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

TRANSCRIPT OF PROCEEDINGS
SPECIAL MEETING
REGULAR SESSION

Held via Blue Jeans video conference, commencing at
8:40 a.m., on September 3, 2020.

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

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APPEARANCES

COMMISSION MEMBERS PRESENT:

CHAIRPERSON: NANE ALULI
VICE CHAIR: LEON BOLOSAN (in at 8:50)
COMMISSIONERS: ROBERTO ANDRION, JR.
JAMIE BECRAFT
AARON BOSWELL
STANLEY RUIDAS
BRUCE U'U
LESLIE ANN YOKOUCHI

STAFF PRESENT:

DEPUTY CORPORATION COUNSEL: MIMI DESJARDINS
ACTING DIRECTOR: GEORGETTE TYAU
COMMISSION SECRETARY: MARIA KHANGSENGSING

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(September 3, 2020, 8:40 a.m.)

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CHAIR ALULI: I'm going to call the meeting, the special meeting for -- of the Liquor Control Commission, Department of Liquor Control For the County of Maui to order for September 3rd, 2020, at 8:40. And I'm going to start with the roll call. Jamie Becraft.

COMMISSIONER BECRAFT: Present.

CHAIR ALULI: Bobbie, Robert -- Roberto Andrion.
Roberto Andrion.

COMMISSIONER ANDRION: Here.

CHAIR ALULI: Leslie Ann Yokouchi.

COMMISSIONER YOKOUCHI: Here.

CHAIR ALULI: Stan Ruidas.

COMMISSIONER RUIDAS: Present.

CHAIR ALULI: Aaron Boswell.

COMMISSIONER BOSWELL: Present.

CHAIR ALULI: Bruce U'u.

COMMISSIONER U'U: Present.

CHAIR ALULI: Leon Bolosan.

(No response.)

CHAIR ALULI: Not present.

And Jerrybeth De Mello has been excused.

So, okay. Maria, can --

MS. KHANGSENGSING: Yes.

1 CHAIR ALULI: Maria, you're here?

2 MS. KHANGSENGSING: Yes.

3 CHAIR ALULI: Okay, all right. You're here.

4 Is Georgette here?

5 ACTING DIRECTOR TYAU: Present.

6 CHAIR ALULI: Okay. Thank you, Georgette.

7 Is anybody else from the department in attendance?

8 (No response.)

9 CHAIR ALULI: Okay, all right. I would now like to
10 move on and get an approval -- or have a motion to approve our
11 agenda for this special meeting. Do I have a motion for
12 approval?

13 COMMISSIONER ANDRION: Roberto Andrion. Motion to
14 approve the special meeting agenda.

15 CHAIR ALULI: A second?

16 COMMISSIONER BECRAFT: Jamie Becraft. I second.

17 CHAIR ALULI: Any discussion?

18 (No response.)

19 CHAIR ALULI: All in favor?

20 (Response.)

21 CHAIR ALULI: Any opposed?

22 COMMISSIONER BECRAFT: Jamie Becraft. Aye.

23 CHAIR ALULI: Oh. Any opposed?

24 (No response.)

25 CHAIR ALULI: Thank you. Motion carries.

1 Okay. I'm now going open up for public testimony.
2 For those of you that want to provide testimony, you've got
3 three minutes.

4 Maria, would you please keep track of that.

5 And at the -- when that's finished, I'm going to
6 close public testimony after the final person testifies. So
7 with that, I will start at the top with a number that I see
8 here, if this person -- and I -- because I can't see whether a
9 person wants to provide testimony or not, I'm just going to
10 call the name, names or numbers that I see on the chat list.

11 Okay. Phone number 269-7525, if you want to provide
12 testimony -- I see that you've unmuted your mic. Do you want
13 to provide public testimony at this time?

14 (Inaudible.)

15 CHAIR ALULI: Was that a "yes"?

16 (No response.)

17 CHAIR ALULI: Okay. I don't hear anything.

18 All right. I'm going to move on to the next person
19 that I see on here. Telephone number 385-1004, do you want to
20 provide public testimony at this time?

21 MS. SILVA: Yes, I would like to.

22 CHAIR ALULI: Okay. Identify yourself so that we
23 can get your name. You have three minutes, you've got the
24 podium.

25 MS. SILVA: Okay. My name is Kalei Silva. I am the

1 president of Cancer Kids of Hawaii, LLC, which is a nonprofit
2 organization here on Maui. I would like to speak on behalf of
3 our board members as well as myself on experiences that we
4 have had with the liquor commission in the past and would like
5 to express our gratitude and experience with Layne Silva. He
6 has been an amazing person to work with over the years. We
7 have done special events with and he has done everything
8 professionally and taking care of us and all of our
9 experiences when it became like permitting and application
10 process for special events. He has created not only a
11 professional setting for us, but also has made it comfortable
12 for us to work with him in a personal setting and has made our
13 experiences very, very, very well. We leave the liquor
14 commission office every time feeling that we have confidently
15 gotten all of our questions answered as well as leaving it
16 room for us to feel comfortable to call if we should have any
17 additional questions that come up during the process of
18 application. So on behalf of myself as well as my board
19 members for our nonprofit organization, we highly recommend
20 Layne Silva as the director of department of liquor. Thank
21 you.

22 CHAIR ALULI: Thank you very much.

23 Okay. I'll move on to the next person that I see on
24 here. Phone number ends in four zeros, 0000, do you want
25 to -- do you wish to provide public testimony?

1 (No response.)

2 CHAIR ALULI: Don't hear a response.

3 Moving on to the next person. Phone number is
4 868-1589, do you wish to provide public testimony?

5 (No response.)

6 CHAIR ALULI: No response.

7 I'm going to move on to the next person. Phone
8 number 871-8461, do you wish to provide public testimony?

9 (No response.)

10 CHAIR ALULI: Okay. Next person I see, I see just
11 a -- the initial or letter B as in boy, does that person want
12 to provide public testimony?

13 (No response.)

14 CHAIR ALULI: Okay. Move on to the next person.
15 Bev Gannon, I see your name on the list here, Bev, do you --
16 do you -- would you like to provide public testimony at this
17 time?

18 MS. GANNON: Actually --

19 CHAIR ALULI: Just so --

20 MS. GANNON: Hi. Here I am.

21 CHAIR ALULI: Okay. All right, Bev.

22 MS. GANNON: Actually, I sent a letter in to the
23 Maui Chamber of Commerce. The only thing I would like to say
24 is in the condition that we're in right now in the restaurant
25 world in Hawaii and how devastating it is, it would be really

1 great to have a new liquor commissioner that has some forward
2 thinking, that's bringing new ideas, that makes the
3 (inaudible) so that we can all, hopefully, remain in business,
4 come back into business with a user-friendly department of
5 liquor control. Thank you.

6 CHAIR ALULI: Thank you, Bev.

7 Okay. Move on. I have County Employee. I don't
8 know who you are, County Employee, but if you want to provide
9 testimony, please identify yourself and you've got three
10 minutes to do so.

11 (No response.)

12 CHAIR ALULI: County Employee, do you want to
13 provide public testimony at this point?

14 (No response.)

15 CHAIR ALULI: Okay. I see two county employees,
16 maybe -- I don't see any names. Second County Employee, do
17 you wish to provide any testimony at this time?

18 (No response.)

19 CHAIR ALULI: Okay. Move on to Craig Nakamura.
20 Craig, do you want to provide testimony at this time?

21 MR. NAKAMURA: Can I defer my position to Dave
22 Jorgensen and I'll testify in his space? I know Dave wanted
23 to speak early in the hearing.

24 CHAIR ALULI: Okay. I'll use that deferral.

25 Dave Jorgensen, do you wish to provide public

1 testimony at this time?

2 MR. JORGENSEN: Yes, sir, I do.

3 CHAIR ALULI: You've got three minutes. You've got
4 the floor.

5 MR. JORGENSEN: Good morning, Chairman Aluli,
6 Members of the Commission and Staff. My name is Dave
7 Jorgenson. I've appeared before all of you many times. I was
8 one of the -- am one of the applicants. Honestly, I'm, I
9 guess, a little confused about the process, so I'm just gonna
10 go ahead and if -- if I'm going into areas you don't want me
11 to, you let me know. But the reason why I wanted to testify
12 this morning is when I was interviewed, I was asked a question
13 about why I think I'm eligible. Not just qualified, we went
14 into that, but why I'm eligible and the question of the five
15 years law enforcement experience came up. My position is you
16 cannot -- you should not just limit eligibility to somebody
17 who has worked for a law enforcement agency. The.

18 Term law enforcement is not defined in the charter,
19 the rules of the department, the county code, the state
20 statutes. There's definitions out there in the free world,
21 but -- the point is by limiting it to somebody who has worked
22 for a law enforcement agency, you're forcing the department
23 into one specific direction that -- you know, I've been an
24 attorney since 1988, I submitted -- twice I submitted my
25 information in support of this and I quoted the oath that I

1 had to swear to when I became a lawyer, including that I will
2 support and defend the Constitution of the United States and
3 the Constitution and the Laws of the State of Hawaii. I was
4 on the police commission for five years, I was a deputy corp.
5 counsel for four years representing the liquor department and
6 the police department, I clerked for a circuit court judge for
7 one year, and I've been in private practice working in the
8 liquor license field, the liquor law field since 1992 when I
9 started with the county, in '96 when I started in private
10 practice. I have as much -- in my mind, whether it's -- you
11 know, I may not be the most qualified, but I have as much
12 experience in the liquor field as almost anybody. And to me,
13 I think in fairness to licensees and the public require that
14 (inaudible) --

15 MS. KHANGSENGSING: Sorry, Dave. You have 30
16 seconds.

17 MR. JORGENSEN: What?

18 MS. KHANGSENGSING: You have 30 seconds.

19 CHAIR ALULI: You've got 30 seconds, Dave, David.

20 MR. JORGENSEN: Okay. I'll wrap up. The question
21 is: Who is eligible? Is Wendy Hudson, who is a public
22 defender for years, is she eligible? Is Judge Peter Cahill
23 eligible? They haven't worked for law enforcement agencies.
24 I think we need to get away from an attitude of attack and
25 punish with a confrontational attitude. I think there needs

1 to be much more working with the public and treating this like
2 a business, because all of these businesses are relying on the
3 liquor department for their livelihood. Thank you.

4 CHAIR ALULI: Thank you, Dave.

5 Craig Nakamura, do you want to provide testimony
6 now?

7 MR. NAKAMURA: Yeah, sure.

8 CHAIR ALULI: Okay.

9 MR. NAKAMURA: Just quickly, you know --

10 CHAIR ALULI: You've got three minutes.

11 MR. NAKAMURA: I understand Dave's testimony, I just
12 wanted to let the commission know, I think, you know, all of
13 you have dealt with attorneys before, all of you probably
14 experienced the fact that -- that, you know, that one attorney
15 will tell you one thing and another attorney will tell you
16 something else. I mean, you know, when you deal with
17 something -- an issue of some ambiguity or some question in
18 what the language says, really, the only one who can make a
19 determination as to what is right or wrong is a judge. You've
20 got -- you've got one opinion, maybe, that says that you have
21 to be a law enforcement official, if you take it by strictest
22 interpretation, the only person that would qualify is someone
23 who had been running -- or working for the police department.
24 If you think about it, the purpose of that -- that requirement
25 is so that you have someone who is familiar with the rules and

1 is able to work with the public and also enforce the rules and
2 certainly an attorney who has been qualified and has practiced
3 in the area and is very intimately familiar with the workings
4 of the department and the rules meets that qualification. So
5 I would just ask that, you know, you take into consideration
6 the broadest scope possible, that you -- you try to open the
7 procedure to everyone that might be qualified and give them
8 the opportunity to be interviewed and then you can judge on
9 your own, you know, who would be the most qualified person.

10 I think that Dave -- I've worked with him for many
11 years, I know that he is very familiar with the rules and the
12 operation of the department. I think (inaudible) especially
13 here on Maui. You know, he's a Maui resident, he's been here
14 for many years, he's not going anywhere, and he has the best
15 interests of the community at heart. I did submit a letter in
16 support of Dave and I hope you all had the opportunity to
17 review that letter.

18 I'd be -- I'd be happy to answer any questions that
19 you have. Thank you very much.

20 CHAIR ALULI: Thank you, Craig. No questions at
21 this time. Okay. Thank you, Craig, appreciate that.

22 Let's move on now to -- or let the record show that
23 Commissioner Leon Bolosan has now joined the meeting.

24 I want to move on to Garrett Marrero. Garrett, are
25 you there?

1 MR. MARRERO: Yeah. This is Garrett here. How are
2 you? Thank you for taking the time.

3 CHAIR ALULI: Okay. You've got the floor. You've
4 got three minutes. Thanks, Garrett.

5 MR. MARRERO: I appreciate it. Yeah, I also sent in
6 testimony and, you know, I'll stand on that testimony in the
7 interests of time. You know, just adding that I do think we
8 need to see, you know, some fresh faces and, you know, really
9 a new path forward for the way liquor operates within Maui
10 County. I think it's long understood that it operates very
11 differently than the rest of the state and, you know, I think
12 in these times, these troubling times for everyone where we're
13 all struggling, it's a time to come together and work amicably
14 to mutual success for all of our people, the public safety,
15 the businesses, the government, and finding that balance. I
16 think many -- there have been many opportunities for the Maui
17 Liquor Department to work towards that end in the past and
18 those opportunities were not taken and, therefore, I feel that
19 new applicants should very well be considered. And then the
20 rest I'll stand on my testimony and that way we can move
21 forward. Thank you. Aloha.

22 CHAIR ALULI: Okay, Garrett. Thank you very much.

23 Aaron, Commissioners, I'm going to ask that you
24 don't ask any questions at this time. Any questions we might
25 have, let's discuss in executive session. Okay? So we're not

1 going ask any questions of the testifiers at this point.

2 Thank you.

3 All right. Let's move on to -- I have a Guest that
4 has not identified their name here. Is there another Guest
5 who just has Guest on the chat line that would like -- or
6 chat -- yeah, chat page that would like to provide testimony?

7 (No response.)

8 CHAIR ALULI: Okay. Then I'm going to move on to --
9 I see a lot of Guests and I have no name, so I'm going to move
10 on to Javi Barberi or Barbero. Are you there, Javi?

11 MR. BARBERI: Yes. Can you hear me?

12 CHAIR ALULI: Yes. Do you wish to provide public
13 testimony at this time?

14 MR. BARBERI: Yes. Just like Garrett, I also sent
15 in testimony, but I would just like to say that I've had a
16 liquor license on Maui for about five years now and the
17 partnership with the liquor department has been very
18 difficult.

19 If someone could please mute your -- mute their mic.

20 CHAIR ALULI: Yeah. Somebody's got dogs barking in
21 the background, would you please mute your mic if -- okay. Go
22 ahead, Javi. Fire away.

23 MR. BARBERI: In the last five years it's been a
24 very difficult partnership with the liquor commission. I
25 drive from Lahaina to Wailuku to --

1 CHAIR ALULI: Hold on. Hold on, Javi. Hold on.
2 Hold on.

3 Please, somebody has not muted their mic that has
4 their animals disrupting this meeting. Please help us along
5 here and mute your mics so that all the background noises go
6 away; otherwise, we can't hear the testifiers. Thank you.

7 Javi, continue.

8 MR. BARBERI: Thank you. You know, basically, it's
9 just been very difficult for us restaurant owners and bar
10 owners to work with the liquor control. Sometimes we drive
11 all the way to Wailuku, we get back to Lahaina or Wailea or
12 Kihei and we get a phone call saying we've gotta drive back
13 because a little dot wasn't crossed or a t wasn't crossed or a
14 dot wasn't added and it just feels like there's not a
15 partnership going on. It's not like restaurant owners and
16 hotel owners and bar owners are working with the liquor
17 control as a team, it just feels like we -- you know, we're
18 just -- we're just dogs and you've gotta do what we tell you
19 to do and if you don't do it, then nothing's going to happen
20 and it's very -- it feels very disrespectful sometimes the way
21 that things are handled and the way that we're treated by the
22 liquor control and, you know, I'm here to advocate for change.
23 You know, I really think that new blood is needed in
24 the liquor control in order to achieve a great partnership and
25 great teamwork. And especially right now with what's

1 happening in the world, these businesses need support more
2 than ever and if we don't have new change and more support
3 now, all these businesses are gonna go out of business. You
4 guys have all seen every day in the paper what places are
5 closing, what shop is closing. Poi by the Pound yesterday.
6 And after reading the resumes of Ken Takemoto and Malama Min,
7 I think that they are excellent candidates, I think they are
8 the right people to come in and really advocate for change and
9 work with the -- with the licensees in order to accomplish the
10 things that we need to accomplish and survive this pandemic.

11 So thank you very much for your time. Aloha.

12 CHAIR ALULI: Okay. Aloha. Thank you, Javi.

13 Okay. Next on the list is Kawika. Kawika, are you
14 there? Kawika?

15 KAWIKA: I am.

16 CHAIR ALULI: Okay.

17 KAWIKA: I'm not testifying.

18 CHAIR ALULI: Okay. Thank you very much.

19 All right. I'm going to move on to Ken Takemoto,
20 Ken, do you wish to testify at this time? Ken Takemoto.

21 MR. TAKEMOTO: No questions or comments. Thank you.

22 CHAIR ALULI: Okay. Thank you.

23 All right. Next on the list is a Matthew Robb.
24 Matthew Robb, do you wish to testify?

25 (No response.)

1 CHAIR ALULI: Okay. Don't have a --

2 MR. ROBB: Yes, sir.

3 CHAIR ALULI: Oh, hello. Matthew. No?

4 MR. ROBB: Yes, sir. Yes, sir. Are you there?

5 CHAIR ALULI: Yes. Do you wish to testify?

6 MR. ROBB: Yes, I would like to testify, please.

7 CHAIR ALULI: Okay. You've got three minutes. Go
8 ahead.

9 MR. ROBB: Thank you. I'm on the -- a majority of
10 people that are on this call today, we are licensees and
11 the -- the issue that we see out here is no -- no teamwork,
12 there's no -- there's no teamwork with the commission and the
13 licensees. So one of the reasons I actually sent in testimony
14 as well is there is a -- there's a fear between the licensees
15 and the liquor commission and that shouldn't be. I mean, the
16 licensees and the liquor commission should work together.
17 Obviously, public safety is the number one in the liquor
18 commission's eyes, it is also the number one in the licensees'
19 eyes, but coming together and work together is something that
20 we should all do and it's not there.

21 And I feel that change is needed not only for
22 outdated laws as well as procedures and systems, but it's
23 something that it would be -- refresh Maui County. Especially
24 now as we all sit here and are struggling, barely making it,
25 any type of help that the liquor commission could give the

1 licensees would be brought in with open arms. I mean, we're
2 barely making it. I mean, like -- like other people said,
3 places are closing every day and it's getting worse and worse
4 and worse. And where has the liquor commission been talking
5 to the licensees, What can we do to help? Is there things
6 that we need to do? It hasn't been there. So both the
7 candidates that -- that are up for election are, in our eyes,
8 qualified to take over, bring in new systems, new blood, and
9 new relationships to help us as licensees succeed. And that
10 happens on the other islands, it also happens on the mainland,
11 so it's time for change here in Maui.

12 And I thank you for time, Commission.

13 CHAIR ALULI: Thank you, Matthew.

14 Okay. Next on the list is Melissa Nakashima.

15 Melissa, are you there? Do you wish to testify? Melissa?

16 (No response.)

17 CHAIR ALULI: Okay. I don't hear Melissa responding
18 to that.

19 Next I have Mike O'Dwyer. Mike, do you wish to
20 testify at this time?

21 MR. O'DWYER: Yes, I do. Can you guys hear me?

22 CHAIR ALULI: Okay. Yes, we can. You've got three
23 minutes, Mike.

24 MR. O'DWYER: Good morning, Chair. Good morning,
25 Liquor Commission. Mike O'Dwyer, owner of Mulligan's on the

1 Blue, May 1st, 2001, Fabiani's Wailea for eight years,
2 Fabiani's Kihei for ten years, a lot of involvement with
3 liquor licenses. I'm not here to advocate who should be the
4 next liquor commission, but I am here to let everyone know
5 we're in the hospitality business and hospitality should go
6 both ways; i.e., to the liquor department and coming from us
7 as well.

8 There -- a lot of people in the hui, the Restaurant
9 Hui who have refused to testify have sent in anonymous letters
10 because of fear of retaliation and intimidation in the
11 department; i.e., when your permit comes up for review, it
12 gets lost in translation or it takes longer to get approved
13 and you miss deadlines.

14 What I'm suggesting is that the liquor commission
15 needs to interview and talk to the employees who work in the
16 department to find out that they are not cohesive. A lot of
17 them are waiting, hanging on to see who's going to be the next
18 department leader. A lot of them are very unhappy, willing to
19 transfer or to leave their jobs. The focus is old school and
20 it's to the letter of the law.

21 Peter Longhi applied to renew his liquor license in
22 June, his secretary was let go, he did it himself, his GET
23 clearance was expired because he didn't bring it in in the
24 proper amount of time, so he was told his liquor license for
25 Longhi's Wailea was denied. After being 40 years in business,

1 he had to re-go and redo his liquor application. Rather than
2 suspend it like you -- we did with people who didn't have
3 their liquor insurance for the couple of months, their license
4 was put on hold, there was no such thing as that. There was
5 no common sense that prevailed within the department.

6 Now, focus should not be on the size of dance
7 floors, the height of a booth, how many people in the band; it
8 should be on policing the liquor license establishments that
9 we do not overserve people, that we do not leave people drive
10 home drinking. I've been sober for three years and I have a
11 better outlook on what is going on. We still have DUIs that
12 are higher than they have been normally with a lot of bars
13 closed. All I'm asking for is that we work together as a
14 partnership and for the next ten years, unless we get our cows
15 back on the island and everybody starts growing vegetables, we
16 are reliant on the hospitality industry to --

17 MS. KHANGSENGSING: Mike, you have 30 seconds.

18 MR. O'DWYER: -- to help run the island and keep the
19 economy alive, which is not alive right now. So I should not
20 be afraid to testify, also the employees should not be afraid
21 to speak up within the department; so, yes, a change is
22 needed. There is 14 phone lines within the department right
23 now, all different numbers. We need one central
24 administration and we need the departments within the liquor
25 department to work together and we need -- we need a change.

1 CHAIR ALULI: Mike.

2 MR. O'DWYER: Thank you.

3 CHAIR ALULI: Mike. Yeah, Mike. Thank you very
4 much. Appreciate your comments.

5 Okay. The next person I see on here is Pamela
6 Tumpap. Pamela, do you wish -- Pamela, do you wish to provide
7 testimony at this time?

8 MS. TUMPAP: Yes, Chair Aluli. Thank you so much.

9 CHAIR ALULI: Go ahead. You've got your three
10 minutes.

11 MS. TUMPAP: I would like to provide testimony.

12 CHAIR ALULI: That's -- oh, okay.

13 MS. TUMPAP: Thank you so much.

14 CHAIR ALULI: Thanks. Thanks, Pamela. All right.
15 Yeah, go ahead.

16 MS. TUMPAP: Okay. Thank you. The Maui Chamber of
17 Commerce was approached by a number of restaurants and bars
18 who have been keeping up with the hiring process and -- and
19 you've heard some who have submitted their testimony. Today
20 we are here to testify in those who are afraid to. They were
21 worried about supporting candidates that might not ultimately
22 (inaudible) and how that might impact their relationship with
23 the department, their permit moving forward, given some of the
24 things you've heard, and concerns of retaliation. So I think
25 that that really lends to a state of where things are at. You

1 know, all these restaurants and bars had to come through the
2 chamber asking for us to be the neutral voice to share where
3 they are at and the concerns that they have. You know, we --
4 we support their letters. It's really imperative that we have
5 a business friendly environment, we work together
6 collaboratively. Right now, as -- as many have said, so many
7 bars and restaurants are, you know, going under, it's very
8 tough to survive this time and it's imperative that we all
9 work together.

10 Aside from those two who have already submitted
11 testimony directly to you, we received 18 anonymous letters
12 from local businesses, we attached them to the testimony that
13 we sent in. These are all letters from different licensees.
14 14 of the 17 letters explicitly support the hiring of Ken
15 Takemoto, or Malama Minn for the position, one letter only
16 named Ken and the remaining three asked that someone who has
17 not been involved with the Maui government or the Maui Liquor
18 Department be selected.

19 I want to just share again a little bit more about
20 their voice that when suggesting Ken Takemoto and Malama Minn,
21 because of their demonstrated abilities and their work at the
22 liquor control department in Honolulu, they bring a new
23 culture, modernization, accountability, leadership, and a
24 fresh approach to the department without a culture of fear and
25 retaliation. Both candidates balance a strong focus on public

1 safety with the importance of working with permit holders. In
2 addition, we need a director who will work with the permit
3 holders and view them as (inaudible), work to educate them.
4 And this should always be the case, not just now because we're
5 in COVID-19. This (inaudible) --

6 MS. KHANGSENGSING: I'm sorry, Pamela. You have 30
7 seconds.

8 MS. TUMPAP: Great. Thank you so much.

9 These businesses are struggling to survive, so we,
10 the chamber, support their words and ask that somebody
11 (inaudible) by the Maui County Department of Liquor Control
12 could be very problematic and we ask for a change. We want to
13 avoid the toxic culture that exists and allow an atmosphere
14 where people don't have to go through an intermediary to
15 provide their thoughts and testimony, that they feel
16 comfortable representing themselves.

17 CHAIR ALULI: Okay. Okay, Pamela. Thank you very
18 much.

19 MS. TUMPAP: Thank you.

20 CHAIR ALULI: Appreciate your testimony.

21 Okay. I see a Lorraine -- I think Kalei Silva.
22 Lorraine, are -- do you wish to provide public testimony at
23 this time?

24 MS. SILVA: No comment.

25 CHAIR ALULI: Okay. Thank you.

1 All right. The final person I see on this list
2 is -- I think it's Tammy Joslin. Tammy, do you wish to
3 provide public testimony at this time?

4 (No response.)

5 CHAIR ALULI: Tammy, are you there?

6 (No response.)

7 CHAIR ALULI: Okay. Tammy isn't responding.

8 I don't see any other names on the list, so I am
9 going close public testimony at this time and move on to Item
10 No. 5, Administrative Affairs, Item A, which is the Final
11 Report From the Temporary Investigative Group, the TIG group,
12 regarding the hiring of the new director of the department of
13 liquor control. I'm going to ask the commissioners if we can
14 defer that item to a future date and go into executive session
15 to discuss the process and procedures for the final selection
16 of the candidate for the director of the liquor department.
17 So if it's okay with the commissioners, I'm going to defer
18 the --

19 CORP COUNSEL DESJARDINS: Chair.

20 CHAIR ALULI: Yes.

21 CORP COUNSEL DESJARDINS: Chair, this is Mimi.

22 CHAIR ALULI: Yes, Mimi. Yes Mimi.

23 CORP COUNSEL DESJARDINS: Sorry to interrupt you.

24 CHAIR ALULI: Yeah.

25 CORP COUNSEL DESJARDINS: So the item is Final

1 Report From the TIG regarding the hiring of a new director,
2 the next line is, And interviews of potential candidates for
3 the position. Is it your position that you're deferring the
4 interview of potential candidates for the position portion of
5 it, but the remainder of the agenda you are going to be
6 entertaining an executive session motion for?

7 CHAIR ALULI: That is correct, Mimi. Thank you very
8 much. Yes.

9 So as Mimi has stated and I am asking -- okay. Yes,
10 Dave, you have a question.

11 MR. JORGENSEN: Yes.

12 CHAIR ALULI: I'm not going to entertain -- yeah,
13 yeah. You -- public testimony is closed already. Yeah.

14 MR. JORGENSEN: Not testimony, a question. Should
15 we hang around after -- until after executive session to hear
16 what you're gonna say or --

17 CHAIR ALULI: Yes. We have to come back -- we have
18 to come back into open session. I can't tell you what's going
19 to happen when we come back into open session at this time.

20 MR. JORGENSEN: So we should just sit at our
21 computer until it lights up again?

22 CHAIR ALULI: That's the only thing I can say.

23 MR. JORGENSEN: And that's fine if that's what we've
24 gotta do.

25 CHAIR ALULI: Yeah, yeah.

1 MR. JORGENSEN: Okay. Thank you.

2 CHAIR ALULI: Yeah. Okay.

3 All right. So everybody heard what Mimi said and so
4 following up on what Mimi said, I would like to defer the --
5 it's the interviewing of the potential candidate, which was
6 part of the agenda; right, Mimi? Deferring that; correct?

7 CORP COUNSEL DESJARDINS: That was my understanding
8 of what you were intending to do.

9 CHAIR ALULI: Right. Correct. Okay. So that's
10 going to be deferred till a future time.

11 With that in mind, if there are no objections by any
12 of the commissioners, I would like -- I would entertain a
13 motion at this time to adjourn from open session and go into
14 executive session. Can I have a motion for that?

15 CORP COUNSEL DESJARDINS: Chair, you just need to
16 state the reason for the executive session on the record,
17 which would be to discuss matters relating to the hiring of a
18 new director and that would be pursuant to HRS 92-4.

19 CHAIR ALULI: Okay. So as Mimi stated, that's the
20 reason we are moving into executive session. Having stated
21 that, do I have a motion for approval to move -- or to adjourn
22 from open session and move into executive session.

23 COMMISSIONER BECRAFT: Mr. Chair, Jamie Becraft. I
24 motion that we move into executive session.

25 CHAIR ALULI: Do I have a second?

1 VICE CHAIR BOLOSAN: Second.

2 COMMISSIONER YOKOUCHI: Second.

3 VICE CHAIR BOLOSAN: Leon Bolosan.

4 CHAIR ALULI: Okay. Any further discussion?

5 (No response.)

6 CHAIR ALULI: All in favor?

7 (Response.)

8 CHAIR ALULI: Any opposed?

9 (No response.)

10 CHAIR ALULI: Motion carries. We're going to move
11 into executive session. Thank you. So go to executive
12 session, Commissioners.

13 (Pause in Proceedings: 9:13 a.m.-11:00 a.m.)

14 CHAIR ALULI: Okay, all right. We are reconvening
15 in open session. At this time the chair would like to
16 entertain a motion to continue the temporary investigative
17 group, the TIG group. So that being said, can I have -- would
18 any -- I would like to entertain that motion at this time.

19 COMMISSIONER ANDRION: Roberto Andrion. I'd like to
20 make a motion that the TIG, temporary investigation group,
21 continue.

22 CHAIR ALULI: A second?

23 VICE CHAIR BOLOSAN: (Gesturing.)

24 CHAIR ALULI: Leon. Leon seconds it. Leon, unmute
25 yourself. Leon, unmute yourself.

1 VICE CHAIR BOLOSAN: Okay. Leon Bolosan. Second.

2 CHAIR ALULI: Okay. I'm going call the vote. I'm
3 going to call for the vote individually. Okay? Or any
4 further discussion?

5 (No response.)

6 CHAIR ALULI: Okay. I'm going to call for the vote
7 individually. Jamie Becraft.

8 COMMISSIONER BECRAFT: Aye.

9 CHAIR ALULI: Bobbie Andrion.

10 COMMISSIONER ANDRION: Aye.

11 CHAIR ALULI: Leslie Yokouchi.

12 COMMISSIONER YOKOUCHI: Aye.

13 CHAIR ALULI: Leon Bolosan.

14 VICE CHAIR BOLOSAN: Aye.

15 CHAIR ALULI: Stan Ruidas.

16 COMMISSIONER RUIDAS: Aye.

17 CHAIR ALULI: Aaron Boswell.

18 COMMISSIONER BOSWELL: Aye.

19 CHAIR ALULI: Bruce U'u.

20 COMMISSIONER U'U: Aye.

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

22 The TIG will be continued.

23 At this point there is no further item on the
24 agenda, I would like to call for adjournment at this point.

25 Do I have a motion to adjourn our special meeting?

1 VICE CHAIR BOLOSAN: Leon Bolosan. I move to
2 approve -- adjourn.

3 CHAIR ALULI: Second?

4 COMMISSIONER ANDRION: Roberto Andrion. Second the
5 motion.

6 CHAIR ALULI: All in favor?

7 MR O'DWYER: What about questions for the
8 testifiers?

9 CHAIR ALULI: Oh, sorry. No questions for the
10 testifiers. Nope.

11 MR. O'DWYER: Can you ask --

12 CHAIR ALULI: We already -- testimony, public
13 testimony was provided, it was available, and it was closed.

14 MR. O'DWYER: But there was no questions.

15 CHAIR ALULI: Sorry.

16 MR. O'DWYER: There was no questions for the
17 testifiers.

18 CHAIR ALULI: Sorry, sorry. There were.

19 MR. O'DWYER: There wasn't.

20 CHAIR ALULI: So this is a further discussion by the
21 commissioners on the motion on the floor for adjournment.

22 (No response.)

23 CHAIR ALULI: No further discussion. All in favor?

24 (Response.)

25 CHAIR ALULI: Any opposed?

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(No response.)

CHAIR ALULI: Motion carries. Meeting's adjourned.

Thank you very much.

(The proceedings were adjourned at 11:02 a.m.)

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C E R T I F I C A T E

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

I, Sandra J. Gran, Certified Shorthand Reporter for the State of Hawaii, hereby certify that on September 3, 2020, at 8:40 a.m., the proceedings was taken down by me in machine shorthand and was thereafter reduced to typewritten form under my supervision; that the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

I further certify that I am not an attorney for any of the parties hereto, nor in any way concerned with the cause.

DATED this 9th day of September, 2020, in Maui, Hawaii.



Sandra J. Gran, RPR
Hawaii CSR 424