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

TRANSCRIPT OF PROCEEDINGS  
REGULAR MEETING

Held via Blue Jeans video conference, commencing at  
9:01 a.m., on February 10, 2021.

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

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APPEARANCES

COMMISSION MEMBERS PRESENT:

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

STAFF PRESENT:

- DEPUTY CORPORATION COUNSEL: MIMI DESJARDINS
- DIRECTOR: LAYNE N. SILVA
- LIQUOR CONTROL OFFICER III: JARRETT KAHOOHANOHANO
- COMMISSION SECRETARY: MARIA KHANGSENGSING
- PRIVATE SECRETARY: LIANNE SUZUKI

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(February 10, 2021, 9:01 a.m.)

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CHAIR ALULI: With that being said, I would like to call our liquor commission meeting for Wednesday, February 10th, 2021, to order. And starting with our roll call this morning. Roberto Andrion.

COMMISSIONER ANDRION: Here.

CHAIR ALULI: Jamie Becraft.

COMMISSIONER BECRAFT: Present.

CHAIR ALULI: Leon Bolosan.

VICE CHAIR BOLOSAN: Here.

CHAIR ALULI: Leon Bolosan.

VICE CHAIR BOLOSAN: Here.

CHAIR ALULI: Oh, thank you, Leon. Aaron Boswell.

COMMISSIONER BOSWELL: Present.

CHAIR ALULI: Jerrybeth De Mello.

COMMISSIONER DE MELLO: Here.

CHAIR ALULI: Stan Ruidas.

COMMISSIONER RUIDAS: Present.

CHAIR ALULI: Bruce U'u.

COMMISSIONER U'U: Present.

CHAIR ALULI: Leslie Ann Yokouchi.

COMMISSIONER YOKOUCHI: Here.

CHAIR ALULI: From the staff, Layne Silva.

1 DIRECTOR LAYNE N. SILVA: Present.

2 CHAIR ALULI: Maria Khangsengsing.

3 MS. KHANGSENGSING: I'm here.

4 CHAIR ALULI: Lianne Suzuki.

5 MS. SUZUKI: I'm here.

6 CHAIR ALULI: Jarrett Kahooohanohano.

7 LCO KAHOOHANOHANO: Present.

8 CHAIR ALULI: Okay. Thank you. All present and  
9 accounted for. Did I miss anyone? Oh, Mimi Desjardins.

10 CORP COUNSEL DESJARDINS: (Gesturing.)

11 CHAIR ALULI: Thank you.

12 CORP COUNSEL DESJARDINS: I'm here. Thank you.

13 CHAIR ALULI: I see you. Okay. Great. Thank you.

14 One other thing I'd like to ask is, as we go through  
15 our meeting this morning, for those of you on the commission,  
16 if you wish to speak, so that we're not talking over one  
17 another, again, if you'd please just raise your hand and I  
18 will call you. And then, if you would speak at that time,  
19 that would be greatly appreciated, as opposed to trying to  
20 speak all at the same time and speaking over one another.

21 Okay. With that being done, let's move on to the  
22 agenda. I would like an approval for the agenda for  
23 February 10th, 2021. May I have a motion.

24 COMMISSIONER DE MELLO: Motion to accept.

25 CHAIR ALULI: All right. Jerrybeth De Mello. Do I

1 have a second?

2 VICE CHAIR BOLOSAN: Leon. Second.

3 CHAIR ALULI: Leon seconds. All in favor?

4 (Response.)

5 CHAIR ALULI: Any -- any opposed?

6 (No response.)

7 CHAIR ALULI: Motion carries. Thank you.

8 Let's move on to Item No. IV, Approval of the  
9 Minutes of January 13th, 2021. Can I have a motion for  
10 approval of those minutes?

11 COMMISSIONER BECRAFT: (Gesturing.)

12 CHAIR ALULI: Jamie Becraft. Do I have --

13 COMMISSIONER BECRAFT: Motion to approve, Chair.

14 CHAIR ALULI: Thank you, Jamie.

15 Do I have a second?

16 COMMISSIONER DE MELLO: (Gesturing.)

17 CHAIR ALULI: Jerrybeth De Mello. I recognize your  
18 second.

19 COMMISSIONER DE MELLO: Mm-hmm.

20 CHAIR ALULI: Any further discussion on the minutes?

21 (No response.)

22 CHAIR ALULI: Not seeing any, may I have a motion --  
23 or may I have a -- or a motion to approve.

24 COMMISSIONER U'U: So moved.

25 CHAIR ALULI: Or a vote for approval. All in favor?

1 (Response.)

2 CHAIR ALULI: Sorry. All opposed?

3 (No response.)

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

6 Okay. Now we're gonna move into public testimony  
7 and what I'm gonna do today is I'm gonna ask for public  
8 testimony at the beginning of every one of the Roman numeraled  
9 sections. I will ask for testimony for any of the items in  
10 that section, and then I will close testimony for that  
11 specific section, and open testimony for the next section, and  
12 then close it accordingly. Okay?

13 That being said, let's move on to Roman numeral  
14 number -- make sure I get my order here -- Roman Numeral  
15 No. VI, General Licensing Matters, Items A through G. Do I  
16 have a motion for approval? Let's see. Jamie, you've got --

17 CORP COUNSEL DESJARDINS: Chair, are you going to  
18 take public testimony on that?

19 CHAIR ALULI: I am gonna -- oh, I'm sorry. Sorry.  
20 Yes. Thank you, Mimi.

21 Yes. Do I have anybody signed up in the chat area.  
22 I have Dave Jorgenson signed up, but I think he's going to be  
23 providing testimony or he's representing somebody for the --

24 MR. JORGENSEN: Actually, sir, I'm not. It's more  
25 on these general matters.

1 CHAIR ALULI: Okay, all right. Sorry, Dave.

2 MR. JORGENSEN: That's all right.

3 CHAIR ALULI: Dave, do you want to provide testimony  
4 on any of those items, then?

5 MR. JORGENSEN: Yes, sir. Good morning, Chair  
6 Aluli, Members of the Commission, and Staff. My name's Dave  
7 Jorgensen. I'll be real brief. I just wanted to commend the  
8 department, the commission and the department. I have a -- a  
9 couple clients on the general licensing matters. Given  
10 everything that's going on in the world and on Maui, there's  
11 been a lot of challenging times, a lot of challenging issues  
12 that have come up, and the department has been very helpful,  
13 very cooperative. I've gotta say, every -- every single  
14 person that I've talked to, between the administrative staff  
15 and otherwise, has been very cooperative. You know, there's  
16 still things we've gotta do, but I've had a couple clients who  
17 needed to expand areas, I had a client who, you know, needed  
18 to kind of rush to be able to open up, Cafe O'Lei at the Mill  
19 House, for instance, and the department has been very helpful.

20 So I just wanted to let the commission know. You  
21 know, a lot of times, you guys hear the complaining and -- you  
22 know, I love everybody down there, but sometimes the  
23 complaining is justified. But I wanted to let you know when  
24 there is good stuff, and from the director on down,  
25 everybody's been very helpful and helped clients, whether it's

1 a relatively simple thing as far as getting the extension on  
2 approval or issuance or expanding the service area, which can  
3 be a little more complicated, just making sure everything's in  
4 order. But that's all I wanted to say this morning, just  
5 thank you on my behalf and my clients' behalf, and I know I  
6 speak for a lot of the other representatives who appear before  
7 you on behalf of clients that we do appreciate the -- the  
8 assistance and cooperation we've been getting.

9 CHAIR ALULI: Thank you, Dave. Great to hear that.  
10 Commissioners, any questions for Mr. Jorgenson?

11 (No response.)

12 CHAIR ALULI: Not seeing any, I will close public  
13 testimony for --

14 MR. JORGENSEN: Thank you.

15 CHAIR ALULI: -- general licensing. Thank you,  
16 Dave. For general -- I will close testimony now for -- public  
17 testimony now for general licensing matters.

18 So, Commissioners, I'd like to call for a motion to  
19 approve Items A through G. Do I have a motion for approval?

20 COMMISSIONER U'U: Motion. I make the motion.

21 CHAIR ALULI: Moved by Bruce. Do I have a second?

22 VICE CHAIR BOLOSAN: (Gesturing.)

23 COMMISSIONER DE MELLO: Second.

24 CHAIR ALULI: Second by Leon Bolosan.

25 Any further discussion?



1 (No response.)

2 CHAIR ALULI: Having no further discussion, can I  
3 have a motion to approve? All in favor?

4 (Response.)

5 CHAIR ALULI: Any opposed?

6 (No response.)

7 CHAIR ALULI: No opposition. Motion carries. Thank  
8 you very much.

9 Let's move on now to Item No. VII, Preliminary  
10 Hearings; Licensing, Preliminary Hearings. Let's see.

11 MR. NAKAMURA: Good morning, Mr. Chair.

12 CHAIR ALULI: Yeah.

13 MR. NAKAMURA: This is Craig Nakamura, attorney on  
14 behalf of the applicant. And hopefully with us on the phone  
15 is John Benson, who is the general manager of the Hana Maui  
16 Resort Hotel.

17 CHAIR ALULI: Okay, Craig. Thank you very much.

18 MR. BENSON: I'm here, yes.

19 CHAIR ALULI: I'm sorry. Before I go into that,  
20 Craig, let me find out if there's anybody in the public that  
21 wants to provide public testimony. I do not see anybody  
22 signed up, so I will close public testimony for this item,  
23 Item No. VII, Licensing Matters right now and move to Item  
24 No. A, Application No. TA-4, TR Big Sur Management.

25 And Craig, you're representing the applicant; right?

1 MR. NAKAMURA: Yes. Yes, I am.

2 CHAIR ALULI: Okay.

3 MR. NAKAMURA: And on the phone should be John  
4 Benson, who is the --

5 MR. BENSON: Yes, sir.

6 MR. NAKAMURA: -- general manager of the Hana Maui  
7 Resort Hotel.

8 CHAIR ALULI: Okay. Great. Thank you.  
9 Jarrett.

10 LCO KAHOOHANO: Okay. The Application Number is  
11 TA-04 for a Retail General Liquor License. The applicant is  
12 TR Big Sur management, LLC doing business as Hana Dry Goods  
13 applying for transfer of a retail general license from  
14 Champagne, Inc. dba Hana Dry Goods.

15 The managers, member, organizer, primary decision-  
16 maker and agent of the manager-managed limited liability  
17 company; their personal history statements; criminal history  
18 statements; hotel services agreement; and consent to transfer  
19 are all listed in the investigator's report.

20 The premises is a single-level retail and  
21 convenience store located with the -- within the Hana Maui  
22 Resort at 5031 Hana Highway, Retail No. 1, Hana, Maui, Hawaii.

23 There are no schools or churches located within a  
24 radius of 500 feet.

25 There's one temporary hotel license located within a

1 radius of 500 feet.

2 There are 89 licensees -- licenses of this class and  
3 kind currently issued with -- within the County of Maui.

4 Champagne, Inc. doing business as Hana Dry Goods was  
5 granted a retail general license on May 9th, 2018.

6 Plans of the applicant is to be open seven days a  
7 week from 8:00 a.m. to 2:00 -- 2:00 a.m. That can't be right.

8 MR. NAKAMURA: Yeah, 2:00 a.m., morning.

9 CHAIR ALULI: Yes, that's right. Isn't it? Yeah.

10 LCO KAHOOHANO: A site inspection was conducted  
11 on December 22nd, 2020.

12 Past History: TR Big Sur Management Company, LLC  
13 was issued a temporary retail general license for Hana Maui  
14 Resort on December 31st, 2020.

15 In the opinion of the investigator, the  
16 application -- the applicant appears to be fit and proper,  
17 does not appear to be disqualified by any provision as stated  
18 within Section 281-56 of the Hawaii Revised Statutes from  
19 obtaining and exercising a liquor license.

20 All documents necessary for the issuance of a liquor  
21 license have not been submitted and are all listed in the  
22 investigator's report.

23 CHAIR ALULI: Okay, Jarrett. Thank you very much.

24 Craig or John, do you have anything further to  
25 comment on regarding the application?

1           MR. NAKAMURA: Just -- just a couple comments first,  
2 Mr. Chair. Number one, I'd like to mirror the comments made  
3 by Dave Jorgenson. As you know, I do handle quite a few  
4 applications and I've found the change in administration has  
5 been a very good thing. The director has been very  
6 approachable, you know, very responsive, very -- and also very  
7 helpful. So I think we have a very business-friendly  
8 atmosphere that he is promoting in the department and we  
9 really appreciate it.

10           The second thing is I wanted to say, you know, I  
11 haven't -- I haven't been able to attend the -- the public  
12 hearings because of the COVID requirements and this is the  
13 first time I've seen Jarrett in a while and I kind of like the  
14 beard, the look with the beard going on, you know, with  
15 Jarrett and with Layne. I mean, I think -- I feel a little  
16 left out because of that, but they look good, so I just wanted  
17 to make that comment.

18           On this -- on this particular application, the  
19 commission will see that there's basically gonna be three  
20 applications. TR Big Sur Management is a Hyatt entity and  
21 is -- is applying to transfer the licenses from -- this one is  
22 the Hana Dry Goods, which is a store, a retail store within  
23 the hotel. The next application is gonna be for the Hana  
24 Ranch Restaurant, which is the restaurant that's outside of  
25 the hotel down the street that you're probably all familiar

1 with. And hopefully next month we're gonna be on the agenda  
2 with an item pertaining to the transfer of the hotel license  
3 itself.

4 So as I mentioned, this is for the -- the Hana Dry  
5 Goods, which is the retail store within the hotel. And  
6 Mr. Benson is on the phone. We'd be happy to answer any  
7 questions you have.

8 CHAIR ALULI: Okay, Craig. Thank you.

9 Commissioners, any questions for Mr. Nakamura or the  
10 general manager of the hotel?

11 (No response.)

12 CHAIR ALULI: No questions there?

13 (No response.)

14 CHAIR ALULI: That being said, can I have a motion  
15 for approval?

16 COMMISSIONER BECRAFT: (Gesturing.)

17 CHAIR ALULI: Approval -- motion by Jamie Becraft.  
18 A second, do I have a second?

19 COMMISSIONER ANDRION: (Gesturing.)

20 CHAIR ALULI: Roberto, I see your hand up. Roberto  
21 Andrion is the second. Any further discussion on this  
22 application?

23 (No response.)

24 CHAIR ALULI: Okay. All in favor of approval?

25 (Response.)

1 CHAIR ALULI: Any opposed?

2 (No response.)

3 CHAIR ALULI: Motion carries. Thank you very much,  
4 Craig.

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

6 CHAIR ALULI: All right. Let's move on to Item B,  
7 Application No. TA-5, again, TR Big Sur Management.  
8 Jarrett.

9 LCO KAHOOHANO: Application No. TA-05 is for a  
10 Restaurant General B(ii) Liquor License. TR Big Sur  
11 Management, LLC is the applicant doing business as Hana Ranch  
12 Restaurant applying for a transfer of Restaurant General  
13 License Category B(ii) from Champagne, Inc. dba Hana Ranch  
14 Restaurant.

15 The managers, member, organizer, primary  
16 decision-maker, and agent of the -- agent of the manager-  
17 managed limited liability company; their personal history  
18 statements; criminal history statements; past history; hotel  
19 services agreement and consent to transfer are all listed in  
20 the investigator's report.

21 The premises, the proposed premises is a single-  
22 story building consisting of an interior dining area totally  
23 approximately 3,536 square feet and is located at 5130 Hana  
24 Highway, Hana, Maui, Hawaii.

25 The toilet facilities are located outside of the

1 premises approximately 60 feet from the front entrance of the  
2 Kaupo -- in the Kaupo direction.

3 There are no schools located within a radius of 500  
4 square feet. Wananalua Congregational Church is located  
5 within 500 feet.

6 There are two retail general and one retail beer and  
7 wine licenses within a radius of 500 feet from the premises.

8 There are 89 licenses of this class and kind  
9 currently issued within the county -- Maui County.

10 Champagne, Inc. dba Hana Ranch Restaurant was  
11 granted a Restaurant General B(ii) License on July 18th, 2010.

12 The applicant plans to be open seven days a week  
13 from 8:00 a.m. to 2:00 a.m.

14 A site inspection was conducted on December 22nd,  
15 2020.

16 And in the opinion of the investigator, the  
17 applicant appears to be fit and proper and does not appear to  
18 be disqualified by any provision as stated within Section  
19 281-56 of the Hawaii Revised Statutes from obtaining or  
20 exercising a liquor license.

21 All documents necessary for the issuance of a liquor  
22 license have not been submitted. All are listed in the  
23 investigator's report.

24 CHAIR ALULI: Okay, Jarrett. Thank you very much.

25 Craig, anything further to add?

1 MR. NAKAMURA: Yeah. Again, Mr. Chair, Craig  
2 Nakamura, attorney on behalf of the applicant. And John  
3 Benson, the general manager of the hotel, is on the phone.

4 As previously mentioned, this is for the transfer of  
5 the restaurant license for the Hana Ranch Restaurant. We have  
6 nothing further to add and would be happy to answer any  
7 questions.

8 CHAIR ALULI: Okay. Commissioners, any questions of  
9 either -- of the applicants?

10 (No response.)

11 CHAIR ALULI: Not seeing any questions by any of the  
12 commissioners, may I have a motion for approval.

13 VICE CHAIR BOLOSAN: (Gesturing.)

14 CHAIR ALULI: I see Jamie -- or Leon Bolosan had a  
15 motion for approval. A second?

16 COMMISSIONER ANDRION: (Gesturing.)

17 CHAIR ALULI: Roberto seconds. Any further  
18 discussion?

19 (No response.)

20 CHAIR ALULI: All in favor for approval?

21 (Response.)

22 CHAIR ALULI: Anybody opposed?

23 (No response.)

24 CHAIR ALULI: I see no opposition. Motion carries,  
25 then.



1 Thank you very much, Craig --

2 MR. NAKAMURA: Thank you very much.

3 CHAIR ALULI: -- and Mr. Benson.

4 MR. BENSON: Thank you. Appreciate it.

5 CHAIR ALULI: Okay. Let's move on to Item C,  
6 Application No. 8, Marlow, Inc. dba Marlow for a restaurant  
7 general license.

8 Jarrett.

9 LCO KAHOOHANOHANO: Application No. 08 is a  
10 Restaurant General B(ii) Liquor License. The applicant is  
11 Marlow, Inc. dba Marlow applying for a Restaurant General  
12 License, Category B(ii).

13 The officers, directors, registered agent, and  
14 stockholders of the corporation; personal history statements;  
15 criminal history statements, and lease agreement are all  
16 listed in the investigator's report.

17 The proposed premises is located within a two-story  
18 structure located on the ground floor containing approximately  
19 2,265 square feet of interior space and 134 square feet of  
20 outdoor patio space located at Kulamalu Plaza at 30 Kupaoa  
21 Street, Unit A-104, Pukalani, Maui, Hawaii.

22 The restroom facilities are located outside the  
23 proposed premises. The men's and women's restrooms are  
24 located on the second story of the same structure  
25 approximately 7 feet utilizing the elevator and 128 feet

1 utilizing the stairwell from the premises entrance. The  
2 landlord reports that employees and patrons will have the  
3 right to use the common area restrooms during all hours of  
4 operation.

5 There are no schools or churches located within a  
6 radius of 500 feet.

7 There are no licenses of the same class and kind  
8 located within a radius of 500 feet.

9 There is one retail general license located within a  
10 radius of 500 feet.

11 There are 89 licenses of this class and kind  
12 currently issued within Maui County.

13 Plans of the Applicant: They initially plan to open  
14 from 8:00 a.m. to 2:00 a.m., Monday through Sunday.

15 A site inspection was conducted on January 22nd,  
16 2021. The premises interior was still under construction. A  
17 final inspection will be scheduled as soon as the construction  
18 is complete.

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

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

1 investigator's report.

2 CHAIR ALULI: Thank you, Jarrett.

3 Mr. and Mrs. Scheer, Jeffrey and Kaili, my apologies  
4 for not asking -- introducing you two fine people at the  
5 beginning. And so at this point, if you'd please introduce  
6 yourselves and add any comments to what Jarrett has just read,  
7 we'd appreciate that.

8 MR. SCHEER: My name is Jeff Scheer. This is my  
9 wife Kaili Scheer.

10 MRS. SCHEER: Hello.

11 MR. SCHEER: We are just in the beginning processes  
12 of building the -- the place out. You know, it's gonna be a  
13 family-owned restaurant, we plan on just doing beer and wine,  
14 our hours of operation will be from 11:00 to 2:00, more than  
15 likely -- I mean, 11:00 to 10:00 p.m., and the menu is going  
16 to be wood fire pizza, salads, and appetizers, and a very  
17 simple concept.

18 CHAIR ALULI: Thank you, Mr. Scheer. And my  
19 apologies for -- I thought your name was Kaili, I thought it  
20 was the Hawaiian pronunciation. Kaili. Okay.

21 MRS. SCHEER: Kaili. Sorry.

22 CHAIR ALULI: Okay. Commissioners, any questions  
23 for the Scheers at this point?

24 (No response.)

25 CHAIR ALULI: Okay. I don't see any questions by

1 any of the commissioners. That being said, there -- can I  
2 have a motion for approval, then?

3 COMMISSIONER YOKOUCHI: Chair.

4 CHAIR ALULI: Leslie. Leslie Ann.

5 COMMISSIONER YOKOUCHI: I just want to know what  
6 kind of live entertainment you're planning to have.

7 MR. SCHEER: You know, we don't plan on doing it too  
8 often, but we thought we would just apply for it in case  
9 somebody wanted to play acoustically, an individual person  
10 wanted to play acoustically, you know, maybe -- you know,  
11 maybe on a Friday night or something like that. But it  
12 wouldn't be --

13 COMMISSIONER YOKOUCHI: 'Cause I -- there's the  
14 residence or cottages across the street.

15 MR. SCHEER: Yes.

16 COMMISSIONER YOKOUCHI: So it wouldn't impact them  
17 at all; right?

18 MR. SCHEER: No. No live music, no dance floor,  
19 nothing like -- just in case -- my dad plays guitar, so I'm --

20 COMMISSIONER YOKOUCHI: Okay. Thank you. Thank  
21 you.

22 CHAIR ALULI: Any further questions of the Scheers  
23 by any of the commissioners?

24 (No response.)

25 CHAIR ALULI: Okay. That being the case, can I have

1 a motion for approval?

2 COMMISSIONER YOKOUCHI: (Gesturing.)

3 CHAIR ALULI: I see, Leslie, you had your hand up  
4 for a motion. Do I have a second?

5 COMMISSIONER ANDRION: (Gesturing.)

6 CHAIR ALULI: I see a second from Roberto. Any  
7 further discussion?

8 (No response.)

9 CHAIR ALULI: All in favor?

10 (Response.)

11 CHAIR ALULI: Any opposed?

12 (No response.)

13 CHAIR ALULI: Motion carries, Kathy and Kaili, thank  
14 you very much and we wish you the best of luck.

15 MRS. SCHEER: Thank you.

16 CHAIR ALULI: You have a nice venue up there.

17 MR. SCHEER: Thank you.

18 MRS. SCHEER: Thanks so much.

19 CHAIR ALULI: All right. Let's move on to Item  
20 No. VIII, Administrative Affairs. And so I will open it up to  
21 public testimony at this point on any of the items in that  
22 Agenda Item No. VII.

23 I do not see anybody signed up. I will, therefore,  
24 close public testimony for Item No. VII, Administrative  
25 Affairs, and turn it over to Layne, our director.

1           Layne, our director's monthly report.

2           DIRECTOR LAYNE N. SILVA: Thank you, Nane. Good  
3 morning, everybody. You know, just some clarifications on  
4 Rule 10. There hasn't been very many changes implemented on  
5 the January 19th version, just to specify the licensed  
6 premises are still being required -- you know, consumption on  
7 the premises are still being required to close by 10:00 p.m.  
8 There is a slight difference that was included in the -- the  
9 rules that exclude nonliquor-licensed premises from that  
10 curfew. Places with, like -- you know, McDonald's or places  
11 with drivethroughs that do not serve liquor are not bound by  
12 that restriction.

13           Also, in your packets you -- you should have seen  
14 the -- there's a new form that was submitted. It's not a  
15 form, but this is a document that we're using to notify a  
16 licensed premises of a 24-hour shutdown. It is specific to  
17 the Public Health Emergency Rules as stated in Rule 10. It  
18 specifically states the violations as indicated in Rule 10 so  
19 that the licensees when -- if and when they receive one of  
20 these, it'll be very clear to them as to what the closure is  
21 based on, because it -- it names the specific sections or  
22 violations of the Rule 10. They would be receiving one of  
23 these at that time which would implement the 24-hour closure.

24           With that being said, there has been no other 24-  
25 hour closure since the last ones that we spoke about last

1 month. The -- it seems like the licensees from the premises  
2 are being diligent and they're -- they're complying and  
3 everybody's putting forth an effort to reduce the spread of  
4 the virus. That's one very positive thing.

5 So if there are any questions in regards to that  
6 section, I'd be happy to answer.

7 CHAIR ALULI: Jamie.

8 DIRECTOR LAYNE N. SILVA: Jamie.

9 COMMISSIONER BECRAFT: Hey, Layne. Thank you. I  
10 have a few questions. One, so we -- I understand we haven't  
11 had any new shutdowns or issuances of this or any other form  
12 since our last meeting; is that correct?

13 DIRECTOR LAYNE N. SILVA: Yes. That is correct.

14 COMMISSIONER BECRAFT: Okay. So has there been  
15 any -- any requests or anything -- anything reported by MPD in  
16 the last month or so? Since the last meeting, I should say.

17 DIRECTOR LAYNE N. SILVA: I've -- I've received no  
18 communication from them, no.

19 COMMISSIONER BECRAFT: Okay. And like the form and  
20 stuff, have we worked -- are we working with the prosecutors?  
21 I know that there's two levels of this; right? There's the  
22 level of not -- not going any further, just you're shut down  
23 for 24 hours, and there's also -- you've got HRS sections in  
24 here, so those can be -- those are criminal; correct?

25 DIRECTOR LAYNE N. SILVA: Yeah. Yes.

1           COMMISSIONER BECRAFT: Okay. So have we worked with  
2 the prosecuting attorney's office to ensure that if we need to  
3 go on the level of criminal, that they're comfortable with  
4 what we're doing and that they -- you know, they feel that at  
5 this point they would be able to move forward with  
6 prosecution?

7           DIRECTOR LAYNE N. SILVA: Absolutely. Actually, in  
8 the formation of that document, we held extensive meetings  
9 with both corp. counsel and the prosecutor's office, taking  
10 input from both sides as to how to move forward with this.  
11 The HRS sections that remained on the document are there  
12 specifically in the instance of the possibility of a -- of a  
13 habitual violator and that would be something that could be  
14 adjudicated based on HRS if that were to occur.

15           COMMISSIONER BECRAFT: Okay.

16           DIRECTOR LAYNE N. SILVA: But, ultimately, it's just  
17 notification for the Public Health Emergency Rules, Rule 10.

18           COMMISSIONER BECRAFT: Okay. Great. And then my  
19 last question is regard to enforcement of these rules, are you  
20 guys doing it on your own or is this like the -- do you guys  
21 require MPD's presence to enforce -- enforce this?

22           DIRECTOR LAYNE N. SILVA: Well, part of our  
23 procedure to implement a 24-hour shutdown is to contact MPD  
24 for assistance. So any time there will be a 24-hour closure,  
25 part of the procedure to go forward with that would be to



1 contact Maui Police Department and obtain assistance from  
2 them.

3 COMMISSIONER BECRAFT: Okay. So if I'm hearing that  
4 correctly, which -- and I -- and I think it's a great idea.  
5 It's, you know, for the safety of everyone, all the employees,  
6 especially, you know, liquor and everybody, that be -- once  
7 they make that decision, they call MPD just so they're there,  
8 they have the police presence so that we don't have anybody --  
9 anybody getting assaulted and injured; right?

10 DIRECTOR LAYNE N. SILVA: Absolutely. Yeah, yeah.

11 COMMISSIONER BECRAFT: Okay. And I just -- so  
12 further, though, you're not reliant upon them where you're  
13 gonna call MPD and say, Okay, this is what I seen, you guys  
14 shut them down and we'll -- we'll do paperwork. It's just,  
15 Hey, can you stand by and then -- as a backup?

16 DIRECTOR LAYNE N. SILVA: No. Yeah, actually, the  
17 department of liquor control is the agency that is tasked with  
18 implementing the 24-hour shutdown, but, you know, with  
19 accommodation to Maui Police Department for their assistance.  
20 Yeah, they've been a great help and I feel we've had a very  
21 good working relationship in this matter, yeah.

22 COMMISSIONER BECRAFT: Okay. So just to the last  
23 clarification for me, then, when that report would be filled  
24 out and it would be moving forward to the prosecutors, the  
25 liquor department would be the complainant in that situation?

1 DIRECTOR LAYNE N. SILVA: Yes.

2 COMMISSIONER BECRAFT: Okay. Thanks. I -- I  
3 appreciate it. I think you guys are doing all the right  
4 steps. It sounds -- it sounds good. You know, it's good that  
5 you guys have got the safety measures in place and I'm  
6 thankful that you guys are working with the prosecutors and  
7 stuff to make sure that we're -- we're following whatever  
8 procedures we need when we do that enforcement. So thanks,  
9 Layne, I appreciate it.

10 DIRECTOR LAYNE N. SILVA: Thank you.

11 COMMISSIONER BECRAFT: Mr. Chair, that's all the  
12 questions I have. Thank you.

13 CHAIR ALULI: Thank you, Jamie.

14 Any further questions of Layne on that item by any  
15 of the commissioners?

16 (No response.)

17 CHAIR ALULI: Okay, all right. You want to keep  
18 moving ahead, Layne.

19 DIRECTOR LAYNE N. SILVA: Okay. So Item No. 2 is  
20 just an update on the status of the comprehensive review of  
21 the rules and where we're at with that as of now. I just  
22 received an update this morning. Our enforcement staff, Bill  
23 Pacheco, Kayle Matsushima, and Cullan Kawano are spearheading  
24 the initial portion of this, of the comprehensive rule review.  
25 They're in the process of going through the rules and my

1 latest update that I received just this morning is that they  
2 have identified all the complete duplicates that are duplicate  
3 rules that cross over from the Maui County Liquor Control  
4 Rules to the HRS. So they're identifying all the duplicates  
5 and now they're in the -- in the -- where they're working on  
6 identifying the partial duplicates so that we can identify  
7 them and put -- use going forward to whether they need to be  
8 there or not. We're in the phase now that they're starting to  
9 reorganize the rules sections related to subject matter.

10 We're trying -- what we're trying to accomplish is  
11 identifying the duplicates that don't need to be there and  
12 restating the rules in a more common sense way that is laid  
13 out to help it to be easier navigated by the licensees and the  
14 public as well as the department, also. So that's where we're  
15 at with that. It is still moving forward, but I believe they  
16 are making great strides.

17 CHAIR ALULI: Okay. Jamie.

18 COMMISSIONER BECRAFT: Yes. Thank you, Mr. Chair.

19 Layne, so my major -- this has come up before, but  
20 my major thing that I wanted to see changed, too, is things  
21 like wording and things that make things difficult. Like as a  
22 specific example that, you know, one things I really feel  
23 should be looked at hard is requiring them to have a to scale  
24 drawing of their facility.

25 DIRECTOR LAYNE N. SILVA: Yes.

1           COMMISSIONER BECRAFT: You know, I wanted to make  
2 sure that we're addressing things like that that are just, you  
3 know, too cumbersome and not really realistic. The only thing  
4 we ever did to scale in the police department was fatal  
5 traffic investigation, you know. So the -- that would be, you  
6 know, my thing, is: Are we addressing that type of wording  
7 and looking to make things easier?

8           DIRECTOR LAYNE N. SILVA: Yes, that is the goal.

9           COMMISSIONER BECRAFT: Okay. And then we're gonna  
10 get, I assume, a list of things that have been looked at,  
11 highlighted, this is what exists and then this is what the  
12 proposed changes are?

13           DIRECTOR LAYNE N. SILVA: Yes. Actually, the -- you  
14 know, because of the process of changing rules, you know, is  
15 pretty well established. What we're doing right now is we're  
16 internally reviewing to see what kind of possible changes we  
17 can propose. Along with that proposal, what we are also going  
18 to request after we get through this initial stage, is we're  
19 gonna ask for input from outside, from the public, from the  
20 stakeholders, and have them to go through, you know, what  
21 exists now for them to make their proposals to us as well.

22                   And once we compile all of the information from all  
23 the different sides, at that time we're gonna look at bringing  
24 in, possibly, a qualified expert to go through what we came up  
25 with, especially for the sake of not losing any of the

1 integrity of the -- of the laws as pertains to the state law.  
2 You know, things may sound good in the way they're proposed to  
3 changes in the -- in the Rules of the Liquor Commission,  
4 County of Maui, but it is vital and integral that we don't  
5 lose the integrity of what is necessary based on state law.

6 So that -- those are basically the three steps and  
7 where it's gonna -- where we expect to end up before we come  
8 before you guys and make that actual proposition.

9 CHAIR ALULI: Yeah, Jamie.

10 COMMISSIONER BECRAFT: Yes. Thank you, Mr. Chair.

11 And, Layne, yeah, thanks for explaining what -- you  
12 guys' process and stuff. And just, you know, being also a  
13 former county employee, I get that we don't want to compare  
14 ourselves to others, but, you know, it has been brought up  
15 already from members of our licensees and whatnot that --  
16 comparing it to like Oahu. In my career, I had no problem  
17 pulling Oahu's, Kauai's, their -- their areas when I was -- we  
18 were looking to change our procedures and whatnot and see what  
19 they were doing. So I don't know if you guys want to add that  
20 in. It's always good to just look at others.

21 And I think you guys are on the right path. I think  
22 we can all propose some changes. And then just what you've  
23 been doing already with the 24-hour shutdown and stuff, as  
24 long as you -- once you do it all and we all talk about it and  
25 say this is what we're looking at and then you run it by --

1 then it ultimately take it to the prosecutors and corporation  
2 counsel, because --

3 DIRECTOR LAYNE N. SILVA: And corp counsel, correct.

4 COMMISSIONER BECRAFT: Right. Because they do the  
5 civil, you know, if there's gotta be civil penalties and  
6 whatnot. Just to make sure we're not doing everything. I  
7 think we'll be fine. If you guys want to bring in an expert,  
8 I guess that would be on you, but I think -- I consider our --  
9 our head prosecutor -- I know our new head prosecutor and he's  
10 very sharp and --

11 DIRECTOR LAYNE N. SILVA: Absolutely.

12 COMMISSIONER BECRAFT: I mean, and equally so with  
13 Ms. Lutey, our -- she's -- she's very sharp. So I think that  
14 your experts lie there, that they can check this.

15 Then I would just throw it at the chair, I don't  
16 know, Mr. Chair, if you -- if we want to consider bringing it  
17 up, if it needs to be agendized, I'm not sure whether or not  
18 we wanna, you know, do a little TIG also to help with that at  
19 the end or if we're gonna have a special meeting or something,  
20 but if we wanted to do something of that nature, that way it  
21 might help the process.

22 Because if I'm hearing you correctly, Layne, and  
23 correct me if I'm wrong, you guys are gonna initiate it, then  
24 throw it at us, so kind of get that --

25 DIRECTOR LAYNE N. SILVA: And I know --

1                   COMMISSIONER BECRAFT:  -- and then also from the  
2                   community.

3                   DIRECTOR LAYNE N. SILVA:  I believe that Bruce  
4                   brought up, maybe a few meetings ago, as part of the  
5                   discussion when we were talking about the rule review, forming  
6                   a TIG and, you know, some kind of review board for  
7                   representation from you guys to also review and take a look  
8                   through it and I think that's a great idea.  I think the more  
9                   eyes that are able to be put on it, the better.

10                  COMMISSIONER BECRAFT:  I would support what Bruce  
11                  was saying.  I think maybe our -- our TIG efforts might come  
12                  after -- once you throw it out there to the public and the  
13                  licensees, get all their input, and, of course, we need your  
14                  guys; guidance also, you know.

15                  DIRECTOR LAYNE N. SILVA:  Absolutely.

16                  COMMISSIONER BECRAFT:  'Cause, you know, this is  
17                  what you work on, you know.  You would see, yeah, it might be  
18                  a good idea, but you can see the stumbling blocks and whatnot  
19                  and then maybe forward it to the TIG so we can look it all  
20                  over and whatnot.  But I -- I appreciate what you guys are  
21                  doing because I too believe that we need to have some reform  
22                  of our rules.  Thank you.

23                  CHAIR ALULI:  Yeah, Leslie.

24                  COMMISSIONER YOKOUCHI:  Chair, I'm just wondering  
25                  if --

1           Well, Layne, I just want to congratulate you. I  
2           guess you guys are doing an awesome job. Very good. Thank  
3           you.

4           DIRECTOR LAYNE N. SILVA: Thank you.

5           COMMISSIONER YOKOUCHI: But also what if we started  
6           off with a committee that would work on this and it would  
7           include maybe somebody from our commission, would include a  
8           stakeholder, and all of these guys form a special committee  
9           just to look at these rules. And once that's done, I guess  
10          that can be sent in to the commission. I don't know. I'm  
11          just throwing out an idea that you get, you know, people  
12          involved at the beginning instead of going from your  
13          employees, then you're gonna -- you're gonna get your  
14          stakeholders, then to us. But I'm just wondering if maybe we  
15          get everybody involved in a special committee just for this.  
16          I don't know, I'm just throwing that out.

17          CHAIR ALULI: Can I offer this as maybe a  
18          suggestion, Layne? Maybe you and I and Leon, who's going to  
19          be the incoming -- well, is now the vice chair, meet to talk  
20          about a process and procedure for doing what Jamie and Leslie  
21          have advised and Bruce had suggested, is establishing a  
22          process so that the rule review is done in an organized  
23          manner. And it might good -- or time well spent if we have  
24          that discussion and establish a process, because we might be  
25          able to do it incrementally as opposed to all at one time,



1 which could be overwhelming. You know, break it down into  
2 sections so that after your guys have gone through it, then it  
3 moves over to this group and then, you know, the process I  
4 think will get done in a more timely manner. Does that make  
5 any sense?

6 DIRECTOR LAYNE N. SILVA: You know, to be perfectly  
7 honest with you, I am open to suggestions. You know, you  
8 don't know if it's gonna work until you give it a shot.  
9 Right? So, you know, the way we're approaching it now -- and  
10 I guess the idea was that each of the separate groups that  
11 would be taking a look through -- and submitting their  
12 proposals or whatever you should call it, would be looking at  
13 it in its entirety, because we don't want to say that what we  
14 come up with is what now is gonna be reviewed.

15 CHAIR ALULI: Right, right.

16 DIRECTOR LAYNE N. SILVA: Because, you know, we  
17 want -- we want -- we want opinions that -- other than our  
18 own. You know, sometimes it's -- you know, brainstorming in  
19 that way, you may -- you know, it's real easy to get tunnel  
20 vision. Yeah? And then when someone from the outside gives  
21 you a suggestion, sometimes it makes sense and you would have  
22 never thought of that because of that tunnel vision. So,  
23 yeah, we're -- we're definitely open to constructive ideas in  
24 how to move this thing forward, absolutely.

25 CHAIR ALULI: Any -- any thoughts or ideas from any

1 of the other commissioners about the process or the procedure  
2 of going through the -- the rule review? Okay.

3 COMMISSIONER YOKOUCHI: Jamie, Jamie, I would hate  
4 to do this to you, but I think you would be a great person in  
5 the committee. He kind of knows all the rules, he's -- he's  
6 heard a lot of the things that were going wrong, and I think  
7 he would be a really big asset at the beginning instead of  
8 having it done later. If he was involved at the start, I  
9 think it would save a lot of time and energy.

10 Sorry, Jamie. I don't know if you want that -- I  
11 don't want if you want that job, but --

12 CHAIR ALULI: Well, I think the important thing is  
13 not to duplicate efforts, you know. You don't wanna be  
14 stumbling over one another or duplicating efforts. We want to  
15 make it as efficient a process as possible, but also as  
16 complete and sensible a process, too. So, you know, we're  
17 trying to come up with how best to do that.

18 Jamie, any --

19 COMMISSIONER BECRAFT: Honestly, I feel it would --  
20 it would be only fair to let Layne -- you know, it's his  
21 department, you know, let them run through it and do what they  
22 see. I think his plan is good that he take input from the  
23 community while he's doing this and then present it to them.  
24 'Cause, you know, I -- I would definitely be willing to be on  
25 the TIG, I'm definitely more than willing to help out in any

1 way I can for liquor, that's why I joined the commission; but  
2 I don't want to walk down there and just -- from step one and,  
3 essentially, almost tell them what to do, 'cause that's not  
4 what my goal is. I think Layne's more than capable and his  
5 people and if they can get theirs together and make their run  
6 and listen to what the -- you know, this is what I'm looking  
7 for, anyway, out of Layne and the department, to change and  
8 listen to what the people are saying. And if what they're  
9 saying makes sense, he can make the changes, give it to us,  
10 and I'll be happy to be on a TIG that then goes over it and  
11 I'm willing to put in that extra effort.

12 CHAIR ALULI: Okay.

13 COMMISSIONER BECRAFT: But I don't want to step on  
14 anybody's toes or any --

15 CHAIR ALULI: That sounds reasonable. I think  
16 Jamie's suggestion is well made, that after Layne's crew and  
17 group takes a look at it, that it then be reviewed by the  
18 committee or TIG that has been suggested and then changes or  
19 advice -- or suggested changes or adjustments be made. It  
20 probably seems like a good process.

21 Yeah, Leslie.

22 COMMISSIONER YOKOUCHI: So when would you get the  
23 stakeholders involved in the process, at what point?

24 DIRECTOR LAYNE N. SILVA: Well, it was my  
25 understanding, and this is how it was presented to me, is that

1 once we get through with locating the partial -- the  
2 duplicates as well as reorganizing, with that information  
3 compiled, at that point in time is when we would make it  
4 public, for lack of a better way to -- to explain it, inviting  
5 the key stakeholders and, you know, individuals from the  
6 public to provide input. But with that being said, because  
7 what we're talking about is the rule book, everyone on Maui  
8 has access to those rules. So if you wanted to crack open the  
9 rule book today and start going through it and see if there's  
10 anything that -- that you may have in mind or anyone would  
11 want to crack open that rule book and go through there, I  
12 mean, that's the beauty of it, it is public record, it's  
13 available online, and everybody has access to it, so --

14 CORP COUNSEL DESJARDINS: Chair.

15 CHAIR ALULI: Jamie. Oh, sorry.

16 COMMISSIONER BECRAFT: We'd better listen to Mimi  
17 first.

18 CHAIR ALULI: Yeah, Mimi.

19 COMMISSIONER BECRAFT: Maybe we're out of line.

20 CORP COUNSEL DESJARDINS: Yeah, I just want to --  
21 it's a great conversation. There's a couple -- a couple of  
22 points just to -- to know in the back of your head. One is  
23 that all rule making requires a public hearing at the very  
24 end, anyways. So what would happen is, is that the rules get  
25 published in the Maui News and then there will be a hearing or

1 a meeting, people will be able to come and talk about those  
2 rules and give input. If there are substantial changes after  
3 that public hearing, then it needs to be republished and you  
4 go through that process.

5 The TIG method is nice because you can have members  
6 of the commission, you can have members of the department, you  
7 can invite certain stakeholders that you think would have good  
8 input, and they can be a committee of people that help you  
9 along the way that are your resource rather than throwing it  
10 out to the public on occasion and getting that confused with  
11 the public hearing aspect of it. So just something to keep in  
12 mind, but good conversation about it.

13 COMMISSIONER YOKOUCHI: Yeah. That's exactly what I  
14 had in mind, Mimi, something like that, yeah. And I think --

15 CHAIR ALULI: Jamie.

16 COMMISSIONER YOKOUCHI: -- the restaurants, they  
17 have this organization already and I think there's a couple  
18 people that kind of have the feel on what they, like, would  
19 like to see happen, yeah.

20 DIRECTOR LAYNE N. SILVA: Yeah, absolutely.

21 CHAIR ALULI: Jamie.

22 COMMISSIONER BECRAFT: Yes. Thank you, Mr. Chair.  
23 And I'm just supporting what Leslie just said and what Mimi  
24 said. Yeah, that -- and that is my whole thought pattern, is  
25 at the end -- I know Garrett is one who has really expressed a

1 lot of -- and I've never spoken to him personally, but just  
2 from -- through our meetings, I know that he's already  
3 volunteered to do that type of stuff. And -- and if I've  
4 heard Layne correctly, I think we're just on the right -- he's  
5 just kind of right now opened it up, I think it might be the  
6 first time. It's one thing that they can read the rules and  
7 add something, it's another if they feel like they're being  
8 invited to give their opinion. And if I'm hearing Layne  
9 correctly, right now the public and all stakeholders and --  
10 everybody is being invited to go ahead and shoot some emails  
11 saying, Hey, please let's address, maybe it could be this way  
12 or that way. And that may save Layne time if -- you know,  
13 maybe they can shoot an email out to all the licensees or  
14 whatever. It may save your people time, because they're  
15 looking at it now and they can -- if they look and, you know,  
16 see what concerns are too. When they're doing their first  
17 read, it could -- it might help that they already can start  
18 addressing.

19 And God knows that not all the suggestions we're  
20 gonna be able to do, right, because I'm certain there's gonna  
21 be some suggestions that we should pay them to be licensees  
22 and things of that nature, so -- but I think getting all their  
23 info and I think where -- and Leslie -- I'm with Leslie, we've  
24 spoken on -- in the past about it, too, that, yeah, it would  
25 be great to get everybody on board at the very end. But I'd

1 like to still let Layne guys run with that ball in the  
2 beginning, it's their court.

3 CHAIR ALULI: Okay. Any further comments or  
4 discussion on that item?

5 (No response.)

6 CHAIR ALULI: Okay. Do I see any hands up? Are  
7 there any hands up?

8 (No response.)

9 CHAIR ALULI: No. Okay. All right, Layne. Thanks.  
10 You want move on to Item No. 3.

11 DIRECTOR LAYNE N. SILVA: Okay. Item No. 3,  
12 basically it's just a reminder, calendar year '20-'21 annual  
13 update of the financial disclosure statements are due to the  
14 board of ethics by April 15th, 2021. Just a reminder.

15 CHAIR ALULI: Okay. Reminder heard.

16 Item No. 4.

17 DIRECTOR LAYNE N. SILVA: Okay. Item No. 4, now, I  
18 know that we've had quite a bit of discussion about this in  
19 the past, so I am very happy to tell you: Today I'm happy to  
20 announce that Jarrett Kahoohanohano has been selected and has  
21 accepted the office of deputy director. Jarrett was born and  
22 raised on Maui and graduated from St. Anthony High School. He  
23 has been with the department for 14 years, ten of which was  
24 with the enforcement division and the last four with the  
25 licensing section. Jarrett's dedication and willingness to

1 learn all aspects of the duties within the department has set  
2 him apart and I have the utmost confidence that he will do a  
3 great job as the deputy.

4 CHAIR ALULI: And this will be effective?

5 DIRECTOR LAYNE N. SILVA: March 1st --

6 CHAIR ALULI: March 1st.

7 DIRECTOR LAYNE N. SILVA: -- Jarrett will officially  
8 take office.

9 CHAIR ALULI: Okay.

10 DIRECTOR LAYNE N. SILVA: And I believe Jarrett is  
11 still online and available if anyone has any questions or if  
12 Jarrett would like to say a few words.

13 CHAIR ALULI: Well, I will make a comment. Jarrett,  
14 it's nice to have you appointed as the assistant director and  
15 welcome you into the new position. Look forward to working  
16 with you in that position.

17 COMMISSIONER U'U: Congratulations.

18 COMMISSIONER BECRAFT: Yeah. Congratulations,  
19 Jarrett.

20 CHAIR ALULI: Yeah.

21 COMMISSIONER YOKOUCHI: Congratulations. Must be  
22 the beard thing, huh?

23 (Laughter.)

24 CHAIR ALULI: Uh-oh. You're gonna set a precedent.

25 DIRECTOR LAYNE N. SILVA: He still has color in his.



1           LCO KAHOOHANOHANO: Thank you all. I appreciate it.  
2       Basically, I would just like to say something real short. You  
3       know, thank Layne, first of all, for giving me this great  
4       opportunity to forward my career. And like Layne said, I  
5       pride myself on being -- I pride myself on being a quick  
6       learner and I'm not afraid to learn new things. I'm not  
7       somebody that's saying that my cup is always full. My cup --  
8       my cup always has room for new -- new ideas, new procedures,  
9       whatever we've gotta do to move forward. And, basically,  
10      my -- my goal from the get-go is to assist Layne, the  
11      commission, the department as a whole in improving the  
12      department and to better -- to better serve the people of the  
13      County of Maui.

14           So that's kind of a general statement, but that's  
15      what I feel, that our department should be getting better and  
16      progressing as the years go by and not be stagnant. And so  
17      far so -- with Layne, everything's been kind of moving  
18      forward, so I don't want it to stop moving forward and  
19      being -- being progressive.

20           CHAIR ALULI: Jarrett, thank you very much. I'm  
21      sure the commission -- I'm positive the commission looks  
22      forward to working with you in the future. So effective  
23      March 1st, we'll be looking to you as the assistant director  
24      for the department of liquor control. Great. Okay.

25           COMMISSIONER U'U: (Gesturing.)

1 CHAIR ALULI: Yes, Bruce.

2 COMMISSIONER U'U: Yeah. And, Jarrett, I want to  
3 say congratulations and I look forward to working closely with  
4 you again. What you stated is somewhat the intent of the  
5 commission also, so, you know, I -- congratulations, one, and  
6 looking forward to working with you. Thank you, Jarrett, and  
7 congratulations.

8 LCO KAHOOHANOHANO: I appreciate it.

9 COMMISSIONER U'U: Good selection.

10 LCO KAHOOHANOHANO: Thank you.

11 CHAIR ALULI: Thank you, Bruce.

12 Anything more?

13 (No response.)

14 CHAIR ALULI: Okay. Thank you very much, Layne and  
15 Jarrett. And we will move on to Item B, Layne.

16 DIRECTOR LAYNE N. SILVA: Okay. Item B, the review  
17 and approval of amendments to liquor commission emergency  
18 rules of the LC May 13, 2020, meeting per the governor's  
19 executive order. At this time you should have all received in  
20 your packets the justifications as well as the proposals.  
21 Now, if you permit me, I'm gonna go through and kind of  
22 explain why and what is going on with this.

23 If you guys remember, the May 13th, 2020, meeting is  
24 when it was initially approved for the delivery of liquor with  
25 food and if you see on your -- on the document, it's named the

1 First Amendment to the Liquor Commission Emergency Rules of  
2 that meeting. Some of the stuff in here is to clear up,  
3 basically, the year, because now we're going into a new  
4 fiscal, so to update the forms to the fiscal year '21. But  
5 it's also to make sure that we actually get a vote, because  
6 after going back and reading through the minutes of the  
7 June 20, 2020, meeting, there was no actual official vote that  
8 took place to enact those rules.

9 So just a real quick summary. One is addressing the  
10 proof of liquor liability insurance requirement. If you guys  
11 remember, last year the -- the requirement of liquor liability  
12 insurance was taken away from the renewal application process;  
13 however, we were not issuing the liquor license until or  
14 unless they submitted their liquor liability insurance  
15 certificate. Now, at that time when we were going through a  
16 mandatory closure, that -- that made sense. We're still  
17 allowing the renewal process this year because the governor's  
18 rules are still in effect. We're allowing renewal  
19 applications to be submitted without liquor liability  
20 insurance; however, if they're submitting it without the  
21 liquor liability insurance certificate, we're asking the  
22 licensees to include a letter stating that they are closed.  
23 If they're not closed, they're required to have the liquor  
24 liability insurance certificate. And so that's the change  
25 from the procedure how it was last year. If they're not

1 submitting a liquor liability insurance certificate, we're  
2 asking them to include a letter identifying the fact that they  
3 are closed. If they're open, they're gonna be required to  
4 submit it in order to receive their liquor license. Okay.  
5 That's -- that's the first change.

6 The second change, like I said, was basically year  
7 to be changed, extended to 4:30 p.m. on June 30th, 2021.  
8 However, in the memo that we send out, we're gonna recommend,  
9 the department is going to recommend that the licensees submit  
10 their renewal application by the 15th. We're not making it a  
11 requirement, it's a recommendation. And the reason for that  
12 recommendation is because the advantage of submitting it by  
13 June 15th is if there is something minor that is -- if there's  
14 a minor issue with it that can be fixed, it would be better to  
15 have it fixed within that two-week period prior to June 30th  
16 than to receive it on June 30th and their license expires and  
17 they're gonna have to reapply for a brand new license. So  
18 that is just a step to try to mitigate that type of issue from  
19 happening. And, again, like I said, it's just gonna be a  
20 recommendation, it's not gonna be considered a requirement,  
21 but we are gonna include that in our memo that we send out  
22 with our renewal applications.

23 Okay. And then, third is the clarification. If you  
24 look on your document, the first amendment, everything  
25 highlighted in yellow are changes that are -- are being

1 addressed. The things that we need to pay close attention to  
2 are the closed container shall be included under the  
3 definition of unopened and prepackaged; i.e., paper cups,  
4 mason jars, etc. Growlers are allowed for the listed classes  
5 for delivery and takeout and takeout and delivery of liquor  
6 allowed between 6:00 a.m. to 11:00 p.m. for off-premises  
7 consumption. The 6:00 to 11:00 p.m. are the hours allowed for  
8 retail sales of liquor anyway, that's why we're being specific  
9 with it in this first amendment. Those three items that I  
10 spoke about are the ones that need to be -- we need to make  
11 sure are addressed by vote this time around.

12 The department does recommend that as far as closed  
13 containers are concerned, we recommend manufacturer-sealed  
14 original containers. Manufactured-sealed original containers  
15 are containers that you would be able to obtain from any  
16 retail outlet. So that is the recommendation of the  
17 department that goes towards closed.

18 And with that being said, you know, you got -- it's  
19 up to you guys for your discussion and I'll be more than happy  
20 to answer whatever questions you may have to clarify any of  
21 these rules if you guys have any questions.

22 CHAIR ALULI: Mimi.

23 DIRECTOR LAYNE N. SILVA: Jamie.

24 CHAIR ALULI: Yeah. Jamie, let me ask Mimi a  
25 question, if I could, first, okay, before you.

1 Mimi, we can talk about these items outside of the  
2 motion; correct?

3 CORP COUNSEL DESJARDINS: Yes, you can.

4 CHAIR ALULI: Okay, all right.

5 CORP COUNSEL DESJARDINS: You can talk about them  
6 first to kind of -- and then somebody will make a motion.

7 CHAIR ALULI: Right.

8 CORP COUNSEL DESJARDINS: What I -- what I'd like to  
9 do is just remind everybody real quick about what that  
10 Executive Order 20-04 said, because it's been a while since --  
11 that was like April 2020. And it's very simple language and I  
12 think it reflects what I -- what Director Silva is trying to  
13 accomplish here. It says that 281-31 is limited under the  
14 emergency proclamation to the extent necessary to enable the  
15 county liquor commissions to allow licenses to sell unopened  
16 beer, unopened wine, or prepackaged cocktails with food for  
17 delivery, pickup, takeout, or any other means to be consumed  
18 off premises.

19 So it seems like the inclusion of food is included  
20 with each takeout or pickup -- right now it just says home  
21 delivery -- that would be consistent with the emergency rule.

22 The closed container definition Director Silva is  
23 referring to, I believe mirrors the federal guidelines.

24 Is that correct?

25 DIRECTOR LAYNE N. SILVA: Yes.

1           CORP COUNSEL DESJARDINS: And so the state does not  
2 have the authority to override federal guidelines, so we have  
3 to -- regardless of emergency proclamations, on a state level  
4 we still have to comply with federal law, so that would be  
5 consistent.

6           The only issue -- or question that I had for the  
7 director was: Is Class 4 licensees still included here?  
8 Because it wasn't included the second time on that amendment  
9 sheet. Where it says Holders of Class, it says 2, 5, 6, 12;  
10 but up above it says 2, 4, 5, 6. Is that a typo?

11           DIRECTOR LAYNE N. SILVA: No, it's not. And the  
12 reason for that is that a Class 4 license is allowed to do  
13 that as part of their regular business anyway. That is  
14 something that is allowed --

15           CORP COUNSEL DESJARDINS: Okay.

16           DIRECTOR LAYNE N. SILVA: -- under that particular  
17 class of license.

18           CORP COUNSEL DESJARDINS: Okay. That's all I had to  
19 add. Thank you, Chair.

20           CHAIR ALULI: So, yeah, Jamie. Go ahead.

21           COMMISSIONER BECRAFT: Thank you, Mr. Chair. So I  
22 want -- just for my clarification. So we're talking about the  
23 highlighted under closed containers shall include as --

24           DIRECTOR LAYNE N. SILVA: Yes.

25           COMMISSIONER BECRAFT: As Mimi brought up, that's

1 the federal guidelines, that's what we adapted -- you know, we  
2 accepted and we were shooting for the first time. Am I  
3 hearing you correctly, you want to replace that with only  
4 closed containers or are you -- are you proposing that you're  
5 gonna add language to that to say including of closed  
6 containers?

7 DIRECTOR LAYNE N. SILVA: No, I'm not. My  
8 recommendation is that the definition of closed is  
9 manufacturer-sealed original containers. And part of the  
10 reason I say that is because as of right now, licensed  
11 premises are allowed to be open for consumption on the  
12 premises, so if someone's -- was wishing a mixed drink, a  
13 margarita or some form of cocktail that would require mixing,  
14 they are fully able to enter into a licensed premises and  
15 order that and obtain that. It's more so to bring it online  
16 with what would be allowed in a retail setting, which would be  
17 manufacturer-sealed original container. So that's what the  
18 department is -- is recommending, but, of course, the -- the  
19 vote is up to you guys.

20 COMMISSIONER BECRAFT: Okay. So let me just  
21 reiterate what I'm hearing to make sure I'm hearing this  
22 correctly. You're saying that this is -- this would bring it  
23 in line with, like, Safeway.

24 DIRECTOR LAYNE N. SILVA: Absolutely.

25 COMMISSIONER BECRAFT: Okay. So -- and I just want



1 to bring up, then, that I believe our first talks on this,  
2 when we brought this up, was not in regard to Safeway. We  
3 were -- we were talk -- 'cause Safeway never had to stop  
4 selling liquor. Okay?

5 DIRECTOR LAYNE N. SILVA: No. We're talking about a  
6 licensed premises --

7 COMMISSIONER BECRAFT: Right.

8 DIRECTOR LAYNE N. SILVA: -- for consumption on the  
9 premises.

10 COMMISSIONER BECRAFT: So in simplistic terms --

11 DIRECTOR LAYNE N. SILVA: So a restaurant general --

12 COMMISSIONER BECRAFT: Yeah. In simplistic terms,  
13 it's -- it's, you know, our local bars and restaurants that  
14 sell and they were -- they were the ones that were shut down  
15 for periods of time and whatnot.

16 DIRECTOR LAYNE N. SILVA: Yes.

17 COMMISSIONER BECRAFT: So we -- they essentially  
18 were saying, hey, you know, they were just trying to figure  
19 out what revenue, maybe they can get a little bit more and  
20 whatnot.

21 DIRECTOR LAYNE N. SILVA: Right.

22 COMMISSIONER BECRAFT: So these rules were set up by  
23 us and accepted by us with the mind set to try and give some  
24 help to -- to our smaller -- smaller organizations, not  
25 Safeway, not Foodland, or any of those big places.

1 DIRECTOR LAYNE N. SILVA: No.

2 COMMISSIONER BECRAFT: So -- so this is in the --  
3 the reading right now is -- in fact, would include closed  
4 containers, is that -- let me ask that to Mimi. We would need  
5 for -- for the language for them to sell closed containers;  
6 right? They could sell a six pack of Budweiser if they wanted  
7 to; right?

8 CORP COUNSEL DESJARDINS: Yes.

9 DIRECTOR LAYNE N. SILVA: Yes.

10 CORP COUNSEL DESJARDINS: But I guess my only  
11 confusion about this -- this is to the director -- is on  
12 the -- what you posted on -- for this meeting today, what I  
13 understood is that the definition you were asking for was:  
14 Closed containers shall be included under the definition of  
15 unopened and prepackaged. And then it says, i.e., paper cup,  
16 mason jar, etc. That's what was posted and then what you're  
17 saying now is that you actually are suggesting that it say  
18 manufacturer -- you know, which is what the federal guidelines  
19 are you have to follow anyway regardless of what this  
20 commission does. So I just want to make sure that --

21 DIRECTOR LAYNE N. SILVA: Well, this should  
22 clarify --

23 CORP COUNSEL DESJARDINS: -- we've given notice to  
24 the public.

25 DIRECTOR LAYNE N. SILVA: Right, right. Just to

1 clarify --

2 CORP COUNSEL DESJARDINS: (Inaudible.)

3 DIRECTOR LAYNE N. SILVA: -- this is what was in the  
4 motion at the June 10th meeting last time around. Right now  
5 what I'm doing is I'm making a recommendation to say that  
6 that -- the department recommends that that particular line be  
7 considered for a change to manufacturers-sealed original  
8 container. What is being -- what you're seeing on the  
9 document right now is what was proposed last June and that's  
10 why it appears that way, but because you guys have the  
11 opportunity to discuss and vote on this today, that would be  
12 the department's recommendation.

13 CORP COUNSEL DESJARDINS: So I guess my only worry  
14 about that, Director, is that I'm not sure the public has  
15 received proper notice that that's what you're intending to do  
16 today. Because when I looked at this First Amendment sheet,  
17 what I saw -- it wasn't clear to me that No. 1 wasn't what it  
18 says and that No. 2 is what you'd like to include. Like  
19 you're amending No. 1 to include these highlighted -- that's  
20 how I read it as -- just not being involved in any of this  
21 discussion ahead of time. So I'm a little bit wary to say  
22 that -- I wonder if the public would have input if they knew  
23 specifically what is the rule now and then you underlined and  
24 included exactly how you want to change it. But I will also  
25 say that you have to follow that manufacturers thing

1 regardless of this and you should've been and probably are  
2 following that as far as what those containers are. So it's a  
3 little bit confusing to me.

4 DIRECTOR LAYNE N. SILVA: So I guess, Mimi, just one  
5 question, how -- how should we go forward with this? Is that  
6 something that we should readdress or how should we go forward  
7 with this?

8 CORP COUNSEL DESJARDINS: Well, what's -- what's on  
9 the agenda is specifically a -- there is an action item, so it  
10 does -- I think the way that it was finally done with, it  
11 says, Review and approval of amendments to the Liquor  
12 Commission Emergency Rules. Okay? And what I don't see here,  
13 I guess I'm not clear on is: What are the amendments that are  
14 being proposed? Like where have you provided those amendments  
15 to the public so they can see exactly what it is? Besides  
16 bullet item 1, 3, and 4, I see you want to include growlers,  
17 you want to put the -- the times, you want to make it really  
18 clear. The only one I'm not clear on is that closed container  
19 definition.

20 So I -- you know, I hate to say defer at least that  
21 part of it, but you could move forward on the others, but what  
22 I see on this paper doesn't compute with what you're  
23 suggesting, is all I'm saying. I don't want a -- somebody to  
24 come back and say, We didn't know what you guys were doing.  
25 'Cause I've noticed there wasn't anybody here today to

1 testify. It's just my recommendation.

2 CHAIR ALULI: So, Mimi, can I -- my question would  
3 be, Mimi, if we were to approve -- as is stated in the agenda,  
4 if we were to approve the first amendment, it would include  
5 everything that is stated here in the first amendment  
6 including the closed containers issue without redefining or  
7 restating that instead of closed, we're now stating it should  
8 be manufacturer-sealed original containers. Falling in line  
9 with the agenda, Item B, we could vote on that first  
10 amendment, correct, because that is in the agenda?

11 CORP COUNSEL DESJARDINS: That's correct.

12 CHAIR ALULI: We could vote on that and the closed  
13 would -- would stand. But because federal law supercedes,  
14 that automatically covers manufacturer-sealed original  
15 containers; is that correct?

16 CORP COUNSEL DESJARDINS: That's correct. And  
17 that's a really good point, Chair, but what I guess I would do  
18 is I would recommend taking out that, i.e. paper cup, mason  
19 jar, etc., because I agree with the director that that's  
20 not -- it's not following what I hear you saying you want the  
21 definition of closed container to be, that you want it to be  
22 manufacturer sealed and that there's a conflict between what  
23 was previously stated and what the reality is of the federal  
24 guidelines.

25 So I think, Director, if you were open to at least

1 removing that so it wouldn't -- so we were taking that out as  
2 examples, 'cause that doesn't. That's not a pre- --  
3 manufacturer-sealed container; right?

4 CHAIR ALULI: But what we would have to defer this,  
5 then.

6 CORP COUNSEL DESJARDINS: What you want to say is  
7 closed.

8 CHAIR ALULI: We would have to defer this, then,  
9 Mimi, wouldn't we?

10 CORP COUNSEL DESJARDINS: No. You could -- you  
11 could -- someone could make a motion to adopt the motion on  
12 the condition that, i.e. paper cup, mason jar, etc., for  
13 example, is deleted, because what I -- what I think I hear  
14 director saying is he wants all of these bullet points to be  
15 part of the rules that are adopted by this commission. Now,  
16 if I've misunderstood, please correct me, but that's what I  
17 can glean from this document.

18 DIRECTOR LAYNE N. SILVA: And you're right, because  
19 if it was -- if it did end up the definition being unopened  
20 and prepackaged, that would accomplish the same thing.

21 CORP COUNSEL DESJARDINS: You got it. But just  
22 remove those mason jars --

23 CHAIR ALULI: The i.e., remove the i.e.

24 CORP COUNSEL DESJARDINS: Yeah.

25 CHAIR ALULI: Yeah.

1           CORP COUNSEL DESJARDINS: But if -- and then  
2 you're -- that doesn't put you in contradiction with the  
3 federal guidelines, which you have to follow, you know.

4           CHAIR ALULI: Right. Jamie.

5           COMMISSIONER BECRAFT: Okay. So I'm now I'm  
6 confused, which doesn't take much. Okay.

7           CHAIR ALULI: This is confusing. This is a  
8 confusing issue.

9           COMMISSIONER BECRAFT: Lane, this verbiage that  
10 we're reading right now that's highlighted, the whole  
11 definition which ends with, i.e., paper cups, mason jars,  
12 etc., is that what we had established on our prior meeting,  
13 the one that you're saying wasn't properly done?

14           DIRECTOR LAYNE N. SILVA: Yes.

15           COMMISSIONER BECRAFT: Okay.

16           DIRECTOR LAYNE N. SILVA: That's as it was stated,  
17 yes.

18           COMMISSIONER BECRAFT: Right. So this is my thing  
19 and I think this just all needs to be re-agendized and redone,  
20 because my recollection was that we already discussed all of  
21 this when we did have public testimony and everything else and  
22 what we had -- the liquor -- you know, the licensees  
23 testifying and whatnot and this is what we had previously come  
24 up with and it did include things like mason jars. But paper  
25 cups, I see what you're saying there, because they would have

1 to be covered. If I remember correctly how -- that's how that  
2 all went. Now, I don't know that we didn't vote, I don't  
3 recall that or not. You know, and I'm not saying Layne's --  
4 Layne's, obviously, not gonna BS us about that and I'm sure  
5 there's -- we don't have it in the minutes and so we should --  
6 we should readdress it, but I think, really honestly, we  
7 should just at this point re-agendize this and do it again.  
8 Because my recollection is, is we did come up with this  
9 wording and it was -- I know that -- I believe that the  
10 department recommended that we didn't do this wording, they  
11 wanted to keep it as a six pack and everything, that whole  
12 argument or discussion has already occurred and we as our --

13 Is that correct, Layne, is that your recollection?

14 DIRECTOR LAYNE N. SILVA: Yes.

15 COMMISSIONER BECRAFT: Okay. So I don't know, I'm  
16 with -- I'm with Mimi here, I -- you know, I -- my  
17 understanding was we weren't gonna be making these substantive  
18 changes, that we were just gonna kind of get an update on what  
19 the new proclamation was and we -- this wasn't open. So I  
20 really suggest, Mr. Chair, that we -- that we table this and  
21 re-agendize it. And if we as a group for some reason want to  
22 readdress it, but the truth be told is we've already addressed  
23 it, you know, that -- to my recollection. And maybe, you  
24 know, we might have to look at it like Layne's saying if we  
25 didn't actually have the vote, which I don't know how we



1 would've done that, but then we can redo this.

2           Anyway, that's my position on it, 'cause, for one,  
3 I'm not in for changing anything. I guess -- and I guess this  
4 would still be within the purview of what we're doing. I can  
5 ask you this question: What type of problems have we had  
6 since we implemented this program?

7           DIRECTOR LAYNE N. SILVA: I couldn't tell you that  
8 there were any problems, none that I'm aware of, other than  
9 just the -- the language coming in line with federal  
10 guidelines as well as taking into consideration the difference  
11 in time where we're at right now where our premises are  
12 allowed to be open for consumption on the premises to allow  
13 for -- because the reality is, is the only thing that would be  
14 affected by this change is the ability to order a mixed drink  
15 to go.

16           COMMISSIONER BECRAFT: Correct, but this --

17           DIRECTOR LAYNE N. SILVA: That would be the only  
18 thing that would be affected.

19           COMMISSIONER BECRAFT: But this thing was brought up  
20 because they were experiencing financial hardships and  
21 they're -- and they're still being limited. Correct? They're  
22 not allowed to stay open until 2:00 in the morning anymore.

23           DIRECTOR LAYNE N. SILVA: As far as mandatory  
24 closures.

25           COMMISSIONER BECRAFT: Right.

1 DIRECTOR LAYNE N. SILVA: The times.

2 COMMISSIONER BECRAFT: All sorts of stuff. So this  
3 wasn't done just because they couldn't -- this was -- this  
4 measure was taken to try to alleviate -- even though, to be  
5 honest with you, I knew it wouldn't make that difference for  
6 them, but the God's truth is, is I want to try to help where I  
7 can. And that's where I believe all the board was, is that we  
8 wanted to help where we can. And we're still in COVID,  
9 they're still feeling the restrictions. So, you know, for me,  
10 I'm not -- I'm not about to take anything away until this is  
11 all over.

12 And we don't know that next week that they aren't  
13 gonna get shut down again. You know, if something -- big  
14 breakout happens, we don't know what the governor and the  
15 mayors or whatever will do, but I do know this, they're still  
16 feeling the pinch. So if we want to re-address this again, I  
17 suggest we agendize it, but -- but I, for one, am not gonna be  
18 willing to make any changes. Thank you.

19 CHAIR ALULI: Okay. So, Mimi, my question would be:  
20 If we're gonna -- I guess I have to call for a motion to  
21 re-agendize this item then; right?

22 CORP COUNSEL DESJARDINS: Chair, you can -- you  
23 know, at your discretion, you can ask that the matter be  
24 deferred and just see if there's any objection. You don't  
25 have to do a formal motion. I would strongly suggest a

1       deferment and then -- a deferral and then I think director is  
2       working with Mr. Murai, anyway, on this. And so what would be  
3       nice for the public, I think, is a very clear: Here's what we  
4       want the rules to be going forward. And then everybody will  
5       get notice of that and move forward and make it super clear  
6       and it'll be great. Because like Commissioner Becraft said,  
7       who knows how long this is gonna last, but I -- clarity, I  
8       love clarity, 'cause we get less questions.

9                   CHAIR ALULI: Right.

10                  CORP COUNSEL DESJARDINS: I'm sure the department  
11       gets (inaudible).

12                  CHAIR ALULI: Right.

13                  CORP COUNSEL DESJARDINS: So that would be a good  
14       idea.

15                  CHAIR ALULI: So I -- that's a good suggestion.  
16       Unless there is -- unless there is an objection or there are  
17       any objections by any of the commissioners, I would like us to  
18       defer Item B for our next commission meeting in March unless  
19       there are any objections.

20                  (No response.)

21                  CHAIR ALULI: Okay. I don't see any objections.

22                  DIRECTOR LAYNE N. SILVA: Chair. I'm sorry.

23                  CHAIR ALULI: Yes.

24                  DIRECTOR LAYNE N. SILVA: I don't mean to interrupt.  
25       There is one item -- and I don't know if this is possible,

1 Mimi, but one of the -- the situation is, is because we're  
2 coming into renewal season and we need to create our memos and  
3 our documents that need to be sent out to the licensees,  
4 normally it takes place from March 1st on. Is specifically  
5 addressing the years 2021 to 2022 when it comes to the renewal  
6 of the liquor license, the -- yeah, the renewal application  
7 for the liquor license is to update it from 2020 to 2021. I  
8 don't know if there is a way to accomplish that, but that is  
9 one thing.

10 CORP COUNSEL DESJARDINS: There definitely is. Yes,  
11 that's not related at all to the rule issue and it's been  
12 agendized. It's on your first amendment, so I believe that  
13 you could take action just on making -- somebody could make a  
14 motion to amend the date for those renewals to fiscal  
15 year twenty -- you're looking for 2022; right? And also --

16 DIRECTOR LAYNE N. SILVA: Yes.

17 CORP COUNSEL DESJARDINS: -- application for renewal  
18 extended until June 30th, 2021; correct?

19 DIRECTOR LAYNE N. SILVA: Yes. As well as the  
20 liquor liability insurance certificate, receiving their 2022  
21 liquor license upon providing that liquor liability  
22 certificate.

23 CORP COUNSEL DESJARDINS: Yeah. And that would be  
24 consistent with the governor's proclamation being continued,  
25 it hasn't changed. So, yes, I would -- I would say you

1 definitely do that and then defer the other aspect.

2 CHAIR ALULI: So right -- well, let me ask you this,  
3 Mimi: So the motion would be just to approve item -- the item  
4 that refers to the licensees letter authorizing the --

5 COMMISSIONER U'U: Date.

6 CHAIR ALULI: -- department or notifying the  
7 department that they are not renewing their license because  
8 they are closed down, then; right?

9 CORP COUNSEL DESJARDINS: Actually, you know what  
10 would be better is, Director, if you could just articulate  
11 what you need and then -- and then see if you could get  
12 somebody to entertain a motion. Just lay out specifically  
13 what is required at this point.

14 DIRECTOR LAYNE N. SILVA: At this point it would  
15 be -- the two portions that are being addressed are proof of  
16 liquor liability insurance required by Section 281-31S HRS is  
17 waived for the renewal of the liquor license provided that,  
18 and everything that falls into that paragraph. As well as  
19 application for renewal of a liquor license as required by  
20 Rules of the Liquor Commission Section 08-101-33E is extended  
21 to 4:30 p.m. on June 30th, 2021. Those are the two items that  
22 would be addressed.

23 CORP COUNSEL DESJARDINS: So you could ask for a  
24 motion on that, Chair.

25 CHAIR ALULI: So can I ask -- okay. Yes. All

1 right. Good. Thank you, Mimi.

2 So can I get a motion to approve --

3 COMMISSIONER U'U: I make a motion.

4 CHAIR ALULI: -- those two items.

5 COMMISSIONER U'U: Chair.

6 CHAIR ALULI: Okay. The motion is made by Bruce

7 U'u. Do I have a second? Do I have a second?

8 COMMISSIONER ANDRION: (Gesturing.)

9 CHAIR ALULI: It's seconded by Roberto Andrion. Is  
10 there any further discussion?

11 (No response.)

12 CHAIR ALULI: All in favor?

13 (Response.)

14 CHAIR ALULI: Anybody opposed?

15 (No response.)

16 CHAIR ALULI: No opposition. Motion carries. Okay.

17 So that portion of the first amendment has been approved,

18 Layne.

19 DIRECTOR LAYNE N. SILVA: Okay.

20 CHAIR ALULI: We will defer those other items, those

21 other -- really, the big one is the closed, the definition of

22 closed, that's the big item that has been deferred. And,

23 Layne, we need better clarification on that and we can move

24 forward on that at the next meeting. Okay?

25 DIRECTOR LAYNE N. SILVA: Yes. Will do.

1 CHAIR ALULI: Okay. Thank you.

2 COMMISSIONER BECRAFT: Mr. Chair.

3 CHAIR ALULI: Yes, Jamie.

4 COMMISSIONER BECRAFT: I have a -- just a follow-up  
5 question for Layne, if I may.

6 CHAIR ALULI: Yep.

7 COMMISSIONER BECRAFT: Layne, in regard to like  
8 what -- you know, the licensing and stuff -- and I understand  
9 the whole -- what we're doing as far as the insurance and  
10 stuff and I appreciate that, but we brought this up in the  
11 past. Are we moving forward, is there anything online yet  
12 that would help the licensees as far as a checklist that they  
13 can see online that -- what's being done and communications in  
14 that -- in that regard?

15 DIRECTOR LAYNE N. SILVA: You mean -- I'm not sure  
16 what you mean by communication. We -- our checklist is  
17 on0line.

18 COMMISSIONER BECRAFT: They do have a checklist in  
19 front of them that they can -- when they log in, they see,  
20 Hey, you still need this, you're gonna need your insurance by  
21 this date, you're gonna need the letter of approval from the  
22 board of health by this date, or things of that nature.

23 DIRECTOR LAYNE N. SILVA: It would all -- they're  
24 all gonna be receiving a hard copy as well as it will be  
25 available online once it -- the documents are created.

1 Because these documents, the documents that are gonna be  
2 mailed out on March -- or distributed come March 1st, still  
3 need to be created and once they are, they will be on the  
4 website.

5 COMMISSIONER BECRAFT: Okay. 'Cause I know you and  
6 I have talked about this before and stuff, it's like, you  
7 know. I mean, in today's day, everything, I believe, should  
8 just be online, it'd make life so much easier. So have you  
9 gotten a chance -- I know you're just starting, I'm not trying  
10 to say you're not -- I know you've got a lot of stuff to do,  
11 but you got any chance to identify -- it's my understanding is  
12 you guys have somebody who works in the section already that's  
13 really qualified to do this. Have you had a chance to make  
14 these assignments and people moving forward in regard to this  
15 that -- you know, I'd love to just see this -- you know, know  
16 that it's moving forward, not, Yeah, we're getting there. But  
17 are we in the process, are we creating all these documents and  
18 making it so we're moving forward to making everything online?

19 DIRECTOR LAYNE N. SILVA: Yeah. Ultimately, the  
20 goal is to have everything electronic and fillable.

21 COMMISSIONER BECRAFT: Right. I understand.

22 DIRECTOR LAYNE N. SILVA: And there are --

23 COMMISSIONER BECRAFT: I understand the goal. Are  
24 we -- do we have people assigned yet?

25 DIRECTOR LAYNE N. SILVA: No one in specific, but



1 it's my understanding that the majority of our forms that are  
2 available online are fillable.

3 COMMISSIONER BECRAFT: Okay. So let me restate my  
4 question, then: Are we gonna be putting somebody on this to  
5 get everything up online? If I'm hearing you correctly,  
6 you're saying, Yeah, there are some already, but I'm not  
7 hearing, Yeah, we have this assigned and it's being worked and  
8 we're hoping that, you know, in six months, everything will be  
9 finished, everything will be online and all checklists will be  
10 online. I'm not hearing that.

11 DIRECTOR LAYNE N. SILVA: Yeah, that's not happening  
12 at this time. I do not have a specific person assigned to  
13 that, because, yeah, like you said earlier, we're -- we're  
14 taking on quite a few projects all at the same time and the  
15 people that are very well qualified to enact those types of  
16 things are involved in -- in the projects that are taking  
17 place at this time.

18 COMMISSIONER BECRAFT: Okay. Well, I would ask if  
19 we can just get an update on the next meeting, then, where we  
20 are with that, because that was one of the things that -- it  
21 was in the -- in our interviews and everything. So it's my  
22 understanding that everybody was on board and, you know, your  
23 answers were that, Yeah, you had somebody in there that -- you  
24 know, that could be assigned that and whatnot and that was  
25 clearly where we were headed. I'd like to do that sooner than

1 later if we could. But I do understand you got plenty stuff  
2 to do, but if we can just keep that in the -- you know, keep  
3 that in mind, try to push forward, and keep us abreast of  
4 what's going on, I'd appreciate it.

5 DIRECTOR LAYNE N. SILVA: Yeah.

6 COMMISSIONER BECRAFT: Thank you, Mr. Chair.

7 DIRECTOR LAYNE N. SILVA: Yeah, that's definitely on  
8 the front of our mind.

9 CHAIR ALULI: Okay, all right. Layne, anything  
10 further on your report?

11 DIRECTOR LAYNE N. SILVA: No, I think that does it  
12 for my portion. That just leaves C and D. The liquor control  
13 adjudication --

14 CHAIR ALULI: C and D.

15 DIRECTOR LAYNE N. SILVA: Yeah.

16 CHAIR ALULI: Okay. The -- let's see. Liquor  
17 adjudication board, there was no meeting in February. Our  
18 next scheduled meeting will be Wednesday, March 10th, 2021.  
19 With that item stated, I would like to get a motion for  
20 adjournment, since there are no other items. Do I have a  
21 motion for adjournment?

22 VICE CHAIR BOLOSAN: (Gesturing.)

23 CHAIR ALULI: I see Leon Bolosan's hand up. Do I  
24 have a second?

25 COMMISSIONER U'U: (Gesturing.)

1 CHAIR ALULI: Is there any further discussion on  
2 adjournment? All in favor?

3 COMMISSIONER BECRAFT: Sorry. You didn't name the  
4 second.

5 CHAIR ALULI: No. Leon made -- Leon made the  
6 second. I thought, Leon, you made the second?

7 COMMISSIONER BECRAFT: Who made -- who made the  
8 initial, then.

9 CHAIR ALULI: Oh. Bruce made the motion, is what I  
10 saw. And I saw Leon -- I asked for the second and I saw  
11 Leon -- Leon's hand raised; right, Leon?

12 COMMISSIONER BECRAFT: I -- it's fine. That's  
13 perfect, as long as we have a second. Thank you. Appreciate  
14 it.

15 CHAIR ALULI: Okay. And I wanted to know if there  
16 was any further discussion?

17 (No response.)

18 CHAIR ALULI: Not seeing that, all in favor?

19 (Response.)

20 CHAIR ALULI: Anybody opposed?

21 (No response.)

22 CHAIR ALULI: Thank you very much. Our meeting is  
23 adjourned.

24 (The proceedings were adjourned at 10:28 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 February 10, 2021,  
at 9:01 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 23rd day of February, 2021, in Maui,  
Hawaii.



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Sandra J. Gran, RPR  
Hawaii CSR 424