

**MINUTES OF THE MEETING OF THE
LIQUOR CONTROL COMMISSION
DEPARTMENT OF LIQUOR CONTROL
COUNTY OF MAUI**

I. CALL TO ORDER:

The meeting of the Liquor Control Commission was called to order by Chair Nane Aluli at approximately 9:04 a.m., Wednesday, July 8, 2020, via BlueJeans teleconference, Meeting ID 951574881.

II. ROLL CALL:

PRESENT:

Nane Aluli, Chair
Leon Bolosan, Vice Chair
Roberto Andrion, Jr., Commissioner
Jamie Becraft, Commissioner
Jerrybeth De Mello, Commissioner
Stanley Ruidas, Commissioner
Bruce U'u, Commissioner
Leslie Ann Yokouchi, Commissioner
Aaron Boswell, Commissioner

III. AGENDA:

It was moved by Commissioner Roberto Andrion, Jr., seconded by Commissioner Jerrybeth De Mello and carried to approve the agenda of July 8, 2020.

IV. MINUTES:

It was moved by Commissioner Leon Bolosan, seconded by Commissioner Leslie Ann Yokouchi and carried to approve the minutes of the June 10, 2020.

V. PUBLIC TESTIMONY:

Testifiers were called by the Chair to offer their testimony during Section VII. Administrative Affairs, Item C. (See attached Transcript of Proceedings)

VI. GENERAL LICENSING MATTERS:

It was moved by Commissioner Jamie Becraft, seconded by Commissioner Roberto Andrion, Jr. and carried to approve Items A-G.

VII. LICENSING:

A. PUBLIC HEARINGS:

Robert Ichikawa, attorney representing the applicant, Tommy Bahama Beverages, LLC dba Tommy Bahama Marlin Bar was present.

LCO Kari Yosihizawa reported the applicant, Tommy Bahama Beverages, LLC dba Tommy Bahama Marlin Bar is located at 900 Front Street, Lahaina, Maui, Hawaii. This is a public hearing for a new Restaurant General, Category B(ii) license. The documents necessary for completing the remaining application requirements for a liquor license are listed in the summary report. Notice of public hearing was

published in the Maui News on May 20 & 27, 2020. There are a total of 47 owners and lessees situated within 500 feet of the proposed premises. The department did not receive any protest.

Item A was moved by Commissioner Jamie Becraft, seconded by Commissioner Roberto Andrion, Jr. and carried to approve APPL NO. 13, Tommy Bahama Beverages, LLC dba Tommy Bahama Marlin Bar.

Craig Nakamura, attorney representing the applicant, Kihei Boys Club LLC dba Sansei Seafood Restaurant, Steak & Sushi Bar was present. Ralph Gorgoglione testified opposing the applicant. (See attached Transcript of Proceedings)

LCO Kari Yosihizawa reported the applicant, Kihei Boys Club LLC dba Sansei Seafood Restaurant, Steak & Sushi Bar is located at 1819 South Kihei Road, Building A, Kihei, Maui, Hawaii. This is a public hearing for a new Restaurant General, Category B(ii) license. The documents necessary for completing the remaining application requirements for a liquor license are listed in the summary report. Notice of public hearing was published in the Maui News on May 20 & 27, 2020. There are a total of 90 owners and lessees situated within 500 feet of the proposed premises. The department did not receive any protest.

Item B was moved by Commissioner Leon Bolosan, seconded by Commissioner Jerrybeth De Mello and carried to approve APPL NO. 18, Kihei Boys Club LLC dba Sansei Seafood Restaurant, Steak & Sushi Bar.

VIII. ADMINISTRATIVE AFFAIRS:

A. Director's Monthly Report:

Acting Director Georgette Tyau reported the liquor license renewal went smoothly with 445 renewal total, 2 canceled liquor licenses, and 9 licensees that did not renew. The certification testing resumed on July 7, 2020. Gerald Rapoza, the Director of Kauai Liquor Control retired in June.

B. Temporary Investigative Group (TIG):

Commissioner Jamie Becraft reported the hiring process is moving forward with numerous applicants.

NOTE: Minutes without recording ended at approximately 9:30 a.m. The rest of the meeting from approximately 9:30 a.m to when the meeting adjourned at 11:57 a.m. was recorded and the minutes was transcribed by a certified shorthand reporter, Sandra Gran. (See attached Transcript of Proceedings)

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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 per
start of recording at approximately 9:30 a.m., on July 8,
2020.

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

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APPEARANCES

COMMISSION MEMBERS PRESENT:

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

STAFF PRESENT:

- DEPUTY CORPORATION COUNSEL: MIMI DESJARDINS
- DEPUTY CORPORATION COUNSEL: GARY MURAI
- ACTING DIRECTOR: GEORGETTE TYAU
- LIQUOR CONTROL OFFICER IV: KARILEE YOSHIZAWA
- COMMISSION SECRETARY: MARIA KHANGSENGSING

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(July 8, 2020)

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(Start of recording).

MS. KERITH HARDING: -- long been regarded as a risk factor for domestic violence. Although, it is still unclear the specific (inaudible) increased domestic violence, it's very clear that alcohol is involved in many incidents.

Additionally, the World Health Organization in their intimate partner violence fact sheet reports, evidence suggests that alcohol use increases the chance and gravity of domestic violence, showing a direct correlation between the two. Alcohol played a role in 55 percent of domestic violence cases among victims.

And, finally, in a recent address to the United Nations, the Secretary General said that for many women and girls, the COVID-19 threatens them largest where they should be the safest, their own homes. He said, We know lockdowns and quarantines are essential to suppressing COVID-19; however, they can trap women with abusive partners. And he urged all governments to make prevention of domestic violence against women a key part of their national response plans and, over 140 governments have supported this call.

So given the evidence of strong correlation between domestic violence and alcohol use in the home and given I think any of us would be hard-pressed to argue with the

1 expertise of the World Health Organization of the United
2 Nations, I would encourage the commission to deny this request
3 to make home delivery of alcohol with food a permanent change.
4 We don't need to do anything to encourage more drinking at
5 home. If people are too impaired to run to the store with a
6 mask on to grab it, they certainly don't need any help having
7 it delivered to their home, so please help keep our community
8 safe and do not implement a permanent rule change.

9 CHAIR ALULI: All right. Thank you, Kerith.

10 Commissioners, any question of Kerith?

11 (No response.)

12 CHAIR ALULI: Okay. Not seeing any, next to testify
13 is Dave Jorgensen. Dave?

14 MR. JORGENSEN: Good morning again. I am testifying
15 in support of the letter that was received or that was put out
16 there as to who is (inaudible). First, I want to thank you and
17 commend (inaudible) pandemic. There has been a good amount of
18 cooperation and (inaudible). For example, waiving the
19 requirement of somebody having a current, valid, in effect
20 insurance certificate if they were not open, you know, that's
21 something that was very much appreciated. Because of some of
22 the rules -- rule changes that allowed restaurants or bars to
23 open on -- with conditional abilities, it didn't become
24 necessary. I mean, if they were open, they had to have
25 insurance, but the willingness of the commission and the

1 department to work with licensees on that was very much
2 appreciated.

3 Right now, you all know what's going on and it's,
4 you know, the spike on Oahu and they're getting ready to cut
5 back, you know, bars and restaurants need all the assistance
6 they can get. I mean, they -- that is how the department
7 operates, from fees and monies paid by licensees. You know,
8 my understanding is that there's funds available in a -- in an
9 account, in the education account, that -- one way or the
10 other, I don't presume to understand exactly how the budgetary
11 process works for those funds, but I'm sure, I'm sure the
12 council, the mayor, you know, that everybody would cooperate
13 if there need to be adjustments made. A waiver or suspension
14 of the fees that need to be paid by licensees, the gross sales
15 tax, you know, whatever can be done, that would really help,
16 especially if there's other funds to help sustain the
17 department's operations.

18 In addition, clean-lining the approval process for
19 permits for applications, for the ability to expand their
20 service area outside, I mean, there's lots of things that
21 could complicate that work in many places, many, many places,
22 including Oahu, is my understanding. You know, if somebody
23 has limited indoor area that they, you know, have capacity or
24 30 percent capacity is not going work, but if they're able to
25 utilize an area that is cordoned off outside with some

1 assistance from the department, that would really help a lot
2 of licensees. Some licensees already have areas ready to go,
3 they just need (inaudible) from the hui.

4 As you know, I don't (inaudible) say this, but
5 (inaudible) random (inaudible) industry on the island and
6 (inaudible) appreciate all your efforts. Again, thank the
7 department for their assistance and cooperation during this
8 difficult time. Thank you.

9 CHAIR ALULI: Okay, Dave. Thank you.

10 Maria, are you -- you're still there, Maria; right?
11 Maria?

12 MS. KHANGSENGSING: Yes, I am.

13 CHAIR ALULI: Do you have the timer?

14 MS. KHANGSENGSING: Oh, I wasn't timing. I'm sorry.

15 CHAIR ALULI: Yeah. Do me a favor, if you would,
16 get the timer and if -- I'd like to ask the testifiers if
17 they'd please keep it to three minutes. And, Maria, if you
18 could give us a two-minute warning and then a three-minute
19 timeline, then we can get through this. Okay. Thanks, Maria.

20 Dave, thank you very much.

21 Commissioners, any questions of Dave?

22 (No response.)

23 CHAIR ALULI: Georgette, I'm sorry, I didn't ask you
24 if you wanted to comment. I'd like to ask that perhaps you
25 comment on any of the items or issues brought up by any of the

1 testifiers as it relates to the letter. So, Georgette, do you
2 have any comments on Dave's testimony?

3 ACTING DIRECTOR TYAU: Chair, now is for the
4 testifiers.

5 MS. DESJARDINS: Yeah. Could we -- could we get
6 through the public testimony per the Sunshine Law first --

7 CHAIR ALULI: Okay.

8 MS. DESJARDINS: -- and then direct comments from --

9 CHAIR ALULI: Yeah.

10 MS. DESJARDINS: And Georgette could take notes or
11 something --

12 CHAIR ALULI: Okay.

13 MS. DESJARDINS: -- that would be terrific.

14 CHAIR ALULI: All right.

15 MS. DESJARDINS: Thank you.

16 CHAIR ALULI: Thank you, Mimi.

17 All right. Let's move on to Pam Tumpap. Pamela.

18 MS. TUMPAP: Aloha, Chair Aluli and Commissioners.

19 I'm the president of the Maui Chamber of Commerce. I'm
20 pleased to be here with you today. (Inaudible) on a number of
21 important matters that affect our restaurants and bars in this
22 unprecedented time when every business is hurting and
23 particularly this segment of business has been hurting. You
24 know, we really feel this is a good time for the community to
25 come together to help these businesses survive and see a

1 number of ways that the commission can support these
2 businesses in Maui County by making some changes to liquor
3 laws that would be beneficial over all, but also particularly
4 in this time.

5 We support the Maui Restaurant Hui's request for
6 quick and efficient permitting of outdoor areas and allowing
7 for satellite bars, dance floors, music service, and other
8 activities within permitted areas to help them create
9 additional revenue by -- for patrons and abiding by social
10 distancing requirements. We also support a simple renewal of
11 license fees by an electronic system, delivery of alcohol with
12 food to go orders, and a review and modification of existing
13 rules and regulations would be beneficial to businesses now
14 and moving forward.

15 So we support all of the requests in their letter,
16 but we did want to expand and help educate on a critical issue
17 that is cited in the letter, but specifically relates to
18 COVID-19 that could be, in the future, related to other
19 economic downturns as well and that is how the department of
20 liquor control budget is set. The FY '21 budget was set and,
21 you know, pretty much created -- although it went through the
22 budget review process, but pretty much determined in advance
23 of COVID-19 and before we knew how hard hit we would be and
24 the percentage fee formula that has been in place for a while
25 doesn't take into account when there's an economic downturn.

1 We urge the commission to look at how it can either reduce the
2 budget or review the fee structure when the industry is
3 extremely hard hit. The system as it currently exists creates
4 an unknown in terms of what the bill will be for licensees.
5 They never really know what percentage of the budget they will
6 be required to pay until they receive that bill and what we've
7 found, in talking with licensees, is this hasn't really been
8 raised as a problem of late, because in a good economic it
9 works.

10 MS. KHANGSENGSING: Pamela.

11 MS. TUMPAP: Yes.

12 MS. KHANGSENGSING: One minute.

13 MS. TUMPAP: Okay. Great. Thank you.

14 But in a devastating economy, it doesn't. So,
15 basically, what we're hoping is -- they won't understand how
16 much of the share they will have to pay, so what we're asking
17 for is to revisit the system because, also, licensees are
18 personally liable and there's fines if they can't pay in time.
19 We're hoping for maybe some waiver of fees and/or for credit
20 extensions like has been done with wholesalers, looking for
21 options on how to best help this industry survive and continue
22 forward in this time when they're experiencing devastating
23 revenue losses. And I believe Amber from my office sent in
24 some written testimony, so you'll see additional details there
25 and I'll end now to try and stay on time.

1 CHAIR ALULI: Thank you, Pamela.

2 MS. TUMPAP: Thank you.

3 CHAIR ALULI: Next is -- next is Michael O'Dwyer.

4 MR. O'DWYER: Good morning.

5 CHAIR ALULI: Good morning, Mike.

6 MR. O'DWYER: Can you guys hear me?

7 CHAIR ALULI: Yes.

8 MR. O'DWYER: All right. Michael O'Dwyer is my
9 name, I'm probably familiar to some people. I represent
10 combined Mulligan's on the Blue, Fabiani's Wailea, Fabiani's
11 Kihei, and Mamma Mia Maui, a little healthy food store out by
12 Ohukai.

13 First and foremost, thanks for putting the
14 restaurant hui letter on the agenda, especially at such short
15 notice, and I think it's totally appreciated by all restaurant
16 owners on the island of Maui.

17 I'd just like to say that I have an opportunity to
18 open the lanai at Fabiani's in Kihei. It is a patio area
19 that's a common area, the landlord is being kind enough to let
20 us use it, we have donated all of the toys that were there for
21 children, and we want to serve alcohol with food on the lanai.
22 The only area inside I'm using for food and beverage service
23 is for kupuna. I believe because of the situation and the
24 increasing risks involved, that I need to serve food outside.
25 I am not opening any of my bar spaces at this moment because I

1 don't think it is healthy. So I am asking that if we apply
2 for a permit for extension of premises or to serve liquor on
3 an outside area, that if there's any way we could expedite
4 such -- such an application. Prior to this, to do this
5 application would be the same as applying for a new liquor
6 license, which approximately, as we know, takes six to 12
7 months between ads in the Maui News, letters to anybody in the
8 area, so forth and so forth. I'm asking if we could look at
9 the rules for this, maybe expedite with certain conditions and
10 permission from landlords, etc., etc. And I just want to say
11 thank you to everybody for helping us out at this time. Thank
12 you.

13 CHAIR ALULI: Okay, Mike. Thank you very much.

14 Next is Garrett Marrero.

15 MR. MARRERO: I've always gotta remember to take
16 myself off mute on these. Thank you for the opportunity.

17 I first want to applaud Georgette as acting director
18 and her team as well as the entire commission for taking the
19 time to hear some of these, you know, issues. I think it's --
20 there's a pretty longstanding challenged relationship, I
21 think, with licensees and liquor at times and, you know, we
22 understand, you know, as a licensee as well as part of the
23 hui, you know, there's an absolute need for liquor control.
24 No one is saying to disband, de-fund, or otherwise. We are
25 looking for a focus on education and on small business

1 support, finding a way to come together and actually promote
2 responsible alcohol consumption and responsible service, but
3 do so in a way that also supports small businesses. There is
4 often the feeling left that it is an active working against or
5 an active challenge as opposed to, you know, the focus on
6 really working together to promote our island and business
7 here.

8 We are large creators of jobs here on the island and
9 that is something that is going to be something that needs to
10 be taken into consideration as many businesses will fail. So
11 the more that we can work together in a positive way, I think,
12 the better, so I offer my time and my support. I just want to
13 come to the table and find a way that we can focus, again, on
14 education and small business support very similar to the
15 Oregon Liquor Control Commission, OLCC. I have a video I can
16 forward to you that talks about the struggles that that
17 organization had which are very similar to Maui County years
18 ago and how they have focussed, again, on education and
19 enforcement rather than carrying a big hammer and how
20 effective that was in promoting small businesses and positive
21 working relationships.

22 If I may, on delivery, I do think that it is an
23 important issue. We would love to continue that ability and
24 we will work with the department and the -- and our residents
25 here to find a middle ground; however, I have not heard of one

1 incident on Maui since deliveries have started where there
2 were any --

3 MS. KHANGSENGSING: Sorry, Garrett. You have one
4 more minute.

5 MR. MARRERO: Okay. Thank you.

6 So I don't believe there were any issues, but, you
7 know, I think with reform, we can always find a way to
8 mitigate those. I believe alcohol does need to be regulated,
9 of course.

10 The fee structure, again, to echo Pam, we don't have
11 any downside protection and we are concerned that we do not
12 have any sort of fee caps as they do on the rest of the
13 islands. The personal guarantees also provide a very big
14 challenge and disincentive to starting business when you could
15 potentially lose your home because of a personal guarantee on
16 a liquor license or any personal guarantee. I do think if
17 there was some way to find a way to extend credit terms to
18 licensees to pay those fees over time, that would be very
19 helpful as well. And knowing that my time is running out, I
20 do, again, just want to thank you for your time. I'm here to
21 support and to work with, not against, and I hope that we can
22 find a way to do that. So thank you for your time today.

23 CHAIR ALULI: Thank you, Garrett.

24 I don't see any other testifiers signed up on --

25 MS. KHANGSENGSING: Nane. Nane.

1 CHAIR ALULI: Yes. Yeah.

2 MS. KHANGSENGSING: Okay. There are a number of
3 people on the chat that want to testify. You need to scroll
4 up to the top to see the names, because as people add to the
5 chat, it pushes the previous one up, so you need to scroll up
6 to see the names. So the next one should be Cynthia Okazaki.

7 COMMISSIONER BECRAFT: Mr. Chair. Jamie Becraft.

8 CHAIR ALULI: Yes. Yeah, okay. Hold on.

9 Yes, Jamie.

10 COMMISSIONER BECRAFT: Are we --

11 CHAIR ALULI: I do not see that on my list, so I'm
12 not sure what's going on here. So I think what I'll do --

13 I'm sorry, Jamie. Go ahead.

14 COMMISSIONER BECRAFT: Do we wait till the end? If
15 I have questions for Garrett, should we -- should I be asking
16 them now?

17 CHAIR ALULI: Yeah, it would probably be better to
18 ask it when the person that's testifying is there, so, yeah,
19 go ahead, Jamie, ask the question.

20 COMMISSIONER BECRAFT: Garrett, Jamie Becraft. Are
21 you there?

22 MR. MARRERO: Yes. Yes, I'm here.

23 COMMISSIONER BECRAFT: Okay. So, you know, we --
24 you spoke of the -- you haven't heard of anything, I haven't
25 heard of anything, either, in regards to trouble with the home

1 delivery, I wanted to ask you, have you as a business owner
2 had any difficulties with the requirements we've placed? And
3 by that I'm specifically talking about have you been able to
4 take a photograph of the person who's made the order, take a
5 photograph of that person holding their identification and
6 (inaudible) overcome this issue of juveniles getting alcohol.

7 Yeah, somebody's got their mic still on.

8 CHAIR ALULI: Yeah. Somebody's got their -- yeah.
9 Please, those of you in the public, please mute your audio.
10 Be it on your phone or on the video, please mute your audio.
11 We're getting feedback and we can't hear what the person
12 speaking is saying, so please mute your audio.

13 Still hear it.

14 COMMISSIONER BECRAFT: Are you -- Mr. Chair.

15 CHAIR ALULI: Okay. Sorry. Go ahead.

16 COMMISSIONER BECRAFT: Are you able to mute them?

17 Anyway, Garrett, I'm sorry, you know, to summarize
18 my question, you know, I know we set in place a rule that you
19 have to take a photograph of the party ordering the liquor and
20 the food, that you have take a photograph of them holding
21 their ID, I would assume you're having them hold it next to
22 their face, taking a photo that's clear, you know, digital,
23 that can be seen in case there's ever any question of how
24 these deliveries are being made, if they're being made to
25 juveniles or not. Has your -- you, as a business owner, have

1 you had any difficulty doing that or maintaining those
2 records?

3 MR. MARRERO: No, we have not. I mean, it's a
4 pretty simple process to comply in this digital world, so --
5 you know, to be honest with you, we haven't done many
6 deliveries because I think they're -- we were somewhat late to
7 the party, if you will, in terms of being able to take
8 advantage of the governor's emergency proclamation, so the --
9 the ramp-up time to be able to properly advertise, to properly
10 communicate that this was available, and there's always the
11 skepticism, too, that: What do you mean, I can get it
12 delivered? This is so cool, but I'm not sure that that's
13 right legal-wise. So, you know, we've had to do a lot of
14 education, so I could -- I would -- to be honest with you, I
15 think we've probably done three or four deliveries out of
16 Kihei, not many. I do think that with proper structure and
17 time, we could build that into something more viable, but
18 let's recall, that is a highly inefficient system. It is not
19 going to be a -- like a Maui Brewing or other brewery delivery
20 service that has ten trucks on the road, you know, shelling
21 out pallets of alcohol to people. It is a very small niche
22 market and it is a convenience factor to have, when our
23 restaurant's fully open, a pizza and a six pack from one place
24 to deliver.

25 So to answer your question directly, no, we haven't

1 had any issues. Our hope is because of all of this extension
2 of COVID-related delays, as well as the fact that Maui County
3 was, what, seven weeks late to addressing the issue from the
4 governor, we were never really afforded the time to make that
5 work. And we would like it to be made permanent, I'd be open
6 to a trial basis that's extended to say, Hey, let's make sure
7 we build this thing right for the community, but allow it in a
8 responsible way beyond this. If we don't want to go permanent
9 today, I totally understand. I think it would be reasonable
10 to find the right way to move forward, but it is one more
11 avenue that eliminates unnecessary trips outside of the
12 residence to get food and beverage from a delivery.
13 Especially as we're getting ready to open up to tourism,
14 there's even more and more concern among residents of the
15 potential of exposure, so the safest place, as we've said for
16 many months, it's safer at home, so that shouldn't preclude
17 you from getting your food and beverage delivered. So that's,
18 you know, my take on delivery side.

19 COMMISSIONER BECRAFT: Thank you. I appreciate it.

20 MR. MARRERO: Thank you.

21 CHAIR ALULI: All right. I do now have the list
22 front of me. I see an Allyson Mattox. Alyson, are you there?

23 (No response.)

24 CHAIR ALULI: Okay. Next is Bev Gannon? Bev?

25 MS. GANNON: Aloha.

1 CHAIR ALULI: Aloha.

2 MS. GANNON: Hi. How are you?

3 CHAIR ALULI: Okay. Thank you, Bev. You've got
4 three minutes. Thank you.

5 MS. GANNON: Okay. First of all, I just want to say
6 thank you to everybody. I believe that we are seeing the most
7 forward movement we have in my 33 years of doing business on
8 Maui as far as getting some changes, some more efficient ways
9 of -- of running the department of liquor, of looking at what
10 needs to happen in the future in the island of Maui as far as
11 coming up to date to the 21st Century of what has happened
12 over the last, you know, 80 years on how to control liquor.

13 We are looking at keeping our customers safe. I
14 think that most of the restaurants on the island have totally
15 followed rules. We don't want people leaving our
16 establishments being overserved, yet when we do a wine dinner,
17 we want to be able to put down five wine glasses on the table
18 that were going to have small pours in them so that you have a
19 wine dinner, which happens all over the world. I think it's
20 probably time now to make just current changes, changes that
21 will help, you know, update how we do things on Maui when it
22 comes to alcohol.

23 So I'm looking forward, I see a lot of positive
24 movement with -- with the commission. I think that the fact
25 that we're looking for a new head of the department of liquor

1 control, that as we move forward, we, as the Maui Restaurant
2 Hui, or any of the restaurants here will have a chance to help
3 guide how things need to go. We are not looking at taking it
4 over or saying we want this and it has to happen like this,
5 we're looking for partnership with everything, because we are
6 now -- talk about a pandemic --

7 MS. KHANGSENGSING: I'm sorry, Bev. You've got one
8 more minute.

9 MS. GANNON: The pandemic is happening to us along
10 with a tsunami and an 8 point Richter scale earthquake. We
11 all want to stay open, we all want to be able to open, we are
12 all out of money, so whatever help that we can get from the
13 department of liquor to keep our doors open, we are a vital
14 part of our economy on these islands. So I thank everybody
15 for all their consideration. It's been awesome to see
16 responses that we've been -- that we're getting from you guys
17 and, hopefully, moving forward, we'll form this great
18 partnership that allows us all to stay in business, or helps,
19 at least. Thank you.

20 CHAIR ALULI: Thanks, Bev.

21 Any questions for Bev?

22 (No response.)

23 CHAIR ALULI: Okay. Thank you very much.

24 Next I see Chelsea Gonzales.

25 MS. GONZALES: Hi, there. Thank you for the

1 opportunity to testify. I understand I have three minutes, so
2 I'm going to keep it brief. My name is Chelsea and I'm the
3 statewide coordinator for the Hawaii Alcohol Policy Alliance
4 and we're an organization and we have members made up of --
5 from across the state and we advocate for research-based
6 responsible alcohol policies.

7 And I just wanted to keep it brief and echo a lot of
8 what (inaudible) at the beginning. I wanted to remind folks
9 that many of these laws and policies regulating the
10 availability and access to alcohol pre-COVID were based on
11 years of evidence and practice to reduce the excess of alcohol
12 consumption, alcohol-related injuries, hospitalizations, and
13 mortality, so undoing these policies would be a huge step
14 back.

15 The concern with the carryout cocktails and the
16 delivery of alcohol, specifically, is that it drastically
17 increases the availability within our homes and the science is
18 so clear from the World Health Organization and the CDC that
19 increasing availability leads to increasing consumption,
20 which, of course, leads to the increase of alcohol-related
21 harms and violence. And I understand that we're all hurting
22 right now and it's because of COVID. The World Health
23 Organization recommends to just avoid alcohol altogether and
24 so -- and the CDC says that alcohol weakens your immune
25 system, your body's ability to fight infections, and so many

1 other things that it can make it harder for you to get better
2 if you're sick. So I just wanted to bring all of those points
3 to light because we just want to really come together during
4 these unprecedented times. The community needs to keep each
5 other safe so that we can fully recover in all aspects of our
6 communities. Thank you for your time.

7 CHAIR ALULI: Okay. Any questions of Chelsea?

8 (No response.)

9 CHAIR ALULI: Okay. Thank you, Chelsea.

10 Move on to -- Craig, I see you up here. Did you
11 want to testify, Craig Nakamura? Okay. Next --

12 MR. NAKAMURA: No, Mr. Chair, I was -- I was called
13 and asked to call back in again because of, apparently, some
14 public testimony on the Sansei matter. I believe Keri knows
15 about that.

16 ACTING DIRECTOR TYAU: Yes, Chair, there was --

17 MS. DESJARDINS: Can we take a recess and discuss
18 that after public testimony, if you don't mind holding the
19 line, Mr. Nakamura?

20 MR. NAKAMURA: Sure. No problem.

21 CHAIR ALULI: Okay. Thank you, Mimi.

22 All right. So next on the list is Cynthia Okazaki.

23 MS. OKAZAKI: Thank you.

24 CHAIR ALULI: Oh, okay. Thank you, Cynthia.

25 MS. OKAZAKI: Hi.

1 CHAIR ALULI: You have three minutes. Thank you.

2 MS. OKAZAKI: Okay. I'm Cynthia Okazaki, a resident
3 of Oahu and member of the Hawaii Alcohol Policy Alliance.
4 Although I live on Oahu, my daughter and her family live on
5 Maui, my two grandchildren are teenagers.

6 Although there was wide support for the concept of
7 temporary deregulation during this time of COVID-19, since
8 some businesses will not weather the storm and close
9 permanently, making this regulation permanent will have long-
10 term impacts and poses a significant increased public health
11 risk to the general population. I'm sorry, I'm just
12 addressing the bullet regarding approval of delivery of
13 alcohol with food to go orders on a permanent basis and not
14 the entire letter. Nationally and in Hawaii we have seen off-
15 premise and online sales of alcoholic beverages skyrocket to
16 record highs during this pandemic. These relaxed restrictions
17 will affect the health and safety of our youth.

18 The public health concern with cocktails to go and
19 delivery of alcohol is that it dramatically increases the
20 availability within our community. The science from the World
21 Health Organization and Centers For Disease Control is
22 clear -- and this was mentioned earlier -- increased alcohol
23 availability leads to increased alcohol consumption, which
24 leads to increased alcohol-related harms and violence in our
25 community. In April an investigation by the California

1 Department of Alcoholic Beverage Control discovered that
2 third-party delivery services are routinely delivering
3 alcoholic beverages to minors. In four out of five instances,
4 a minor could successfully order an alcoholic drink on a
5 delivery app. You do not need the same problem to start
6 occurring on Maui and possibly the rest of the state. Now
7 that bars and restaurants are reopening --

8 MS. KHANGSENGSING: Cynthia, you have one more
9 minute.

10 MS. OKAZAKI: Thank you.

11 Now that bars and restaurants are reopening their
12 doors to dine in, please do not make the delivery of alcohol
13 to go orders permanent. Put the public -- put the health and
14 safety of families in Hawaii first and ensure that the
15 allowance of the permanent delivery of alcohol to go orders
16 will not extend beyond the governor's executive order.

17 Thank you for letting me testify.

18 CHAIR ALULI: Thank you, Cynthia.

19 Any questions of Cynthia?

20 COMMISSIONER U'U: Question.

21 CHAIR ALULI: Okay. Yes, Bruce.

22 COMMISSIONER U'U: Thank you for your testimony,
23 Cynthia. I wanted to ask a question. We put restrictions in
24 place for deliveries where you need to be an employer -- or
25 employee and you need to take a picture, a photo picture of an

1 ID with the person getting the deliveries, was that -- was
2 that process ever studied on the process of what Maui is doing
3 currently?

4 MS. OKAZAKI: Not that I know of, but some other
5 people who are testifying may be able to answer that,
6 residents of Maui, but I know that there are compliance issues
7 with that that were discussed here on Oahu.

8 COMMISSIONER U'U: Okay. Thank you.

9 CHAIR ALULI: Okay. Any other questions for
10 Cynthia?

11 (No response.)

12 CHAIR ALULI: If not, I'll move on to Dan Collins.
13 Dan Collins, are you there?

14 (No response.)

15 CHAIR ALULI: Okay. I don't -- he's not responding,
16 so move on to Dean. Dean, are you there?

17 (No response.)

18 CHAIR ALULI: Okay. Next in line is D.G. D.G., are
19 you there?

20 (No response.)

21 CHAIR ALULI: Okay. Next is Garrett Tanaka.
22 Garrett Tanaka?

23 (No response.)

24 CHAIR ALULI: Nope. Then I have three Guests, but I
25 don't see any names. Is there any -- are there any other

1 testifiers out there that I do not have a name for?

2 MS. DESJARDINS: Chair.

3 CHAIR ALULI: Yes.

4 MS. DESJARDINS: We have -- U'i Kahue who like to
5 testify as well as Ashlee Klemperer and Chelsea Gonzales.

6 CHAIR ALULI: Okay. Thank you.

7 MS. KHANGSENGSING: And Rick Collins.

8 CHAIR ALULI: And Rick -- and Rick Collins.

9 MS. DESJARDINS: And Rick Collins.

10 CHAIR ALULI: I don't see him. Why don't I see
11 their names here?

12 Okay, all right. So Mimi or Maria, if you see their
13 names, can you call them out, then, 'cause I don't see their
14 names on my screen.

15 MS. KHANGSENGSING: Sure. The -- Ashlee Klemperer,
16 she requested to testify.

17 CHAIR ALULI: Okay. Ashlee? Ashlee, are you there?

18 (No response.)

19 CHAIR ALULI: Okay. I do see U'i Kahue here.

20 MS. KHANGSENGSING: Rick Collins as well requested
21 to testify.

22 CHAIR ALULI: I'm sorry. What was that?

23 MS. KHANGSENGSING: Rick Collins also requested to
24 testify.

25 CHAIR ALULI: Okay, all right. I see U'i's name

1 down here and Mimi mentioned that U'i was on the call, but --
2 U'i, are you there?

3 (No response.)

4 CHAIR ALULI: Okay. I see a Toby Fisher.

5 MS. KAHUE: I am here. I'm sorry.

6 CHAIR ALULI: Oh, U'i, sorry. Okay. Go ahead, U'i.
7 You've got three minutes. Go ahead.

8 MS. KAHUE: Yes, sir. Thank you, everyone, for your
9 time. Thank you for holding a special meeting. My name is
10 U'i Kahue, I sit on the board for Lahaina Town Action
11 Committee, a nonprofit. We are in support of the restaurant
12 hui. Although I don't think fees can be negated, I do believe
13 it should reflect the times and the current legislation and
14 the budget does not, so I do request that that be taken to
15 consideration. As the Lahaina Action Committee supports small
16 business and its community, I think the hui would definitely
17 help breathe life and they're a central part of our community.
18 To lose our restaurants and our hospitality would virtually
19 (inaudible).

20 Can you hear me okay?

21 CHAIR ALULI: Yes. There's -- again, we've got
22 somebody whose phone is unmuted, so --

23 Go ahead, U'i. Sorry.

24 MS. KAHUE: No problem.

25 I'm also a candidate for OHA, running for the

1 Molokai-Lanai seat, as such, I am for the micro-business, the
2 independent contractors, and the mom and pops. I'm hoping
3 that the legislation that's being proposed or the special
4 proposed rules will also help with the mom and pop restaurants
5 who are looking to stay alive, increasing their spaces, not
6 having to wait six to 12 months for -- for licenses, and
7 reduce fees so that they can go ahead and entertain or use
8 those options to promote business for them. And these are
9 members our community, so I also support that.

10 I think with the photo ID, I think that is a great
11 check and balance put in place and I don't think the
12 California study actually had that or -- or not significant
13 enough to -- so I think that Bruce was mentioning it would
14 help us in our situation here on Maui. And thank you for your
15 time.

16 CHAIR ALULI: Okay. Any questions for U'i, for U'i?
17 (No response.)

18 CHAIR ALULI: Okay. Let's see. I see Ralph
19 Gorgoglione. Ralph, are you there?

20 MR. GORGOGLIONE: It's me.

21 CHAIR ALULI: Okay. Go ahead.

22 MR. GORGOGLIONE: Thank you.

23 CHAIR ALULI: You've got three minutes.

24 MR. GORGOGLIONE: Thank you for allowing me to speak
25 today. This is specifically regarding the new Sansei

1 location. I'm a resident in that proximity, actually directly
2 across the street. I -- our intent today was really to ask
3 questions, it wasn't really to stage an objection. Although I
4 did file an objection, the reason for that was that I did show
5 up to the meeting, but I was never given any notice or
6 information about it being on Blue Jeans; otherwise, I
7 would've done that out of preference. So my -- my desire was
8 to ask -- be able to ask questions of the owners or their
9 representation, so I don't know if this is the correct venue
10 to that.

11 (Inaudible comments.)

12 CHAIR ALULI: Ralph, no, this isn't the -- that
13 testimony has already been closed for that particular --

14 ACTING DIRECTOR TYAU: Nane.

15 CHAIR ALULI: For that application.

16 ACTING DIRECTOR TYAU: Nane.

17 CHAIR ALULI: Yes.

18 ACTING DIRECTOR TYAU: Excuse me, Chair. This is
19 the one that Craig was -- had brought up --

20 MR. NAKAMURA: Yes.

21 ACTING DIRECTOR TYAU: -- that he was called for and
22 at the end --

23 CHAIR ALULI: Oh, I'm sorry. Yeah. Okay.

24 ACTING DIRECTOR TYAU: -- we were going to address
25 it.

1 CHAIR ALULI: After we get through the testimony on
2 the letter.

3 ACTING DIRECTOR TYAU: This is the one that we
4 had --

5 CHAIR ALULI: Yes. Okay.

6 ACTING DIRECTOR TYAU: -- contacted Craig for.

7 CHAIR ALULI: I'm sorry. I brought you in too
8 early, Ralph, so if you could just hold on, let me get through
9 the rest of the testifiers on the letter, and then we'll
10 address your issue. Okay?

11 MR. GORGOGLIONE: Okay. Thank you.

12 CHAIR ALULI: All right. Okay. Sorry.

13 Okay. So next is Rick, Rick Collins.

14 MR. COLLINS: Good morning. Good morning,
15 Commission and Commission Chair Aluli. Thank you for the
16 opportunity to testify today. My name is Rick Collins, I'm
17 a (inaudible) I'm also the director of the Coalition For a
18 Drug Free Youth here on Maui. And the Drug Free Youth
19 Coalition opposes the carryout cocktails and home delivery of
20 alcohol for the reasons provided here in my testimony.

21 You've heard folks talk about the World Health
22 Organization, they're urging us to reduce alcohol intake,
23 intake during this time and when possible, avoid it
24 altogether, it is a proven way to lessen the incidences and
25 severity of COVID-19. Instead of seeking ways to reduce

1 alcohol consumption in our community, delivery and carryout
2 cocktails is actually going to make it more easily consumable
3 and more available to our community, basically, increasing our
4 risk of COVID-related incidences and problems. Excuse me.

5 Your recent decision -- I can't help but say I told
6 you so. I think it was a month or two ago when I was here I
7 said this is the industry's intent to make this permanent, is
8 to use the guise of COVID-19. I think this is what we're
9 really seeing. We believe that this rule is shortsighted and
10 permanently designed from the beginning. The carryout
11 cocktails specifically seems to allow, as I understand the
12 rules, as we understand the rules, people to drive up in their
13 vehicles with cocktails and mixed drinks of any size in any
14 container with, really, no seal requirements. This rule not
15 only makes it easier to drink alcohol, but encourages open
16 containers of alcohol in vehicles, such a rule will certainly
17 contribute to higher rates of drunk driving and driving with
18 an open container and injuries in our county. We're concerned
19 about that.

20 This is only going to add to the already
21 overwhelming burden I think that you're hearing from a lot of
22 these restaurant owners and community members who are already
23 in a state of stress or in a state of high unemployment, this
24 is going add to that public health burden and we're very
25 concerned about that. A permanent rule change is simply not

1 only going to impact the general public --

2 MS. KHANGSENGSING: Sorry. You have one more
3 minute.

4 MR. COLLINS: Thank you.

5 It's going to impact law enforcement and first
6 responders and so we'd ask of you: Have you spoken to the
7 Maui Police Department to get their input on these new rule
8 changes? Have you spoken to the division's enforcement -- or
9 the department's enforcement division to get their -- their
10 sense of enforcement and how they plan to do this? I think
11 that that goes to Bruce's question about enforcement issues
12 and things and so I would kind of push it back on you to say,
13 Have you talked to them about it? I think that's prudent, to
14 say the least, to make sure that you talk to the enforcement
15 division within the department as well as first responders.

16 You know, COVID-related financial support through
17 PPP, EIDL loans, CARES Act funding, other local and state
18 government funding in grants and loans, that's what's going to
19 save the restaurant industry, not delivery and take out of
20 alcohol. The restaurant industry has been quoted saying it's
21 like Christmas in July with record amounts of alcohol sales
22 and so we are imploring you not only to --

23 MS. KHANGSENGSING: Rick, your time is up.

24 MR. COLLINS: -- repeal the current law, but
25 (inaudible). Thank you.

1 CHAIR ALULI: Okay, Rick. Thank you very much.

2 Any questions of Rick by any of the commissioners?

3 COMMISSIONER ANDRION: Nane, I have a question for
4 Rick.

5 CHAIR ALULI: Yes. Go ahead, Bobbie.

6 COMMISSIONER ANDRION: Hey, Rick, how are you this
7 morning?

8 MR. COLLINS: Hi Bobbie.

9 COMMISSIONER ANDRION: Hey, I've got a question for
10 you and I guess this is just to clarify. My understanding of
11 home delivery with beverages is when the -- someone orders
12 from a restaurant and along with that comes some cocktail or
13 beverage to be delivered at home, but what I hear you saying
14 is that -- my understanding is that they're putting liquor
15 in -- in the out to go and that's what your fear is, is that
16 you might have people drinking while they're intoxicated -- or
17 drinking while they're taking their home order? Is that -- is
18 that what you said in your testimony?

19 MR. COLLINS: Yeah, that's a great question. It's
20 two -- two points, I guess. The one is the carryout rule, the
21 carryout cocktail rule, which really doesn't have a lot of
22 rules around the size of the container. So if I go and order
23 a pizza down the street and also get a cocktail to go and
24 base -- I could be driving, essentially, with an open
25 container in my car, it's encouraging that. I hope that that

1 clarifies. And the delivery piece is simply that it makes
2 access easier. Now I can order on my app and get more alcohol
3 in my home quicker, easier, it's going to increase general
4 consumption in the community, which is going to, basically,
5 increase those consequences related to alcohol consumption.

6 Does that help clarify?

7 COMMISSIONER ANDRION: Thank you. Thank you.

8 MR. COLLINS: Yeah. Yeah. You're welcome.

9 CHAIR ALULI: Okay. Thanks, Rick.

10 Any other questions for Rick?

11 (No response.)

12 CHAIR ALULI: Okay. Not seeing -- thank you, Rick.

13 I'm not seeing any.

14 The next name I see on here is Robert Chapman.

15 (No response.)

16 CHAIR ALULI: Okay. No Robert. Next I see a Shane
17 Fukuda.

18 (No response.)

19 CHAIR ALULI: Okay. Tobi Fisher.

20 (No response.)

21 CHAIR ALULI: I do not see any other testifiers on
22 the line. Maria, do you see any, any more?

23 MS. KHANGSENGSING: Yeah. It looks like Garrett
24 wants to jump on again and make some clarification, that would
25 be Garrett.

1 CHAIR ALULI: Okay. Garrett, you've got three --
2 where's Garrett? Let's see.

3 MR. MARRERO: I won't take the three minutes.

4 CHAIR ALULI: Okay.

5 MR. MARRERO: I just wanted to clarify cocktails to
6 go, including beer to go as well, there absolutely is a
7 restriction, it has to be a prepackaged cocktail. Anyone who
8 is making cocktails to order and throwing them in mason jars
9 does not comply with TTB rules for packaging; therefore, a
10 cocktail has to be a prepackaged cocktail. So it is not
11 possible to get a to go beverage to consume on the way home
12 any less than it is to pick up a sealed beverage from a
13 grocery store and open it yourself. This is the law. What is
14 being done by some people needs to be hard-handed swift
15 punishment for that, because that is illegal.

16 But to Rick's point, again, man, I will always work
17 with you to find a solution, but that is not accurate
18 information. It must be a sealed package and that is --
19 currently the only cocktails available here are canned
20 cocktails and some very limited bottled cocktails. They're
21 low ABV and they are sealed, that is the legal way to do this
22 already. So I just wanted to make sure everyone knows what
23 the actual rules are.

24 MS. DESJARDINS: And, Chair, can I interject
25 something? This is corporation counsel.

1 CHAIR ALULI: Yes, Mimi.

2 MS. DESJARDINS: So under Hawaii Revised Statute
3 291-3.3, if you are carrying an alcoholic beverage in your
4 vehicle where the seal has been broken, which I suppose could
5 be construed to be, say, for example, a mason jar, that has to
6 be stored in the trunk or it has to be stored in an area of
7 the vehicle that is out of the reach of the driver if the
8 vehicle does not have a trunk. So there are laws that people
9 have to follow regardless of the home delivery options
10 available and HRS 291-3.3 is a violation. There other liquor
11 laws under the Hawaii Revised Statute that address this, but
12 that one's the most direct to this issue. Thank you.

13 CHAIR ALULI: Thank you, Mimi.

14 ACTING DIRECTOR TYAU: I think what Garrett is
15 bringing up is the TTB law that I had brought up that might be
16 a contradiction, but it's different from what the commission
17 has defined prepackaged.

18 MS. DESJARDINS: But I guess the point is, is that
19 it's prepackaged, but it's not a manufactured package, but
20 because we had this discussion the last time about things like
21 mason jars, which is not a manufacturer's seal, people still
22 have to follow the Hawaii Revised Statute when it comes to
23 transporting that in their vehicle, they're not excused from
24 that. So that should help clarify.

25 CHAIR ALULI: But that's the overriding law; right,

1 Mimi?

2 MS. DESJARDINS: Yes, that's correct. That has not
3 been suspended by the governor.

4 CHAIR ALULI: Okay.

5 ACTING DIRECTOR TYAU: Garrett was quoting in his
6 answer the TTB federal law.

7 MR. MARRERO: Yeah, that's correct. And my
8 understanding, too, is, you know, the reason that law exists
9 is because to actually package a beverage, there are certain
10 classifications of licenses and clearances you have to have.
11 So to merely make a cocktail in a -- in a mason jar does not
12 meet the federal criteria for that, so I -- I like to operate
13 in the abundance of caution and I would say that I would agree
14 with Rick, if there's any sort of package available that can
15 be easily consumed or opened without a seal or sold without a
16 seal, that is irresponsible. But a sealed canned beverage,
17 you know, a water cocktail, a Cooper Spirits cocktail, a Koloa
18 Rum cocktail in a bottle or in a can that is completely sealed
19 should be acceptable continued takeout. And let's remember
20 that takeout is already legal per code prior to COVID,
21 delivery was the issue that we were all talking about here,
22 so -- but, yes, direct to -- direct to your point, Georgette,
23 the -- I was quoting the TTB as it relates to packaging.

24 CHAIR ALULI: Okay. I do not see any further
25 testifiers on the line.

1 MS. KHANGSENGSING: Dave -- Dave Jorgensen wants to
2 speak on that point.

3 CHAIR ALULI: I'm sorry. Okay. All right. Dave,
4 go ahead.

5 MR. JORGENSEN: Chair, just to clarify, my
6 understanding is what everybody appears to be saying, but in
7 the clarification that was posted on the website from your
8 June 10th meeting, it says, Closed, in quotes, closed
9 containers shall be included under the definition of unopened
10 and prepackaged; i.e., paper cup, mason jar, etc. Many
11 licensees took that to mean they could sell mason jars and
12 paper cups with covers on them as closed or prepackaged
13 unopened containers, so that needs to be clarified, because
14 I've had arguments with clients and you can't do that. They
15 said, Look, it says right here. So I just wanted to point
16 that out. I agree with what Garrett said and agree with what
17 Rick's saying that it has -- it should be prepackaged, Koloa,
18 mixed drink, whatever (inaudible).

19 MS. KHANGSENGSING: I think there's only one,
20 actually.

21 ACTING DIRECTOR TYAU: That was -- that was posted
22 on the site per the commission's clarification. The
23 department's clarification was first prepackaged was
24 manufacturer sealed, but it was posted on the website after
25 the commission made motions to determine the definitions.

1 MR. NAKAMURA: Yeah. So that needs to be clarified
2 because what people think the rule is, is not what everybody's
3 saying the rule is. Licensees are confused by that and now I
4 am too.

5 COMMISSIONER YOKOUCHI: Chair, I have a question.

6 MR. JORGENSEN: Anyway, that was my point.

7 CHAIR ALULI: Okay. Yes, Leslie.

8 MR. JORGENSEN: Thank you.

9 COMMISSIONER YOKOUCHI: I'm wondering if we're kind
10 of confusing delivery and takeout in our conversation today.
11 The delivery --

12 CHAIR ALULI: You know, I'm going to -- yeah. And,
13 you know, I -- I am not in a position to answer that question,
14 I would have to revert to corp. counsel. The way that I see
15 this right at this particular point is I think the point that
16 Dave makes and the point that Garrett was making, we probably
17 should really clarify what is -- what we mean by, you know,
18 that -- that open container. It needs -- my thinking or my
19 position at this point is it needs the clarification that we
20 probably need to apply to that. But I would like to defer to
21 corp. counsel.

22 Mimi, what's -- what's your take?

23 MS. DESJARDINS: So I -- you know, I understand
24 where the confusion's coming, I see what Mr. Marrero is
25 saying. The governor's proclamation does not waive federal

1 standards and laws, so, in other words, the commission can
2 only create emergency rules consistent with our own state laws
3 like 281 -- I think it's 281-31 which was suspended in order
4 for home delivery to be allowed on a temporary basis. So when
5 I'm quoting the open container law, I'm simply doing that
6 because I know that the last time that Mr. Collins testified
7 too I believe he raised this issue, this concern about people
8 being able to have unsealed containers in their vehicle, but
9 if there are federal standards -- and Georgette knows more
10 about this than I do and Mr. Marrero's raising. If there are
11 federal standards about manufactured sealed products are the
12 only type of products that can be sold, then perhaps we need
13 to clarify that, because the governor's proclamation is real
14 clear that the governor doesn't have the authority to waive
15 federal standards. So maybe what we could do is hear from the
16 acting director as to whether she thinks there's a confusion
17 there between what the state law -- what the governor's
18 allowed to do and what federal law says you have to do.

19 ACTING DIRECTOR TYAU: I did bring it up at the
20 meeting when I gave our clarification that prepackaged, the
21 department looked at it as manufacturer sealed, the commission
22 did not agree with that, so that is why motions were made and
23 then clarification was posted. But it was the department's
24 standing that prepackaged meant -- and I believe I even gave
25 the example of Koloa Rum, etc. -- that prepackaged meant

1 manufacturer sealed and not sealed by the employee.

2 MS. DESJARDINS: And so are you saying that there's
3 a federal law that requires that?

4 ACTING DIRECTOR TYAU: At the time I said that TTB
5 regulations may come into effect because there are packaging
6 and we actually have a rule in there where any mixed drinks
7 have to be freshly made, so that's why the department had
8 determined it as manufacturer sealed and not sealed by the
9 employee.

10 MS. DESJARDINS: So my question is, is that a
11 federal law that you're citing, Georgette?

12 ACTING DIRECTOR TYAU: TTB is federal law, yes.

13 MS. DESJARDINS: Thank you. So we have to comply
14 with federal law, so -- so that's something that I think the
15 commission probably needs to examine is, are we consistent
16 with federal law, because we can't go beyond the scope of what
17 the state law allows.

18 CHAIR ALULI: So -- so, Mimi, my question would be,
19 then, that that being the case, even though at the last
20 meeting the commission did say any open container at all,
21 since federal law stipulates that that is not allowed, that
22 would override and that would be the law in place; correct?
23 Is that --

24 MS. DESJARDINS: What I would propose is to -- when
25 we get a -- when we take a recess after public testimony, I'd

1 like to take a look at that law that Georgette's referring to,
2 because I'm not familiar with it, and read it myself and then
3 I can give you an opinion. But I can't say federal law allows
4 this or that, because I don't have it in front of me.

5 CHAIR ALULI: Okay.

6 MS. DESJARDINS: So I'd like a chance to look at
7 that.

8 CHAIR ALULI: Okay.

9 COMMISSIONER BECRAFT: Mr. Chair. Jamie Becraft.

10 CHAIR ALULI: Yes, Jamie.

11 COMMISSIONER BECRAFT: I have a question for
12 Georgette. Georgette, can you hear me?

13 ACTING DIRECTOR TYAU: Yes.

14 COMMISSIONER BECRAFT: Okay. So when I was reading
15 the laws and stuff when we were trying to address this
16 initially -- and it was in regard to home delivery, that's
17 what all this discussion was about initially, as Leslie
18 pointed out. So when I was reading it, it talked about
19 growlers and it's my understanding that we've allowed growlers
20 and things in the past to be done. Now, that's not a sealed
21 container per se as like we're talking about right now is --
22 as what I'm hearing from -- from federal law requirements. Is
23 that correct?

24 ACTING DIRECTOR TYAU: No. What happens was the
25 department didn't include growlers because they didn't -- we

1 didn't think that the governor's proclamation included
2 growlers. So whoever could do growlers under state law could
3 still currently do growlers, so we didn't consider that the
4 prepackaged or sealed. We went by -- when the governor's
5 order said prepackaged cocktails, that's why we said
6 manufacturer sealed. And then if you look back at what I
7 said, it was we didn't consider that it addressed -- growlers
8 weren't addressed in the governor's proclamation, that whoever
9 could do growlers could still do growlers.

10 COMMISSIONER BECRAFT: Okay. So --

11 ACTING DIRECTOR TYAU: But we didn't originally
12 consider growlers as included in the governor's proclamation.

13 COMMISSIONER BECRAFT: It's my understanding that a
14 growler is not sealed. Is that --

15 ACTING DIRECTOR TYAU: That's why we didn't -- we
16 didn't include growlers. We didn't think the governor's
17 proclamation when he said, you know, beer -- the beer and the
18 wine and the prepackaged cocktails, we went by manufacturer
19 sealed, we didn't include growlers, so I originally said that
20 growlers were not addressed by the governor's proclamation.
21 We went with that it wasn't included in the governor's
22 proclamation, just whoever currently could go growlers could
23 continue to do growlers.

24 COMMISSIONER BECRAFT: Okay. I don't know if -- I
25 guess 'cause I'm hearing two things, is what I'm saying. I'm

1 hearing that we're saying that it is legal in some places or
2 it already was put in place to do growlers, so that's not a
3 sealed container as we're using the definition now saying that
4 it's federal, so I'm not -- I'm very confused.

5 ACTING DIRECTOR TYAU: No. Growlers -- growlers are
6 allowed like for restaurants, small crafts, brew pubs, but
7 it's limited to beer, malt beverage, or cider and they can do
8 like a takeout, it's not delivery. But growlers are allowed
9 for those classes of license currently. We didn't think the
10 governor's proclamation included growlers.

11 COMMISSIONER BECRAFT: Okay.

12 ACTING DIRECTOR TYAU: We didn't think it addressed
13 growlers, it was just the prepackaged --

14 COMMISSIONER BECRAFT: What I'm hearing, though, is
15 we're saying that the federal law prohibits anything of that
16 nature, that it all has to be prepackaged.

17 ACTING DIRECTOR TYAU: The prepackaged cocktails is
18 what is in question and, like I said, we went by manufacturer
19 sealed because they do sell prepackaged cocktails, which is a
20 spirit mixed with something else, not employee sealed. So
21 that's why when I first defined the department's clarification
22 at the last meeting, I said it was manufacturer sealed is what
23 we were going by, not -- not employee sealed.

24 COMMISSIONER BECRAFT: Okay. That federal statute
25 that you're speaking of, can you -- is there a -- something

1 you can text me so on our break I too can read it, so I can
2 punch it up on my computer.

3 ACTING DIRECTOR TYAU: I think if Garrett --
4 Garrett, you might have it, the TTB -- they're just different
5 TTB regulations concerning packaging and that's why I brought
6 up that this may be a violation of a TTB regulation regarding
7 packaging. They have so many regulations and that's why we
8 also have our own rule about mixed drinks where it has to be
9 freshly served and that's why it wouldn't have been allowed to
10 be taken out. But we had, like I said, determined that
11 governor's proclamation of prepackaged meant manufacturer
12 sealed, just so that --

13 COMMISSIONER BECRAFT: Yeah, but --

14 MR. MARRERO: Georgette, I'd be happy to find that
15 for you. I do have that in my -- the legislation from I think
16 15 years ago working on growlers. But malt beverages,
17 spirits, Kombucha, wine, they all have different requirements.
18 And beer, because it's not -- there's no pathogens that can
19 harbor in beer; whereas, a freshly mixed cocktail where you
20 have juice and spirits, that is something that can be an FDA
21 issue as well because there's no flash pasturization or other
22 treatment of that beverage. So with a food safety matter,
23 beer is not an issue. From the tap to the growler, not an
24 issue. It's specifically around the prepackaged cocktail.
25 And I'd be happy to work with everyone on this. Obviously,

1 we've gone through this many, many times.

2 I would lodge one consideration is that the freshly
3 served does make sense, at the same time I think we've all
4 been places where we've had Froses and slushies and I do think
5 that allowing a restaurant to be able to make a batch cocktail
6 does make sense. But to put it in a sippy cup to go, probably
7 not a good idea. But, again, it's -- TTB regulates flavored
8 malt beverages, FSBs, malt beverages including beer, ale or
9 lager, as well as spirits and wine, etc. So the
10 classifications are very different and we're not in an issue
11 with growlers at all at this time.

12 CHAIR ALULI: Okay, Garrett. Thank you very much.
13 You know, I -- I'm sorry.

14 MS. DESJARDINS: Can I just make one comment, Chair?

15 CHAIR ALULI: Yes. Go ahead, Mimi.

16 MS. DESJARDINS: I just want to be very, very clear
17 on this discussion because my understanding is, is that the
18 only situation in these emergency rules that we are concerned
19 about right now is whether or not allowing a cocktail that is
20 not manufacturer sealed violates federal law; otherwise,
21 everything else that we've done I'm not worried about. So
22 we're laser focusing just on that example; is that correct?
23 Can I get it back from you, Georgette, is that what we're
24 looking at in terms of the emergency rules? I'm only
25 concerned about that right now, whether that violates federal

1 law or not.

2 ACTING DIRECTOR TYAU: So if, Garrett, you could
3 provide it. Like I said, there's different -- there's
4 different items to -- if someone wanted to do something, they
5 would provide us the TTB clearance, 'cause TTB would look at
6 it.

7 MR. MARRERO: Yeah, I'd be happy to work with the
8 department to -- (inaudible) to help with that. I'm at your
9 service as well. So I will pull some of that research and
10 I'll get it over to you, Georgette.

11 ACTING DIRECTOR TYAU: Thanks, Garrett.

12 CHAIR ALULI: Okay. I'd like to continue on. If
13 there's any further testimony to be given on the hui letter.
14 Is there any -- I'd like to ask if there's anybody else that
15 wishes to testify?

16 (No response.)

17 CHAIR ALULI: If not -- I don't see anything.
18 Maria, do you see anybody else? Bev Gannon, if you could --
19 Sorry. Go ahead.

20 MS. KHANGSENGSING: The only person that I know
21 that's -- that requested to testify was Ashlee, but I don't
22 know if she's on line.

23 CHAIR ALULI: Okay.

24 MS. KHANGSENGSING: (Inaudible) off and then she was
25 the only one that didn't testify that asked to be -- asked to

1 testify.

2 CHAIR ALULI: Okay, all right. Thank you. All
3 right. Then I am going to close public testimony now and ask
4 that, Georgette, if you would like to respond, I'd appreciate
5 that, to any of the items that were brought up by any of the
6 testifiers.

7 ACTING DIRECTOR TYAU: Just a couple. Someone
8 mentioned bond and guarantee, like putting up their home, bond
9 and guarantees were already removed as a requirement in the
10 last rule amendments. And if you wanted me to go through like
11 percentage fee, the percentage fee collected, we collect our
12 council-approved budget. We're one of the only, I think,
13 counties that only collect what we need, what is council is
14 approved. Anything we don't use goes back to the licensee.
15 We don't collect a flat rate anymore, so the current
16 percentage fee is 0.47. So the cost of a liquor license is
17 their basic fee, which is minimal, like a dispenser general or
18 restaurant general would be \$600, and a percentage of their
19 gross liquor sales, currently it's 0.47, so 47 cents for every
20 \$100 that they make is what they pay for their liquor license.

21 CHAIR ALULI: Okay.

22 ACTING DIRECTOR TYAU: As far as rule changes go,
23 that's dictated by HRS 91-6 and Rule 08-102-11, Petition for
24 adoption, amendment, or repeal of rule. So any permanent rule
25 changes, there is a process already set.

1 CHAIR ALULI: Okay. Any other comments you'd
2 like -- Commissioners, do you have any questions of Georgette
3 regarding the hui letter?

4 COMMISSIONER BECRAFT: Mr. Chair. Jamie Becraft.

5 CHAIR ALULI: Yes, Jamie.

6 COMMISSIONER BECRAFT: Yes, I have -- Georgette, I
7 have some questions. So this has been pretty much where we've
8 been headed for a long time, or at least I can speak for some
9 of us and definitely myself, we're really -- things like
10 simplifying the renewal of licenses and putting things online
11 to make things easier for the licensees and also the question
12 in regard to, you know, making it easier for them to use.
13 Like Fabiani's, as he was explaining, he wants to use the
14 outside, are there things that we can do or are we doing
15 things now to eliminate these long wait times? I heard
16 Fabiani's was saying that it takes six to 12 months 'cause
17 you're essentially starting over again, if he wants to allow
18 dining and drinking outside.

19 ACTING DIRECTOR TYAU: No. I don't know what
20 they're talking about. So a permit application, anybody who
21 wants to do an extension of premises, that would be by permit
22 application. We haven't had many during COVID, I believe we
23 had one extension of premises. But that would be by permit
24 in-house, which takes -- we require ten working days and then
25 they would go on to the agenda. We haven't had any issues,

1 like I said, we've only had one person requesting an extension
2 of premises, but that would be by a permit process, not a
3 license application. Even satellite bars or dance floors,
4 that is all by permit. And we have people who come in and
5 what we try to express to them is apply for any area you may
6 want to utilize. You don't need to utilize it, but you have
7 it in case you do. So that is also just by a permit
8 application. Licensing has been very efficient in doing it.

9 COMMISSIONER BECRAFT: Okay. So if I'm hearing you
10 correctly, if someone were to come in and -- 'cause one of the
11 things I read in here is they're saying that they want to not
12 be as stringent so that they can, you know, during this time,
13 move things around, you know, to make things safe and
14 functional for them. So if I'm hearing you correctly, you're
15 saying that if they come in and, say, designate their whole
16 area of what they own property-wise, do that one time, that'll
17 give them the leeway to move things around? Is that correct?

18 ACTING DIRECTOR TYAU: Yeah. So a permit
19 application, for example, an extension of premises, something
20 connected or adjacent, they would have to show exclusive
21 control, that it is in their control, and then they would
22 define the areas that they want to use as a dance floor, as a
23 bar, but they can choose as many areas as they want. We
24 already have current -- we already do those things where
25 people have different functions so they know they want to

1 utilize different areas, so it's just on the floor plan, but
2 we do need to define areas in order to enforce. So it comes
3 in and it's done in one permit application.

4 COMMISSIONER BECRAFT: And that permit would -- that
5 would be for one specific event or that's for like, say, the
6 next year?

7 ACTING DIRECTOR TYAU: No. It's up to them. Some
8 of them do permanent permit applications, so it's just as long
9 as their license is in existence.

10 COMMISSIONER BECRAFT: Okay. And then the licensee
11 would -- doing this process could expect to have it completed,
12 if I heard you correctly, in ten days and then -- for your end
13 and then it would have to come to the board for our approval?

14 ACTING DIRECTOR TYAU: No. What they do is,
15 depending on what it is -- if it's a big extension of
16 premises, it would go to the commission; otherwise, permits
17 are done in-house. We'll start working with them within that
18 ten days if -- and as long as the licensee brings in and has
19 all the required documents that they would need, it gets
20 processed.

21 COMMISSIONER BECRAFT: So -- all right. So I didn't
22 hear you correctly. So you're saying the ten days is -- is
23 that you guys, your section would start working with them, so
24 what is it, the expected time that they'd be looking at --
25 they'd be looking at for completion of this process on

1 average?

2 ACTING DIRECTOR TYAU: No. They look at it as soon
3 as -- it's on a first come, first serve, we look at every
4 application. It's just depending on what the licensee, if
5 they're missing anything. As soon as everything is in,
6 licensing completes it.

7 COMMISSIONER BECRAFT: Okay. So I guess what I'm --

8 MR. NAKAMURA: Excuse me. Excuse me. It's Craig
9 Nakamura. Sorry, it may not be the appropriate time to
10 interrupt, but I just wanted to clarify one thing, because I
11 think this is what Commissioner Becraft is getting at. As
12 Georgette is mentioning, you know, if it's a substantial
13 extension of the premises, it requires commission approval.
14 The question is: What is substantial? And if a commission
15 approval is required, because the commission only meets once a
16 month, you know, I have one of these pending right now and
17 it's for a -- I think it's a -- it's a lanai extension, if I
18 recall correctly, it is about 20 feet or so that they want to
19 extend to utilize the exterior area, but that's requiring
20 commission approval, so that's going to be a delay of at least
21 until, you know, next month when the commission meets.

22 COMMISSIONER BECRAFT: And, Craig, how long --

23 MR. NAKAMURA: So it's not a --

24 COMMISSIONER BECRAFT: How long has this process
25 been going on so far for you?

1 MR. NAKAMURA: Not that long. I think we submitted
2 the action maybe last week. You know, you're required to have
3 plans for the extension area, you're required to have your
4 lease cover that area, and there's a permit application. In
5 this situation, we were also required to provide the names of
6 all the owners within the 500-foot radius, which is an
7 additional -- you know, I mean, that's an additional cost and
8 expense for the client, and then it requires commission
9 approval. So I guess if the commission believes that it is a
10 substantial extension, then we have to give notice and there
11 has to be a public hearing, so that's another, you know, two
12 months, so that could be -- you know, another two months,
13 August, September, October before, you know, we could get that
14 permit extension approved.

15 CHAIR ALULI: So, Craig, I mean -- or, Georgette, I
16 would -- I would -- this is Nane speaking. Could the
17 difference be if it requires an actual redesign, let's say
18 either architecturally or, you know, some physical redesigning
19 of the premises, that that would have to be -- that'd have to
20 go before the commission. If it's a situation where within
21 the confines of their current application or license, it's
22 moving say, for instance, a table outside an area that's
23 already been approved, all that needs is a permitting, then.
24 Is that correct, Georgette? It's a permit from the -- from
25 the department.

1 ACTING DIRECTOR TYAU: What Craig is talking about
2 is a substantial extension --

3 CHAIR ALULI: Right.

4 ACTING DIRECTOR TYAU: -- of premises. What happens
5 is if someone within the 500-foot radius wasn't previously
6 notified on the original license, that is the HRS requirement
7 that they may need to re-notify the 500-foot radius depending
8 on how big the extension is and if it affects property owners
9 that weren't previously notified. If it's someone just
10 extending outside on to their lanai, normally that's not an
11 issue, we just do a permit in-house. What Craig is talking
12 about is still a permit, but it's the same as when we had
13 another one that went to the commission, it was up to the
14 commission to decide if they had to do the 500-foot
15 notification depending on how many new property owners were
16 being affected or if there was protest prior.

17 MR. NAKAMURA: So I can tell you, Mr. Chair, the
18 prior policy of the department was that -- and correct me if
19 I'm wrong, but the prior policy was that if -- they considered
20 substantial to be approximately doubling the size of the
21 existing premises, so that was considered to be substantial
22 enough that, you know, the neighbors had to be notified and
23 you had to go through the hearing process. If it was less
24 than that, the permit would be -- would've been approved
25 administratively, meaning no hearing before the commission was

1 required.

2 ACTING DIRECTOR TYAU: Nobody in the department ever
3 had a thing about doubling the size, it was more an effect of
4 if it was -- if it was affecting new property owners.

5 COMMISSIONER BECRAFT: So, Georgette, is it -- you
6 know, so the question, I think, really is, is what do we
7 consider substantial. Everybody has a different opinion, I
8 suppose. I don't consider 20 feet substantial in any type of
9 construction at all and I've built some stuff and worked with
10 construction people, but now I don't know, you know, what laws
11 may be in play. So now I'm hearing instead of it being a size
12 matter now, it's just an issue of always it's going to be the
13 public, so then that would -- now I'm hearing you say that, in
14 short, any -- anything now would have to go to public and then
15 have to come to us, so it isn't based on size.

16 ACTING DIRECTOR TYAU: It depends on factors such as
17 we believe it was more than 20 feet, it was something like
18 1400 square feet, but it's in an area, Kihei Kalama Village,
19 that has a lot of complaints already and it may affect new
20 property owners and that's why it's going before the
21 commission to decide on the notification. We've done that
22 previously --

23 MALE SPEAKER: Can I interject for a second, please?

24 CHAIR ALULI: Yeah, and we have, we have done that
25 in the past. If, in fact, there were other property owners

1 that were being impacted, yes, it came before the commission.
2 And I think that's a really valid point because we, obviously,
3 want to make sure that the surrounding areas, that the people
4 are going to be impacted, as is the case when they originally
5 applied for their license, that needs to be addressed.

6 And, you know, I think we need to move on from here,
7 because we're not going really clarify this rule at this point
8 and I think this needs more discussion in another -- at
9 another time. I really would like to get through the open
10 letter that we have put on the agenda and if there are any
11 further comments that Georgette would like to make, to do so.
12 If not, I would like to ask that we go back to the issue that
13 was in the licensee area since we have Mr. -- since we have
14 Craig on the line and we also have a person who wanted to
15 testify. That was on Application No. 18; right?

16 MR. NAKAMURA: Yeah. Mr. Chair, I -- Craig Nakamura
17 again. I just wanted (inaudible) --

18 (Background noise.)

19 COMMISSIONER BECRAFT: We can't hear you. We have
20 somebody in the background laughing. Please mute your mic.
21 You're laughing in the background.

22 CHAIR ALULI: Yeah. Whoever has not muted your mic,
23 please mute your mic. Hello?

24 (Background noise.)

25 CHAIR ALULI: Hello? There's somebody on the line

1 or on the meeting that is not muting their mic, would they
2 please mute their mic?

3 MS. DESJARDINS: Can we take a short recess, Chair?

4 CHAIR ALULI: Yeah, okay. I'm going to call for a
5 five -- a ten-minute recess.

6 (Pause in Proceedings: 10:42 a.m.- 10:51 a.m.)

7 CHAIR ALULI: We're back in session. We're going to
8 readdress Item No. 18, Kihei Boys Club, LLC dba Sansei
9 Seafood. We had a gentleman who wished to testify and I want
10 to give Ralph -- how do you pronounce your last name, Ralph?

11 MR. GORGOGLIONE: Gorgoglione.

12 CHAIR ALULI: Gorgoglione, good Irish --

13 MR. GORGOGLIONE: Yes.

14 CHAIR ALULI: -- no, Italian name. Okay. I'd like
15 to give Ralph an opportunity to provide his testimony at this
16 point. So, Ralph, go ahead.

17 MR. GORGOGLIONE: Aloha, everyone. Thank you for
18 having this meeting today. I actually showed up -- I received
19 a notice from the representatives for Sansei since I am a
20 resident adjacent to the new location that they're -- that
21 they're putting in and on the -- on the notice it gave the
22 time and place for the meeting, it made no mention of any type
23 of online Blue Jeans meeting. So I was there at quarter to
24 9:00 and then a gentleman came out to ask, you know, if he
25 could help us and we told him we were there for the meeting

1 and that's when he informed us that it was on Blue Jeans.

2 CHAIR ALULI: Oh, sorry about that.

3 MR. GORGONGLIONE: Yeah. So we had no intent,
4 honestly, of staging an objection, but I did -- the only
5 reason I did is because I was not given the opportunity to
6 come in and ask some questions of the establishment
7 representatives. So I don't know if they're here, if anyone
8 from Sansei representatives are on this meeting or not, is --
9 does anyone know?

10 CHAIR ALULI: Yeah. I think Craig, the attorney
11 representing -- representing them.

12 'Cause, Craig, you're there; right?

13 MR. NAKAMURA: Yes, I'm here, Mr. Chair.

14 CHAIR ALULI: Okay.

15 MR. NAKAMURA: Unfortunately, Mr. Kodama, he did
16 contact me, he was on earlier, but he's no longer on the
17 phone.

18 CHAIR ALULI: Okay.

19 MR. NAKAMURA: But I'm able to answer his questions
20 that he -- that he has.

21 CHAIR ALULI: Okay.

22 MR. MURAI: Mr. Chair? Mr. Chair?

23 CHAIR ALULI: Yes. Who's that?

24 MR. MURAI: This is Gary Murai.

25 CHAIR ALULI: Is that Jamie? Oh, Gary.

1 MR. MURAI: This is Gary Murai.

2 CHAIR ALULI: Yes, Gary.

3 MR. MURAI: You know what, Mr. Chair, of course,
4 it's up to you how you wish to run this, but what I -- my
5 understanding is what we're doing is we're reopening public
6 testimony.

7 CHAIR ALULI: Right.

8 MR. MURAI: Generally, public testimony is not for
9 posing questions. So if the testifier has a statement or if
10 he wants to express what his concerns are, that would be
11 appropriate, but I don't believe it's appropriate to pose
12 questions to the licensee by the public.

13 CHAIR ALULI: Oh. Good point. Okay. So they can
14 provide testimony, right, and that's it?

15 MR. MURAI: Right. This is -- right.

16 CHAIR ALULI: Okay. But unless -- well --

17 MR. NAKAMURA: And, Mr. Chair --

18 CHAIR ALULI: Yes. Go ahead, Craig.

19 MR. NAKAMURA: And, Mr. Chair, it's Craig again.
20 Sorry. You know, and as he's saying, he's not really
21 objecting, you know, I'd be -- I'd be happy to answer or get
22 answers to his questions, you know, offline once the meeting
23 is over.

24 CHAIR ALULI: Okay.

25 MR. GORGOGNONE: Let me clarify. Let me clarify.

1 I did -- I did file an objection while I was there and I got
2 it stamped from the clerk. The reason why I filed an
3 objection is because I was not given the opportunity as the
4 notice that I was given to come and ask the questions, so --

5 CHAIR ALULI: Okay. Ralph, I'll let you -- go
6 ahead, ask your question. Go ahead.

7 MR. GORGOGLIONE: Really, it's not -- it's -- to be
8 honest with you, we're -- my partner and I, we are very
9 conducive to businesses here, we want them all to succeed,
10 and -- but since we are such in close proximity to this new
11 location, my questions are: To my understanding, the liquor
12 license is appurtenant to live entertainment. Is that
13 correct?

14 CHAIR ALULI: Craig, did you hear his question?

15 MR. NAKAMURA: Oh, I'm sorry, I wasn't sure who he
16 was directing the question to. Yes, that -- the liquor
17 license does allow live entertainment.

18 MR. GORGOGLIONE: Okay. So this -- this is the area
19 that we were concerned about. And also, by the way, we've
20 been given authorization to speak on behalf of our neighbors
21 at 21 Kupuna as well, but they couldn't make it here today.
22 My questions are -- I can see the building from where I'm
23 actually sitting right now, that's how close we are, so my
24 concerns are the last establishment that was there, to my
25 understanding, that was not maybe exactly what you're doing,

1 but something close to it, was Ocean's Bar & Grill and there
2 were issues there. I took the liberty of pulling up historic
3 police reports and there were, you know, from 2010 to 2017
4 there were 57 calls received that varied in nature. But my
5 question is I can see -- I don't know if you know the
6 specifics or not, but I can see it. It appears to me there
7 used to be windows there that you could open, like it could be
8 like an open-air type of setting, but it looks like they
9 replaced the windows. Is that correct? Do you know?

10 MR. NAKAMURA: I'm sorry, Mr. Chair, I don't know
11 the answer to that question.

12 MR. GORGOGLIONE: That's okay. And the only reason
13 why we're asking is we're hoping that they -- they were
14 replaced with permanent windows because our concerns as
15 residents is the noise, of course. To my understanding, from
16 the residents that lived here while Ocean's was here, the
17 noise was so bad that the homes would actually vibrate and the
18 windows would actually vibrate and this was, you know, 10:00,
19 11:00, 12:00, 1:00 in the morning type of thing and I'm
20 assuming that's where many of the complaints were stemming
21 from. So my questions to the representatives of Sansei is:
22 Have you or are you making any type of arrangements for noise
23 control and what activities is it that you have planned? Is
24 it live music? Is it karaoke like you have at the existing
25 Sansei? And if that's the case, are you taking any

1 precautions knowing that you're that close to a residential
2 neighborhood here?

3 MR. NAKAMURA: Mr. Chair, I think the key to the
4 testimony here is that he's trying to relate the Sansei
5 restaurant to Ocean's and the complaint that -- complaints
6 that were received regarding Ocean's and I think we're -- we
7 were all familiar with the Ocean's operation and some of the
8 police reports and complaints that came in about Ocean's and I
9 would say that it's a completely different operation. In
10 fact, Ocean's was -- was probably more of a bar/nightclub
11 setting than Sansei. And I'm -- I'm not sure if the testifier
12 is familiar with the current Sansei operation which is -- you
13 know, has been in existence for over 15 years. I've
14 represented them the entire time, I'm not familiar with any
15 noise complaints that that location has received. From what I
16 understand, the operation will be very similar; in other
17 words, it will be a restaurant, I believe they have karaoke, I
18 believe they may have -- I'm not sure about this, but I
19 believe they may have live entertainment from time to time,
20 but if anything, it's probably on special occasions and for
21 situations where, you know, large groups are in the
22 restaurant. And not necessarily bands, but maybe just
23 entertain -- you know, one or two entertainers. So, again,
24 Sansei is not a nightclub or a bar. Sansei is a well
25 established restaurant that's been in operation for many years

1 and with no noise complaints that I'm aware of.

2 CHAIR ALULI: Okay.

3 MR. GORGOGNONE: To my understanding, I believe
4 that to be true, but the only difference is when we're talking
5 about the new prospective location, which is not the same.
6 The new -- the Sansei existing is in a commercial area, it's
7 not within open, close proximity to the residential
8 neighborhood. And, once again, honestly, guys, I'm not --
9 we're not here to stage a protest and stop you from opening
10 and all that kind of stuff, I just want to know what
11 precautions you're taking for noise control being that this
12 new location is so close and open to the residential
13 neighborhood. That's all. And I'd like to know stuff like
14 what hours are you going to be having live music and/or
15 karaoke and do those -- are those -- you know, stuff like
16 that, that's -- that's what I'd like to know.

17 CHAIR ALULI: Okay. Ralph, and since this is public
18 testimony and there are -- three minutes is allowed, we
19 appreciate your concerns and you have given your testimony.
20 At this point I will -- I think Craig has addressed your
21 issues. I would ask that if you have anything more specific
22 than you've already asked him, is that you contact them
23 directly.

24 Okay. Having said that, I would like to ask the
25 commissioners if they would like to change their vote or

1 whether their votes stand. If not, then the vote stands, the
2 approval has been given. So I ask individually of the -- of
3 the board -- let's see.

4 COMMISSIONER ANDRION: Mr. Chair.

5 CHAIR ALULI: Yes.

6 COMMISSIONER ANDRION: Roberto Andrion. I have a
7 question. Being that this has been brought up prior to us --
8 I mean, after we voted, is there -- is there some
9 clarification that we can have addressing Mr. -- Ralph's
10 question pertaining to the noise level?

11 CHAIR ALULI: You have a question, Bobbie?

12 COMMISSIONER ANDRION: Yes. I just want to ask as
13 far as the noise level, what -- was that -- was that ever
14 looked at when the -- when they did make their application,
15 when Sansei made their application for a license?

16 MR. NAKAMURA: Well --

17 COMMISSIONER ANDRION: I guess that would be
18 addressed to Craig.

19 MR. NAKAMURA: Yeah. I think that -- excuse me. I
20 think that in the normal construction process, you know,
21 they're aware of the -- of the operations that they intend to
22 have and they would address the -- you know, the noise issues,
23 if any. I don't think they really anticipate that there will
24 be any noise issues. Like I said, I'm not familiar with
25 whether or not the windows are being closed, the testifier

1 seemed to believe that they were being sealed. You know, I
2 understand the premises will be air-conditioned and closed and
3 thus, you know, little, if any, noise should escape from the
4 premises if there's any kind of an entertainment, live
5 entertainment within the premises.

6 You know, what I would -- what I would say is that,
7 you know, this is not Ocean's, again, this is a brand-new
8 application, a brand-new licensee, not the old licensee, and
9 we should give the -- Sansei the opportunity to, you know,
10 conduct its business just as it's done in the past, you know,
11 15 years at the current location. The commission does have
12 rules pertaining to noise, regulating noise, you know, by
13 decibels and so on and so forth, they're very specific, and if
14 there are any complaints that the -- any of the neighbors
15 have, they can address them to the commission or the staff and
16 they can take the appropriate -- the testing and things that
17 are provided in the rules. So, again, I think we should give
18 the applicant the opportunity to operate its business there
19 and -- and to see that, you know, there will be no problems.

20 MR. GORGOGLIONE: Yeah, but have they taken any
21 consideration, have they thought about it, have they done it
22 knowing that they're going to be in close proximity to a
23 residential neighborhood?

24 MR. NAKAMURA: Well, again, I'm not -- I'm not -- I
25 can't tell you the specific things that have been done. I'm

1 sure that they will -- they have addressed any kind of
2 concerns. They know the kind of operation that they have and,
3 you know, I think those things are taken into consideration.

4 MR. GORGOGLIONE: Well, then that's -- that's what I
5 would like to know --

6 CHAIR ALULI: Okay.

7 MR. GORGOGLIONE -- the specifics, what consideration
8 have they -- what steps have they taken, that's all, you know.

9 CHAIR ALULI: Okay, all right. I'm going to close
10 this testimony for now and ask the commissioners if any of
11 them wish to change their vote at this point.

12 (No response.)

13 CHAIR ALULI: Not seeing that any of the
14 commissioners want to change their vote, the vote stands, the
15 motion for approval stands. Thank you very much.

16 COMMISSIONER BECRAFT: Mr. Chair.

17 MR. NAKAMURA: Thank you. Thank you.

18 CHAIR ALULI: Okay.

19 COMMISSIONER BECRAFT: Mr. Chair. Jamie Becraft.

20 CHAIR ALULI: Yes, Jamie.

21 COMMISSIONER BECRAFT: I think just because of our
22 format of Blue Jeans, maybe we should poll each -- each one of
23 our members to make sure we don't have any issues with our
24 voting as we have in the past.

25 CHAIR ALULI: Okay, all right. Good point, Jamie.

1 Thank you.

2 So, Leon Bolosan, does your vote still stand as
3 approved?

4 COMMISSIONER BOLOSAN: Yeah. My -- my vote will
5 still stand the same.

6 CHAIR ALULI: Okay. Roberto Andrion?

7 COMMISSIONER ANDRION: My vote still stands with the
8 understanding that if it is going to be a closed building,
9 then the -- I think that would address the noise issue.

10 CHAIR ALULI: Okay. Jamie Becraft?

11 COMMISSIONER BECRAFT: My vote stands. Thank you.

12 CHAIR ALULI: Bruce U'u?

13 COMMISSIONER U'U: Aye.

14 CHAIR ALULI: Stan Ruidas?

15 COMMISSIONER RUIDAS: Stan is aye.

16 CHAIR ALULI: Stan?

17 COMMISSIONER RUIDAS: Aye.

18 CHAIR ALULI: Okay. Aaron Boswell? Aaron?

19 COMMISSIONER BOSWELL: My vote stands.

20 CHAIR ALULI: Okay.

21 COMMISSIONER BOSWELL: My vote stands.

22 CHAIR ALULI: Leslie Yokouchi?

23 COMMISSIONER YOKOUCHI: My vote stands, but I also
24 want to learn more about the window and the noise.

25 CHAIR ALULI: But it stands at this point. Okay.

1 Jerrybeth De Mello? Jerrybeth? You've got to
2 unmute. Wait. Hold on.

3 COMMISSIONER DE MELLO: Vote stands.

4 CHAIR ALULI: Okay, all right. The motion carries.
5 No opposition, so the approval stands. Thank you.

6 MR. NAKAMURA: Thank you very much.

7 CHAIR ALULI: Let's move on to the Administrative
8 Affairs, Item D, Presentation by Maui Police Officer Rodney
9 Haia relating to drunk driving prevention program at King
10 Kekaulike High School.

11 Officer Haia, are you -- are you there?

12 OFFICER HAIA: Yes. Yes, I'm here.

13 CHAIR ALULI: Okay. Sorry. All right. So you've
14 got the floor.

15 OFFICER HAIA: All right. Thank you very much. I
16 see some familiar faces. Actually, the Sergeant there.

17 I'm Officer Haia, Maui Police Department. I'm
18 currently assigned to a school resource officer here at the
19 JCPD, Maui Police Department. I'd also like to take the time
20 to thank you guys. I know it's been a long day for you guys
21 listening to all of this.

22 And I just want to share our division, our vision
23 and the new program that we're trying to implement in our high
24 school. Just a little bit of background of our -- our
25 program: JCPD stands for Juvenile Crime Prevention Division.

1 It's made up of school resource officers who are all in the
2 public high schools and due to manpower, we have some in the
3 middle schools, we have juvenile investigators who also are
4 officers, and we have juvenile counselors who are non-sworn
5 civilians.

6 As of right now, we have some programs such as the
7 Poi Program, the Kalo Program, and we have a program called
8 Second Chance. Those programs are diversion programs that are
9 for nonviolent crimes, non-felony, first-time offenders for
10 these juveniles. When they come through the program, we try
11 to direct them in a new way and then better their life and
12 prevent them from going to -- doing the same problems or same
13 offenses that they do.

14 So I'm always trying to implement new programs into
15 our division and that's why -- that's what we do. Recently,
16 as a school resource officer during the summer months, we go
17 and we do special operations such as youth deterrence down at
18 the beaches where we dress in plain clothes and we go and try
19 and bust these juveniles or underage, anybody under the age of
20 21, underage drinking, vaping, smoking marijuana, and that
21 sort of stuff. And within these last few months, it really
22 made us realize that, you know, we still have this big problem
23 of underage drinking at Big Beach, at the Big Beach and we was
24 actually up at Poli Poli doing an operation up there, a lot of
25 kids go up there and party as well. So I was able to see

1 firsthand, you know, the problem that we still have and -- and
2 I know that we need to take more than just proactive measures,
3 we need to -- we need a program to put into these high schools
4 to -- to prevent them to even be at that situation. And we
5 cannot -- we as officers and the community, we cannot be there
6 baby-sitting these kids all the time and we also cannot rely
7 on just their parents to teach these kids. We cannot sit in
8 the back seat, we've gotta take action.

9 So I did some homework on this program and the
10 studies have shown that someone has died every 15 minutes from
11 an alcohol-related collision and, hence, the name of Every 15
12 Minutes, which is the name of this program. And it was first
13 started in Canada and presented in California back in 1995.
14 It's been widely used since then all over the United States
15 and if -- you know, talking with a few officers at their
16 schools that have done it, it has been working great for them,
17 a lot of success, and so we want to implement these in our
18 high schools as well. As far as the -- our homework, my
19 homework, we couldn't find any high school in Maui, neither in
20 Hawaii that have done this program. It's a very long planning
21 program just because we go and we get everybody involved. We
22 get high school students, the high school staff, the parents,
23 the fire department, the police department, the hospital, the
24 medics, the morgue, the liquor commissioners, so everybody's
25 involved in all of this, this planning of this program.

1 And what I'm going to do is I'm just going to go
2 into a little bit of details. It's a two-day event of a very
3 powerful, staged scene of a collision. And I'm going to try
4 and explain the best way I can and then I'm gonna show you a
5 clip on YouTube to kind of give you guys the idea of how it
6 works. So the first day of this event, the selected students,
7 we have every 15 minutes when the school starts, so probably
8 around eight o'clock, we take an officer, a counselor, and a
9 Grim Reaper and we go in there and select a student that
10 actually dies in the -- in the collision later on that
11 afternoon, we pull that student from the class. The officer
12 then gives an obituary, the counselor -- the counselor sits
13 there and tells the kids that, you know, if you guys are in
14 need of any counseling, that they're there for them, and that
15 kid gets removed, they have no contact with friends for the
16 rest of the day. That happens, then about -- right about
17 lunchtime, before or after, it depends on the schedule, a
18 staged, real-life stimulated drunk driving collision occurs on
19 the campus at the high school or wherever we can actually find
20 a venue. And the seniors and juniors get to watch this, they
21 come out and they watch this event, staged event.

22 The fire department, the medics, the police, they
23 all arrive on scene and do their duties just like a real-life
24 scene and they also can get their practice in as well. From
25 there, there's students that die on scene, there's students

1 that are transported to the hospital, and then the drunk
2 driver gets arrested. And then what happens is we want this
3 thing to be as real as possible, so the family actually gets
4 called to the hospital to come and if their children -- if
5 their child is dying, passed away, they've got to come and
6 identify them, we have the parents go to the morgue for the
7 ones that have died on scene. And the crowd can witness all
8 this happening as well. So that's the first day event in a
9 very shelled, very brief explanation. At the end of the day,
10 we take these students on a retreat and that retreat also
11 symbolizes that they have no contact with family and friends.

12 The second day they come back to school, we have an
13 assembly and the assembly is where -- actually, that is going
14 to be the most powerful for everybody because the -- the
15 juniors and seniors come in and watch -- watch this video that
16 we make, which I'm going to show you a video. It's kind of
17 hard to explain, but I'm gonna show you the video that is
18 created through -- through the days prior and the actual event
19 that happens and then they get to see what happens when -- at
20 the hospital scenes, at the courthouse, at the morgue, at how
21 these families are devastated and affected by these decisions
22 they make by drinking and driving.

23 Also, there's a staged funeral that the students
24 that died, they actually read a letter that they write the
25 night before at the retreat which actually starts with, Dear

1 Mom and Dad, Every 15 minutes someone dies or is seriously
2 injured in an alcohol-related collision. Today I died and I
3 didn't have the chance to tell you good-bye. And then they go
4 on from there. The parents actually write a letter as well
5 and they read that in front of the -- in front of the crowd.

6 Let's see. That's day two. We're also looking at
7 bringing in some motivational speakers. We found a few
8 motivational speakers from the mainland that have actually
9 been in a real-life situation: One person is in a wheelchair
10 from a drunk driver; another girl, she's missing her limb. So
11 I think it's great for these kids to actually see and hear
12 these people talk, it'll really bring out the emotions in
13 them.

14 Let's see. So right now I'm going to actually play
15 this video for you guys. I'm gonna turn off the camera and
16 I'll move it to this other screen, turn the camera back on,
17 and I'll kind of narrate it as we watch this video. If you'll
18 just bear with me, I'm going to turn this off.

19 (Pause for video set up.)

20 OFFICER HAIA: All right. So like I was saying, the
21 beginning of every video, if you search it up on YouTube of
22 Every 15 Minutes, every high school has a different story line
23 prior to the collision and a little bit of different scenes
24 after. So basically, I just went to the middle of this when
25 the collision happens, how the staged scene occurs, and then

1 what happens after that. But these kids were at a party, one
2 of them ended up getting behind the wheel and driving
3 intoxicated.

4 (Playing video.)

5 OFFICER HAIA: So this scene here would actually be
6 staged at the high school.

7 So initially I know I said in the first proposal
8 that we were planning on doing the school at King Kekaulike
9 High School; however, we changed the venue to Baldwin High
10 School just because it's centralized, everything's closer,
11 they actually have an auditorium area to stage this scene.

12 So, again, it's very graphic, it's very raw, and
13 it's very powerful for these kids to watch this.

14 And I think the best way for these juveniles to
15 learn, especially as a human being, is to learn through
16 experiences; however, this experience can't learn -- you can't
17 really learn from this, 'cause the consequences is
18 devastating: Death, seriously injured, jail time.

19 I'm going to skip around a little bit and -- when
20 they stage the scene, some gets to the hospital and they may
21 have a hospital scene.

22 We have the parents come to the ER.

23 So I think when we -- when the students in the
24 community watches this, this is what's really going to hit
25 them, the emotion in these -- when we capture these points

1 right here in our video, that this is what really hits home
2 for families and also the juveniles.

3 All right. So I'm going to pause the video again,
4 put my camera back up.

5 (Pause for video set up.)

6 OFFICER HAIA: All right. So that's just a short
7 clip of what would -- and then you kind of see how much
8 planning we have and that's why it takes about six to 12
9 months prior to these events.

10 Now, when we talk about cost, I was not really able
11 to compare this, this program to anybody in Hawaii, 'cause we
12 couldn't find any schools for that help; however, we were able
13 to contact some officers on the mainland and California and
14 they -- they estimate this program to be between ten and
15 fifteen thousand and it all depends on, you know, what you do,
16 how many people you use, how many people are donating their
17 time and all -- and all that stuff. So as of right now, we
18 estimate, I'm estimating the cost to be about 10,000, that --
19 that's just because we have a videographer, which is anywhere
20 between three to five thousand dollars, which we've quoted.
21 We have food that we want supply the volunteers on every
22 meeting, especially the two days event, and the food, we're
23 averaging about \$2,000. Like I mentioned before, the
24 motivational speakers, I don't think they cost anything
25 already when they're here; however, we've gotta take care of

1 their accommodations and airfare. And then the retreat when
2 we take these -- the selected kids away on the first night,
3 that's going to depend on the -- the funding as well and where
4 we can have this retreat and what we can do for them.

5 So just in closing, you know, I believe that this --
6 this program is very powerful, it's as real as they're gonna
7 get to an experience like this. And this program Every 15
8 Minutes will have a long-lasting impact on these -- these
9 juveniles, but not only the juveniles, though, our entire
10 community, because these -- this -- these videos can be used
11 on all kind of different platforms, it can be posted on our --
12 our website, whoever's website that is trying to prevent
13 drinking and driving. Initially, including all of us state,
14 county, and local agencies participating in this program, it
15 can -- it'll expand and reinforce the existing friendships
16 that we have with them and just build a safer Maui community.

17 That's about all I have at this time. I would take
18 any questions if you guys have any.

19 COMMISSIONER BECRAFT: Mr. Chair. Jamie Becraft.

20 COMMISSIONER ANDRION: Nane, you're on mute.

21 CHAIR ALULI: Jamie, go ahead. Sorry.

22 COMMISSIONER BECRAFT: Thank you.

23 Thank you, Officer Haia. It's good to see you. And
24 I'm -- I like -- you know, I appreciate what your efforts are
25 and where you're headed. For the board's knowledge and

1 anybody's who's listening in, you know, I was -- I was with
2 traffic, probably about 15 years of my career was spent doing
3 fatal traffic investigation in some form or fashion or another
4 with traffic, so I know that -- firsthand that's a big issue.
5 And back in my time, Baldwin was a really hot spot, we were
6 losing probably two to four students every year and we were
7 trying to reach out to them too and do different things. So I
8 like this program, I had never seen it before, but it seems
9 like it has some real upsides. I wanted to ask you if you've
10 had a chance, if not -- you know, if you had a chance to work
11 with traffic at all in this, talk to anyone in there, and I
12 guess and specifically I want -- because there's some videos
13 that they had made before, I think it was called In Loving
14 Memory. Have you -- way before your time.

15 OFFICER HAIA: Yeah.

16 COMMISSIONER BECRAFT: Way before you were hired, I
17 know, but have you -- have you had a chance to see any of that
18 or work with traffic?

19 OFFICER HAIA: I haven't seen that program, I've --
20 what was the other one? Shattered Dreams, I believe. There's
21 a few staged scenes videos that they did and -- and when you
22 talk about working with traffic, Lieutenant Gomez now is
23 talking with the commander down there and see how we can
24 all -- you know, they kind of want us to head, spearhead, get
25 everything set, and then they'll -- they'll help where they

1 can.

2 COMMISSIONER BECRAFT: Certainly, I'm not -- I
3 didn't mean to infer for them to take over, I was only
4 thinking about when you were talking about bringing in guest
5 speakers from the mainland and stuff, you know, there's people
6 that have been injured, there's actually a lot on Maui. If
7 you -- if you look at those videos that -- those videos that
8 were previously made, like the one that I was present for was
9 made with Sergeant Stacey Yamashita at the time, and there's
10 some powerful statements from surviving siblings and things
11 where like the sister comes on and goes, you know, The police
12 came and knocked at the door, you know, they weren't nice,
13 they just said that my brother was dead. You know, that's
14 what the public hears when they're told, but, of course, it's
15 not said in those -- in that manner at all. You know, I've
16 been present for -- for notifications, it's not said that way,
17 but that's how it's perceived because nobody wants to hear it.
18 There's a lot of members out there, if you look there, that
19 you may be able to draw upon our own community and say,
20 listen --

21 OFFICER HAIA: Yeah. Yeah, we did. We've looked
22 at -- I was -- I forgot to mention that as well, but, yes, we
23 did look at some families, especially some recent ones as
24 well. The Hannah Brown family is really involved in this
25 stuff, so we were looking at maybe the mom and their family to

1 come and speak as well about these kids.

2 COMMISSIONER BECRAFT: Right, and there's several.
3 Just as a reference point, you can go back in there and see
4 who's already participated. Of course, the local guys, I
5 mean, always -- like you said, you can't really -- you don't
6 want anybody to learn from an actual experience, a real one --

7 OFFICER HAIA: Right.

8 COMMISSIONER BECRAFT: -- but as close as you can
9 get by getting them to have family or members of the community
10 that know each other and it's like, Oh, my God, yeah, I
11 remember his father, and things like that, you know.

12 OFFICER HAIA: Great.

13 COMMISSIONER BECRAFT: But I -- you know, I applaud
14 you. You know, you've gotta keep -- you've gotta keep trying.

15 OFFICER HAIA: Thank you. Thank you.

16 CHAIR ALULI: So any other commissioners have any
17 questions of Officer Haia?

18 (No response.)

19 CHAIR ALULI: Okay. Officer Haia, thank you very --
20 Yes. Go ahead, Bobbie.

21 COMMISSIONER ANDRION: Nane, I have --

22 CHAIR ALULI: Yeah.

23 COMMISSIONER ANDRION: Officer Rodney.

24 OFFICER HAIA: Yes.

25 COMMISSIONER ANDRION: What is MPD's plan on putting

1 this into play? If I missed it, I'm sorry, could you just
2 repeat it.

3 OFFICER HAIA: I'm sorry, I forgot to mention. So
4 it's in hope right now that we do it the spring of 2021 and,
5 of course, that's all going to determine on this -- how
6 school, this school year runs with this pandemic, but that is
7 our plan to do it in the spring of 2021, just before
8 graduation season.

9 COMMISSIONER ANDRION: That would be -- that would
10 be good, because basically people's gonna be graduating and
11 there's going to be a lot of drinking. Of course, at that
12 time, they're still underage. And I think that would be --
13 that would be ideal to -- to actually set that, that tone that
14 responsible drinking is for -- especially for teenagers and I
15 guess everyone that drinks. Well, like Jamie said, thank you
16 for -- for your efforts.

17 OFFICER HAIA: Thank you.

18 CHAIR ALULI: So, Officer Haia, have you -- have you
19 approached any other entities for funding also --

20 OFFICER HAIA: No, not at this time.

21 CHAIR ALULI: -- at this point? No.

22 OFFICER HAIA: Not at this time.

23 CHAIR ALULI: Okay. Are you planning to?

24 OFFICER HAIA: Yes.

25 CHAIR ALULI: Okay.

1 OFFICER HAIA: We're trying to see as much as people
2 and wherever we can get keep from.

3 CHAIR ALULI: As many -- right. Okay.

4 OFFICER HAIA: 'Cause not only this year we want to
5 plan, we plan on -- you know, I believe that we can't do these
6 programs once every ten years, we've gotta continually do
7 these programs.

8 CHAIR ALULI: Right.

9 OFFICER HAIA: Consistency is the key with these
10 juveniles. And the reason why they do it with the seniors and
11 junior class is because this program costs us money and they
12 can do it every other year at the high school.

13 CHAIR ALULI: Right. Okay. Good point.

14 So any other questions of Officer Haia?

15 COMMISSIONER BECRAFT: I just wanted to add in, if I
16 may.

17 CHAIR ALULI: Yes, Jamie.

18 COMMISSIONER BECRAFT: Jamie Becraft. The --yeah,
19 your point of doing seniors and juniors -- not that those are
20 the only ones that are -- are dying, but they are our -- were
21 the majority when I was working because of the celebration and
22 their age, they're getting, you know, older and older, so I
23 think you're focused properly.

24 And the last thing I wanted to add was one last
25 thought for people that you may want to be able to bring in to

1 talk and it won't cost as much is we had a -- and I wouldn't
2 say the name if I could remember it, but we had a really
3 horrific fatal up in Kula area where the kid, he had killed
4 like five of his friends in one crash.

5 OFFICER HAIA: Yes.

6 COMMISSIONER BECRAFT: And I don't know if you were
7 in at that time, were you -- you might -- might've just
8 started.

9 OFFICER HAIA: I think that was before me.

10 COMMISSIONER BECRAFT: It was before you. Traffic,
11 again, Lieutenant Hankins will probably have this data for
12 you, but that kid's doing a lot of time for -- for that crash
13 and killing all the -- you know, all of his other friends.
14 The -- you know, those are other really powerful speakers that
15 you could probably bring in from -- from the jail, you know,
16 if you have this amount of time to start working on it. But,
17 again, good luck, Brother.

18 OFFICER HAIA: Thank you very much.

19 CHAIR ALULI: Okay. Officer Haia, thank you very
20 much for your time and for your presentation. I think it
21 gives us all reason to be really conscientious about trying to
22 come up with ways to address our younger -- our teenage
23 generation and this is real problems with drinking and alcohol
24 consumption.

25 So let's now move on to Item E, which seems

1 interesting because it -- it's a Review and discussion and
2 possible decision as to the liquor education fund grants.

3 Georgette, I would like to ask you, if I could,
4 what --

5 ACTING DIRECTOR TYAU: I have it on there -- I have
6 it on there because we have -- for HRS 281-17.3, we can do 10
7 percent, so we have 26,000 that needs to be allocated. Yuki
8 Lei Sugimura and Officer Hankins previously also did a
9 presentation in March for the HP Baldwin High School Students
10 Against Drunk Driving program where they're going to do
11 posters, so they also requested funds. So we have two on the
12 table: The HP Baldwin High School Students Against Drunk
13 Driving program and the Every 15 Minutes program, so a
14 suggestion could just be allocating 13,000 each for a grant.

15 CHAIR ALULI: Georgette, right now, the only two
16 people -- or the two -- only two entities that have approached
17 the department regarding funding are these two; correct?

18 Is that correct, Georgette, Yuki Lei and Officer
19 Haia?

20 ACTING DIRECTOR TYAU: Yes.

21 CHAIR ALULI: Okay.

22 COMMISSIONER BECRAFT: Mr. Chair. Jamie Becraft.
23 Is that -- are those --

24 CHAIR ALULI: Yes, Jamie.

25 COMMISSIONER BECRAFT: Are those funds coming from

1 this year or this is next year's funding that we're speaking
2 about it, the 26,000.

3 ACTING DIRECTOR TYAU: This is for liquor education
4 fund.

5 CHAIR ALULI: Yeah.

6 ACTING DIRECTOR TYAU: This is for our liquor
7 education fund. We've previously provided a grant to another
8 entity, but they already -- I mean, they're -- they have their
9 fundings for this year.

10 CHAIR ALULI: Right.

11 ACTING DIRECTOR TYAU: So these two are coming for
12 our liquor education fund, which is our fine money. We can
13 only do --

14 COMMISSIONER BECRAFT: Just so --

15 ACTING DIRECTOR TYAU: Yeah. We can do 26,000, so,
16 like I said, you could do 13,000 each.

17 COMMISSIONER BECRAFT: Is that like our year -- is
18 that like our budget that it renews every year, that it's a
19 different number every year?

20 ACTING DIRECTOR TYAU: No. HRS 281-17.3 reads not
21 to exceed 10 percent a year we can use it for public
22 education. Currently, we couldn't use anything. So ever
23 since we could use it, we've been providing a grant, so right
24 now we can use 26,000 that can be allocated.

25 COMMISSIONER BECRAFT: Okay. I guess my question

1 is, is that is this money -- like we just budgeted for
2 recruitment and we used it from this year's budget.

3 ACTING DIRECTOR TYAU: That's true. That's a
4 different fund, that is liquor fund.

5 COMMISSIONER BECRAFT: Correct.

6 ACTING DIRECTOR TYAU: This is liquor education
7 fund.

8 COMMISSIONER BECRAFT: Right. So I'm asking when
9 does this -- when does that money expire and when does it get
10 renewed, is what I'm asking, so --

11 ACTING DIRECTOR TYAU: We put it through council.
12 We put it through council. It's a revolving fund, but we put
13 it through council to utilize a grant this year.

14 COMMISSIONER BECRAFT: And does it expire, this
15 26,000?

16 ACTING DIRECTOR TYAU: It's going to change. So we
17 got approved for a grant for Fiscal Year '20-'21, so once we
18 know who's getting the grant money, they'll write up the
19 grants. So it is for this fiscal year, the 26,000 to be
20 allocated.

21 COMMISSIONER BECRAFT: So it's about to expire,
22 then?

23 ACTING DIRECTOR TYAU: It's not going to expire,
24 it's not about expiring, it's just that we got approved to
25 give money through the liquor education fund through a grant,

1 so it's for this fiscal year.

2 CHAIR ALULI: This fiscal year being 2020 and 2021.

3 ACTING DIRECTOR TYAU: Yeah.

4 CHAIR ALULI: So as of July 1st; right?

5 ACTING DIRECTOR TYAU: Yes. So the grants --

6 CHAIR ALULI: Yes. Okay.

7 ACTING DIRECTOR TYAU: The grants (inaudible) will
8 write up the grants for whoever gets grants this year.

9 CHAIR ALULI: Right.

10 ACTING DIRECTOR TYAU: We're providing it through
11 the liquor education fund for this fiscal year.

12 COMMISSIONER YOKOUCHI: So, Georgette.

13 COMMISSIONER BECRAFT: Go ahead.

14 COMMISSIONER YOKOUCHI: So does that mean if someone
15 else comes in later this year, will -- the monies will be gone
16 if we use the 13 and 13?

17 ACTING DIRECTOR TYAU: Yes. It's always allocated
18 in the beginning because they'll write up the grants.

19 COMMISSIONER YOKOUCHI: But we have, like, 2021 to
20 use it all up, so if -- so if someone else comes in and asks
21 for money for their education --

22 ACTING DIRECTOR TYAU: We'll do it -- like for next
23 year, we'll provide a new grant (inaudible) year, yes.

24 COMMISSIONER YOKOUCHI: For the next fiscal year?

25 ACTING DIRECTOR TYAU: Yes.

1 COMMISSIONER BECRAFT: Georgette.

2 CHAIR ALULI: The other -- the other condition is we
3 could give less money and hold an amount of money aside in the
4 event that something comes up later on in the year. My
5 experience has been that that's probably not likely, but one
6 never knows. So we could, say, hold \$5,000 aside in the event
7 that someone -- some other entity, as we get further into the
8 '20-'21 fiscal year, asks for grant money. But at this point
9 there is 26,000 available this year, we can decide as a
10 commission how much we'd like to allocate to Yuki Lei's
11 request and Officer Hankins and to Officer Haia's request at
12 this point. We can give them what they're asking for or we
13 can give them less.

14 COMMISSIONER YOKOUCHI: How much was Yuki asking
15 for? I forget.

16 CHAIR ALULI: I think she asked for 20.

17 ACTING DIRECTOR TYAU: Twenty thousand.

18 CHAIR ALULI: She asked for 20.

19 COMMISSIONER YOKOUCHI: Oh, okay.

20 ACTING DIRECTOR TYAU: Keep in mind that grants have
21 conditions, so I don't know how late in the year --

22 CHAIR ALULI: Right.

23 ACTING DIRECTOR TYAU: -- you could give someone a
24 grant in order for them to meet the conditions of spending and
25 so forth, but the grants are usually written up in the

1 beginning of the fiscal year by the grants department.

2 CHAIR ALULI: And, Georgette, the question then is:
3 Does the grant get written by a specific county department or
4 does the grant get written by the entity that's requesting the
5 money?

6 ACTING DIRECTOR TYAU: No. It's the county who does
7 all the grants.

8 CHAIR ALULI: They do the grant writing?

9 ACTING DIRECTOR TYAU: They do all the paperwork and
10 the processing and it goes through corporation counsel and so
11 forth.

12 CHAIR ALULI: Yeah, but who actually does the grant
13 request? If it comes from an outside entity, does -- that
14 person then has to write the grant, correct, requesting the
15 money?

16 ACTING DIRECTOR TYAU: Well, the entity -- we don't
17 get involved in what they're doing, but the entity will be the
18 one responsible when they get the grant money to meet the
19 request. We don't get involved with any of that. We're just
20 providing the funds, we cannot get involved in --

21 CHAIR ALULI: Right, right. The application
22 process.

23 ACTING DIRECTOR TYAU: -- the program.

24 CHAIR ALULI: I understand that. Right.

25 ACTING DIRECTOR TYAU: Yeah. So it's the grants

1 area that's going to make sure the grant is being -- whatever
2 needs to be done with the grant. The department doesn't get
3 involved in that, we're just --

4 CHAIR ALULI: Okay.

5 ACTING DIRECTOR TYAU: -- providing funds.

6 CHAIR ALULI: Okay. So at the point right now,
7 is -- there is \$26,000 available for this year, this Fiscal
8 Year '20-'21. It's \$26,000, so we, as a commission, can --
9 there are -- there are two requests in front of us: One is
10 for Yuki Lei's request and the other one is for Officer
11 Haia's. So I would, you know, entertain a motion by a
12 commissioner as to allocating all of the funds, part of the
13 funds, if so, how much. Do any of the commissioners have any
14 suggestions or -- for how -- how the -- how we'd like to --
15 how they would like to allocate these funds for the two
16 entities that have requested them at this point?

17 COMMISSIONER ANDRION: Nane, I've got a question.

18 CHAIR ALULI: Yes, Bobbie.

19 COMMISSIONER ANDRION: For -- for the grant -- for
20 the funds to be granted -- and I believe that Mr. Haia says --
21 I mean, Officer Rodney says that they've tried to push this
22 thing out to 2021, is it logical to grant them this now or --
23 or can we do it at a later time or can we reserve just a
24 little bit and then add on to it? That's my --

25 CHAIR ALULI: I would say that we need to

1 probably -- as it relates to them and the planning that's
2 required, they're gonna have to know what their budget's going
3 to be. So my suggestion is that for Officer Haia's efforts
4 and I would say also for Yuki Lei's, that we do make a
5 decision on how much money we would like to allocate to them
6 today. And if we want to reserve some funds, let's -- let's
7 decide to do that, but I think that we need to address those
8 two requests now so that we can move them forward.

9 COMMISSIONER ANDRION: Thank you.

10 COMMISSIONER YOKOUCHI: So Officer Haia is
11 requesting 10,000, was that his request?

12 CHAIR ALULI: Correct, yes.

13 COMMISSIONER BECRAFT: Or was it 15?

14 CHAIR ALULI: Ten.

15 COMMISSIONER BECRAFT: Ten.

16 CHAIR ALULI: It was 10,000. He said he -- yeah, he
17 said he's not sure what the exact costs would be because he
18 hasn't really put the entire program together, he'd have to,
19 you know, see how much it would cost for transportation, so
20 forth and so on. I would suggest that we allocate \$10,000
21 towards Officer Haia's efforts and that we allocate, say,
22 10,000 to Yuki Lei's request and keep 6,000 on the side.
23 That's just me. That gives us something to -- in the event
24 that something does come up in the future, that we have some
25 money to give to another person or entity requesting some

1 grant money from the -- from the liquor commission, so that's
2 my suggestion.

3 COMMISSIONER U'U: I'll make a motion.

4 COMMISSIONER ANDRION: Hang on, Bruce. I've got one
5 more question.

6 CHAIR ALULI: We can do that in the discussion phase
7 if -- if we want to, but --

8 COMMISSIONER ANDRION: Okay. Just wait now for the
9 discussion phase?

10 CHAIR ALULI: Yeah. Let's wait till the discussion.
11 So --

12 COMMISSIONER ANDRION: That's fine.

13 CHAIR ALULI: Bruce, go ahead. Do you want to make
14 a motion?

15 COMMISSIONER U'U: Yeah. I'll make a motion
16 supporting what you said about 10,000 to Yuki Lei and 10,000
17 to Officer Haia.

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

20 COMMISSIONER ANDRION: Roberto Andrion. I second
21 the motion.

22 CHAIR ALULI: Okay, okay. So open for discussion.

23 COMMISSIONER ANDRION: Okay. I guess my -- my
24 question would be if we did allocate ten and ten and put 6,000
25 in reserve and it goes through -- is that -- is that 26,000

1 only good for this particular year or any excess will be
2 carried over the following year? I guess that would be for
3 Georgette, if you know the answer to that.

4 ACTING DIRECTOR TYAU: This is a revolving fund, so
5 the money is there, it's just a matter of how it can be used.
6 And like I said, 281-17.3 says not to exceed 10 percent a
7 year, right now the 10 percent is the 26,000. But like I
8 said, depending on -- I know grants management, when they do
9 the grants, they like to do it all in the beginning of the
10 year when they process. I'm not sure how much time they would
11 need if you're gonna do -- allocate money like in midyear,
12 'cause it's always been done in the beginning of the year when
13 they do the grants, so I don't know if there's gonna be other
14 restrictions outside of --

15 CHAIR ALULI: Yeah. And I will make a comment --
16 I'm sorry. Go ahead, Georgette.

17 ACTING DIRECTOR TYAU: As far as the money for the
18 grant, we are approved to do a grant this year and then we'll
19 request one again next year.

20 CHAIR ALULI: Right. And so, Bobbie, to
21 specifically answer your question, at this point it's to our
22 advantage to spend it in this budget year and not try to roll
23 it over because that's an unknown. In the past what has
24 happened, the money has all been spent within the fiscal year
25 that that allocation is in. So my suggestion is let's not --

1 we don't -- my position right now is it will not roll over.

2 Okay?

3 COMMISSIONER ANDRION: I understand, Nane, that's --
4 that's (inaudible) --

5 ACTING DIRECTOR TYAU: Next year.

6 CHAIR ALULI: There will be another allocation for
7 twenty twenty -- 2022.

8 ACTING DIRECTOR TYAU: And it will probably be at
9 least 20,000 still.

10 CHAIR ALULI: Yeah, right.

11 Yeah, Aaron. Aaron Boswell, you have a question?

12 COMMISSIONER BOSWELL: Yes. If we do decide to hold
13 the 10,000 per person, per individual, and we hold 6,000, is
14 it possible to distribute the 6,000 within, say, three or four
15 months to those two individuals, you know, to change their
16 grant from ten to thirteen thousand without having to resubmit
17 paperwork?

18 COMMISSIONER U'U: Good question.

19 CHAIR ALULI: Yeah, I don't -- I don't -- my --
20 personally, I don't see any reason why we couldn't. It's up
21 to us to allocate the funds if that -- if there are no further
22 requests that come into the department or before the
23 commission, yes, we could. There's no reason why we can't.

24 COMMISSIONER BECRAFT: Yeah, but he's asking if the
25 paperwork has to be redone and I think the answer to that is

1 yes.

2 CHAIR ALULI: Yes.

3 COMMISSIONER BECRAFT: I think you'd --

4 CHAIR ALULI: Correct.

5 COMMISSIONER BECRAFT: -- have to make the changes,
6 the county would.

7 CHAIR ALULI: Yeah, if they -- if they're gonna
8 apply for it -- for more money, they -- you have to go through
9 the same process.

10 COMMISSIONER YOKOUCHI: Question. Does most of
11 these --

12 CHAIR ALULI: Wait, wait. Sorry. Let me --
13 Aaron, does that answer your question?

14 COMMISSIONER BOSWELL: Yes. So my understanding is
15 if we were to allow the \$10,000 grants now and we get stuck
16 with the extra 6,000, say, three or four months 'cause -- I'm
17 on boards that does grant writing and the process is quite
18 extensive.

19 CHAIR ALULI: Right.

20 COMMISSIONER BOSWELL: And usually you want the
21 money to be distributed, you know, fairly earlier on in the
22 year as opposed to having being stuck with some of the funding
23 and then trying to find somebody to pawn it off on. So would
24 it be more feasible for us to just distribute all \$26,000 now
25 because we have two applicants and tell future applicants to

1 apply for Fiscal Year 2022?

2 CHAIR ALULI: That -- I open that up to the -- to
3 the commissioners. There's -- there is a motion on the floor
4 and we're having that discussion. If we want to amend that
5 motion --

6 COMMISSIONER U'U: I'm -- I'm --

7 CHAIR ALULI: -- somebody needs to present that.
8 Yes, Bruce.

9 COMMISSIONER U'U: I'll be more than willing to
10 amend the motion, I just wanted to get the ball rolling. And
11 I like the questions that's being asked. I would not like
12 someone to go through the process again if it's too lengthy of
13 a -- too lengthy of a time.

14 CHAIR ALULI: It is.

15 COMMISSIONER U'U: So I'm open to -- to changing
16 my -- my motion, if need be. And I guess hence is what the
17 discussion is about, yeah.

18 CHAIR ALULI: Correct, right. And -- yes.

19 And, Leslie Ann, you had a question?

20 COMMISSIONER YOKOUCHI: Yeah, I had a question. The
21 grants prior to this, does it always go toward the Maui Police
22 Department's or are there other organizations that got these
23 grants?

24 CHAIR ALULI: There were other organizations in the
25 past. Actually, the entire amount, \$20,000, went to the

1 Maui -- I'm sorry, Georgette, what was -- Rick Collins'
2 organization, Youth Against Drinking, wasn't that --

3 ACTING DIRECTOR TYAU: Maui Organize -- was that
4 Maui youth organization with Ashlee and Rick Collins.

5 CHAIR ALULI: Correct. And they got the twenty --
6 they got all the money, they -- the twenty --

7 ACTING DIRECTOR TYAU: Yes.

8 CHAIR ALULI: It was \$20,000 and they got all the --
9 all \$20,000 went to them, to that -- to that group.

10 COMMISSIONER YOKOUCHI: So it just depends on if --
11 whoever writes up these grants and asks for the monies and --
12 well, okay.

13 CHAIR ALULI: Yes. And usually, obviously, it's
14 something that has to do with liquor.

15 COMMISSIONER YOKOUCHI: Yes.

16 CHAIR ALULI: Liquor related and the -- you know,
17 the education, especially of younger people, on what the
18 consequences of drunk driving are.

19 COMMISSIONER YOKOUCHI: And Mothers Against Drunk
20 Driving, are there organizations such as that?

21 CHAIR ALULI: Sure. If they came before the
22 commission with a grant and asked for it, yes.

23 COMMISSIONER YOKOUCHI: Okay.

24 COMMISSIONER BECRAFT: Mr. Chair. Jamie Becraft.

25 CHAIR ALULI: Yes. Yes, please. Jamie, yes.

1 COMMISSIONER BECRAFT: So my question is, is I guess
2 I'm on board with Aaron and Bruce and everybody here, you
3 know, about, you know, maybe we amend it, but I want -- I want
4 this to be as easy as possible, but I also would like to know
5 what -- are there people that are -- that we anticipate coming
6 in? You know, maybe that would be better to let -- to know
7 the last two years, who's coming in and asked for money in the
8 last two years and do we expect them to come again?

9 CHAIR ALULI: In the time -- in the time that I've
10 been on the commission, the only entity that really has come
11 before the commission is the Youth Against Drunk Driving, Rick
12 Collins' group, those are the -- the last two or three years,
13 they were the only entity that came before the commission
14 requesting grant money.

15 COMMISSIONER BECRAFT: Did they request last year
16 also?

17 CHAIR ALULI: Yes, they did.

18 Didn't they, Georgette?

19 ACTING DIRECTOR TYAU: Yes. And this year she sent
20 a letter to the commission that was distributed thanking
21 everyone --

22 CHAIR ALULI: Right.

23 ACTING DIRECTOR TYAU: -- but now that they're --
24 you know, that money had helped them to start up --

25 CHAIR ALULI: Right.

1 ACTING DIRECTOR TYAU: -- but now they have funding,
2 so they didn't request it this year. But they were thankful
3 for it because it helped them to start up the program.

4 CHAIR ALULI: Right.

5 ACTING DIRECTOR TYAU: Now they're -- they have
6 other funding.

7 COMMISSIONER BECRAFT: Okay. So if I'm hearing it
8 correctly, Mr. Chair, it sounds like Maui Police Department
9 comes and asks for what they need for the year now,
10 understanding the process, and we're really not anticipating
11 other people coming forth asking for money? Is that about
12 correct?

13 CHAIR ALULI: That's the -- that's the conclusion
14 that I would draw, yes.

15 COMMISSIONER BECRAFT: Then I would say I'm going to
16 support Aaron and Bruce.

17 COMMISSIONER U'U: I --

18 COMMISSIONER BECRAFT: Yes, Bruce, go ahead.
19 Your -- your floor.

20 COMMISSIONER U'U: You know, my -- and I've got a
21 question, since we're on discussion. How much does Yuki need?
22 What was she asking for?

23 CHAIR ALULI: She was asking for 20,000.

24 COMMISSIONER U'U: Oh, okay, okay. So I -- I'll
25 restate the motion and I'll -- or amend the motion that we

1 give the 13,000 to each of the people applying for the money.

2 CHAIR ALULI: Okay. So there's an amendment on the
3 floor to Bruce's original, do I have a second on his
4 amendment?

5 COMMISSIONER BECRAFT: Jamie Becraft. I second.

6 CHAIR ALULI: Okay. Okay. I'm going to call for
7 the vote, then. All in favor of --

8 COMMISSIONER ANDRION: Point -- Mr. Chair.

9 CHAIR ALULI: Yes.

10 COMMISSIONER ANDRION: Before -- before you call
11 for --

12 CHAIR ALULI: Yes. Sorry.

13 COMMISSIONER ANDRION: -- the vote.

14 CHAIR ALULI: Yeah, discussion. Go ahead. Yes,
15 Bobbie.

16 COMMISSIONER ANDRION: I don't have a problem voting
17 for the amendment; however, if Mr. -- I don't have Rodney's
18 last name, I just saw his first name, Rodney. Officer
19 Rodney --

20 CHAIR ALULI: Yeah.

21 COMMISSIONER ANDRION: -- was asking for ten, so are
22 we going to give him 13?

23 CHAIR ALULI: Yeah. He was asking between ten and
24 15, is what he had asked for.

25 COMMISSIONER ANDRION: Oh, he said between ten and

1 15. Okay.

2 CHAIR ALULI: Yes.

3 COMMISSIONER ANDRION: I understand. Thank you.

4 CHAIR ALULI: Okay. Any further discussion?

5 (No response.)

6 CHAIR ALULI: So I'm going to call for the vote on
7 the -- on the amendment to approve \$13,000 for Yuki Lei and
8 Officer Haskins's request and \$13,000 for Officer Haia's
9 request. So, Leon Bolosan. Leon.

10 COMMISSIONER BOLOSAN: Yes.

11 CHAIR ALULI: In favor? Aye. Okay.

12 COMMISSIONER BOLOSAN: I'm in favor.

13 CHAIR ALULI: Roberto.

14 COMMISSIONER ANDRION: Aye.

15 CHAIR ALULI: Jamie.

16 COMMISSIONER BECRAFT: Aye.

17 CHAIR ALULI: Bruce.

18 COMMISSIONER U'U: Aye.

19 CHAIR ALULI: Stan.

20 COMMISSIONER RUIDAS: Aye.

21 CHAIR ALULI: Aaron.

22 COMMISSIONER BOSWELL: Aye.

23 CHAIR ALULI: Yuki Lei. I mean, sorry, Leslie.

24 COMMISSIONER YOKOUCHI: Oh, I'm sorry, but I have to
25 say no.

1 CHAIR ALULI: Okay. Jerrybeth? Jerrybeth?
2 Jerrybeth? Jerrybeth, unmute yourself, I can't hear you.
3 Okay. Now you're unmuted. Jerrybeth? Jerrybeth, I'm asking
4 if you approve the amended motion that Bruce moved.

5 COMMISSIONER DE MELLO: Yes.

6 CHAIR ALULI: Okay. Yes. Okay. All right. So we
7 have one, two, three, four, five, six, seven ayes and one nay.
8 The ayes have it, motion carries. The distribution will be
9 13,000 to Yuki Lei and her request and 13,000 to Officer
10 Haia's and his request.

11 All right.

12 MS. DESJARDINS: Chair. Chair.

13 CHAIR ALULI: Let's -- yes.

14 MS. DESJARDINS: Sorry. So you --

15 CHAIR ALULI: Whose that?

16 MS. DESJARDINS: So you approved the amendment to
17 the motion, now you have to vote on the main motion. Sorry.

18 CHAIR ALULI: Okay.

19 MS. DESJARDINS: The main motion to distribute the
20 money. It's been amended.

21 CHAIR ALULI: Okay.

22 MS. DESJARDINS: Also, I just want to let you know I
23 think we might get cut off at noon 'cause our Blue Jeans link
24 is only until noon. I don't know what happens 'cause I've
25 never gone to the end of a Blue Jeans link, so just so you

1 know.

2 CHAIR ALULI: Oh, okay.

3 MS. DESJARDINS: So we might blow up. Who knows
4 what's going to happen.

5 CHAIR ALULI: Okay. So the main motion doesn't get
6 automatically overridden by the fact that the amendment was
7 voted in, Mimi?

8 MS. DESJARDINS: No. You moved to amend the motion,
9 so now the motion been --

10 CHAIR ALULI: Right.

11 MS. DESJARDINS: That's approved, so now you have to
12 vote on the main motion.

13 CHAIR ALULI: Okay. So now I call for the vote on
14 the main motion, then --

15 MS. DESJARDINS: Got it.

16 CHAIR ALULI: -- which -- okay. So --

17 All right. Let's -- Leon.

18 COMMISSIONER BOLOSAN: Aye.

19 CHAIR ALULI: You just have to say no. The main
20 motion is yeah, no; right, Mimi?

21 MS. DESJARDINS: No, no, no. The main motion is
22 whether to approve disbursement of 13,000 to both parties.

23 CHAIR ALULI: Oh.

24 MS. DESJARDINS: That's the main motion now, 'cause
25 you amended it. It was 10,000 and then there was a motion to

1 amend it to 13, so now --

2 CHAIR ALULI: Right.

3 MS. DESJARDINS: -- that that was approved to amend
4 the motion, so you just now have to go through the steps of
5 voting on the main motion.

6 CHAIR ALULI: Okay.

7 MS. DESJARDINS: To distribute.

8 CHAIR ALULI: Okay. To distribute?

9 MS. DESJARDINS: Yes.

10 CHAIR ALULI: Okay, all right. All right. So this
11 is now the -- the main motion is to distribute the 13,000
12 apiece accordingly. So, Leon.

13 COMMISSIONER BOLOSAN: Then I would agree for the 13
14 apiece, yes.

15 CHAIR ALULI: Okay. Aye. Okay. Great.

16 Okay. Bobbie.

17 COMMISSIONER ANDRION: I vote yes.

18 CHAIR ALULI: Jamie.

19 COMMISSIONER BECRAFT: Aye.

20 CHAIR ALULI: Bruce.

21 COMMISSIONER U'U: Aye.

22 CHAIR ALULI: Stan.

23 COMMISSIONER RUIDAS: Aye.

24 CHAIR ALULI: Aaron.

25 COMMISSIONER BOSWELL: Aye.

1 CHAIR ALULI: Yuki -- or Leslie?

2 COMMISSIONER YOKOUCHI: No.

3 CHAIR ALULI: Jerrybeth?

4 COMMISSIONER DE MELLO: Aye.

5 CHAIR ALULI: Okay. There are seven ayes and one
6 nay, the motion carries. So the funds are going to be
7 allocated and will be distributed.

8 Okay. The last item on the agenda is Item F, which
9 is the report of the liquor control adjudication board. There
10 was no July meeting, so there's no report.

11 With no further items on the agenda, I will call for
12 adjournment at this point. Can I get a motion to adjourn our
13 meeting?

14 COMMISSIONER ANDRION: Roberto Andrion. Motion to
15 adjourn the meeting.

16 CHAIR ALULI: Second?

17 COMMISSIONER DE MELLO: J.B. De Mello. Second.

18 CHAIR ALULI: Okay. Thank you very much. Motion
19 carries. Meeting's adjourned. Aloha, everybody. Stay safe.

20 (The proceedings were adjourned at 11:57 a.m.)
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