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LIQUOR CONTROL ADJUDICATION BOARD
DEPARTMENT OF LIQUOR CONTROL
COUNTY OF MAUI, STATE OF HAWAII

TRANSCRIPT OF PROCEEDINGS
REGULAR MEETING

Held via Blue Jeans video conference, commencing at
9:04 a.m., on June 4, 2020.

Reported by: Sandra J. Gran, RPR, CSR 424

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APPEARANCES

BOARD MEMBERS PRESENT:

- Zachary Helm, Acting Chair
- Gwen Ueoka, Member
- Jason Williams, Member
- Lahela Aiwohi, Member
- Allan Almeida, Jr., Member
- Colleen Cluney, Member
- Robbie Sanches, Member

Staff present:

- Gary Murai, Deputy Corporation Counsel
- Gerald Enriques, Deputy Prosecuting Attorney
- Georgette Tyau, Acting Director
- Maria Khangsengsing, Secretary to Boards/Commissions

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JUNE 4, 2020; 9:04 A.M.

WAILUKU, MAUI, HAWAII

-oOo-

MR. MURAI: Okay. Good. And, you know, we'd like to ask everyone, unless they're speaking, to mute their mics to prevent any kind of external noise from coming in. And for the board members, if you want to -- if you need to -- if you want to speak or ask a question, you need to get Chair Helm's attention first. You can do that by raising your hand or holding up something to get, you know, to get the chair's attention. What we want to do is avoid speaking at the same time because this app can only let one person speak at a time, so we want to make sure we have a good record. Okay. I apologize for the interruption.

ACTING CHAIR HELM: Okay, Gary. Sorry about that. Should we start again because it wasn't recorded?

MR. MURAI: Yeah, you know, one of -- well, you know, the reason for doing the recording is to assist the staff in, you know, or assist in preparation of the minutes. I think staff can take notes of the beginning part, but at least for the hearing itself, why don't we start again with calling the case and having Mr. Ing and Mr. Enriques making their appearances again real quick.

ACTING CHAIR HELM: Okay. We will hear Complaint and Accusation No. 2020-04 in the matter of the accusation

1 against K.S.K. Korea, Incorporated doing business as Club
2 Koreana Arirang 1, Dispenser General License No. 111, address
3 1032 Lower Main Street, Wailuku, Maui, Hawaii. We -- let's
4 see. And then we will now hear Complaint and Accusation --
5 okay. Got that.

6 Okay. Will the respondent or its representative
7 please state your names and what capacity you represent the
8 respondent.

9 MR. ING: Good morning, Mr. Chairman and Members of
10 the Board. I am Lawrence Ing, attorney representing the
11 licensee K.S.K. Koreana, Inc. With me is Mr. Jhoun Kim, who
12 is the sole stockholder, director, and officer of the
13 corporation. He's a young man, 39 years old, born in the
14 state of Washington, raised the island of Maui, and is a
15 graduate of Baldwin High School.

16 We have conferred with deputy prosecutor attorney
17 Enriques and we have agreed to change our not guilty plea and
18 enter a plea of no contest to Counts 2 and 3 of the original
19 complaint with the understanding that Count 1 will be
20 dismissed. And I want to thank Mr. Enriques for his extra
21 efforts to settle this matter. We'll be happy to answer any
22 questions which you may have.

23 ACTING CHAIR HELM: Okay. Thank you, Mr. Ing.

24 At this time you have the option of having the
25 charges publicly read or you can waive the reading. What is

1 your preference?

2 MR. ING: We would like to waive the reading.

3 ACTING CHAIR HELM: Okay. Mr. Ing, for the record,
4 do you represent the respondent involved?

5 MR. ING: Yes, I do.

6 ACTING CHAIR HELM: Do you have legal counsel?

7 MR. ING: I am the legal counsel.

8 ACTING CHAIR HELM: Thank you. Do you understand
9 that you have the right to have your legal counsel present?

10 MR. ING: I am present.

11 ACTING CHAIR HELM: Do you understand the charges
12 against you?

13 MR. ING: Yes.

14 ACTING CHAIR HELM: And what is your plea to each
15 count?

16 MR. ING: Count 2 and Count 3, we plead no contest
17 with the understanding Count 1 will be dismissed.

18 ACTING CHAIR HELM: Do you understand the violations
19 the department of liquor control alleges against you?

20 MR. ING: Yes.

21 ACTING CHAIR HELM: Do you understand that you have
22 the right to plead no -- not guilty?

23 MR. ING: Yes.

24 ACTING CHAIR HELM: Do you understand that by
25 pleading no contest, you waive the right to a hearing in which

1 you could present evidence and question witnesses on your
2 behalf?

3 MR. ING: Yes.

4 ACTING CHAIR HELM: Is your plea of volunteer -- I'm
5 sorry. Is your plea no contest voluntary and not the result
6 of force, threats, or promises apart from any plea agreement?

7 MR. ING: Yes.

8 ACTING CHAIR HELM: Do you understand that on each
9 count, if the board accepts your plea of no contest, you will
10 be found guilty and the board may issue a reprimand or assess
11 and collect a penalty of up to \$2,000 or revoke any license at
12 any time or suspend the right of the licensee to use the
13 licensee's license?

14 MR. ING: Yes.

15 ACTING CHAIR HELM: Do you still wish to plead no
16 contest?

17 MR. ING: Yes.

18 ACTING CHAIR HELM: The board hereby finds that the
19 license has entered a knowing and voluntary plea of no
20 contest. The board accepts your plea and finds you of Counts
21 2 and 3. The board accepts your plea and --

22 Oh. Will the department present a summary of the
23 case? Gerald.

24 MS. KHANGSENGSING: Gerry, you're muted. We can't
25 hear you.

1 MR. ENRIQUES: It would be very good if I unmuted
2 myself. Sorry about that.

3 ACTING CHAIR HELM: Okay. So will -- will you
4 present a summary of the case, Gerald, please.

5 MR. ENRIQUES: I will, now that I'm unmuted.

6 ACTING CHAIR HELM: Thank you.

7 MR. ENRIQUES: Just for the record, a part of the
8 plea agreement was that the prosecutors office will request a
9 \$100 fine for each count.

10 So going on to the factual basis, on December 4th,
11 2018, at approximately 9:00 p.m. liquor control officers Mark
12 Valesquez and Robert Shiigi arrived at the licensed premises
13 of Club Koreana located at 1032 Lower Main Street in Wailuku
14 to deliver its department documents. On entering the
15 premises, LCO Valesquez observed that the windows of interior
16 room appeared to be tinted with a window film that made the
17 windows act as mirrors. The windows in question were located
18 on a wall and on a door. LCO Valesquez stood within that room
19 and tested the amount of light that could enter by shining a
20 flashlight on himself. LCO Shiigi positioned himself on the
21 other side of the window (lost transmission) --

22 ACTING CHAIR HELM: We lost -- we lost volume on
23 Gerald.

24 (Reconnecting transmission.)

25 ACTING CHAIR HELM: Okay. We're back. Okay.

1 Gerald, can you please give a summary of the case?

2 MR. ENRIQUES: Okay.

3 ACTING CHAIR HELM: I apologize.

4 MR. ENRIQUES: I'll start over.

5 ACTING CHAIR HELM: Yes, please do.

6 MR. ENRIQUES: Okay. I'll start over from the
7 beginning.

8 ACTING CHAIR HELM: Yeah. Thank you.

9 MR. ENRIQUES: On December 4th, 2018, at
10 approximately 9:00 p.m. Liquor Control Officers Mark Valesquez
11 and Robert Shiigi arrived at the licensed premises of Club
12 Koreana Arirang 1 located at 1032 Lower Main Street in Wailuku
13 to deliver department documents. Upon entering the premises,
14 LCO Valesquez observed that the windows of an interior room
15 appeared to be tinted with a window film that made the windows
16 appear as mirrors. The windows in question were located on a
17 wall and on a door. LCO Valesquez stood within the room and
18 tested the amount of light that could enter by shining a
19 flashlight on himself and behind himself. LCO Shiigi
20 positioned himself on the other side of the windows and
21 performed the same test. LCO Valesquez was able to see LCO
22 Shiigi through the windows at all times, but LCO Shige was
23 not -- was unable to see the interior of the room due to the
24 window tint.

25 Additionally, LCO Valesquez asked manager Sok Ye

1 Campbell if there were any permits on the premises that were
2 available for inspection. Campbell said that she was unaware
3 if permits had been issued, stating that perhaps the opener
4 had them. Campbell did not produce A permit for inspection.
5 As part of the investigation, LCO Velasquez examined
6 department records. In summary, the examination revealed that
7 when Club Koreana applied for a premises modification permit
8 for the interior room, they received a permit for the tinted
9 window in the wall, but not for the tinting of the door
10 window. Furthermore, one of the conditions of the
11 modification permit was that it must be available on the
12 premises at all times for inspection.

13 ACTING CHAIR HELM: Any questions by the members of
14 the board?

15 (No response.)

16 ACTING CHAIR HELM: I hear none. Okay. Mr. Ing or
17 Mr. Kim, you now have the opportunity to make any statements
18 regarding this case. You may also inform the board of any
19 mitigation circumstances which may or may not apply to
20 sentencing.

21 MR. ING: Thank you, Mr. Chairman. At this time
22 I'll let Mr. Kim say a few words.

23 MR. KIM: Hello, everyone.

24 ACTING CHAIR HELM: Hi.

25 MR. KIM: How are you guys? This is Jhoun Kim, I am

1 the new owner K.S.K. Koreana, Inc. I'm very sorry this had to
2 happen and 'cause any inconveniences to everyone here.
3 Basically, the things that's been said I'm okay with and need
4 to move on. So thank you for giving me this time to
5 appearance through my lawyer and that's it. Thank you very
6 much, guys.

7 ACTING CHAIR HELM: Okay. Go ahead, Lawrence.

8 MR. ING: Well, just on some information, the
9 manager that was there at that time left, terminated her
10 management contract about three or four months later and
11 Mr. Kim had no knowledge of these violations. They're looking
12 for a new manager, but with times like this, no one is
13 stepping forward. And it has been closed for renovations
14 because no sense doing any renovations without the new manager
15 saying what he or she may want to have changed within the
16 establishment. We do appreciate all of your concern and
17 Mr. Kim has learned a lesson, a young man, and, hopefully, it
18 won't happen again. Thank you.

19 ACTING CHAIR HELM: Thank you. Any questions by the
20 members of the board at this time?

21 MEMBER ALMEIDA: I have none.

22 MEMBER SANCHES: I have one.

23 ACTING CHAIR HELM: Okay. Go ahead, Robbie.

24 MEMBER SANCHES: Did they correct the problem? And
25 I didn't hear any -- if they correct -- took off the tint

1 or --

2 MR. KIM: Yeah. So like Mr. Ing said, renovations
3 came to a halt because all of that was going on, so we're not
4 open, but when we plan to open, all of those things will be
5 addressed.

6 MEMBER SANCHES: Thank you.

7 MR. KIM: Thank you.

8 ACTING CHAIR HELM: Any -- anyone else? Any --

9 MEMBER CLUNEY: I have --

10 ACTING CHAIR HELM: Go ahead, Gwen.

11 MEMBER CLUNEY: I have a question.

12 ACTING CHAIR HELM: Oh, Lahela.

13 MEMBER CLUNEY: This is Colleen. I have a question.

14 ACTING CHAIR HELM: Okay. Hi, Colleen.

15 MEMBER CLUNEY: Has this particular establishment
16 ever been cited for these similar infractions previously?

17 MR. ENRIQUES: No.

18 MEMBER CLUNEY: No?

19 MR. ENRIQUES: No.

20 MEMBER CLUNEY: Okay. Thank you.

21 ACTING CHAIR HELM: Yeah. I have a question, Mr.
22 Ing. How long has this establishment been in existence?

23 MR. ING: If my memory serves me right, I --
24 probably 30 years, at least.

25 MEMBER WILLIAMS: I also have a question.

1 ACTING CHAIR HELM: Okay.

2 MEMBER WILLIAMS: Oh, I'm sorry.

3 ACTING CHAIR HELM: Wait. I'm not -- hang on.

4 And also, Gerald, was there any other infractions in
5 the past for this establishment?

6 MR. ENRIQUES: Yes, there was. There was one from
7 2011 unrelated to this, that one appears to be --

8 ACTING CHAIR HELM: Okay.

9 MR. ENRIQUES: -- a failure to determine whether a
10 person was under the influence of liquor or drugs.

11 ACTING CHAIR HELM: Okay. And that was -- that was
12 it?

13 MR. ENRIQUES: As near as I can tell, looking at the
14 records, yes.

15 ACTING CHAIR HELM: Okay. Thank you.

16 Okay. Go ahead, Jason.

17 MEMBER WILLIAMS: Okay. Thank you. I was just
18 wondering, do we know how long had the tint been on the
19 window?

20 MR. KIM: I'm not sure. To be honest, I just took
21 over like ending of last year. There was a temporary
22 ownership, so -- I think that's the only --

23 MEMBER WILLIAMS: Okay.

24 MR. KIM: -- that happening. It's new to me as
25 well.

1 MEMBER WILLIAMS: Okay. So it's been -- it's been
2 over a year that it's been on there?

3 MR. KIM: Yeah. It's just been -- because the
4 business has been closed for a year. It's been closed since
5 late April of 2019 and --

6 MEMBER WILLIAMS: Okay.

7 MR. KIM: -- like Mr. Ing has said, we're just
8 waiting for new management to come in and we haven't really
9 got to pick major stuff yet. But like I said earlier, before
10 we plan to open, all of those things will be addressed.

11 MEMBER WILLIAMS: Thank you.

12 MR. KIM: Yeah.

13 ACTING CHAIR HELM: Any further questions by the
14 board?

15 MEMBER AIWOHI: None from me.

16 ACTING CHAIR HELM: Okay. If not, director's
17 argument as to the penalty. Gerald.

18 MR. ENRIQUES: This license was issued in 2006 and
19 I've already gone through their prior violation history.
20 Based on that, we're requesting the following per the plea
21 agreement: For Count 2, a \$100 fine and Count 3, a \$100 fine.

22 ACTING CHAIR HELM: Okay. Thank you.

23 At this time the board will take this matter into
24 consideration. I will entertain a motion to go into
25 deliberation. All those in favor?

1 MEMBER WILLIAMS: I'll make a motion.

2 MEMBER UEOKA: Aye.

3 ACTING CHAIR HELM: Okay. I'm sorry. Okay. So who
4 made the motion? Jason?

5 MEMBER WILLIAMS: Yes, sir.

6 ACTING CHAIR HELM: Any second?

7 MEMBER ALMEIDA: I second.

8 ACTING CHAIR HELM: Okay. For those -- all those in
9 favor?

10 (Response.)

11 ACTING CHAIR HELM: Opposed?

12 (Response.)

13 ACTING CHAIR HELM: Okay. At this time the board is
14 now -- will be going into deliberation. Thank you. We'll
15 call you guys back later, Lawrence.

16 MR. ING: Okay.

17 (Pause in proceedings.)

18 ACTING CHAIR HELM: Okay. Thank you. The board is
19 now back in open session. The board has assessed a penalty of
20 \$100 for Count 2 for one year provided that the corrections of
21 the illegal tinting will be -- will be removed and on Count 3,
22 the same thing, provided that there's no further violations
23 within a year. Any questions for the --

24 MR. MURAI: Mr. Chair.

25 ACTING CHAIR HELM: Yes.

1 MR. MURAI: Mr. Chair, if I may, I just wanted to
2 clarify. So as you stated, the board's decision as to counts
3 would be the issuance of a \$100 fine which will be suspended
4 for one year provided that the licensee corrects the problem
5 and incurs no similar violations. And assuming that happens,
6 after a period of one year, the \$100 fine will be suspended.
7 Is that correct?

8 ACTING CHAIR HELM: Yes, correct.

9 MR. MURAI: Thank you.

10 ACTING CHAIR HELM: Mr. Ing, did you hear that?

11 MR. KIM: Hello.

12 MR. ING: -- all your hard work. Thank you very
13 much.

14 ACTING CHAIR HELM: Okay. Thank you so much for
15 your understanding.

16 MR. MURAI: Right. Mr. Chair.

17 ACTING CHAIR HELM: Yes.

18 MR. MURAI: So -- and also the same, the same
19 penalty as to Count 3.

20 ACTING CHAIR HELM: Okay. So the same penalty for
21 Count 3, for \$100 fine that will be suspended for one year
22 provided that there's no further violations. Mr. Ing, did you
23 get that?

24 MR. ING: -- for the corrections. We accept.

25 ACTING CHAIR HELM: Okay. Thank you very much.

1 Have a great day.

2 MR. ING: Thank you. Good luck for the rest of the
3 meeting.

4 ACTING CHAIR HELM: Yeah, we'll -- we need the luck.
5 Thank you.

6 MR. MURAI: All right.

7 ACTING CHAIR HELM: Just new at this. Okay. Maria.
8 Are we ready for the next case.

9 (Pause while establishing connection.)

10 ACTING CHAIR HELM: Okay. The meeting of the liquor
11 control adjudication board is now called to order. Pursuant
12 to Section 281-91 Hawaii Revised Statutes and Section 18-13.3
13 of the Charter of the County of Maui to consider the matters
14 and issues as posted on today's agenda.

15 We will now hear Complaint and Accusation
16 No. 2020-05 in the matter of the accusation against Beach Bums
17 Maalaea LLC doing business as Beach Bums Bar & Grill,
18 Dispenser General License No. 280 at 300 Maalaea Road,
19 Building 2, Unit M., Maalaea, Maui, Hawaii.

20 Will the respondent or its representative please
21 step forward and state your name.

22 MR. MECKLENBURG: My name's David Mecklenburg. I'm
23 a 50 percent owner and manager/operator of Beach Bums Bar &
24 Grill.

25 ACTING CHAIR HELM: Okay. Anybody else other than

1 you, David?

2 MR. MECKLENBURG: No. It's just me.

3 ACTING CHAIR HELM: Okay. Thank you.

4 At this time you have the option of having the
5 charges publicly read or you can waive the reading. What is
6 your preference?

7 MR. MECKLENBURG: They can waive the reading.

8 MR. MURAI: Mr. Chair, this is Gary.

9 ACTING CHAIR HELM: Yeah. Go ahead.

10 MR. MURAI: I'm sorry. I just wanted to clarify one
11 thing. Mr. Mecklenburg, I know you -- I heard you say you're
12 a 50 percent owner.

13 MR. MECKLENBURG: Yes.

14 MR. MURAI: Today are you also appearing on behalf
15 of the other owner or owners?

16 MR. MECKLENBURG: Yes, I am.

17 MR. MURAI: Okay. Thank you.

18 ACTING CHAIR HELM: Okay. At this time you have the
19 option of having the charges publicly read -- okay. I read
20 that already. Hello.

21 Okay. So, Dave -- So, David, do you represent the
22 respondents involved?

23 MR. MECKLENBURG: Yes, I do.

24 ACTING CHAIR HELM: Do you have legal counsel?

25 MR. MECKLENBURG: No, I don't.

1 ACTING CHAIR HELM: Okay. Do you understand that
2 you have the right to have your legal counsel present?

3 MR. MECKLENBURG: Yes, I do.

4 ACTING CHAIR HELM: Do you understand the charges
5 against you?

6 MR. MECKLENBURG: Yes, I do.

7 ACTING CHAIR HELM: What is your plea to each count?

8 MR. MECKLENBURG: No contest.

9 ACTING CHAIR HELM: Do you understand the violations
10 the department of liquor control alleges against you?

11 MR. MECKLENBURG: Yes, I do.

12 ACTING CHAIR HELM: Do you understand that you have
13 the right to plead not guilty?

14 MR. MECKLENBURG: Yes, I do.

15 ACTING CHAIR HELM: Do you understand that by
16 pleading no contest, you waive the right to a hearing in which
17 you could present evidence and question witnesses on your
18 behalf?

19 MR. MECKLENBURG: Yes, I do.

20 ACTING CHAIR HELM: Is your plea of no contest
21 voluntary and not the result of force, threats, or of promises
22 apart from any plea agreement?

23 MR. MECKLENBURG: Yes.

24 ACTING CHAIR HELM: Do you understand that on each
25 count, if the board accepts your plea of no contest, you will

1 be found guilty and that the board may issue a reprimand or
2 assess and collect a penalty of up to \$2,000 or revoke any
3 license at any time or suspend the right of the licensee to
4 use the licensee's license?

5 MR. MECKLENBURG: Yes, I do.

6 ACTING CHAIR HELM: Do you still wish to plead no
7 contest?

8 MR. MECKLENBURG: Yes, I do.

9 ACTING CHAIR HELM: Okay. The board hereby finds
10 that the licensee has entered a knowing and voluntary plea of
11 no contest. The board accepts your plea and finds you of
12 Counts 1, 2, 3, 4, and 5 reflected in Complain/Accusation of
13 No. 2020-05.

14 Will the department present a summary of this case.
15 Gerald.

16 MR. ENRIQUES: Gerald Enriques on behalf of the Maui
17 Prosecutor's Office.

18 On November 16th, 2019, at approximately 10:33 p.m.
19 Liquor Control Officer Martin Davis approached the premises of
20 Beech Bums Bar & Grill Maalaea to conduct a routine
21 inspection. Upon arrival LCO Davis walked on the sidewalk and
22 noticed six males sitting at two tables pushed together on the
23 lanai outside of the kitchen area at the Wailuku end of the
24 premises. Davis also noticed glasses of beer on the table and
25 the strong odor of burning marijuana as he walked by.

1 Subsequent examination of the department records revealed that
2 the area in question is located within the licensed premises
3 per a floor plan submitted to the department.

4 LCO Davis continued down the sidewalk until he
5 reached the Lahaina end of the premises, where he observed
6 that the lights were off, sliding doors between the outdoor
7 patio and the inside were closed, the main entrance doors were
8 closed and locked. LCO Davis waited outside the main entrance
9 for a few minutes and could the hear the males talking loudly.
10 He also continued to smell the odor of burning marijuana as he
11 stood there.

12 LCO Davis then proceeded back to the group of males.
13 He observed three pint-size glasses with beer in front of
14 them, all about half full. He also observed a glass of orange
15 liquid and ice in front of an Asian male and that male
16 admitted that it contained a mixed drink when asked. He
17 observed what appeared to be a green pipe with marijuana in
18 it, five joints, and a pack of rolling papers in front of a
19 second Asian male who also had one of the glasses of beer in
20 front of him. Finally, he observed one of the other glasses
21 of beer in front of a third male.

22 LCO Davis asked if the business was closed. A
23 Caucasian male with long brown hair and slight dreadlocks told
24 him that they were. LCO Davis asked if any of the males were
25 working or if there were a manager on the premises and that

1 same male told him no. LCO Davis asked if any of them worked
2 at Beach Bums and several said they did. LCO Davis asked who
3 served the liquor and the same Caucasian male told him that he
4 was a bartender, that he served the liquor, and that they are
5 allowed two pau hana a night.

6 LCO Davis asked if anyone was still on the clock, if
7 any of them were managers, and if any of them had a liquor
8 card. They all said no and the Caucasian male asked what a
9 liquor card was before he asking to see LCO Davis's ID. LCO
10 Davis produced his liquor control ID and asked the Caucasian
11 male to produce his ID. The male said he did not want to,
12 claiming that his name was John Doe. LCO Davis asked if any
13 of the males would provide their names or say what they did at
14 Beach Bums, they all refused. The Caucasian male said that he
15 did work there, but probably not for much longer now.

16 During the conversation LCO Davis observed the
17 joints and pipe disappearing from the table. LCO Davis
18 informed the Asian male who had the joints in front -- and
19 pipe in front of him Davis had already seen the weed and that
20 hiding it was not doing any good. The male said okay. LCO
21 Davis also took pictures of the item on the table and the
22 faces of the seated males. As the conversation progressed,
23 the males became quiet and uncooperative. LCO Davis asked
24 again if anyone wanted to show him their ID and one male said
25 that he would, but he needed to get it out of his car.

1 Officer Davis accompanied the male to his car where the male
2 produced his ID and admitted that he was a cook at Beach Bums.
3 The male further admitted that the Caucasian male worked there
4 and did a lot of jobs around the premises.

5 On November 17th, 2019, LCO Davis met with Beach
6 Bums manager Steven Roof and requested various documents.
7 (Inaudible) photographs taken by LCO Davis, Roof also
8 identified four of the males as Beach Bum employees, including
9 the Caucasian male and the Asian male with the pipe and joints
10 in front of him.

11 On November 20th, 2019, LCO Davis met with Beach
12 Bums manager Megan Leake. Leake confirmed Roof's
13 identification of the four males as Beach Bum employees. Also
14 identified Kelsea Mavety as the Beach Bums manager who was on
15 duty at the time of the incident. Leake provided time records
16 for the four males, indicating that all were clocked out at
17 the time of the incident with some of the males clocking out
18 several hours before incident. Time records did not contain
19 full first names and surnames for some of the employees.
20 Leake was unable to provide other time records containing this
21 information. Leake indicated that the pau hana policy for
22 Beach Bums is that the employees were allowed one drink so
23 long as they were open, the bartender would serve the liquor,
24 and the employee was clocked out.

25 In speaking with manager Kelsea Mavety, Mavety said

1 that she was on duty and taking out the garbage at the time of
2 the incident, that that took approximately 20 minutes,
3 involved loading the garbage into a truck and driving it to
4 the dumpsters in the lot above the restaurant. Mavity claimed
5 that she poured the three males -- the three beers for the
6 males at approximately 10:15 p.m., that there was
7 approximately an inch remaining in the glasses when she left
8 to take the garbage out. When informed that one of the males
9 claimed that he had poured the drinks and that the glasses
10 contained more beer at the time of the incident than she had
11 indicated, Mavity claimed she was unaware if the males had
12 poured themselves more. Mavity denied knowledge of the pipe
13 and joints and had no comment when informed that the males
14 said there was no manager on the premises.

15 ACTING CHAIR HELM: Thank you, Gerald.

16 Any questions by the board members?

17 MEMBER ALMEIDA: I have one.

18 ACTING CHAIR HELM: Go ahead, Allan.

19 MEMBER ALMEIDA: Sir, can you tell us what happened
20 to these four employees?

21 ACTING CHAIR HELM: David.

22 MR. MECKLENBURG: Is that directed --

23 ACTING CHAIR HELM: Yes, that's directed to you.

24 MR. MECKLENBURG: They were all dismissed. They
25 were all dismissed.

1 MEMBER ALMEIDA: Okay. Thank you.

2 ACTING CHAIR HELM: Any further questions?

3 (No response.)

4 ACTING CHAIR HELM: Okay, David. You now have the
5 opportunity to make a statement regarding this case and you
6 may also inform the board of any mitigation circumstances
7 which may or may not apply to sentencing. Go ahead, David.

8 MR. MECKLENBURG: Thank you. There's a lot to kind
9 of unpack here. Ultimately, I'm responsible for everything
10 that goes into my restaurant. I don't want to give the
11 impression that I'm trying to sidestep anything here. I
12 happened to be off island when this happened, that's not
13 really prudent to the matters, but I just kind of feel if I
14 hadn't have been gone, this wouldn't have happened. But
15 there -- if you look at the time stamps there, Mr. Dempsey,
16 who's the John Doe and kind of the instigator of this whole
17 thing -- one of these -- you have to understand that lots --
18 because of where we are located, a lot of my guys will take
19 the bus, they don't have cars. At night, they're dependent on
20 rides. And that's who Mr. Nakamoto was.

21 Mr. Dempsey got off at seven o'clock, he's on a
22 swing shift, sometimes he stays for closing. We weren't that
23 busy, he got cut early. He called Mr. Nakamoto to come down,
24 he was done, they were going to go hang out. Mr. Nakamoto
25 came down. If you look at the thing that says he was punched

1 in for one minute, he came there to -- our pay period ends on
2 the 15th. He just wanted to run a report to see what his
3 hours were to get an idea of what his paycheck was. You've
4 gotta punch in to do that, so he punched in and ran his
5 report, punched out.

6 Mr. Dempsey and Mr. Nakamoto took off and then were
7 going to come back later to pick up the rest of the crew when
8 they got done. They came back around ten o'clock, everybody
9 else was done, she gave the pau hana beers to the people that
10 were done and sold beers to the other ones. She --
11 Ms. Mavety, the manager, was finished up behind the bar, they
12 were finishing up their beers, and she -- normally she doesn't
13 run trash, she kind of got stuck with that duty, but it was
14 only her third night closing and she was kind of didn't want
15 to leave stuff for the next shift.

16 So she went out there and it -- the one door that
17 was still open that -- the main door, the sliding door, you
18 can't close -- I can't even close it by myself, it doesn't
19 slide very well. So she's got those guys to finish up, you
20 know, they were going to -- and help her slide the door and
21 lock it up. And we left the kitchen door open, which she
22 shouldn't have done. She left the kitchen door open 'cause
23 there's nighttime cleaners who usually show up between 10:30
24 and 11:00 who she's expecting any minute. She left the door
25 open just a little bit thinking, you know, that's where they

1 come in, they would know where it was, but she should have
2 locked it because they do have a key to get in the side door.
3 But she just was just trusting of everybody. So she went off
4 to do her thing, Mr. Dempsey kind of said, Okay, saw an
5 opening, and got the party started, and you guys know the
6 rest. (Inaudible) trained, but, again, it's -- you know, it's
7 on me, I get it.

8 Oh, the other thing is -- a couple of things that --
9 I see you guys can see me. But as far as the reports were
10 run, the reports were there, she -- I believe she didn't know
11 how to run them, but I have one that's -- you can see that
12 it's dated well before the incident with full names. Again, I
13 should have been a hundred percent sure she knew how to run
14 those when I was off island, I couldn't -- wasn't here to
15 address this when all this was going on.

16 We did do another event just to secure the bar.
17 We've come up with a lock-down system to go around the bar,
18 we -- that pulls down and secures, so that way it's just
19 another level of security to make sure that no one can access
20 it. Again, it shouldn't have been necessary because just the
21 whole place should have been secured before she left to go do
22 her thing. She thought she was dealing with people she could
23 trust and that's what happened.

24 ACTING CHAIR HELM: So, David, do you have like a --
25 like a doorman, a security in front of your restaurant, or is

1 it -- if you have anyone working under your -- your
2 restaurant?

3 MR. MECKLENBURG: No. We're primarily a restaurant.
4 When the -- when the restaurant closes, it's basically we're
5 shutting down within a half hour to an hour. The -- the
6 bartender's closing up, the servers will get off, will have a
7 drink after they're done, waiting for the kitchen guys to get
8 done, and then we're -- we're usually out of there by 10:00 or
9 10:30. We don't really do much after we shut down for dinner,
10 so -- but, I mean, we have host down and things like while
11 we're operating.

12 ACTING CHAIR HELM: Yeah, a host --

13 MR. MECKLENBURG: During dinner.

14 ACTING CHAIR HELM: -- during open hours.

15 MR. MECKLENBURG: Yeah. And she's not the -- she's
16 the one -- a manager kind of de facto. I have a floor manager
17 that's on during the restaurant, she becomes the manager when
18 he leaves around 9:30. So I noticed in the report it says she
19 was -- she mentioned something in her statement about some
20 people being on the clock that weren't on the clock and she
21 didn't -- she might not have known that because it really
22 wasn't in her wheelhouse, that was more in Steve's stuff. She
23 wasn't -- she was doing -- she was bartending, so for her not
24 to know exactly who was on duty in the kitchen isn't really
25 surprising.

1 ACTING CHAIR HELM: Thank you.

2 Any further questions by the board?

3 MEMBER UEOKA: Can you share -- oh, go ahead.

4 MEMBER SANCHES: Go ahead. You first.

5 ACTING CHAIR HELM: Go ahead, Gwen.

6 MEMBER UEOKA: Thank you.

7 What kind of corrective action have you taken since
8 then.

9 MR. MECKLENBURG: Well, the training is, obviously,
10 the big one, you know, about, you know, these rules have to be
11 absolute, we can't make exceptions for employees, you know.
12 The door -- the doors have to be locked, you know, we can't --
13 everything has to be 100 percent secured, which is why we
14 added the -- you know, the lockdown for the bar to double
15 secure everything. But, you know, if everybody would've
16 followed what they were supposed to do, this never would've
17 happened. If she just closed that -- locked that one door,
18 they never would have been able to get back in and then we
19 wouldn't be here today.

20 MEMBER UEOKA: Do you provide training then or what
21 kind of training do your employees get that they knew what
22 they were supposed to do or do now?

23 MR. MECKLENBURG: Well, of course, we -- she knew --
24 she knew what she was supposed to do and she admits it
25 afterwards. I mean, she doesn't -- she, real honestly,

1 thought that the cleaners were coming and she was trying to be
2 helpful, is all she was trying to do, by leaving that -- the
3 door -- it wasn't -- it appeared to be closed, anybody walking
4 by would've looked at it and thought it was closed when she
5 left to go. She just wasn't -- there's a locking mechanism,
6 she didn't lock it so those guys could get in there, so the
7 cleaners get in there, and they got a -- she knows, she knows
8 she should not leave the place unlocked for any -- for any
9 reasons, for obvious reasons, but she -- she thought it had
10 the appearance of being that, she -- you know, there was
11 people that she thought she could trust down there and she
12 made a bad decision.

13 MEMBER CLUNEY: I have a question.

14 ACTING CHAIR HELM: Go ahead, Colleen.

15 MEMBER CLUNEY: Have you ever been -- have you ever
16 been cited before for similar violations?

17 MR. MECKLENBURG: Absolutely not, no.

18 MEMBER CLUNEY: Thank you. Okay. Thank you.

19 ACTING CHAIR HELM: Go ahead, Robbie.

20 MEMBER SANCHES: Is that a standard practice you
21 guys do and is it still continuing, the drinking after-hours?

22 MR. MECKLENBURG: Well, we -- no. We've kind of --
23 we've kind of killed pau hanas after that. So that whole
24 situation, we don't even -- and that's throughout the whole
25 day, you know. We just -- after we saw what happened, we

1 just, you know -- yeah, you know, it was a situation that --
2 that allowed something to get out of hand. I mean, I don't
3 think that -- normally, the -- under the guidelines that we
4 were doing it under, I felt we were doing it responsibly. You
5 know, these guys work hard, you know, they get off, they punch
6 out, we're still technically open, the doors open, we -- you
7 know, we allow them to have a drink after sometimes a 12-hour
8 day and they would, you know, go on their way. But after this
9 happened, you know, it was -- it was kind of a -- a recoil
10 effect and we just kind of killed the policy.

11 MEMBER SANCHES: Thank you.

12 ACTING CHAIR HELM: Any other questions by the
13 board?

14 (No response.)

15 ACTING CHAIR HELM: Okay. If not, the director's
16 argument as to penalty.

17 MR. ENRIQUES: Thank you. This license was issued
18 in February of 2008. The licensee has no prior history of
19 violations. Based on that, we're requesting the following:
20 Count 1, a hundred dollar fine; Count 2, a hundred dollar
21 fine; Count 3, a hundred dollar fine; Count 4, a hundred
22 dollar fine; for Count 5, we're requesting a \$250 fine, but in
23 light of the fact that they pled no contest and given the
24 circumstances, we're requesting that \$200 of that be suspended
25 for a period of one year on the condition that no same or

1 similar violation does not occur within that period.

2 ACTING CHAIR HELM: So you'll have a \$50 fine for
3 Count 5; is that right?

4 MR. ENRIQUES: A hundred fifty -- or 250 total, 200
5 suspended for an actual amount of \$50, correct.

6 ACTING CHAIR HELM: Right, right. Fifty. Okay.
7 Thank you, Gerald.

8 The board will take this matter into consideration.
9 I will entertain a motion to go into deliberation. All those
10 in favor, say aye or raise your hand.

11 (Response.)

12 ACTING CHAIR HELM: Okay. Opposed?

13 MEMBER AIWOHI: Lahela. Aye.

14 ACTING CHAIR HELM: Okay. Colleen?

15 MEMBER CLUNEY: Aye.

16 ACTING CHAIR HELM: Thank you. All right. Thank
17 you. We'll come back to you, David, in a -- in a few minutes
18 or so.

19 MR. MECKLENBURG: Yes, sir.

20 ACTING CHAIR HELM: Thank you.

21 (Pause in Proceedings)

22 ACTING CHAIR HELM: Okay. We're going to get
23 started. The board is now back in open session. Okay. The
24 board has assessed penalties of \$100 each for Count 1, 2, 3,
25 and 4; and for Count 5, we have a \$250 fine, but \$200

1 suspended for one year provided that you do not break any of
2 these rules and you have a \$50 fine. Any questions?

3 MR. MECKLENBURG: No. Just I -- you know, I
4 understand my obligations with this license and, you know, the
5 responsibility falls on me and, you know. And thank you for
6 listening to me.

7 ACTING CHAIR HELM: Yeah. David, make sure you take
8 care of this -- fines with the liquor control office. Thank
9 you.

10 MR. MECKLENBURG: Will I be getting -- will I be
11 getting a notification or I just go down there?

12 ACTING CHAIR HELM: Maria?

13 MS. TYAU: You'll be getting a notification.

14 MR. MECKLENBURG: Okay. And then respond to that.
15 Okay.

16 ACTING CHAIR HELM: Okay. Thank you, David. Have a
17 great day.

18 MR. MECKLENBURG: You too. Thank you.

19 ACTING CHAIR HELM: Aloha.

20 MR. MURAI: Chair, this is Gary.

21 ACTING CHAIR HELM: Go ahead, Gary.

22 MR. MURAI: Is this a good time for a short recess?

23 ACTING CHAIR HELM: Yes. Let's take a short recess.
24 Five minutes.

25 (Pause in Proceedings: 10:40 a.m.-10:53 a.m.)

1 ACTING CHAIR HELM: Okay. I'm going to get started.
2 I'm Zachary Helm, the acting chair for the liquor board
3 adjudication. The meeting of the liquor control adjudication
4 board is now called to order pursuant to Section 281-91 Hawaii
5 Revised Statutes and Section 8-13.3 of the Charter of the
6 County of Maui to consider the matters and issues as posted on
7 today's agenda.

8 Okay. We will now hear Complaint and Accusation
9 No. 2020-03 in the matter of the accusation against Kahale
10 Restaurant, Incorporated doing business as Kahale's Maui's
11 Local Dive Bar, Dispenser General License No. 378, address
12 1913 South Kihei Road, Kihei, Maui, Hawaii.

13 Okay. Will the respondent or its representative
14 please step forward and state your name and in what capacity
15 you represent the respondent.

16 MS. KARSTEN: Hi. My name is Katie Karsten. I am
17 representing myself today. I am a hundred percent owner of
18 Kahale Restaurant, Incorporated as of about five and a half
19 years ago.

20 ACTING CHAIR HELM: Thank you, Katie. At this time
21 you have the option of having the charges publicly read or you
22 can waive the reading. What is your preference?

23 MS. KARSTEN: Waive the reading.

24 ACTING CHAIR HELM: Okay. Katie, for the record, do
25 you represent the respondent involved?

1 MS. KARSTEN: Yes.

2 ACTING CHAIR HELM: Do you have legal counsel?

3 MS. KARSTEN: No, sir.

4 ACTING CHAIR HELM: Do you understand that you have
5 the right to have your legal counsel present?

6 MS. KARSTEN: Yes, sir.

7 ACTING CHAIR HELM: Do you understand the charges
8 against you.

9 MS. KARSTEN: Yes, sir.

10 ACTING CHAIR HELM: What is your plea to each count?

11 MS. KARSTEN: My plea is not guilty.

12 ACTING CHAIR HELM: Do you understand the violations
13 the department of liquor control alleges against you?

14 MS. KARSTEN: Yes, sir.

15 ACTING CHAIR HELM: Do you understand you have the
16 right to plead not guilty?

17 MS. KARSTEN: Yes, sir.

18 ACTING CHAIR HELM: Do you understand that by
19 pleading not guilty, you waive the right to a hearing in which
20 you can -- you could present evidence and question witnesses
21 on your behalf?

22 MR. ENRIQUES: That doesn't sound quite right.

23 MS. KARSTEN: That's -- yeah.

24 ACTING CHAIR HELM: Okay. Wait. Gerald, how do I
25 read that, then?

1 MR. ENRIQUES: I'm not sure.

2 ACTING CHAIR HELM: 'Cause she's -- she's pleading
3 not guilty.

4 SPEAKER: Then skip that part.

5 ACTING CHAIR HELM: Okay. Do you understand that on
6 each count, if the board accepts your plea of not guilty, you
7 will be found guilty and the board may issue a reprimand or
8 assess and collect a penalty of up to \$2,000 or revoke any
9 license at any time or suspend the right of the licensee to
10 use the licensee's license?

11 MS. KARSTEN: Yes, sir.

12 ACTING CHAIR HELM: So do you still wish to plead
13 not guilty?

14 MS. KARSTEN: Yes, sir.

15 ACTING CHAIR HELM: The board hereby finds that the
16 licensee has entered a knowing and voluntary plea of not --
17 I'm going to skip; is that correct, Gary?

18 MR. MURAI: Yeah, that's right. This is a contested
19 hearing, so --

20 ACTING CHAIR HELM: Yeah. I'm going to skip that;
21 right?

22 MR. MURAI: Right.

23 ACTING CHAIR HELM: Okay. Go --

24 MR. MURAI: Go to the script for the contested
25 hearing.

1 ACTING CHAIR HELM: Hang on. I don't know if I have
2 it.

3 MR. MURAI: Well, you know what, Mr. Chair, if I may
4 interject. The licensee has already indicated that she waives
5 reading of the complaint.

6 ACTING CHAIR HELM: Okay.

7 MR. MURAI: She understands the charges. She does
8 know that she has the right to be represented by an attorney.
9 She has stated that her plea is not guilty.

10 ACTING CHAIR HELM: Okay.

11 MR. MURAI: Therefore, procedurally, the department
12 through Mr. Enriques would present its case --

13 ACTING CHAIR HELM: Okay.

14 MR. MURAI: -- and call its witnesses. Ms. Karsten
15 would have the ability to cross-examine those witnesses --

16 ACTING CHAIR HELM: Okay. So I can --

17 MR. MURAI: -- and any evidence that Mr. Enriques
18 may offer the board.

19 ACTING CHAIR HELM: Okay. Thank you.

20 MR. MURAI: Then when Mr. Enriques is done
21 presenting his case, Ms. Karsten --

22 ACTING CHAIR HELM: Yes.

23 MR. MURAI: -- you'll have the opportunity to
24 present your case.

25 MS. KARSTEN: Okay. Thank you very much.

1 ACTING CHAIR HELM: Okay. Thank you.

2 Okay. So the prosecuting attorney will present a
3 summary of the case. Okay, Gerald. Thank you.

4 MR. ENRIQUES: Briefly, I believe that the evidence
5 of this hearing will show the following: On January 11, 2020,
6 at approximately 12:20 in the morning, Liquor Control Officer
7 Martin Davis arrived at Kahale's Maui's -- Kahale's Maui's
8 Local Dive Bar located on South Kihei Road in Kihei. He was
9 there to check on an unrelated case. Once arriving at the
10 bar, he met with manager Scott Tempo with him in the liquor
11 storage area. While in that area, he noticed a pipe and
12 lighter (inaudible) at the door. Subsequently he photographed
13 it, the pipe and lighter, and examined the pipe containing
14 some half-burnt leafy material in the pipe which based on his
15 training and experience, he recognized as marijuana. He also
16 smelled the odor of marijuana, the strong odor of marijuana
17 coming from the pipe.

18 After he -- when Mr. Tempo returned, Officer Davis
19 asked who the pipe and lighter belonged to. Tempo said he did
20 not know who they belonged to, but also told Officer Davis
21 that the owner had recently returned from a trip and when
22 going through the storage area, had asked for all the weed and
23 stuff had come from and said it needed to be removed. Officer
24 Davis subsequently issued a notice of violation.

25 In addition, he performed some follow-up

1 investigation with other employees and obtained additional
2 statements from Mr. Tempo and bartender Trevor Hordemann, both
3 of whom were there along with another employee on the night of
4 the incident. In summary, neither employee was aware of a
5 patron giving them the pipe nor did they know whose pipe it
6 was. Both Hordemann and Tempo also gave written statements on
7 whether the drugs and property -- if they found drugs or were
8 given drugs by patrons.

9 In conclusion, based on what I believe the evidence
10 will show, at the end of the hearing I'll request that the
11 board find this licensee has violated Rules of the Liquor
12 Commission Sections 8-101-68 sub A and sub B.

13 ACTING CHAIR HELM: Okay. Respondent's opening
14 statement.

15 MS. KARSTEN: Okay. So I was made aware of this the
16 following day that -- actually, that morning. I had come back
17 on Friday afternoon and we were at home during the incident
18 and we actually received a call later that evening regarding
19 an accident where one of our brothers was at the hospital. So
20 we were at the hospital until two, three o'clock in the
21 morning where he had passed. So I did not speak to Scotty
22 Tempo that evening or up till two o'clock in the morning, I
23 did speak with him the next day.

24 He said that LC had come in, he said they had found
25 the pipe there. And I said what was it doing there. He said

1 he had been slam busy behind the bar, that a patron had walked
2 up to him and said, Hey, I found this. He did not -- he said
3 he didn't pay much attention to it, he knew it was a pipe and
4 a lighter, he threw it in the back into lost and found. Where
5 I would normally go in in the mornings, I do the money and
6 just go through the lost and found. If it's glasses, I call
7 somebody, that kind of thing.

8 Then I received the violation incident report where
9 it had said that I had returned from the trip and that I had
10 been there and asked about the weed and then said it needed to
11 be removed, which I, of course, would say it can't be there,
12 but there's just -- unfortunately, there's no facts to that
13 for me, which is kind of why I wanted to contest this saying a
14 few things. I don't -- I do believe 100 percent that somebody
15 walked in, gave it to Scotty, and he put it into lost and
16 found, because that's what I was told. Like I said, I was not
17 there.

18 We have never really had this particular problem
19 before, because if something is in lost and found, I take care
20 of it the next day. He -- we don't believe that any of our --
21 it was our staff, we don't believe -- I mean, he -- I believe
22 that the LC officer did see it back there, but he didn't smell
23 marijuana, nobody was smoking on the premise. We definitely
24 don't let that happen whatsoever. I mean, I definitely value
25 my liquor license more than that.

1 I am going to set a training for my staff, I would
2 like some guidance on that. You know, do we throw that away?
3 Do we throw it back out the front door? We definitely don't
4 want to promote it and we -- nor have we ever -- in 27 years,
5 I don't believe we've ever had a violation. I know -- I know
6 it's not to this extent.

7 So just looking at the papers, I kind of wanted to
8 say I wanted to contest that and then I wanted you to be able
9 to talk to him regarding what needs to be done in the future
10 if this was to ever happen. It was a burnt -- it was a -- it
11 was a pipe. I did go in the next day, I did dispose of it,
12 and all it had in the bottom was like black residue. So I
13 didn't really feel like we had actual drugs on property and I
14 just kind of wanted to (inaudible) that point that if there --
15 if there's a better way to do it, I'm in, you know, but I
16 just -- at that moment we were slam busy, he said he threw it
17 into lost and found, and when they walked back there, there
18 was a pipe and a lighter, I mean, which had never happened
19 before.

20 ACTING CHAIR HELM: Okay. The director's direct
21 examination of witnesses and presentation. Prosecutor.

22 MR. ENRIQUES: You know, before I get started,
23 Ms. Karsten, if I'm understanding you correctly, you're
24 contesting the issue of whether that was marijuana or not, but
25 you're also not disputing that -- any of the essential facts

1 of this; am I correct?

2 MS. KARSTEN: I'm not disputing that there -- that
3 that pipe had smoked marijuana prior to it being there. I
4 mean, it -- but there was black residue in there, there was
5 not like a green -- you know, like -- it wasn't like a -- I
6 don't know how to say that. It wasn't like a bag of
7 marijuana, it wasn't like the pipe had anything in it. It
8 looks like somebody found, you know, they had found the pipe,
9 it had already been smoked out of, and it was sitting in the
10 back, but there was no marijuana with it. But, yes, it
11 definitely was a -- marijuana had been smoked out of it at one
12 point.

13 MR. ENRIQUES: Okay. So this --

14 MR. MURAI: I'm sorry, Mr. Chair. This is Gary
15 Murai. If I may interject.

16 ACTING CHAIR HELM: Yes. Go ahead, Gary. Sure.

17 MR. MURAI: You know, I'm not trying to limit the
18 prosecutor's ability to -- you know, to, I guess, ask
19 questions of the respondent, but I note that this is opening
20 statement and normally, you know, once opening statements are
21 pau, then we present evidence and witnesses are sworn in. So
22 I know that Ms. Karsten is representing herself, so she's not
23 an attorney, but I think if -- in order for us to make a good
24 record of this, when it comes time for parties to be asserting
25 facts, that they need to be sworn in as a witness. So I guess

1 what I want to just caution maybe Ms. Karsten to not do at
2 this point is to present her actual case, you know; in other
3 words, the actual evidence now. That should be coming during
4 her -- her presentation.

5 So I don't know -- and normally these kinds of
6 things, you know, what parties' positions are, could be worked
7 out or discussed in a pre -- prehearing conference. You know,
8 neither party asked for one, so we just, you know, jumped
9 right into the hearing itself. So I guess what I'm trying to,
10 you know, caution the parties not to do too much of is engage
11 in a -- you know, in an, I guess, discussion of the -- of the
12 evidence or the facts at this stage of the proceeding.

13 MR. ENRIQUES: Right. And, you know, I just want to
14 clarify, I'm not trying to set up the -- set this up as
15 evidence. You know, I'm not saying that this should be
16 evidence at all. Obviously, we're still -- we haven't sworn
17 in any witnesses yet. I was just -- you know, in listening to
18 what she was saying, I was wondering if there was a way we
19 could settle this matter without having to go through a
20 contested hearing. To do that, I just wanted to listen to,
21 you know, make sure I understand what her position.

22 MEMBER WILLIAMS: Mr. Chair.

23 ACTING CHAIR HELM: Yes, Gary. Oh, who is this?

24 MEMBER WILLIAMS: Jason.

25 ACTING CHAIR HELM: Okay. Hi, Jason. I'm sorry.

1 Go ahead, Jason.

2 MEMBER WILLIAMS: I was just wondering, would it
3 make sense to take a small recess to see if they want to
4 discuss this privately first?

5 MR. ENRIQUES: I'm amenable to that.

6 MS. KARSTEN: I agree.

7 ACTING CHAIR HELM: Okay. That is fine. Does
8 everybody agree?

9 MEMBER WILLIAMS: Make a motion we take --

10 ACTING CHAIR HELM: Do we have a second?

11 MEMBER AIWOHI: This is Lahela.

12 MEMBER: I second.

13 MEMBER AIWOHI: I second.

14 ACTING CHAIR HELM: Okay. The board will be --

15 MR. MURAI: Hold on. Hold on, Chair, one second.

16 Keoni, how much time do you think you need?

17 MR. ENRIQUES: Maybe five, ten minutes, at most.

18 You know what I'll do, just for the record, Ms. Karsten, is I
19 believe you have a phone number listed on the plea sheet where
20 I contacted you before that starts with 907?

21 MS. KARSTEN: Yes, it does.

22 MR. ENRIQUES: And then once we're, you know, done
23 talking, we'll come back and figure things out.

24 MS. KARSTEN: It sounds like a plan.

25 MR. ENRIQUES: Okay. All right. Thank you.

1 MR. MURAI: So, Mr. Chair, I suggest this, then:
2 Why don't we go into -- you can just call a recess and
3 maybe -- Keoni, is ten minutes enough and then if it is, then
4 we'll reconvene at 11:20 and we'll see where you're at. If
5 you need more time, let us know. Sounds okay?

6 MR. ENRIQUES: That sounds good.

7 ACTING CHAIR HELM: Okay. We'll take a recess at
8 this time.

9 MR. MURAI: Be back in ten minutes.

10 ACTING CHAIR HELM: Be back in ten minutes. Thank
11 you.

12 (Pause in Proceedings: 11:10 a.m.-11:20 a.m.)

13 ACTING CHAIR HELM: Okay. We're back. Okay.
14 Gerald, go ahead.

15 MR. ENRIQUES: Okay. So I spoke with Ms. Karsten
16 and I think we've worked out an agreement, and she can correct
17 me if the terms of this are wrong, but basically on behalf of
18 the licensee, Ms. Karsten would plead no contest to Count 1,
19 the department will request a \$250 fine, the entire amount of
20 which would be suspended for one year on the condition that no
21 further violations of the same or similar nature occur within
22 that year. In addition, Count 2 would be dismissed. That
23 would be the extent of the agreement.

24 Ms. Karsten, is that correct?

25 MS. KARSTEN: That is correct.

1 ACTING CHAIR HELM: Okay. Are there any questions
2 from the board?

3 MEMBERS: No.

4 ACTING CHAIR HELM: Okay. If not, the board will
5 take this matter into consideration and will entertain a
6 motion to go into deliberation. All of those in favor. Go
7 ahead, Gary.

8 MR. MURAI: I'm sorry, Mr. Chair. I -- sorry, I --
9 maybe -- maybe it happened, I just missed it, but did -- was
10 Ms. Karsten asked whether -- to confirm whether that's her
11 understanding of the agreement?

12 MS. KARSTEN: Yes.

13 ACTING CHAIR HELM: Yes.

14 MR. MURAI: Okay. Good. Thank you. Sorry.

15 ACTING CHAIR HELM: Okay. So the board will take
16 this matter into consideration. I'll entertain a motion to go
17 into deliberation. All those in favor?

18 MEMBER UEOKA: I'll move.

19 ACTING CHAIR HELM: Second?

20 MEMBER WILLIAMS: Second.

21 ACTING CHAIR HELM: Okay. We'll go into
22 deliberation.

23 (Pause in Proceedings: 11:22 a.m.-11:27 a.m.)

24 ACTING CHAIR HELM: Okay. The board is now back in
25 open session. And for Complaint and Accusation No. 2020-03,

1 the board has assessed a penalty of \$250 of which \$250 will be
2 suspended as long as there's no violation within the year.
3 And that's for Count 1 and Count 2 has been dismissed. Is
4 there any questions from you, Katie?

5 MS. KARSTEN: No questions regarding this in
6 particular. I would like to be able to train my staff
7 accordingly and would love some guidance at some point from
8 liquor control of what to do in a case like this.

9 I'm getting -- I don't know who else is breaking up,
10 but --

11 So absolutely I want to do the right thing by my
12 liquor license at all times and for me to be able to sit my
13 staff down and say if this happens, X, Y, and Z is, you
14 know -- (Inaudible.) I would love some guidance so I can
15 train my staff and do correctly from here on out.

16 ACTING CHAIR HELM: Well, I wish you the best,
17 Katie, and thank you for your patience and understanding.

18 MS. KARSTEN: Thank you very much.

19 ACTING CHAIR HELM: So you need to take care of that
20 with the liquor control office. Thank you very much. Have a
21 great day.

22 MS. KARSTEN: You too.

23 ACTING CHAIR HELM: Okay. Number 4, Administrative
24 Affairs. Okay. Maria, election of new officers, how do we
25 get started on that?

1 MR. MURAI: Zach, I have a suggestion.

2 ACTING CHAIR HELM: Yes.

3 MR. MURAI: Okay. You know, this is the first time
4 any board that I've been involved in, you know, doing an
5 election using Blue Jeans, but you folks -- normally in any
6 election, you folks determine what the process is.

7 You know, I'm sorry, I -- can people hear okay?
8 Because I'm getting a lot of kind of background noise and
9 somebody needs to mute their mic.

10 MEMBER WILLIAMS: I think it's Allan.

11 MR. MURAI: Okay. It stopped. And now it's
12 started.

13 ACTING CHAIR HELM: Okay. Go ahead.

14 MR. MURAI: Anyway, so we're going to -- we need to
15 elect two officers, two officers, a chair and a vice chair.
16 So normally what we do is we have the election for the chair
17 first, so, Zach, what you're going to do is open up the floor
18 for nominations and once nominations are made -- if there's no
19 further nominations, you're going to close nominations, then
20 the members can speak for or against candidates or the
21 candidates can speak on their own behalf. If there's no
22 discussion, then you can go into voting. You should probably
23 discuss how you're going to vote and I think if you can see
24 everyone, then you can go by, you know, a show of hands. If
25 you cannot see everyone, I would suggest a role call; in other

1 words, have people speak up. And then once we've elected a
2 chair, then we will elect a vice chair and following the same
3 procedure. Anybody have any questions or -- you all agree on
4 this procedure?

5 MEMBER: Yes.

6 MR. MURAI: Mr. Chair, any time you ready to
7 proceed, you can call for nominations.

8 ACTING CHAIR HELM: Okay. Thank you. First of all,
9 I would like to thank everyone for your patience with me as
10 the acting chair, so -- but before we get started, I just want
11 to -- I just want to let you know that I'm going to -- you
12 know, even if you don't, I'm not going to accept any
13 nomination at this time.

14 Okay. So we'll open up for nomination for chair.

15 MEMBER AIWOHI: This is -- this is Lahela. I
16 nominate Jason Williams to be chair.

17 MEMBER SANCHES: I second on that.

18 MEMBER ALMEIDA: I agree.

19 ACTING CHAIR HELM: Anybody? Anybody else?

20 MEMBER WILLIAMS: Really, anybody else? Is there
21 anybody?

22 ACTING CHAIR HELM: No. You the anybody else.

23 (Laughter.)

24 ACTING CHAIR HELM: Okay. So we only have one
25 nomination.

1 MR. MURAI: Mr. Chair, if there's no nominations,
2 you can close nominations.

3 MS. KHANGSENGSING: Gwen has her hand up.

4 MEMBER UEOKA: Yeah. I move we close nominations.

5 MEMBER: I second the nomination.

6 MEMBER UEOKA: Close.

7 ACTING CHAIR HELM: Okay. Thank you. So let's take
8 a vote. All in favor of Jason Williams to chair the board of
9 adjudication say aye or raise your hand.

10 (Response.)

11 ACTING CHAIR HELM: Any opposed?

12 MEMBER WILLIAMS: Nay.

13 (Laughter.)

14 ACTING CHAIR HELM: Congratulations, Jason, you're
15 the chair.

16 MEMBER AIWOHI: Congratulations, Jason.

17 MEMBER WILLIAMS: Thank you. Thank you, guys, I
18 really, really, really appreciate it and will never forget
19 this.

20 ACTING CHAIR HELM: Okay. Now we're open for
21 nomination for co- -- vice chair.

22 MEMBER WILLIAMS: I make a nomination of Allan.

23 ACTING CHAIR HELM: A second to that?

24 MEMBER ALMEIDA: Wait. Who?

25 ACTING CHAIR HELM: Allan. Oh, you don't know you,

1 Allan?

2 MEMBER ALMEIDA: Okay.

3 ACTING CHAIR HELM: Okay. Any other nominations?

4 MEMBER AIWOHI: I move that we close the
5 nominations.

6 ACTING CHAIR HELM: Thank you.

7 MEMBER UEOKA: I second.

8 ACTING CHAIR HELM: Okay.

9 MEMBER UEOKA: I second. This is Gwen.

10 ACTING CHAIR HELM: Thank you. Okay. So all in
11 favor for vice chair nomination Allan Almeida, say aye and/or
12 raise your hand.

13 (Response.)

14 ACTING CHAIR HELM: Any opposed?

15 (No response.)

16 ACTING CHAIR HELM: Congratulations, Allan, you're
17 the vice chair.

18 MEMBER ALMEIDA: Thank you.

19 ACTING CHAIR HELM: Okay. Staff, do you have
20 anything to say? Staff?

21 MS. TYAU: Nothing.

22 MS. KHANGSENGSING: No, I don't have any -- I don't
23 have anything to add.

24 So we'll -- Jason, if we continue to do a Blue Jeans
25 meeting, I'm going to be sending you some documents to help

1 you with the procedures and stuff, so --

2 MEMBER WILLIAMS: Great. Thank you.

3 MS. KHANGSENGSING: Okay. If you have any
4 questions, you can always call me.

5 MEMBER WILLIAMS: You know I will.

6 MS. KHANGSENGSING: Congratulations.

7 MEMBER WILLIAMS: Please stop saying that.

8 (Laughter.)

9 ACTING CHAIR HELM: Okay. If there's no further
10 questions, I would like to say aloha to everybody. Meeting
11 adjourned.

12 (The proceedings were adjourned.)

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