth Supplementary Proclamation that  
9 was signed on April 25th where he incorporates that order that  
10 I just read, but then the language is different and the  
11 language then says, to enable the county liquor commissions to  
12 allow licensees to sell unopened beer or unopened wine or  
13 unopened prepackaged cocktails. So the problem is, is that  
14 the order is different language than the proclamation. We're  
15 going off the proclamation because that's the last thing that  
16 the governor signed. Does that -- do you see -- does that  
17 make sense, Georgette, that -- the order doesn't say unopened  
18 prepackaged cocktail, so I see your confusion.

19 ACTING DIRECTOR TYAU: Yes.

20 MS. DESJARDINS: Yeah.

21 ACTING DIRECTOR TYAU: But I know -- but because on  
22 the agenda was presented Executive Order No. 20-04, I thought  
23 we had to go with that because that was what they voted on on  
24 the agenda. It wasn't the Sixth Proclamation, but Executive  
25 Order No. 20-04, so I was using that language, so I just

1 wanted to clarify on that.

2 MS. DESJARDINS: Thank you. But I think we're going  
3 to go with the most recent version of the law as --

4 ACTING DIRECTOR TYAU: The vote can be (inaudible).

5 MS. DESJARDINS: But -- but here's the thing, we  
6 are -- this commission is establishing its own rules, so it's  
7 based on the authorization provided by the governor's  
8 proclamation, but these rules are these commissioners' rules,  
9 so I think -- I think -- I mean, as far as I can tell, I think  
10 you guys are in line with the law in what you're doing.

11 CHAIR ALULI: Okay. Thank you, Mimi.

12 COMMISSIONER BECRAFT: I have one -- I have one more  
13 question, Mr. -- Mr. Chair.

14 CHAIR ALULI: Yes, Jamie. Yes, Jamie.

15 COMMISSIONER BECRAFT: So, Georgette, so that  
16 we're -- we're on the same page, everything's gonna be open as  
17 of today. Do you see any other further problems that you  
18 would need to be addressed so that -- I would hate to -- at  
19 the end of the day someone tell a licensee, Oh, you still  
20 can't do this because we're not sure yet. Are we clear on  
21 where we're heading and what we mean by this that we want it  
22 to be wide open at this point?

23 ACTING DIRECTOR TYAU: Yes. So all, all classes,  
24 yes, of beer, wine, and pre -- and cocktails.

25 COMMISSIONER BECRAFT: Correct. So they can do a --

1 CHAIR ALULI: Yes.

2 COMMISSIONER BECRAFT: They can do anything, a six  
3 pack of beer or they can do a growler or they can do a closed  
4 container of a mixed drink, they can use a mason jar, and they  
5 can do it starting right now. Is that -- is that your  
6 understanding, Georgette?

7 ACTING DIRECTOR TYAU: Yes, that's what I got from  
8 today's motion.

9 COMMISSIONER BECRAFT: Thank you. I appreciate it.

10 CHAIR ALULI: Okay.

11 COMMISSIONER YOKOUCHI: I have a question.

12 CHAIR ALULI: Yes, go ahead, Leslie.

13 COMMISSIONER YOKOUCHI: So, Georgette, when is this  
14 announcement going to be made to the public so they can start  
15 doing what they need to do? Or how is this getting out?

16 ACTING DIRECTOR TYAU: It's already on the -- it's  
17 already on the website and then we'll draft something for  
18 chair and corp. counsel to look at just to make sure we have  
19 the right information for clarification.

20 CHAIR ALULI: Okay.

21 COMMISSIONER YOKOUCHI: So how long will this take?

22 ACTING DIRECTOR TYAU: Oh, we'll work on it today,  
23 but like I said, it's already in effect because it was already  
24 in effect from May 13th.

25 CHAIR ALULI: From last month, right.

1           ACTING DIRECTOR TYAU: So it would just be  
2 clarification to what was already posted on the website.

3           COMMISSIONER YOKOUCHI: Okay.

4           COMMISSIONER BECRAFT: Right. And then --

5           ACTING DIRECTOR TYAU: It wouldn't be new rules,  
6 just the clarification of what was already posted and approved  
7 on the 13th.

8           COMMISSIONER BECRAFT: Mr. Chair, Jamie Becraft.

9           CHAIR ALULI: Yes, Jamie.

10          COMMISSIONER BECRAFT: And just for the licensees  
11 that are listening in, once -- we've already voted on it, so  
12 if they watch this and they don't need clarification, they  
13 understand the rule, they could begin doing that type of  
14 delivery right now.

15          CHAIR ALULI: Yep. Okay.

16          COMMISSIONER BECRAFT: Yep. Okay. Thank you.

17          CHAIR ALULI: Okay. Jamie, let's move on to your --  
18 the next item on your -- on your list.

19          COMMISSIONER BECRAFT: Thank you, Mr. Chair. Jamie  
20 Becraft again. We're also making changes to the announcement  
21 for the recruitment of the director's position. These  
22 changes -- and when I say we, I mean the TIG. The TIG has  
23 already voted on this. And this includes a provision allowing  
24 the applicants to download the application from a link located  
25 on the liquor department website. They also -- we're going

1 to -- we're going to remove the language requiring the  
2 application -- the application to be submitted in person and  
3 adding a provision allowing the applicant to transmit their  
4 application electronically and they can do so to an email site  
5 that has been set up and it's mauiliquorcommission2020  
6 @gmail.com. Again, that's all one word, mauiliquorcommission  
7 2020@gmail.com. They're also going to be able to obtain an  
8 application via mail. If they contact the department, the  
9 liquor department, then they'll be able to send it directly  
10 via mail if they would like to -- to do that. Other changes  
11 are, you know, in the language of when it needs to be applied,  
12 you know, the application needs to be received. It can be  
13 postmarked or received, you know, by August 31st. So we're  
14 also -- this will have to be put into this motion. Maybe I  
15 should stop now --

16 CHAIR ALULI: Yeah.

17 COMMISSIONER BECRAFT: -- and break this up.

18 CHAIR ALULI: Okay.

19 COMMISSIONER BECRAFT: So I'd like to make a motion  
20 for -- to -- for to us include these changes I've spoken of,  
21 these -- to announce -- the announcement for the opening so  
22 that we include provisions allowing -- I make a motion to  
23 include provisions allowing the applicant to download the  
24 application from a link located on the liquor department  
25 website and to remove language requiring the applicant to

1 submit in person and adding provision allowing the applicant  
2 to transmit an electronic version of the application to maui  
3 liquorcommission2020 at Maui -- or at gmail.com. Also, that  
4 they may mail it to corporation counsel located at 200 South  
5 High Street, Third Floor, Wailuku, Hawaii 96793 in care of  
6 Maui Liquor Commission.

7 CHAIR ALULI: Okay. Do I have a second on Jamie's  
8 motion?

9 COMMISSIONER YOKOUCHI: I second. Yokouchi.

10 CHAIR ALULI: Leslie Yokouchi seconds it. Okay.  
11 Any discussion on Jamie's motion?

12 (No response.)

13 CHAIR ALULI: Okay. Since I don't see any hands  
14 raised, I will call for the vote. Andrion.

15 COMMISSIONER ANDRION: Aye.

16 CHAIR ALULI: Becraft.

17 COMMISSIONER BECRAFT: Aye.

18 CHAIR ALULI: Bolosan.

19 COMMISSIONER BOLOSAN: Aye.

20 CHAIR ALULI: De Mello.

21 COMMISSIONER DE MELLO: Aye.

22 CHAIR ALULI: Yokouchi.

23 COMMISSIONER YOKOUCHI: Aye.

24 CHAIR ALULI: U'u.

25 COMMISSIONER U'U: Aye.

1 CHAIR ALULI: Ruidas.

2 COMMISSIONER RUIDAS: Aye.

3 CHAIR ALULI: Motion carries. Okay.

4 COMMISSIONER BECRAFT: Okay. Mr. Chair, Jamie  
5 Becraft again.

6 CHAIR ALULI: Yep.

7 COMMISSIONER BECRAFT: I'd like to further make a  
8 motion to extend the application deadline to August 31st,  
9 2020. This is a recommendation of the TIG.

10 CHAIR ALULI: Okay. Do I have a second?

11 COMMISSIONER YOKOUCHI: I second.

12 COMMISSIONER DE MELLO: I second that motion.

13 CHAIR ALULI: Okay. De Mello seconded. Okay. Any  
14 further discussion on the extension of the deadline to August  
15 31st, 2020?

16 (No response.)

17 CHAIR ALULI: Okay.

18 COMMISSIONER ANDRION: Mr. Chair.

19 CHAIR ALULI: Call for the vote. Yes.

20 COMMISSIONER ANDRION: Roberto Andrion, I got a -- I  
21 have a question.

22 CHAIR ALULI: Yes. Go ahead.

23 COMMISSIONER ANDRION: And this goes to, I guess,  
24 Jamie. Jamie, we already extended that from -- from the  
25 previous one, now we're extending it to August 31st. In the

1 event that there is no qualified person or -- so -- well, my  
2 point is whoever shows up or whoever puts in their application  
3 on that due date, is that where you're going make your  
4 determination or if you're back to where you are earlier, are  
5 you going to extend it again?

6 COMMISSIONER BECRAFT: Well, that's a great  
7 question, so I'll try to -- I'll give you what our intention  
8 is and what we're going -- we're going to have further motions  
9 down the road as far as where we're headed with the  
10 recruitment effort. But, yes, it's fully our intention and  
11 the reason we moved it, the TIG's decision to move it to the  
12 31st is we do believe that that's now going to now give us an  
13 ample amount of time to conduct recruitment. And at that  
14 point, after the 31st, we -- we as the TIG will be getting  
15 together, reviewing all of the applications, and then  
16 forwarding the best three applications as previously discussed  
17 to the commission as a whole.

18 COMMISSIONER ANDRION: Thank you.

19 COMMISSIONER BECRAFT: Thank you.

20 CHAIR ALULI: Any further discussion?

21 (No response.)

22 CHAIR ALULI: Okay. I'll call for the vote.

23 Andrion.

24 COMMISSIONER ANDRION: Yes.

25 CHAIR ALULI: Becraft.



1 COMMISSIONER BECRAFT: Aye.

2 CHAIR ALULI: Bolosan.

3 COMMISSIONER BOLOSAN: Aye.

4 CHAIR ALULI: De Mello.

5 COMMISSIONER DE MELLO: Aye.

6 CHAIR ALULI: Yokouchi.

7 COMMISSIONER YOKOUCHI: Aye, aye, aye.

8 CHAIR ALULI: U'u.

9 COMMISSIONER U'U: Aye.

10 CHAIR ALULI: Ruidas.

11 COMMISSIONER RUIDAS: Aye.

12 CHAIR ALULI: Okay. Motion carries.

13 COMMISSIONER BECRAFT: Mr. Chair, Jamie Becraft.

14 CHAIR ALULI: Yeah, Jamie.

15 COMMISSIONER BECRAFT: I'd like to make another

16 motion, please. I'd like to make --

17 CHAIR ALULI: Yeah.

18 COMMISSIONER BECRAFT: I'd like to make a motion to

19 extend the TIG's due date or expiration to be September 9th,

20 2020.

21 CHAIR ALULI: Okay. Do I have a second?

22 COMMISSIONER YOKOUCHI: Second.

23 CHAIR ALULI: Okay. Leslie Yokouchi second. Any

24 further discussion on Jamie's motion?

25 COMMISSIONER BECRAFT: Mr. Chair, Jamie Becraft.

1 CHAIR ALULI: Yes. Yes, Jamie.

2 COMMISSIONER BECRAFT: To support it, just so  
3 everybody understands, you know, if the -- we need to it  
4 extend it past the due date for applications being submitted.  
5 This will give us time for -- after August 31st to get  
6 together, review all of the submissions, and then be able to  
7 present to our commission as a whole, so we needed -- we  
8 needed the extra time.

9 CHAIR ALULI: Right, right. Okay. Any further  
10 discussion?

11 COMMISSIONER ANDRION: Yeah, Mr. -- Mr. Chair.

12 CHAIR ALULI: Yes. Yes, Bobbie.

13 COMMISSIONER ANDRION: Jamie, you're extending it --  
14 I'm -- okay. So I'm looking at the thing where it says August  
15 31st is the last day at noon -- oh, 4:30 that the -- you'll  
16 receive applications, so for nine days would you have -- you  
17 think you have enough time to make that determination or do  
18 you need more time? That's my -- that's my concern, is I  
19 don't want to put the -- the ad hoc -- the committee in a  
20 crunch time.

21 COMMISSIONER BECRAFT: Yeah, I see what you're  
22 saying. We're hopeful that we would have enough time. I  
23 believe as the TIG we're -- we're going to -- as submissions  
24 come in, we'll be able to meet and just go through them as  
25 they're going. But the plan isn't just to sit down in one day

1 if we had a -- you know, theoretically, if we had 50  
2 applicants and just sit down in one day and do it. We  
3 would -- we would be trying to get together as that time goes  
4 by, so we're hopeful that that is. But if we want to extend  
5 that and make an amendment to that to further on down the road  
6 in case we don't have enough time and then we can sunset it at  
7 our presentation, you know, it could end earlier. If we want  
8 to make it, let's say, September 30th, but we're ready for the  
9 meeting on September, then once we present, we would be  
10 dissolved anyway.

11 COMMISSIONER ANDRION: So -- so would your motion  
12 then be -- be modified in the sense that in the event that you  
13 need to go beyond September 9th, that you would request for an  
14 extension.

15 COMMISSIONER BECRAFT: Yeah, I think you have -- you  
16 have a good point. So, yeah, Mr. Chair, I would make a motion  
17 to amend my previous motion and have it now read motion to  
18 extend the TIG due date to September 30th, 2020.

19 COMMISSIONER YOKOUCHI: Second. I'll second that.

20 CHAIR ALULI: Okay. There's a -- okay. It's been  
21 moved and seconded. That's an amendment to Jamie's motion.  
22 So it's been moved and seconded to extend the due date to the  
23 30th of September. Any further discussion on that extension?

24 (No response.)

25 CHAIR ALULI: Okay. I'll call for the vote, then.

1       Andrion.

2                   COMMISSIONER ANDRION:   Aye.

3                   CHAIR ALULI:   Becraft.

4                   COMMISSIONER BECRAFT:   Aye.

5                   CHAIR ALULI:   Bolosan.

6                   COMMISSIONER BOLOSAN:   Aye.

7                   CHAIR ALULI:   De Mello.

8                   COMMISSIONER DE MELLO:   Aye.

9                   CHAIR ALULI:   Yokouchi.

10                  COMMISSIONER YOKOUCHI:   Aye.

11                  CHAIR ALULI:   U'u.

12                  COMMISSIONER U'U:   Aye.

13                  CHAIR ALULI:   Ruidas.

14                  COMMISSIONER RUIDAS:   Aye.

15                  CHAIR ALULI:   Okay.   Motion carries.

16                  Okay.   Jamie.

17                  COMMISSIONER BECRAFT:   Yes, Mr. Chair, Jamie

18       Becraft.   I have another motion to make.   So the TIG, early on

19       they come up with this thought pattern and there was some

20       further support and the motion will be this:   Motion to

21       recommend to the acting director of the liquor department to

22       use up to \$25,000 to hire a recruitment specialist for the

23       purpose of assisting the commission in hiring a new liquor

24       department director.   This money to come from the present

25       budget.

1 CHAIR ALULI: Okay. There's a motion on the floor.  
2 Do I have a second?

3 COMMISSIONER YOKOUCHI: Second. I'll second.  
4 Yokouchi.

5 CHAIR ALULI: That's -- okay. Okay. Any  
6 discussion?

7 COMMISSIONER BECRAFT: Mr. Chair.

8 CHAIR ALULI: Yes, Jamie.

9 COMMISSIONER BECRAFT: Jamie Becraft.

10 CHAIR ALULI: Yeah.

11 COMMISSIONER BECRAFT: To support my -- I want to  
12 support my motion by -- by letting everyone know that we -- we  
13 had talked about it in the beginning, Bruce -- we had a great  
14 idea and then it -- I was thinking in my head and then we had  
15 other people that had mentioned it that, you know, there's  
16 agencies out there that assist in this process. We did  
17 receive four bids for this and the general (inaudible) 25  
18 percent to 30 percent of the pay that they're -- the salary,  
19 is what they wanted, so some of them were outside of our  
20 ability to make -- to grant them a contract.

21 Just for those who wonder about procurement, the  
22 procurement laws are in three stages: Anything under a  
23 thousand has certain requirements and not as much as the  
24 others; anything under 25,000, you need to have three written  
25 bids or -- so that you have something to go by, and we in this

1 situation have four; and anything over 25,000 has to be a  
2 sealed bid and it'd have to go out and -- they would have to  
3 mail it in and whatnot.

4           So we do have an agency that's under \$25,000, we  
5 actually had two out of the four come in under that. Our TIG  
6 reviewed everything, we went with a local company that we want  
7 to award this to. The -- this party has built-in guarantees,  
8 you know, if we don't -- he wants, like, 6,000 up front and  
9 then after -- you know, after a couple weeks, if we're not  
10 satisfied with his efforts, then we can end the contract. If  
11 this goes on for the next 30 days, he says we can end the  
12 contract. His other guarantee that he's offering is if he  
13 brings anyone in, it doesn't matter from where, you know, it  
14 could be from our next-door neighbor, if that person quits  
15 within three months, he will look for another person for us  
16 for free. If that person quits within a year, they will offer  
17 their services again for half price. This is the only agency  
18 that -- that made that offer and this party is from on island  
19 and per them -- they won't give me the name, but per them,  
20 they already have, you know, a couple of people in mind to put  
21 into our -- into our pool and they're -- they're people that  
22 have moved to the mainland and are looking to come back,  
23 they're from Hawaii. Not to say that that limits them from,  
24 you know, finding an FBI agent or whatever that may be someone  
25 just for the commission to look at. It's not their -- they're

1 not gonna make the decision on who we hire or not.

2 The TIG felt that this was going to be really good  
3 because they have the ability to do a lot more background  
4 information for us, do checks from their industry, also it  
5 makes us look very transparent. We don't ever want anyone to,  
6 you know, claim that we -- you know, the fix was in or  
7 anything of that nature. So if anyone has any questions, I'd  
8 be more than willing to answer them.

9 COMMISSIONER DE MELLO: I have a question.

10 COMMISSIONER BECRAFT: Yes, Jerry Beth.

11 CHAIR ALULI: Yes, Jerry Beth.

12 COMMISSIONER DE MELLO: With the amount that you're  
13 asking, do we have to have an approval for the budget?

14 COMMISSIONER BECRAFT: The -- what we can do is as  
15 the commission, we can ask the acting chair to --

16 CHAIR ALULI: Acting director.

17 COMMISSIONER BECRAFT: Acting director, I'm sorry.

18 -- Acting Director Georgette to approve that for us.

19 I've already looked into the budget, from my understanding  
20 there's approximately \$110,000 in the budget as of last week  
21 that is available under the B category, which is money that  
22 can be moved around. I've looked into that. Now, whether or  
23 not -- I haven't -- I don't know what -- if it's been  
24 earmarked for something else, but I do know that we have  
25 excess money in our budget like in travel and different things

1 that -- that could be moved to this. And this would be out of  
2 the current budget, not next year, because next year we have a  
3 lot of cuts, but we could earmark it right now and use it, you  
4 know, throughout -- you know, even though we're gonna go  
5 past -- if we secure it now, we can use it even past this  
6 year's budget. So we don't -- if your question is: Do we  
7 need to go to council? No. Can we do this on our own? Yes.  
8 And I have the four bids that I would submit.

9 ACTING DIRECTOR TYAU: Okay. So I can clarify that  
10 for you. So the 110,000 that Jamie referenced as of yesterday  
11 is actually based on Finance's April 30th financial report.  
12 They have not closed out May yet. But based on April 30th's  
13 financial report on where we at -- where we're at percentage-  
14 wise, we could allocate about 25,000. A hundred ten is not  
15 what we have available, we still have two months to apply in  
16 other extra things. So I would say about 25,000 could be  
17 applied this year based on April 30th's financial report from  
18 Finance. We haven't received the closeout of May yet. Monies  
19 would be taken from 913012 B, Liquor Control Administration.  
20 Monies cannot be allocated from travel because it's a  
21 different index and not part of the liquor control  
22 administration program budget.

23 I've provided a copy of Finance's deadlines to you.  
24 I know you're saying it has to be taken out this year, we  
25 don't have control over that. If it's not encumbered in this



1 fiscal year 2020 budget, it would need to be taken from fiscal  
2 year 2021 budget, which, like Jamie said, have the cuts  
3 already been made. But just so that if you don't limit -- if  
4 you're going to limit your motion to just this year's budget,  
5 there is the lapsing funds just in case, yeah, that might not  
6 come out of fiscal year '20.

7 A purchase order would be completed and the required  
8 vendor forms have already been provided to Jamie last month.  
9 And with all purchases and expenditures, justification and  
10 approval is needed, that would come from the commission. And  
11 if a contract is required, it would need to be reviewed by  
12 corporation counsel and then signed by Chair Aluli.

13 So we -- I would say we would have that \$25,000 from  
14 this year's budget if we do make the lapsing -- if we can get  
15 it in this year.

16 CHAIR ALULI: Thanks, Georgette. So bottom line is  
17 that \$25,000 is available and that's the motion on the floor,  
18 to seek that \$25,000 from the department with the approval  
19 with the acting director. So with Jamie's motion and Leslie's  
20 second --

21 DEPUTY DIRECTOR TYAU: But, Chair --

22 CHAIR ALULI: Yes. Go ahead.

23 ACTING DIRECTOR TYAU: Chair, his motion said with  
24 the approval of the acting director. I'm just letting you  
25 know what funds. In order to use the funds, the approval

1 would come from the commission.

2 CHAIR ALULI: Right.

3 ACTING DIRECTOR TYAU: And the other thing is I  
4 believe his motion said out of this year's budget, but, like I  
5 said, with the lapsing fund due dates that I sent you, if it  
6 doesn't make this one, I don't know if you want to address it  
7 coming out of next -- the next budget, if not.

8 CHAIR ALULI: Jamie, you want to --

9 COMMISSIONER BECRAFT: I want -- I want to say this  
10 in clarity and -- I did recruitment in the police department  
11 and the one thing that I found was hand carrying things is the  
12 only way to make things not be one or two months long. So in  
13 this situation, I know we're going to be tight on time, if  
14 Georgette is saying -- what I'm hearing is that she's willing  
15 to -- if we approve it, that she's willing to go along with it  
16 and supply that money. Is that what you're saying, Georgette?

17 ACTING DIRECTOR TYAU: Yeah. As long as it's  
18 approved, we can -- and we have the required paperwork, then  
19 we can put in a purchase order. But the reason for the  
20 lapsing fund date by purchasing is they cannot guarantee --  
21 June 12th is the lapsing fund date for guarantee, but we can  
22 still put it in. But if you want to limit it to just this  
23 year's budget, I'm just saying that -- I don't know if you  
24 want to limit it to just this year's budget just in case.

25 COMMISSIONER BECRAFT: We can --

1           ACTING DIRECTOR TYAU: 'Cause the lapsing fund due  
2 date was June 12th, yeah.

3           COMMISSIONER BECRAFT: We can add that verbiage to  
4 next year's budget, but my -- my hope is that if we can work  
5 together on this and I can be, you know, that person who hand  
6 carries this through the county and tries to get -- you know,  
7 keep it rolling as fast as possible, I'd really prefer to use  
8 it out of this year's budget because I don't want to start  
9 your next year's off with the department being strapped with  
10 an additional \$25,000 that, you know, we --

11           ACTING DIRECTOR TYAU: No, I agree. I agree. I'm  
12 just saying that walking it through isn't the issue, we just  
13 don't have control over purchasing and what their -- their  
14 amount of work is and that's why they guarantee it up until  
15 June 12th, which is the lapsing fund date.

16           COMMISSIONER BECRAFT: Okay. So if I'm hearing  
17 you're correctly, you're saying that I should add to the --  
18 amend the motion to say not -- to try and take it out of this  
19 year's budget, but if necessary, we will have to take it from  
20 next year's budget?

21           ACTING DIRECTOR TYAU: Well, that would be the only  
22 other way you would be able to pay for it if it doesn't meet  
23 this year's deadline.

24           COMMISSIONER BECRAFT: I see. And you would be okay  
25 with that?

1           ACTING DIRECTOR TYAU: I did -- it's up to the  
2 commission. Like I said, we -- I did send you information on  
3 the cuts of next year's budget, but all we do is it would just  
4 be taken -- because it's not approved or -- you know, by  
5 budget and it -- by council and it wasn't budgeted for, it  
6 would just grab from other -- it would just reduce other areas  
7 also.

8           COMMISSIONER BECRAFT: Okay. Well, as long as we  
9 have your support, I'm fine with that, I can amend -- I can  
10 make a motion to do that.

11           Mr. Chair, Jamie Becraft.

12           CHAIR ALULI: Yes.

13           COMMISSIONER BECRAFT: I'd like to make an amendment  
14 to my motion.

15           CHAIR ALULI: Yes. Go ahead.

16           COMMISSIONER BECRAFT: I would like to add in to the  
17 initial motion that I made that we will attempt to get the  
18 present budget to fund the up to \$25,000, so it will be one  
19 penny short of \$25,000, and, also, if we the can't get it  
20 passed this year through budget, then we'll -- then we'll use  
21 next year's budget to fund this.

22           CHAIR ALULI: Okay. So Jamie's amended motion is on  
23 the table. Do I have a second?

24           COMMISSIONER YOKOUCHI: Second.

25           CHAIR ALULI: Leslie?

1 COMMISSIONER YOKOUCHI: Second.

2 CHAIR ALULI: Is that you, Leslie?

3 COMMISSIONER YOKOUCHI: Yes, yes.

4 CHAIR ALULI: Okay, all right. It is moved and  
5 seconded. Any further discussion on --

6 COMMISSIONER ANDRION: Mr. Chair.

7 CHAIR ALULI: -- Jamie's restated motion? Yes.

8 COMMISSIONER ANDRION: Jamie -- well, this is --  
9 this is basically for -- for the committee.

10 COMMISSIONER BECRAFT: Yes.

11 COMMISSIONER ANDRION: \$25,000 is, to me, quite  
12 substantial to take out of the department to look for someone  
13 that's gonna run the department and I'm looking more at how --  
14 spending that much money, is that gonna guarantee us that  
15 we're gonna have someone to fill that position?

16 COMMISSIONER BECRAFT: Well, Roberto.

17 COMMISSIONER ANDRION: The way that we're doing --  
18 I'm sorry. The way that we're doing it right now is we're  
19 putting out there and people knows what it is, but do we  
20 actually need another body to say, Hey, you know what, I'm  
21 gonna look for these guys? Why can't the system that we have  
22 now by putting it out there in the market to generate those  
23 people to say, Hey, you know what, I'm interested in that, let  
24 me put it in? That's the only question that I have. I can  
25 see what your point is that if we spend this much money, we

1 might have a good quality of people that we can choose from,  
2 but wouldn't the system work the way we have it already  
3 without spending the 25,000?

4 COMMISSIONER BECRAFT: Roberto, I appreciate the  
5 question. Does anybody else on the TIG want to tackle that  
6 or are you -- I don't want to keep answering. 'Cause I'm  
7 willing to answer, I have an answer, but --

8 CHAIR ALULI: Yeah. And I would -- I would offer  
9 this, Roberto, Bobbie. I think what Jamie is doing -- and I  
10 agree with him wholeheartedly, is that the field that we are  
11 looking at really stays pretty limited when we advertise  
12 for -- you know, for the position on the basis that we have,  
13 which is basically locally through the newspapers. And I  
14 think that we need to reach out further even beyond our shores  
15 to make sure that we do really look at people who may be  
16 qualified that are outside of our shores. And that's what I  
17 think the TIG's goal is, is that we really at this point do --  
18 take our responsibility of really looking as broadly as  
19 possible for candidates to fill the director's position,  
20 that's what I would offer at this point.

21 COMMISSIONER BECRAFT: And --

22 ACTING DIRECTOR TYAU: And then if I could -- oh,  
23 sorry, Roberto.

24 If I could just clarify, yes, because 25,000 is a  
25 substantial amount, what first came to me as advertising

1 10,000, but because it was a substantial amount, I did ask the  
2 chair for a written approval because approval would not come  
3 from me. The way the budget works is commission approves and  
4 then council approves after that. So the approval would be  
5 from the commission and the justification would come from the  
6 commission, not from me as the acting director. And I did  
7 clarify for the chair, but I can -- and Jamie, but I can  
8 clarify for all of you that the reason it would be taken from  
9 other items is because the department never budgeted for the  
10 recruitment of a director before because the only requirement  
11 by rule was posting in a newspaper that circulates in the  
12 state once, one time. But I know they -- I believe they did  
13 twice with the Star Advertiser and once in the Maui News and  
14 that was just taken out of our advertisement budget, which is  
15 \$5,000. But just to be clear, I did clarify for them that the  
16 advertisement budget for 5,000 was justified to the council  
17 for the publication of rule changes, because sometimes it's  
18 like \$4,000, depending how big the rule change is, and we do  
19 currently have rule changes up at corporation counsel. So any  
20 monies would be taken from our B shared account for our  
21 operation.

22 COMMISSIONER ANDRION: Thank you, Georgette. The  
23 only concern that I have is -- you know, and I'm looking at --  
24 at what was given for us to review and, yes, there is cuts  
25 that's coming up. So if there are cuts that's basically

1 coming up and we're spending money, I don't know if that's  
2 going to hinder the operation with -- with less funds than is  
3 already projected. That's the only -- that's the only concern  
4 that I have.

5 ACTING DIRECTOR TYAU: No. Yes, and that's why I  
6 did send you -- I just wanted you to all be aware of where  
7 we're standing with next year's budget. Council has made  
8 drastic cuts across the board for all departments. In  
9 addition, I haven't seen the final, but council also proposed  
10 a proviso where 25,000 I'm going to also -- I had to reduce  
11 from the existing budget on top of everything because they  
12 want someone to review rules again. So that -- it's already  
13 being drastically reduced, but if the -- it's up to the  
14 commission if they want to justify and approve it. So it  
15 wouldn't be me justifying and approving any kind of usage of  
16 funds 'cause my process would be commission and council.

17 COMMISSIONER YOKOUCHI: Yeah. Well, I think we  
18 understand that, Georgette. Thank you. But for me, being on  
19 the TIG, this is a great opportunity to get a new director  
20 and -- who will be able to do what we want as far as what we  
21 see this liquor commission going. And spending the money,  
22 being able to get a farther reach and better pool -- and a  
23 better pool of people I think would be worth the money. And  
24 I'm just -- I just feel that we have to just to the best we  
25 can to get our -- this open to the public and then we can



1 bring it down to who we feel will be the best. And I think we  
2 need to field the obligation that we have to feel that we did  
3 our best looking for people.

4 COMMISSIONER ANDRION: And -- and my whole question  
5 of answering -- asking all these questions is I want to make  
6 sure that this particular commission, us here, can stand on --  
7 on what we're spending.

8 COMMISSIONER YOKOUCHI: Yeah.

9 COMMISSIONER ANDRION: And I think -- and I believe  
10 that hearing from what I already heard, I think we can  
11 basically justify that with whoever asks us those questions.

12 COMMISSIONER YOKOUCHI: Yeah.

13 COMMISSIONER ANDRION: So thank you very much.

14 CHAIR ALULI: Okay. Any further discussion?

15 (No response.)

16 CHAIR ALULI: Okay. I call for the vote with  
17 Jamie's amended motion. Andrion.

18 COMMISSIONER ANDRION: Yes.

19 CHAIR ALULI: Sorry. Jamie.

20 COMMISSIONER BECRAFT: Mr. Chair, I just wanted to  
21 add one more thing for clarification upon Leslie's. You know,  
22 we're not saying that we have a bad -- you know, we don't --  
23 we may have our -- we may have the person already. You know,  
24 we're looking for a more in-depth pool. You know, I think the  
25 verbiage better pool makes in depth, not necessarily better

1 people. And we just -- we want -- and as Roberto said, we  
2 want to be able to stand up and be able to represent  
3 everything that we did our best and that's what we're trying  
4 to put forth here. We're going to put our best -- best foot  
5 forward, our best effort forward, get the largest pool of  
6 people in their qualifications, and then present it to our  
7 board and say, Here's the best we could locate, you know, the  
8 best of the best. And that person may very well already be in  
9 the pool, you know, but then the board will ultimately make  
10 that decision. But we will put our best -- best foot forward.  
11 And the entire TIG was -- was a hundred percent behind this  
12 and -- and I'm gonna credit Bruce for bringing it up to me  
13 early on and it just took a little bit for it to sink into my  
14 head that it really does put us above board and -- and  
15 transparent.

16 COMMISSIONER YOKOUCHI: Thank you, Jamie, for  
17 clarifying that. That's exactly what I meant to say.

18 COMMISSIONER U'U: Yeah. Thank you, Jamie.

19 CHAIR ALULI: Thank you. Okay. So any further  
20 discussion?

21 (No response.)

22 CHAIR ALULI: Okay. Calling for the vote, then.  
23 Andrion.

24 COMMISSIONER ANDRION: Yes.

25 CHAIR ALULI: Becraft.

1 COMMISSIONER BECRAFT: Aye.

2 CHAIR ALULI: Bolosan.

3 COMMISSIONER BOLOSAN: Aye.

4 CHAIR ALULI: De Mello.

5 COMMISSIONER DE MELLO: Aye.

6 CHAIR ALULI: Yokouchi.

7 COMMISSIONER YOKOUCHI: Aye.

8 CHAIR ALULI: U'u.

9 COMMISSIONER U'U: Aye.

10 CHAIR ALULI: Ruidas.

11 COMMISSIONER RUIDAS: Aye.

12 CHAIR ALULI: Motion carries. Okay. Thank you.

13 COMMISSIONER BECRAFT: Mr. Chair.

14 CHAIR ALULI: Yes, Jamie.

15 COMMISSIONER BECRAFT: I would just ask now that --

16 just to address Georgette a little bit. Georgette, it's --

17 can we, just you and I -- can I get that to you after this and

18 that way you can -- I can make sure I have every document

19 you're going to need. I want to -- I would like to be able to

20 assist you in this process, if that's going to be okay.

21 ACTING DIRECTOR TYAU: Yes. Send us the -- if

22 they're not a vendor already, we can check, then the vendor

23 forms that I provided you would be need to be filled out.

24 COMMISSIONER BECRAFT: Mm-hmm.

25 ACTING DIRECTOR TYAU: And then we can process

1 something with purchasing.

2 COMMISSIONER BECRAFT: And are you -- are you gonna  
3 be in need of a contract -- you know what, I'll send --

4 ACTING DIRECTOR TYAU: That would be -- that would  
5 be -- we can do a purchase order. That would be up to  
6 corporation counsel or if the vendor is requiring it, but if  
7 there is a contract involved, it would need to be reviewed by  
8 corporation counsel and then it would be signed by the chair.

9 COMMISSIONER BECRAFT: Okay. Terrific. And I'll  
10 work on that 'cause there is, you know, those guarantees that  
11 this agency's been offering us, so I'm sure we want to get  
12 that signed so that it's in play. I'll be in contact with  
13 you. Thank you, Georgette.

14 ACTING DIRECTOR TYAU: You're welcome.

15 CHAIR ALULI: Okay. Thank you. All right. The  
16 last item on the agenda was Item E, the report from the liquor  
17 adjudication board or liquor control adjudication board. It  
18 was included in your packets. Does anybody have any questions  
19 or comments on that?

20 (No response.)

21 CHAIR ALULI: Okay, all right. Not seeing any,  
22 that's the last item and since there are no further items, I  
23 would entertain a motion to adjourn.

24 COMMISSIONER BOLOSAN: Bolosan. Motion to adjourn.

25 CHAIR ALULI: Okay. Second?

1 COMMISSIONER DE MELLO: De Mello. Move to adjourn.

2 CHAIR ALULI: Okay. I'm not going to ask for each  
3 person's individual vote. All in favor?

4 (Response.)

5 CHAIR ALULI: Thank you. Meeting is adjourned.  
6 Thank you very much.

7 (The proceedings were adjourned at 11:38 a.m.)

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