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

TRANSCRIPT OF PROCEEDINGS
REGULAR MEETING

Held via BlueJeans, commencing at 9:07 a.m., on
December 2, 2021.

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

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APPEARANCES

BOARD MEMBERS PRESENT:

Jason Williams, Chair

Allan Almeida, Jr., Vice Chair

Lahela Aiwohi, Member

Melissa Padilla, Member

Colleen Cluney, Member

Robbie Sanches, Member

Melissa Padilla, Member

Janice Kalanihuia, Member

Shane Dudoit, Member

Staff present:

Jennifer Oana, Deputy Corporation Counsel

Richard Rost, Deputy Prosecuting Attorney

Jarrett Kahooohanohano, Deputy Director

Bill Pacheco, Liquor Control Officer IV

Maria Khangsengsing, Secretary to Boards/Commissions

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DECEMBER 2, 2021, 9:07 A.M.

WAILUKU, MAUI, HAWAII

-oOo-

CHAIR WILLIAMS: Good morning, everybody. This is the regular board meeting of the liquor adjudication. It is Thursday, December 2nd, at 9:07 a.m. I am Jason Williams, the chair of the board, and I call the meeting to order. I'm gonna say that we haven't done this in over a year, so please bear with me. I got a new script this morning, so please bear with me with going through it.

I'm gonna do a roll call now. Board Members, please also indicate who, if anyone, is present with you in your location.

Vice Chair Almeida.

VICE CHAIR ALMEIDA: Here, and no one's with me.

CHAIR WILLIAMS: Okay. Member Aiwohi.

MEMBER AIWOHI: Here, Chair. Present.

CHAIR WILLIAMS: Oh, great. And is anyone with you?

MEMBER AIWOHI: No.

CHAIR WILLIAMS: Okay, great.

Member Padilla.

MEMBER PADILLA: Here, and no one's with me.

CHAIR WILLIAMS: Oh, wonderful.

Member Cluney.

MEMBER CLUNEY: Here, and no one's with me.

1 CHAIR WILLIAMS: Wonderful.
2 Member Sanchez.
3 MEMBER SANCHEZ: Here, and no one's with me.
4 CHAIR WILLIAMS: Member Kalanihuia.
5 MEMBER KALANIHUIA: Kalanihuia.
6 CHAIR WILLIAMS: "Huia." I'm so sorry.
7 MEMBER KALANIHUIA: I'm here.
8 CHAIR WILLIAMS: Thank you.
9 MEMBER KALANIHUIA: Yeah. I'm here, and I'm alone.
10 CHAIR WILLIAMS: Oh, thank you.
11 Member Dudoit.
12 MEMBER DUDOIT: Here, and no one's with me.
13 CHAIR WILLIAMS: Thank you, sir.
14 And Member Mossman.
15 MEMBER MOSSMAN: Here, and no one's with me.
16 CHAIR WILLIAMS: Great.
17 And the chair is present as well, and only my dog is
18 with me. All right.
19 MEMBER DUDOIT: Woof.
20 CHAIR WILLIAMS: Moving on to public -- moving on to
21 Item 3, Public Testimony. With regards to testimony, the
22 board -- the board members were all given written testimony,
23 which is none. And for oral, each testifier will be limited
24 to two -- two minutes on the agenda -- on the agenda item with
25 one minute to conclude at the discretion of the board chair.

1 There's -- I'm sorry.

2 Is there any public testimony?

3 (No response.)

4 CHAIR WILLIAMS: All right. Seeing none, we will
5 move on to the case. Okay. The hearing before the board, we
6 are now -- excuse me. I'm sorry. Give me one second.

7 Maria.

8 MS. KHANGSENGSING: Yes.

9 CHAIR WILLIAMS: I apologize, I was asking for the
10 updated agenda this morning, and I don't see --

11 MS. KHANGSENGSING: Do you want a copy of the
12 agenda?

13 CHAIR WILLIAMS: Yeah.

14 MS. KHANGSENGSING: Okay. I can email it to you.

15 CHAIR WILLIAMS: I thought I had it right here.

16 That's all right. I have it. I have it right here.
17 It is Accusation No. 2021-01, correct?

18 MR. JORGENSEN: Yes.

19 CHAIR WILLIAMS: Oh, thank you.

20 All right. Thank you, Maria.

21 We will now move on to -- we will now move on to
22 Agenda Item V -- IV, Hearing Before the Board, Item A,
23 Complaint and Accusation No. 2021-01 In the Matter of an
24 Accusation Against Kaya, Inc. DbA, doing business as, Mimi's
25 Lounge, Dispenser General License No. 013, on 1063 Lower Main

1 Road, C-103, C-104, Wailuku, Maui, Hawaii.

2 Will the licensee or representative please unmute
3 your audio and video and state your name and in what capacity
4 you represent the licensee?

5 MR. JORGENSEN: Good morning, Chairman Williams,
6 Members of the Board, and Staff. My name is David Jorgensen,
7 with Takitani Agaran Jorgensen & Wildman. I am the attorney
8 for the licensee Kaya, Inc. Db a Mimi's Lounge. With me this
9 morning is Kyohee "Mimi" Kaya, the owner, and also Jisun
10 Duarte, who is the manager. I'm sorry, I can't really do this
11 right and get us all three on the screen at once.

12 CHAIR WILLIAMS: No problem.

13 MR. JORGENSEN: We do apologize, our -- my
14 conference room is freezing, so we're all bundled up, so we
15 apologize for -- anyway, for shivering.

16 CHAIR WILLIAMS: No problem, Mr. Jorgensen. Mr.
17 Jorgensen, for the record, are you licensee for -- are you
18 license -- are you the licensee on this matter?

19 MR. JORGENSEN: No. I'm the attorney for the
20 licensee in this matter.

21 CHAIR WILLIAMS: Let's see. All right. All right.
22 At this time, you have the option to have the charges read
23 publicly, or you can waive the reading. Which is your
24 preference?

25 MR. JORGENSEN: We'll waive the reading.

1 CHAIR WILLIAMS: Mr. Jorgensen, do you understand
2 that -- the accusations made against you by the -- by the
3 department of liquor control?

4 MR. JORGENSEN: Yes, my client does.

5 CHAIR WILLIAMS: Yes. And what is your plea to
6 Count 1?

7 MR. JORGENSEN: No contest, sir.

8 CHAIR WILLIAMS: Do you understand that you have the
9 right to plead not guilty?

10 MR. JORGENSEN: Yes.

11 CHAIR WILLIAMS: Do you understand that by pleading
12 guilt -- or no contest, you waive the right to a hearing in
13 which you could present evidence and question witnesses on
14 your behalf?

15 MR. JORGENSEN: Yes, we do.

16 CHAIR WILLIAMS: Is your plea of no contest
17 voluntarily and not the result of force, threats, the promise
18 of -- or of promises apart from any plea agreement?

19 MR. JORGENSEN: Yes, it is.

20 CHAIR WILLIAMS: And do you understand that on each
21 count, if the board accepts your plea of guilty -- no contest,
22 you will be found guilty, and the board may issue a reprimand
23 or assess and collect a penalty of up to \$2,000 or revoke or
24 suspend your liquor license?

25 MR. JORGENSEN: Yes, we understand that.

1 CHAIR WILLIAMS: And do you still wish to plead no
2 contest?

3 MR. JORGENSEN: Yes, sir.

4 CHAIR WILLIAMS: You understand -- all right. The
5 board hereby finds the licensee has entered a knowing and
6 voluntary plea of no contest to Count -- to Count 1. The
7 board accepts your plea and finds you guilty of Count 1
8 reflected in the complaint in Accusation No. 2021-01 against
9 Mimi's Lounge.

10 And I address to the prosecutor's -- and I'm sorry,
11 I did not -- I did not introduce the prosecution and who's
12 here, who's present. Okay. I will do that now.

13 Is that okay, Mimi and Maria?

14 MS. KHANGSENGSING: Yes.

15 CORP COUNSEL OANA: Chair, this is Jennifer. Yes,
16 that's good.

17 CHAIR WILLIAMS: Oh, yeah. I apologize for that.
18 Thank you.

19 So in the room or present is Deputy Counsel Jennifer
20 Oana, Deputy Prosecutor Attorney Richard Rost. Richard, are
21 you here?

22 PROSECUTOR ROST: Yes, I'm here.

23 CHAIR WILLIAMS: Oh, great. Thank you.

24 The deputy -- the department's deputy director is
25 Jarrett Kahoochanohano.

1 DEPUTY DIRECTOR KAHOOHANOHANO: Yeah, I'm present.

2 CHAIR WILLIAMS: Thank you. And then -- and the
3 enforcement division head is Bill Pacheco.

4 Okay. Now address the prosecutor. So, Mr. Rost,
5 please present a summary of the case.

6 PROSECUTOR ROST: Thank you, Mr. Chair, Members of
7 the Board. On August 17th, 2021, the department of liquor
8 control received a telephone complaint from an individual who
9 said her husband was intoxicated in Mimi's Lounge. Mimi's
10 Lounge is located at 1063 Lower Main Street and is operated by
11 liquor licensee Kaya, Inc. Liquor Control Officer Cullen
12 Kawano responded to Mimi's Lounge on that evening and located
13 the customer in question in the parking lot. After speaking
14 with him, LCO Kawano determined he did not meet the
15 description of a person who's intoxicated under the rules of
16 the liquor commission.

17 To continue his investigation, however, LCO Kawano
18 proceeded inside Mimi's Lounge, where he spoke to the manager
19 Jisun Duarte. He asked to see the customer's credit card tab
20 to determine what he had consumed. The tab was for a
21 substantial amount, but it was not itemized; it was -- it
22 simply showed a total amount. So LCO Kawano asked Duarte if
23 they had something to show what specifically the customer had
24 ordered and what he had paid for each item, an itemized-type
25 receipt. She produced a notebook which had tally marks and

1 explained that each tally mark was for a -- in this case, a
2 shot of water. LCO Kawano inquired if there was a price list
3 or menu showing the prices for the -- the water sold to the
4 customer, and Duarte replied there was not.

5 This was a violation of Rule of the Liquor
6 Commission 08-101-86(b), which requires Class 5, Category D
7 liquor licensees to post all beverage prices for both alcohol
8 and nonalcoholic beverages. As Kaya, Inc. Has a Class 5,
9 Category D license, it was required to post prices even for
10 the nonalcoholic beverages sold to the customer in this case.
11 So the failure to have that price list was a violation.

12 And I have -- I have a recommendation for the
13 penalty, and I -- the licensee -- Mr. Jorgensen, the licensee
14 retained Mr. Jorgensen, who is reserving their right to make
15 their own argument as to the penalty.

16 CHAIR WILLIAMS: Great. One second.

17 Board, is there any questions?

18 (No response.)

19 CHAIR WILLIAMS: Questions on the board?

20 MEMBER CLUNEY: I have a question.

21 CHAIR WILLIAMS: Yes.

22 MEMBER CLUNEY: Is this their first violation of --
23 of this sort?

24 PROSECUTOR ROST: I believe this is their first
25 violation of the requirement to have a price list posted. I

1 can -- if Mr. Pacheco has other information about that, I
2 would invite him to jump in, but I believe this is their first
3 violation of this particular rule.

4 MEMBER DUDOIT: I have a quick question.

5 CHAIR WILLIAMS: Yes.

6 MEMBER DUDOIT: How would you price water?

7 PROSECUTOR ROST: Is that a question for the
8 licensee?

9 MEMBER DUDOIT: Or for what, I mean, the rules of
10 the liquor commission has, I mean, I've never seen a price for
11 water any -- I mean, how would you do that?

12 PROSECUTOR ROST: There is no rule specifying
13 pricing for nonalcoholic beverages, how -- you know, how that
14 has to be done, so that's not really something that we can
15 address. That I can address, anyway.

16 CHAIR WILLIAMS: So, just as a follow-up to that
17 question, just so I understand, their violation is to not have
18 pricing, but there is no rule to have pricing of water?

19 PROSECUTOR ROST: That's correct. There is not a
20 rule that says you have to -- water has to be free, or water
21 can only be X number of dollars in this -- theoretically, you
22 could charge whatever you want for water or any other
23 beverage, but you have to -- you have to post a menu with
24 prices and that's the price you have to charge.

25 CHAIR WILLIAMS: So if there is a price for it, it

1 has to be posted?

2 PROSECUTOR ROST: Correct.

3 CHAIR WILLIAMS: Okay. I understand.

4 MEMBER CLUNEY: So the posting is just on the -- on
5 the billing, the receipt given to the customer? It's not a
6 posting on a wall that shows up with the prices of a beer or a
7 mixed drink or a nonalcoholic drink, it's -- the posting is on
8 the receipt from, say, a credit card statement? A credit card
9 receipt, rather?

10 PROSECUTOR ROST: The Rule 08-101-86(b) requires the
11 prices to be posted, and I interpret that as there has to be
12 either something on the wall or maybe a menu that anyone can
13 see that has all the prices on it. If it was on just an
14 itemized receipt, that would not be sufficient, which in this
15 case I believe it wasn't actually on the receipt, it was just
16 a total, so -- but in this -- in this case, I -- there was no
17 -- there was no menu posted with prices and that's -- that's
18 the violation.

19 CHAIR WILLIAMS: Okay, all right. Any more further
20 questions from the board?

21 (No response.)

22 CHAIR WILLIAMS: Okay. Seeing none, Mr. Jorgensen,
23 your client has the opportunity to make a statement regarding
24 this case. You may also inform the board of any mitigation --
25 mitigating circumstances to consider for penalty and sentences

1 purposes.

2 MR. JORGENSEN: Thank you, Chair. All bars, all
3 licensees have to have a price list. Mimi's did have a price
4 list, but there was some renovations done and -- it's, you
5 know, a place that's behind the bar there was some renovations
6 done, and the prices was taken down while that was happening
7 and, unfortunately, it was not put back up. So, again, we did
8 plead no contest to this, and some of the questions the board
9 is asking are very good questions and things I'm gonna be
10 working with my client and the department to clarify what
11 would be appropriate under the -- you know, the rules and the
12 department's interpretation of those rules.

13 CHAIR WILLIAMS: Great. Thank you.

14 Any follow-up questions from the board?

15 (No response.)

16 CHAIR WILLIAMS: Okay. Seeing none, Mr. Rost, what
17 is the public's position on the -- any fines or penalty?

18 PROSECUTOR ROST: Thank you, Mr. Chair. The
19 recommendation would be a \$500 fine. I understand that the --
20 that the explanation that it had been taken down due to
21 renovations, but it's still a clear violation that there was
22 no posted price list in this particular case, and we think
23 that's an important rule, so we would ask for a \$500 fine in
24 this case.

25 CHAIR WILLIAMS: Okay. And you have an opportunity

1 for further addressing -- to make any -- any statement
2 regarding that.

3 MR. JORGENSEN: Yes, thank you. We appreciate the
4 department's position. It was an honest mistake, but it was a
5 mistake, and it is a violation, so we do understand that. We
6 would ask the board to consider a letter of reprimand or a
7 \$100 fine, but my client is -- you know, understands that we
8 were wrong, and we'll fix the problem, and we'll rely on the
9 board's decision.

10 CHAIR WILLIAMS: Great. Thank you.

11 Counsel, I'm just wondering, this is where we would
12 normally go into a -- a session, a private session, but on the
13 agenda, it does not have that.

14 CORP COUNSEL OANA: Thank you, Chair, for the
15 question. Although -- so the liquor adjudication board is a
16 county board, all county boards are subject to the Sunshine
17 Law, but for adjudication functions, that's not subject to the
18 Sunshine Law, so -- but in the spirit of transparency, because
19 I don't believe this will involve any private matters that
20 need to be withheld from the public, it's our office's
21 position to conduct these in open session unless there's a
22 private matter. And I'm sure Mr. Jorgensen could inform us if
23 there will be a private matter or -- or Mr. Rost or Mr.
24 Pacheco. So, you know, looking at --

25 CHAIR WILLIAMS: Well --

1 CORP COUNSEL OANA: -- this case, I don't believe
2 there's any privacy matter, so it's our position that in the
3 spirit of transparency, you should hold these all in open
4 session.

5 CHAIR WILLIAMS: But in -- just wondering, just
6 because in the past we've had in private session and we've had
7 open communication for not having it and being a small
8 community, it feels that -- that it's making our -- our board
9 basically maybe not -- maybe not share as openly as they would
10 in a private session. There -- would it be possible to go
11 into private session?

12 CORP COUNSEL OANA: This part of the agenda is an
13 adjudicatory function, so you could go into closed session.
14 Not executive session --

15 CHAIR WILLIAMS: Yeah.

16 CORP COUNSEL OANA: -- closed session. I would
17 recommend strongly that you do any voting, which will contain
18 the motion, the second, and voting in open session. But,
19 again, it is my office's position that unless privacy matters
20 are involved, you should conduct everything in open session.

21 CHAIR WILLIAMS: But it -- okay. Dave, one second.

22 And so I was just wondering, so we can have
23 discussion in -- in closed session and all the voting, is that
24 open?

25 CORP COUNSEL OANA: Voting should be outside in

1 regular session, in open session. And, again, you know, this
2 is the adjudicatory function of your agenda not subject to the
3 Sunshine Law, this particular agenda item.

4 CHAIR WILLIAMS: Right.

5 CORP COUNSEL OANA: Yeah.

6 CHAIR WILLIAMS: Okay. Oh, and Dave Jorgensen, yes,
7 sir.

8 MR. JORGENSEN: Yeah, sorry. Thank you. This is
9 putting me -- this puts me in a little bit of a weird spot
10 because normally, I'd be arguing for open, you know, more
11 open, and so the public or the licensee could understand
12 what's going on. But having done this for a long time -- this
13 case is maybe not a good -- an example of one where there's
14 any big issues, but sometimes there are cases where there are
15 stuff that needs to be discussed, should only be discussed.
16 So for what it's worth, if it matters, my client and I waive
17 -- waive any objection to you going into executive session
18 and, again, more to maybe establish a bit of precedent for
19 other cases, but if the board is inclined, and as Ms. Ohana
20 said, for discussion, we are fine with that.

21 CHAIR WILLIAMS: All right. Thank you, sir.

22 Yeah, they -- I would like to -- well, excuse me,
23 it's been over a year, so how would I do it as far as going
24 into closed session? Do I entertain a motion, or do I --

25 CORP COUNSEL OANA: Yes, entertain a motion to go

1 into closed session --

2 CHAIR WILLIAMS: Okay. Great.

3 CORP COUNSEL OANA: -- for the purposes of
4 deliberation.

5 LCO PACHECO: Excuse me.

6 CHAIR WILLIAMS: Yes.

7 LCO PACHECO: Excuse me. Before going to closed
8 session, I would like to add that we did check, and for this
9 licensee, there's no priors for this type of violation.

10 CHAIR WILLIAMS: There's no priors. Thank you so
11 much.

12 MEMBER DUDOIT: Thanks, Bill.

13 CHAIR WILLIAMS: Okay. I entertain a motion to go
14 into closed session.

15 MEMBER DUDOIT: I second.

16 CHAIR WILLIAMS: Well, that's the motion, and then
17 who's the second?

18 MEMBER DUDOIT: Shane.

19 CHAIR WILLIAMS: Oh, no, Shane, I entertain it, so
20 it is your motion, and we need someone -- someone to second
21 you.

22 MEMBER DUDOIT: Okay.

23 MEMBER PADILLA: I'll second.

24 VICE CHAIR ALMEIDA: I second.

25 CHAIR WILLIAMS: Oh, great. Janice, is that your

1 second?

2 MEMBER KALANIHUIA: Yes.

3 CHAIR WILLIAMS: Great. So let's go ahead and --
4 let's go ahead into closed session.

5 CORP COUNSEL OANA: Hold on, hold up. Any
6 discussion and then a vote, please.

7 CHAIR WILLIAMS: Oh, I'm sorry. Okay. Is there any
8 discussion?

9 (No response.)

10 CHAIR WILLIAMS: Seeing none, I call a vote on going
11 into closed session. All in favor, say aye.

12 (Response.)

13 CORP COUNSEL OANA: Sorry. Hold up again. You'll
14 need to do a roll call, please. Thank you.

15 CHAIR WILLIAMS: A roll call, everyone votes on each
16 vote?

17 CORP COUNSEL OANA: Every motion and the voting has
18 to have the roll call now in virtual meetings.

19 CHAIR WILLIAMS: Okay, all right.

20 Okay. So on the motion on going into closed
21 session, Member Aiwohi, how do you vote?

22 (No response.)

23 CHAIR WILLIAMS: Member Aiwohi? On mute, maybe.

24 MEMBER DUDOIT: She may be testifying at the
25 charter.

1 CHAIR WILLIAMS: Oh, she's thinking about it.

2 Member -- or Vice Chair Almeida.

3 VICE CHAIR ALMEIDA: I vote to go into closed
4 session. Aye.

5 CHAIR WILLIAMS: Member Cluney.

6 MEMBER CLUNEY: I don't think it's necessary. I'm
7 ready, but I'll go with the majority.

8 CHAIR WILLIAMS: Okay. Member Mossman.

9 (No response.)

10 CHAIR WILLIAMS: Member Mossman?

11 (No response.)

12 CHAIR WILLIAMS: Member Sanchez.

13 CORP COUNSEL OANA: Chair, it looks like Member
14 Mossman and Aiwohi are not present, so try to get a majority
15 vote without them.

16 CHAIR WILLIAMS: Okay. But we still have quorum?

17 CORP COUNSEL OANA: You need five.

18 CHAIR WILLIAMS: Okay.

19 Member Sanchez.

20 MEMBER SANCHEZ: I vote for going in closed session.

21 CHAIR WILLIAMS: Thank you.

22 Member Padilla, Melissa.

23 MEMBER PADILLA: I vote to go into closed session.

24 CHAIR WILLIAMS: Let's see. And -- oh, and, Janice,
25 it was your motion, so I have -- but do you vote to go into

1 closed session?

2 MEMBER KALANIHUIA: I do.

3 CHAIR WILLIAMS: Wonderful. I have a majority.
4 We're gonna go into closed session. So we have two windows,
5 correct? And we close out of this one and go to the other
6 one, is that correct, Maria?

7 MS. KHANGSENGSING: Yes.

8 CORP COUNSEL OANA: I'm sorry, Chair. Did you call
9 Mr. Dudoit for a vote?

10 CHAIR WILLIAMS: I'm sorry, Shane. It was his
11 motion. Sorry.

12 MEMBER DUDOIT: Aye.

13 CHAIR WILLIAMS: Shane, you said aye? Thanks, sir.

14 MEMBER DUDOIT: Aye.

15 CHAIR WILLIAMS: Thank you.

16 MS. KHANGSENGSING: So what would happen now, guys,
17 Board Members, you would log out of this meeting and go into
18 the deliberation closed session. I sent you guys a link to
19 that, so we would meet there.

20 (Pause in Proceedings: 9:43 a.m.-10:28 a.m.)

21 CHAIR WILLIAMS: Okay. I will call this session
22 back in order. Back in order. It is 10:28 on December 2nd.
23 At this time, I will entertain any motion regarding --
24 regarding to the penalty. Allan, you want to go ahead with
25 your motion?

1 VICE CHAIR ALMEIDA: Yes. I want to put the motion
2 on the table where the fine of 500 will be suspended -- 250
3 will be suspended for a period of one year and that no other
4 violations of this occurs again. So the fine is 250 and then
5 suspend 250. That's my motion on the table right now.

6 CHAIR WILLIAMS: Okay.

7 CORP COUNSEL OANA: Chair, may I please restate it?

8 CHAIR WILLIAMS: Sure.

9 CORP COUNSEL OANA: So the motion was to fine the
10 licensee \$500, suspended 250 on the condition that there are
11 no additional violations of this sort within one year.

12 CHAIR WILLIAMS: Perfect.

13 VICE CHAIR ALMEIDA: That's correct.

14 CHAIR WILLIAMS: Is there a second?

15 MEMBER SANCHEZ: Second.

16 MEMBER AIWOHI: Lahela. Second.

17 CHAIR WILLIAMS: Okay. We have a first and a
18 second. And let's see. Second. Okay. It has been moved by
19 Member Almeida to set \$500 for Count 1 and suspend 250 of that
20 500, that \$500 for one year if there's no violation of any
21 sort within that one year -- of the same sort, sorry.

22 At this time, I will call the vote. Vice Chair
23 Almeida, how do you vote?

24 VICE CHAIR ALMEIDA: Aye.

25 CHAIR WILLIAMS: Vice -- Member Aiwahi, how do you

1 vote?

2 MEMBER AIWOHI: Aye.

3 CHAIR WILLIAMS: Member Padilla, how do you vote?

4 MEMBER PADILLA: Aye.

5 CHAIR WILLIAMS: Member Cluney, how do you vote?

6 MEMBER CLUNEY: Yes.

7 CHAIR WILLIAMS: Member Sanchez, how do you vote?

8 MEMBER SANCHEZ: Aye.

9 CHAIR WILLIAMS: Member Kalanihulia, how do you vote?

10 MEMBER KALANIHUIA: Aye.

11 CHAIR WILLIAMS: Member Dudoit, how do you vote?

12 MEMBER DUDOIT: Aye. Aye.

13 CHAIR WILLIAMS: And Member Mossman, how do you

14 vote?

15 MEMBER MOSSMAN: Aye.

16 CHAIR WILLIAMS: Aye. Okay.

17 And the chair votes aye.

18 So it is a unanimous vote to pass the motion.

19 Mr. Jorgensen, the department will notify you when
20 payment is due.

21 MR. JORGENSEN: Thank you very much for your time.
22 Happy holidays.

23 CHAIR WILLIAMS: Oh, and just one quick thing, this
24 was a little hard decision for -- only for the fact that we
25 did not want to go against the prosecutors, but we felt that

1 we did not want to make a statement at this -- for these
2 reasons, you know. So please, get your sign up, you know, get
3 everything -- give everybody notice, and I hope you never see
4 us again in this capacity.

5 MR. JORGENSEN: Thank you very much. We hope so
6 too.

7 MS. KAYA: Thank you.

8 CHAIR WILLIAMS: Thank you.

9 COMMISSIONERS: Thank you.

10 CHAIR WILLIAMS: Okay. Seeing that's done, are we
11 on to the final item on the agenda, the administrative
12 affairs?

13 CORP COUNSEL OANA: Yes, Chair.

14 CHAIR WILLIAMS: Okay. Let's see. Do I read this?
15 Election of a New Liquor Control Adjudication Board Chair and
16 Vice Chair. Members, as you know, this is actually one -- our
17 first meeting of the year. I believe in normal times, the
18 board would meet once a month, but because there were no -- no
19 complaints this year until now, we did not meet. Our rules
20 say that the board shall elect annually in the month of March
21 a chair and vice chair to serve for the ensuing year or until
22 the successor shall be elected. Does the board want to elect
23 new officers today, or shall we defer the election until March
24 of next year?

25 MEMBER AIWOHI: I say --

1 MEMBER DUDOIT: Defer to March, I think.

2 MEMBER AIWOHI: Yeah. I agree with deferring it to
3 March.

4 VICE CHAIR ALMEIDA: Yeah, I defer as well.

5 CHAIR WILLIAMS: You guys sure?

6 (Laughter.)

7 MEMBER SANCHEZ: Yes, Chair.

8 MEMBER DUDOIT: Unless you want us to vote you in
9 now.

10 CHAIR WILLIAMS: All right. Okay. So let's -- so
11 the board wants to defer. We should make a motion. Okay. So
12 we want to defer, so if somebody wants to make a motion to
13 defer, that would be great.

14 VICE CHAIR ALMEIDA: Yeah, I make a motion that we
15 defer to March 2022.

16 CHAIR WILLIAMS: Oh, you being vice chair, you can't
17 make the motion.

18 VICE CHAIR ALMEIDA: Oh, I can't make the motion?
19 Thank you for that clarification on that.

20 CHAIR WILLIAMS: It's for your job.

21 MEMBER DUDOIT: I'll make the motion to defer our
22 elections till March.

23 CHAIR WILLIAMS: Awesome. Is there a second?

24 MEMBER SANCHEZ: I second.

25 MEMBER AIWOHI: Lahela. Second.

1 CHAIR WILLIAMS: Okay. The second was by Lahela.

2 Okay. Any discussion?

3 (No response.)

4 CHAIR WILLIAMS: Seeing none, okay, this is the last
5 vote of the day, yea or nay.

6 Vice Chair Almeida.

7 VICE CHAIR ALMEIDA: Let's see. The meetings --

8 CHAIR WILLIAMS: Are you a yea?

9 VICE CHAIR ALMEIDA: Yes, I'm a yea for the
10 meetings, correct.

11 CHAIR WILLIAMS: Okay, perfect.

12 Aiwohi.

13 MEMBER AIWOHI: Yea.

14 CHAIR WILLIAMS: Padilla.

15 MEMBER PADILLA: Yea.

16 CHAIR WILLIAMS: Cluney.

17 MEMBER CLUNEY: Yes.

18 CHAIR WILLIAMS: Member Sanchez?

19 MEMBER SANCHEZ: Yea.

20 CHAIR WILLIAMS: Kalanihuia.

21 MEMBER KALANIHUIA: Aye.

22 CHAIR WILLIAMS: Member Dudoit.

23 MEMBER DUDOIT: Yea.

24 CHAIR WILLIAMS: Member Mossman.

25 (No response.)

1 CHAIR WILLIAMS: You know, I will study everyone's
2 -- the motion is passed. I will study everyone's names, be a
3 lot better next year when we do this again.

4 And I will make -- I will entertain a motion to
5 adjourn the meeting.

6 CORP COUNSEL OANA: Hold on. Sorry, Chair. There's
7 Item V(b), Distribution of the Liquor Adjudication Board and
8 Commission 2022 Meeting Schedules. Are we --

9 (Chapter change.)

10 CORP COUNSEL OANA: I did email you all -- Maria and
11 I emailed you all this morning with regard to the charter
12 commission's meeting happening right now. It started at nine
13 o'clock. And although it's not on your agenda, I just wanted
14 to make that announcement that that meeting's happening.
15 They're going to be considering the elimination of this board,
16 the liquor adjudication board, and to put your duties in -- in
17 with the liquor control commission's duties. So if you folks
18 wanted to testify individually today at that meeting, I
19 suggest you do so. You can say that you are a current
20 adjudication board member, but please say that you're
21 testifying individually on your own behalf and not on behalf
22 of the commission because we don't have a collective response
23 to give them. But go ahead and testify in either support or
24 opposition of the elimination of this board.

25 I do also want to give you a heads-up. I did talk

1 to the other deputy corporation counsel who advises the
2 charter commission. At another meeting this month for charter
3 commission, they're going to be talking about a hearings
4 officer office proposal being proposed by the charter
5 commission, which essentially will set up a hearings officer
6 office with a bunch of hearing officers and what that proposal
7 seems to do is want to take up -- take away all adjudicatory
8 functions from the current boards and commissions that we have
9 in the county and put it -- that responsibility with the
10 hearings officer. So you guys have adjudicatory functions;
11 the commission has an adjudicatory function with regard to any
12 charges they want to file against the director. The police
13 commission has adjudicatory functions with regards to
14 complaints against officers or the chief, similar to the fire
15 commission. The board of water supply has adjudicatory
16 functions. There are many boards and commissions in the
17 county that has this adjudicatory function that basically it
18 seems like the hearings officer will now -- if it's passed,
19 will take control over the contested case hearings.

20 I do think that -- and the plan is for the
21 commissions and the boards to have the final say, to say yea
22 or nay to the hearings officer's recommendation, but
23 essentially it takes away your folks -- some powers and duties
24 that you guys have. So I suggest you guys all monitor the
25 charter commission meetings. Again, testify individually.

1 You can say you are a board member of this board, but testify
2 individually and, you know, let them know your support or
3 opposition on their proposals.

4 You also may want to let them know that you guys
5 would appreciate direct communication from the charter
6 commission with regard to when and what they're taking up that
7 affects you folks.

8 That's all I wanted to do is announce that, Chair.
9 If you have any questions or anybody has questions, I can
10 answer.

11 CHAIR WILLIAMS: So did -- then do we know who
12 brought it up?

13 CORP COUNSEL OANA: Who brought up today's proposal
14 or the hearings officer proposal?

15 CHAIR WILLIAMS: I guess both.

16 CORP COUNSEL OANA: So today's proposal to eliminate
17 this board and put your duties with the commission, it looks
18 like Dick Mayer might have been the first person who suggested
19 it. In the charter commission's materials, it does have a
20 name of who's like the proposer.

21 CHAIR WILLIAMS: Okay.

22 CORP COUNSEL OANA: He's just a community member,
23 you know, voicing his thoughts and opinions. But if you look
24 at that email I sent you all today, it does have the specific
25 language that they're eliminating from the charter and want to

1 add in the charter for the liquor commission. So I believe
2 it's on page 30 of that packet. It's the top left corner; it
3 says I-26. You guys may want to take a look at that before
4 you testify today if you do.

5 MEMBER DUDOIT: Good.

6 CHAIR WILLIAMS: Okay.

7 CORP COUNSEL OANA: And with regard to the hearings
8 officer proposal that they may talk about on December 16th at
9 their meeting, I'm not sure who proposed that. I have to
10 guess it was Chair Collins, but I'm not sure.

11 CHAIR WILLIAMS: Okay.

12 MEMBER DUDOIT: Jenny, real quick, so their biggest
13 -- their biggest reason for -- for getting rid of us is to
14 have one person decide everything?

15 CORP COUNSEL OANA: So, yeah, there's kind of two
16 kinds of things that they're -- two proposals, and it's not
17 like together. So one proposal they're talking about today is
18 to get rid of you guys and put your duties with the
19 commission, so that's a separate proposal that they're gonna
20 be probably voting on or tweaking or whatever. But I believe
21 that December 16th meeting that they have, they'll be
22 discussing a new provision that they are proposing to add into
23 the charter with regards to hearings officers, and that
24 proposal basically says that the hearings officer will take
25 control over all of these contested case hearings, which takes

1 it away from you folks and other boards like board of water
2 supply, police commission, fire commission, and all of that.
3 And I know from talking to other people that some other
4 commissions who have gotten the heads-up, not from the charter
5 commission, but, you know, in a roundabout way, they're not
6 happy with it, so, you know, they're testifying, and you guys
7 may want to testify as well.

8 MEMBER DUDOIT: I think we survive. I just got a
9 text.

10 CHAIR WILLIAMS: Yeah, this is -- this is --

11 MEMBER AIWOHI: Oh, we did?

12 CHAIR WILLIAMS: Yeah.

13 MEMBER AIWOHI: Oh, good, good.

14 CHAIR WILLIAMS: Well, yeah, to pull the power away
15 and then to say, okay, we're gonna give it to somebody else,
16 this officer, that's crazy. They're doing it in two parts,
17 too, so you won't know.

18 MEMBER DUDOIT: Yeah.

19 CHAIR WILLIAMS: All right. Yeah. That's kind of
20 -- that's kind of shady.

21 Any other -- any other questions?

22 (No response.)

23 CHAIR WILLIAMS: All right. All right. I entertain
24 a motion to adjourn the meeting.

25 VICE CHAIR ALMEIDA: Second.

1 CHAIR WILLIAMS: Who's the first? Oh, Al was first.
2 Who seconds?

3 MEMBER DUDOIT: I first.

4 CHAIR WILLIAMS: Okay. Shane seconds.

5 MEMBER DUDOIT: Sure, I second.

6 CHAIR WILLIAMS: Do we really have to do -- do a
7 roll call for this?

8 MEMBER DUDOIT: No.

9 CHAIR WILLIAMS: All in favor, can you raise your
10 hand?

11 (Response.)

12 CHAIR WILLIAMS: Any opposed?

13 (No response.)

14 CHAIR WILLIAMS: You guys, Merry Christmas. Thanks
15 for everything.

16 (The proceedings were adjourned at 10:41 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 December 2, 2021, at 9:07 a.m., the proceedings were 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 16th day of December, 2021, in Maui, Hawaii.

Sandra J. Gran, RPR
Hawaii CSR 424