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

TRANSCRIPT OF PROCEEDINGS
REGULAR MEETING

Held remotely via BlueJeans interactive conference technology and in person at the Department of Liquor Control Conference Room, 110 Alaihi Street, Suite 212A, Kahului, Hawaii 96732, commencing at 9:01 a.m., on June 2, 2022.

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

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APPEARANCES

BOARD MEMBERS PRESENT:

- Allan Almeida, Acting Chair
- Shane Dudoit, Member
- Kaulana Mossman, Member
- Melissa Padilla, Member
- Robbie Sanches, Member
- Rhonda I. L. Loo, Member
- Harold Cathcart, Member (in at 9:33 a.m.)

Staff present:

- Christie Trenholme, Deputy Corporation Counsel
- Richard Rost, Deputy Prosecuting Attorney
- Layne N. Silva, Director
- Jarrett Kahoohanohano, Deputy Director
- Bill Pacheco, Liquor Control Officer IV
- Maria Khangsengsing, Secretary to Boards/Commissions

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JUNE 2, 2022, 9:01 A.M.

KAHULUI, MAUI, HAWAII

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CHAIR ALMEIDA: (Gavel.) Good morning. This is the regular meeting of the liquor control adjudication board. It is Thursday, June 2nd, 2022, and it is now 9:00 a.m. I am Allan Almeida; I'm the acting chair of the board. Call this meeting to order.

I'm gonna do a roll call now. Pursuant to the new Sunshine Law, please also indicate who, if anyone, is present with you at your location.

Member Padilla.

MEMBER PADILLA: Here.

CHAIR ALMEIDA: Is anyone with you, Member Padilla?

MEMBER PADILLA: No.

CHAIR ALMEIDA: Member Mossman.

MEMBER MOSSMAN: Here. Nobody with me.

CHAIR ALMEIDA: Member Sanches.

MEMBER SANCHES: Here. Alone.

CHAIR ALMEIDA: Member Kalanihuia is excused.

Next is Member Dudoit.

MEMBER DUDOIT: Here, no one with me.

CHAIR ALMEIDA: Member Loo.

MEMBER LOO: Present.

CHAIR ALMEIDA: And Member Cathcart.

1 (No response.)

2 CHAIR ALMEIDA: Harold Cathcart, are you here?

3 MS. KHANGSENGSING: Member Cathcart, you gotta
4 unmute yourself.

5 CHAIR ALMEIDA: No response from Member Harold
6 Cathcart.

7 Continued roll call, corporation counsel Christie
8 Trenholme.

9 CORP COUNSEL TRENHOLME: Good morning, Chair. I'm
10 present in my office. No one's with me.

11 CHAIR ALMEIDA: Thank you.

12 Prosecuting attorney Richard Rost.

13 PROSECUTOR ROST: Present.

14 CHAIR ALMEIDA: Director Layne Silva.

15 DIRECTOR SILVA: Present.

16 CHAIR ALMEIDA: Deputy Director Jarrett
17 Kahooohanohano.

18 DEPUTY DIRECTOR KAHOOHANOHANO: Present.

19 CHAIR ALMEIDA: And Mr. Bill Pacheco.

20 LCO PACHECO: Present.

21 CHAIR ALMEIDA: Moving on to public testimony. For
22 oral testimony, each testifier will be limited to two minutes
23 on each agenda item with a minute to conclude. Testifiers via
24 video will sign up to testify by sending a direct message in
25 the chat function to the commission staff signifying their

1 intention to testify and noting the agenda item. Testimony
2 shall not be submitted in the chat function. The chat
3 function may not be used to contact commissioners or other
4 meeting participants or commenting on the agenda items or
5 other matters. Individuals may be disconnected from the
6 meeting for breaking decorum. Testifiers are asked to mute
7 their audio and video when they are not testifying. Video
8 testifiers will be called first, followed by phone testifiers,
9 and then in-person testifiers.

10 Maria, first testifier.

11 CORP COUNSEL TRENHOLME: Chair, just one thing. I
12 think we need to have five, at least a quorum of members with
13 their cameras on at all times. I think that you may have only
14 four at this time, so we need to make sure we have five
15 members with their cameras on at all times. Thank you.

16 CHAIR ALMEIDA: Okay.

17 CORP COUNSEL TRENHOLME: That's a new Sunshine Law
18 requirement.

19 CHAIR ALMEIDA: All members have their cameras on.

20 CORP COUNSEL TRENHOLME: Okay. Now I see we have a
21 quorum, at least, with cameras on.

22 CHAIR ALMEIDA: Thank you.

23 Okay. Going back to the agenda. Maria, first
24 testifier.

25 MS. KHANGSENGSING: No, no one's signed up.

1 CHAIR ALMEIDA: Do we have any testifiers via phone?

2 MS. KHANGSENGSING: No, no one.

3 CHAIR ALMEIDA: Anyone else?

4 (No response.)

5 CHAIR ALMEIDA: Hearing no one else is out there
6 wishing to testify, with no objections, I will now close
7 public testimony.

8 (No response.)

9 CHAIR ALMEIDA: We now come to Agenda Item No. 4,
10 Hearings Before the Board; Item A, Complaint and Accusation
11 No. 2022-01, Monkeypod Kitchen by Merriman, Kaanapali. Will
12 the licensee or its representative please state your name and
13 if you're (inaudible)?

14 MR. UEOKA: Good morning to the board. Robert Ueoka
15 on behalf of Monkeypod Kitchen by Merriman. And also present
16 to my right is Ms. Sara Hill. She's the (inaudible) of the
17 restaurant. At this time -- I know we pled as not guilty.
18 (Inaudible) plea of (inaudible).

19 CHAIR ALMEIDA: Thank you. Mr. Ueoka, you
20 understand you have the right to plead not guilty?

21 MR. UEOKA: I do.

22 CHAIR ALMEIDA: Do you understand by pleading guilty
23 or no contest, you waive the right to a hearing at which you
24 could present evidence and question witnesses on your behalf?

25 MR. UEOKA: Yes.

1 CHAIR ALMEIDA: Is your plea of guilty or no contest
2 voluntary and not the result of force, threats, or promises
3 apart from any plea agreement?

4 MR. UEOKA: It is voluntary.

5 CHAIR ALMEIDA: Do you understand that on each
6 count, if the board accepts your plea of guilty or no contest,
7 you'll be found guilty, and the board may issue a reprimand or
8 assess and collect a penalty up to \$2,000 and revoke or
9 suspend your liquor license?

10 MR. UEOKA: Yes, I understand.

11 CHAIR ALMEIDA: Do you still wish to plead no --
12 guilty or no contest?

13 MR. UEOKA: Plead no contest, yes.

14 CHAIR ALMEIDA: The board hereby finds that the
15 licensee has entered a knowing and voluntary plea of guilty or
16 no contest to Count 1. The board accepts your plea and finds
17 you guilty of Count 1, with Count 2 being dismissed on
18 Complaint and Accusation No. 2022-01.

19 Mr. Ueoka, you now have the opportunity to make a
20 statement regarding this case. You may also inform the board
21 of any mitigating circumstances to consider for penalty and
22 sentencing.

23 MR. UEOKA: Thank you for the opportunity to provide
24 more information regarding this incident. In this incident,
25 it was a standard compliance check. The investigator came by

1 at 12:10 a.m., ten minutes after midnight, and our premises
2 closed at 10:00. We were completely closed; we were
3 completely locked at the time. I guess what happened was they
4 came in, and one of the employees was seen consuming a beer.
5 Unfortunately, the employee -- the employee was not on duty,
6 not working, but neglected to punch out, clock out on the time
7 card. Under the standards of the department, we understand
8 that that's considered on duty because the employee did not
9 clock out. As to -- typically, these kind of -- this kind of
10 charge is when it involves (inaudible), it involves consuming
11 while the restaurant is open. Typically, you know, it's other
12 customers are around, so it creates health and safety
13 concerns, but in this particular instance, the restaurant was
14 closed for two hours, the front door was locked, there were no
15 customers around, it was kind of an unusual situation than the
16 normal consumption on duty. I just want to clarify that for
17 the board, that it wasn't the typical where the place is
18 rocking, and the employee is drinking. It was we were
19 completely closed for two hours, the doors were locked, and
20 there were no health and safety issues because of that.

21 As to remedial measures, we did have meetings with
22 our employees after that, shift meetings, and really
23 emphasized that we got -- we got clock out. Not only for this
24 reason, but for record-keeping purposes --

25 CHAIR ALMEIDA: Okay.

1 MR. UEOKA: -- and to know that people are not
2 working. And also, we did have our managers double-check at
3 the end of every shift and at the end of the day to make sure
4 everybody's clocked out to really try to prevent this from
5 happening again. Thank you. Thank you for the opportunity --

6 CHAIR ALMEIDA: Thank you.

7 MR. UEOKA: -- to explain our side.

8 CHAIR ALMEIDA: So, as being my first meeting as
9 acting chair, I've been advised that Mr. Rost is to go first,
10 and we just (inaudible).

11 MR. UEOKA: We agree to the charge, by the way.
12 Sorry about that.

13 CHAIR ALMEIDA: No problem. I mean, he was
14 explaining of what happened.

15 PROSECUTOR ROST: Yes. I intend just for the
16 record, while Mr. Ueoka (inaudible) of the department.

17 CHAIR ALMEIDA: Okay.

18 PROSECUTOR ROST: Just briefly to cover what
19 happened, the liquor department inspected Monkeypod by
20 Merriman in Kaanapali.

21 CORP COUNSEL TRENHOLME: I'm sorry. It's difficult
22 to hear on the -- can everyone hear on the BlueJeans link?

23 MEMBERS: No.

24 MS. KHANGSENGSING: Speak into the mics, please.

25 PROSECUTOR ROST: Sorry, I'll speak more directly

1 into the mic. Can everyone hear me okay?

2 CORP COUNSEL TRENHOLME: A bit muffled.

3 PROSECUTOR ROST: (Inaudible.) Okay. Now can
4 everyone hear me?

5 CORP COUNSEL TRENHOLME: Yeah, I think that's
6 better.

7 PROSECUTOR ROST: Okay.

8 On February 19th, 2022, Martin Davis, our inspector,
9 inspected the Monkeypod Kitchen in Kaanapali. He saw the
10 lights were on, the door (inaudible) was locked; however, he
11 saw a female consuming what appeared to be red wine out of a
12 glass at the bar. Upon being let in, he determined that
13 person was an employee. He obtained her time card, and it
14 showed that at the time, she was clocked in. She did not
15 clock out until 12:17 a.m. after what happened. Being that
16 she was being served and that the lights were all on, the
17 department's position would be (inaudible) technically open.
18 She was fined and (inaudible).

19 As Mr. Ueoka said, this is not the typical drinking
20 on duty case, but the department still considers this a
21 significant issue where (inaudible). On that basis, the
22 department has a regulation to apply. And just for the
23 record, I'd like to bring the address of the licensee is 2434
24 Kaanapali Parkway, Space 101, Kaanapali, and the full name of
25 the licensee is MPK3, LLC.

1 CHAIR ALMEIDA: Okay. Monkeypod, right?

2 PROSECUTOR ROST: Monkeypod Kitchen by Merriman.

3 MR. UEOKA: Correct. Just to clarify, we have no
4 objection to Mr. Rost referring to (inaudible).

5 CHAIR ALMEIDA: Thank you.

6 Any questions from the board?

7 MEMBER LOO: I guess technically, Mr. Ueoka, you're
8 accepting that you (inaudible) fine, is that correct?

9 MR. UEOKA: Absolutely.

10 MEMBER LOO: For the record. 'Cause it sounds like
11 you were doing it as an attorney, and which you are. I wasn't
12 sure if it still was the proper one to actually enter the no
13 contest plea, but as long as they (inaudible) on behalf of
14 your client of the establishment, I believe would be fair.

15 MR. UEOKA: Yes. I am authorized agent on behalf of
16 the operation, I'm accepting (inaudible).

17 MEMBER LOO: Thank you.

18 MR. UEOKA: Thank you.

19 CHAIR ALMEIDA: What is the department's position as
20 to penalty?

21 PROSECUTOR ROST: The department recommends a fine
22 of \$1,000.

23 CHAIR ALMEIDA: Mr. Ueoka, would you like to make a
24 statement as to penalty?

25 MR. UEOKA: No. We just ask for the board to use

1 their discretion. And like Mr. Rost mentioned, it wasn't a
2 (inaudible) violation because we were closed two hours
3 (inaudible) defer to the board (inaudible).

4 CHAIR ALMEIDA: I will entertain a motion to go into
5 closed session for the purpose of deliberation. Members?

6 MEMBER DUDOIT: I'll second.

7 CHAIR ALMEIDA: Mr. Dudoit is gonna second. Who's
8 gonna first?

9 MEMBER LOO: I'll first.

10 CHAIR ALMEIDA: Member Loo is gonna first. Motion
11 was made by Member Loo and second by Member Dudoit. Any
12 discussions?

13 (No response.)

14 CHAIR ALMEIDA: Seeing none --

15 MEMBER LOO: Sorry. My question is: Do we ask
16 about questions? Any discussion? (Inaudible) no? Okay.

17 CHAIR ALMEIDA: Call for the vote. I'm gonna do a
18 roll call vote. All those in favor of the motion say aye.

19 CORP COUNSEL TRENHOLME: Hey, wait. Are we doing
20 the roll call vote? If so, I think you have to call each
21 person's name out, and they have to say yes or no.

22 CHAIR ALMEIDA: First is Melissa Padilla.

23 MEMBER PADILLA: Yes, aye.

24 CHAIR ALMEIDA: Member Sanches.

25 MEMBER SANCHES: Aye.

1 CHAIR ALMEIDA: Member Dudoit.

2 MEMBER DUDOIT: Aye.

3 CHAIR ALMEIDA: Member Mossman.

4 MEMBER MOSSMAN: Aye.

5 CHAIR ALMEIDA: Member Loo.

6 MEMBER LOO: Aye, yes.

7 CHAIR ALMEIDA: And Member Cathcart.

8 (No response.)

9 CHAIR ALMEIDA: Okay.

10 MS. KHANGSENGSING: The members will go into
11 deliberation.

12 CHAIR ALMEIDA: Yes.

13 MS. KHANGSENGSING: Everybody else, the public and
14 staff, please step out of the room during this closed
15 deliberation.

16 Members, give me a second while I remove you and put
17 you in a virtual room.

18 (Pause in proceedings: 9:17 a.m.-9:33 a.m.)

19 (Member Cathcart is present.)

20 CHAIR ALMEIDA: At this time, the board is now back
21 in session, and the time is 9:33. I will do a roll call as we
22 go back in open session.

23 Member Padilla.

24 MEMBER PADILLA: Here.

25 CHAIR ALMEIDA: Member Sanches.

1 MEMBER SANCHES: Here.

2 CHAIR ALMEIDA: Member Dudoit.

3 MEMBER DUDOIT: Here.

4 CHAIR ALMEIDA: Member Mossman.

5 MEMBER MOSSMAN: Here.

6 CHAIR ALMEIDA: Member Loo.

7 MEMBER LOO: Present.

8 CHAIR ALMEIDA: The board is now back in open
9 session. At this time, I'll entertain any motions with regard
10 to the penalty regarding this Case No. 2022-01.

11 MEMBER DUDOIT: I make a motion to fine \$1,000 and
12 have 500 suspended shall this not happen again.

13 CHAIR ALMEIDA: We have a motion on the table by
14 Member Dudoit.

15 CORP COUNSEL TRENHOLME: Is it shall not happen --
16 on the condition that a similar violation does not happen
17 again within one year?

18 MEMBER DUDOIT: Yes, Christie. Thank you.

19 CHAIR ALMEIDA: Do I have a second?

20 MEMBER MOSSMAN: Yeah, I second. Mossman.

21 CHAIR ALMEIDA: Hearing that two motions, therefore,
22 I'm gonna do another roll call on the members. (Inaudible)
23 regarding the motion that's on the floor.

24 CORP COUNSEL TRENHOLME: Oh, is there any
25 discussion?

1 CHAIR ALMEIDA: Discussion, sorry. Any discussion,
2 Members?

3 MEMBER DUDOIT: No.

4 CORP COUNSEL TRENHOLME: Okay.

5 CHAIR ALMEIDA: So I'm going also note that Mr.
6 Harold Cathcart is present at the moment.

7 MEMBER CATHCART: I'm present.

8 CHAIR ALMEIDA: 9:37.

9 Can you hear me? Member Cathcart, can you hear me?

10 (No response.)

11 CHAIR ALMEIDA: Okay. We've got on the floor a
12 motion regarding the penalties. Thousand dollars, suspend 500
13 no violation within a year of a similar type of violation.

14 Member Padilla.

15 MEMBER PADILLA: In favor.

16 CHAIR ALMEIDA: Member Sanches.

17 MEMBER SANCHES: In favor.

18 CHAIR ALMEIDA: Member Dudoit.

19 MEMBER DUDOIT: In favor.

20 CHAIR ALMEIDA: Member Mossman.

21 MEMBER MOSSMAN: In favor.

22 CHAIR ALMEIDA: Member Loo.

23 MEMBER LOO: I agree.

24 CHAIR ALMEIDA: I agree as well.

25 MEMBER LOO: In favor.

1 CHAIR ALMEIDA: In favor. Therefore, the
2 adjudication board -- basically (inaudible) conclusion that
3 \$500, suspend 500 no other violation of this type in a year.

4 MR. UEOKA: Great. Thank you. Thank you so much.

5 CHAIR ALMEIDA: All right. Thank you.

6 And the department -- the department will let you
7 know when the payment is due. Thank you.

8 MR. UEOKA: Thank you.

9 CHAIR ALMEIDA: Does anybody need to take a break?

10 (No response.)

11 CHAIR ALMEIDA: Okay. So now we're gonna be moving
12 on to the second case, which is Papa Nicholas, Incorporated
13 dba Colleen's in Haiku. So this is Agenda No. 4, Accusation
14 No. -- let's see -- No. 2022-02.

15 Please state your name for the record.

16 MS. NICHOLAS: Colleen Nicholas.

17 CHAIR ALMEIDA: Thank you. Thank you for being
18 here.

19 Ms. Nicholas, do you have any legal counsel with
20 you?

21 MS. NICHOLAS: No, I don't.

22 CHAIR ALMEIDA: Do you understand that you have a
23 right to have legal counsel present?

24 MS. NICHOLAS: (Inaudible.)

25 CHAIR ALMEIDA: Are you waiving your right to be

1 represented by legal counsel?

2 MS. NICHOLAS: Yes, I am.

3 CHAIR ALMEIDA: At this time, you have the option of
4 either having the charge read publicly, or you can waive the
5 reading. What is your preference?

6 MS. NICHOLAS: I would waive (inaudible).

7 CHAIR ALMEIDA: Thank you. Do you understand the
8 accusations made against you by the department of liquor?

9 MS. NICHOLAS: (Inaudible.)

10 CHAIR ALMEIDA: What is your plea to Count 1?

11 MS. NICHOLAS: No contest.

12 CHAIR ALMEIDA: Do you understand you have -- you
13 have the right to plead not guilty?

14 MS. NICHOLAS: I do.

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

19 MS. NICHOLAS: Yes.

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

23 MS. NICHOLAS: Yes.

24 CHAIR ALMEIDA: -- plea agreement?

25 MS. NICHOLAS: Yes.

1 CHAIR ALMEIDA: Do you understand that on each
2 count, if the board accepts your plea of no contest, you'll be
3 found guilty, and the board may issue a reprimand or assess
4 and collect a penalty up to \$2,000 or revoke or suspend your
5 liquor license?

6 MS. NICHOLAS: Yes.

7 CHAIR ALMEIDA: Do you still wish to plead no
8 contest?

9 MS. NICHOLAS: Yes.

10 CHAIR ALMEIDA: The board hereby finds that the
11 licensee has entered a knowing and voluntary plea of no
12 contest to Count 1. The board accepts your plea and finds you
13 guilty of Count 1 reflected in the Complaint and Accusation
14 No. 2022-02.

15 Mr. Rost, will you please provide the summary of the
16 case?

17 PROSECUTOR ROST: Yes. Thank you, Mr. Chair.

18 The licensee's full business entity, just for the
19 record, is Papa Nicholas, Incorporated. They're doing
20 business as Colleen's (inaudible) establishment.

21 On January 9th, 2022, liquor inspector Marc
22 Velasquez went to Colleen's to do a standard inspection.
23 Within a few minutes of walking in, he observed bartenders
24 behind the bar, and one of them, identified as Shelby Otsuka,
25 poured two shots of what he described as an amber-colored

1 liquid. Two employees, who were identified as Jesus Cantu
2 (inaudible), took the shots (inaudible). He then asked -- the
3 liquor inspector asked for time sheets for those two
4 employees.

5 MEMBER LOO: When did this happen?

6 PROSECUTOR ROST: This happened at approximately
7 10:04 p.m. (inaudible).

8 He, the liquor inspector obtained the time cards and
9 determined both of the employees were still on duty at the
10 time of consuming the shots. I believe (inaudible) he
11 observed them drinking. He talked with them and essentially
12 informed them this was (inaudible) observed one of the
13 employees (inaudible) after taking the shot, so he was still
14 (inaudible). The shots in question (inaudible). So on that
15 basis, (inaudible) charged with employees consuming liquor
16 while on duty. And technically, this could have been charged
17 as two counts because there were two employees drinking, but
18 it's only been charged (inaudible).

19 CHAIR ALMEIDA: You have an opportunity to make a
20 statement regarding this case. You may also inform the board
21 of any mitigating circumstances to consider for penalty and
22 sentencing.

23 MS. NICHOLAS: Thank you for the opportunity. We do
24 take our liquor license (inaudible). Sorry that this
25 (inaudible), you know. This is not about making a bunch of

1 excuses, but it's to provide some background information.
2 We've been open 26 years. We've had a liquor license for 19,
3 and, you know, (inaudible) the incident changed our policy
4 (inaudible).

5 MEMBER DUDOIT: We have a hard time hearing. Sorry.

6 MS. NICHOLAS: Oh, I'm so sorry.

7 MEMBER DUDOIT: Yeah.

8 MS. NICHOLAS: So I guess I'll start by saying there
9 was no malicious intent that night. Nobody was trying to do
10 anything wrong. The folks were done with their shift.
11 Everyone involved realizes, you know, the gravity of what
12 happened and the seriousness of what happened, and apologize
13 and vow to never let it happen again. (Inaudible.)
14 (Inaudible) had for five years without incident, there's never
15 been a problem. They were full-time through COVID when, you
16 know, I half expected them to say, you know, I don't want to
17 be exposed to the virus; they could've stayed home and
18 collected unemployment and not worked. And these guys are
19 like good, hardworking (inaudible) all through COVID. They're
20 some of my strongest players. They weren't trying to do
21 anything wrong. It was the end of their shift. We close the
22 kitchen at 9:30 and the incident happened shortly after 10:00,
23 so they had cleaned up, the kitchen was closed, everyone out
24 of the dining room. I think we just had one dishwasher on and
25 then the bartenders. And they had (inaudible) and backpacks

1 and put them on the front counter, so there's no reason
2 (inaudible).

3 And our normal policy is I only let these two or
4 three people, you know, have a drink after work. Not a free
5 one. (Inaudible) letting everyone else do it. I just sort of
6 was doing it as a reward; you get one paid drink after you're
7 clocked out. But their backpacks were on the front counter,
8 and up until this point, they've been so diligent about
9 clocking out. When they go to (inaudible), they clock out, it
10 prints a little ticket, they give it to the bartenders. And
11 they're just -- these guys are like clockwork, they're like
12 machines. They come in, they work, they do the job, no one
13 ever worries that they're gonna show up or do a good job, you
14 know. They're trustworthy, good people.

15 And this is Sunday night. I'm just thinking they
16 were tired. It was January 10th, we've all just made it
17 through the holiday season, you know how busy it is, and also,
18 they'd been covering for people that were on vacation. So I
19 think it was just an oversight that night, and they forgot to
20 clock out. And I think the bartenders are so conditioned to
21 these guys like machines; I think it was just an honest
22 oversight, and don't think they were trying to pull a fast
23 one.

24 Our new policy is no more pau hanas. I don't even
25 like the word pau hana to be used. I like the word pau hana,

1 but I don't want it used at Colleen's because there's so many
2 different definitions. To some people, it's a free drink; to
3 some people -- for me, it was one paid drink after work. But,
4 again, I don't like that word. Our new policy is no more
5 drinks, no more coming in as a customer to drink on a day that
6 you're scheduled. So even if you work daytime, three o'clock,
7 you can't have a drink afterwards, you can't even come back
8 later that night. And I did that out of fairness for all the
9 people that work and were like, oh, how come the day person
10 gets to have a drink? So I thought I would make it if you
11 work at Colleen's, you can't drink at all, but I don't think
12 I'll have (inaudible). So that's our new policy, no pau hanas
13 for everyone (inaudible). They can come in on a day off, but
14 if there's anything untoward happening (inaudible) get up to
15 clear a table while they're not scheduled, they can't drink at
16 Colleen's anymore as a customer. We don't have any
17 (inaudible).

18 I was working that night, but I had left like 30
19 minutes (inaudible). Everything was going (inaudible), so it
20 was no monkey business. (Inaudible) drink in the kitchen or
21 do a shot behind, you know, (inaudible). I think it was just
22 an innocent oversight. I almost feel like that they were
23 (inaudible). They didn't clock in and out. They were
24 abundantly clear that they were not working, but because they
25 were salaried and they clocked in, no (inaudible).

1 (Inaudible) yeah, don't give discounts on alcohol;
2 the employees pay for their food. We do (inaudible).
3 Everybody pays even when they're (inaudible). Everybody knows
4 who he is. So we had a new policy in place the second day
5 after this happened, the very next day after this happened.

6 And as far as the one cook that swept the floor, so
7 the liquor investigator, whatever you call him, he was there
8 writing up the report, and the two cooks were like, Oh, my
9 God, we realize what we've done, and they waited around, and
10 then he saw something on the floor and just it was an absolute
11 (inaudible) like a reoccurring no ill intent. And he thought,
12 God, I should scoop that up. Colleen's not gonna want to see
13 that in the morning, and he just picks up the broom. And when
14 I talked to him the next day, he said, As soon as I picked up
15 the broom, I knew, I just knew another violation without
16 even -- just I think he was nervous like I am right now.

17 So it was no malicious intent, it was an innocent
18 mistake. But everyone is aware of the new rules, no pau
19 hanas. I've gone through it with my staff again and again.
20 And, yeah, all employees have been made very aware of the new
21 rules and the policies. They've told me they understand and
22 agree to the new policies. Nothing would happen, not like it
23 was intentional; everyone will be much more alert to
24 (inaudible). We remedied the situation the next day. The
25 folks involved know that it's on their record and (inaudible).

1 We do not intend to have another incident like this.

2 CHAIR ALMEIDA: Thank you --

3 MS. NICHOLAS: Thank you.

4 CHAIR ALMEIDA: -- for the explanation.

5 MS. NICHOLAS: Yeah, I know it's --

6 CHAIR ALMEIDA: All right. Is there any questions
7 from the board?

8 MEMBER LOO: Me.

9 CHAIR ALMEIDA: Member Loo.

10 MEMBER LOO: I'm sorry, did I hear correctly that
11 you left 30 minutes before this incident happened?

12 MS. NICHOLAS: Yes.

13 MEMBER LOO: Okay. So the (inaudible) telling me,
14 telling us, things such no malicious intent, backpack was on
15 the counter (inaudible), and he got the broom just to be
16 helpful you're hearing secondhand from your employees not
17 witnesses?

18 MS. NICHOLAS: That's correct.

19 MEMBER LOO: Okay.

20 MS. NICHOLAS: But I did witness it so many times
21 before, which is why I have this comfort level with those
22 folks. Like I've seen them go through this -- they didn't
23 always do it because they had different days off, but
24 sometimes they were scheduled together, they would have a
25 drink. But I'd watch them (inaudible) nighttime closing

1 (inaudible). They're like clockwork. So I didn't witness it
2 myself, that was what they told me after, but I've seen it
3 many times.

4 CHAIR ALMEIDA: Any other questions from the board?

5 (No response.)

6 CHAIR ALMEIDA: Seeing none, what is the
7 department's position as to penalty?

8 PROSECUTOR ROST: The department, in this case,
9 would recommend a fine of \$1,000. There are (inaudible). One
10 thing is the inspector's report implies that when he entered
11 the premises, there were no people in the restaurant; however,
12 he observed approximately 13 people in the bar area, not
13 including the two bartenders, so the bar was clearly open and
14 functioning when this all occurred. As to the sweeping up
15 issue, what's not clear in the report is the inspector asked
16 to be shown the clock-in/clock-out system, and while one of
17 the employees was drinking (inaudible) clock out himself. At
18 that time, the inspector observed the other employee that was
19 doing the sweeping up, and that's when (inaudible) man clocked
20 out the employee sweeping up as well, so (inaudible). From
21 the perspective of the department, this is a pretty clear-cut
22 violation. (Inaudible) going on. You know, I can't comment
23 on the (inaudible) rule was at that time. So we believe a
24 thousand-dollar fine is appropriate.

25 CHAIR ALMEIDA: Ms. Nicholas, would you like to make

1 a statement regarding the fine?

2 MS. NICHOLAS: No.

3 CHAIR ALMEIDA: I will entertain a motion to go into
4 closed session for the purpose of deliberations.

5 CORP COUNSEL TRENHOLME: I'm sorry, just -- I
6 couldn't hear. What was the prosecutor's recommendation?

7 PROSECUTOR ROST: A fine of \$1,000.

8 CORP COUNSEL TRENHOLME: \$1,000, okay. And is that
9 the -- is that the maximum amount?

10 PROSECUTOR ROST: No. The maximum amount is 2,000.

11 CORP COUNSEL TRENHOLME: Okay.

12 CHAIR ALMEIDA: Any questions from the board
13 before --

14 CORP COUNSEL TRENHOLME: Thank you.

15 CHAIR ALMEIDA: What?

16 CORP COUNSEL TRENHOLME: Oh, thank you. Thank you
17 for the clarification.

18 CHAIR ALMEIDA: I'll entertain a motion to go into
19 closed session for the purpose of deliberation.

20 MEMBER LOO: Motion.

21 CHAIR ALMEIDA: Member Loo.

22 MEMBER DUDOIT: Second.

23 CHAIR ALMEIDA: Second, Member Dudoit. The motion
24 was made by Member Loo and second by Member Dudoit. Any
25 discussion?

1 (No response.)

2 CHAIR ALMEIDA: Seeing none, I will call for the
3 vote. I'm gonna call a roll call vote to go into closed
4 session.

5 Member Padilla.

6 MEMBER PADILLA: Here.

7 CHAIR ALMEIDA: Member Sanches.

8 MEMBER SANCHES: Here.

9 CHAIR ALMEIDA: Member Mossman.

10 MEMBER MOSSMAN: Here.

11 CHAIR ALMEIDA: Member Dudoit.

12 CORP COUNSEL TRENHOLME: I'm sorry, is this the --

13 MEMBER SANCHES: Yep, here.

14 CHAIR ALMEIDA: The motion is to go into closed
15 session.

16 CORP COUNSEL TRENHOLME: So I think you have to say
17 aye or no.

18 MEMBER SANCHES: Aye.

19 MEMBER PADILLA: Aye.

20 MEMBER DUDOIT: Aye.

21 CHAIR ALMEIDA: I'm gonna start all over again.

22 Okay. Please say aye. Member Padilla.

23 MEMBER PADILLA: Aye.

24 CHAIR ALMEIDA: Member Sanches.

25 MEMBER SANCHES: Aye.

1 CHAIR ALMEIDA: Member Dudoit.

2 MEMBER DUDOIT: Aye.

3 CHAIR ALMEIDA: Member Mossman.

4 MEMBER MOSSMAN: Aye.

5 CHAIR ALMEIDA: Member Loo.

6 MEMBER LOO: Aye, yes.

7 CHAIR ALMEIDA: Okay. Vice chair or the acting
8 chair will be aye.

9 The vote carries. We are now in closed session for
10 deliberation.

11 (Pause in proceedings: 9:54 a.m.-10:05 a.m.)

12 CHAIR ALMEIDA: Okay. Back on the record.

13 Everyone's here. Have to make another roll call, so we're all
14 here on the same page going back into open session.

15 Member Padilla.

16 MEMBER PADILLA: Here.

17 CHAIR ALMEIDA: Member Sanches.

18 MEMBER SANCHES: Here.

19 CHAIR ALMEIDA: Member Dudoit.

20 MEMBER DUDOIT: Here.

21 CHAIR ALMEIDA: Member Mossman.

22 MEMBER MOSSMAN: Here.

23 CHAIR ALMEIDA: Member Loo.

24 MEMBER LOO: Present. Here.

25 CHAIR ALMEIDA: Acting Chair Allan Almeida here.

1 Therefore, the motion carries, and we're back on
2 open session.

3 At this time, I will entertain any motions with
4 regard to a penalty regarding Colleen's in Haiku regarding the
5 charge -- the Complaint and Accusation No. 2022-02.

6 MEMBER MOSSMAN: I'd like to make a motion to give
7 them a fine of \$1,000.

8 CHAIR ALMEIDA: We have a motion by Member Dudoit
9 for a thousand dollar fine.

10 MEMBER DUDOIT: Mossman.

11 CHAIR ALMEIDA: Mossman, I'm sorry. I stand
12 corrected. Member Mossman.

13 MEMBER MOSSMAN: Yes.

14 CHAIR ALMEIDA: Do we have a second?

15 MEMBER SANCHES: Second.

16 CHAIR ALMEIDA: And that was by who? I'm sorry.
17 Who did the second?

18 MEMBER SANCHES: (Gesturing.)

19 CHAIR ALMEIDA: Oh, Member Sanches. Seeing that, so
20 we have Member Mossman and Member Sanches seconded a thousand
21 dollars for the penalty regarding Count 1. At this moment of
22 the hearing, I'm gonna have another roll call vote regarding
23 the penalty.

24 CORP COUNSEL TRENHOLME: Any discussion?

25 CHAIR ALMEIDA: In open session.

1 MEMBER LOO: Any discussion?

2 CHAIR ALMEIDA: Any discussion, I'm sorry, from the
3 members regarding the thousand dollar penalty?

4 (No response.)

5 CHAIR ALMEIDA: Seeing none, we're gonna vote on the
6 thousand dollar penalty.

7 Member Padilla.

8 MEMBER PADILLA: Aye.

9 CHAIR ALMEIDA: Member Sanches.

10 MEMBER SANCHES: Aye.

11 CHAIR ALMEIDA: Member Dudoit.

12 MEMBER DUDOIT: Aye.

13 CHAIR ALMEIDA: Member Mossman.

14 MEMBER MOSSMAN: Aye.

15 CHAIR ALMEIDA: Member Loo.

16 MEMBER LOO: Yes.

17 CHAIR ALMEIDA: Acting Chair Allan Almeida, yes.

18 It's been moved by Member Mossman and Sanches that
19 the penalty for a thousand dollars for Count 1 be applied to
20 this case, Complaint and Accusation No. 2022-02. The motion
21 carries, yes, a thousand dollars.

22 Ms. Nicholas, the department will notify you when
23 the payment is due. And you can leave. Sorry.

24 MS. NICHOLAS: Okay.

25 CHAIR ALMEIDA: Thank you.

1 MS. NICHOLAS: Thank you, everyone.

2 CHAIR ALMEIDA: Thank you.

3 Now moving on to the -- do we need another roll
4 call?

5 So moving on now to Administrative Affairs, I do
6 believe we have Member Dudoit is gonna give us an update
7 regarding the training that was in April.

8 MS. KHANGSENGSING: I'm sorry, Chair. You skipped A
9 for the election.

10 CHAIR ALMEIDA: Oh, yes, I'm sorry.

11 Administrative Affairs and it'll be voting on a
12 chair and a vice chair for the year of 2022 and 2023.
13 Therefore, I would like nominations because I'm the acting
14 chair.

15 MEMBER LOO: Chair.

16 MEMBER DUDOIT: I move to nominate Almeida as chair.

17 MEMBER LOO: I second that.

18 (Laughter.)

19 MEMBER LOO: (Inaudible.)

20 MEMBER SANCHES: Okay.

21 CHAIR ALMEIDA: All right.

22 MEMBER LOO: I'm the least educated (inaudible).

23 MEMBER DUDOIT: We vote. Let's vote.

24 CHAIR ALMEIDA: Okay. I guess we're gonna vote and
25 (inaudible) have after this. Okay, all right. So we're gonna

1 be voting for the chair. Anyone want to say -- recommend
2 anyone at this point?

3 (No response.)

4 CHAIR ALMEIDA: Seeing none, I guess we're gonna
5 take a vote.

6 Member Padilla, who do you want as the chair?

7 CORP COUNSEL TRENHOLME: I'm sorry. Is the motion
8 for the nomination is for Acting Chair Almeida to serve as the
9 chair, and it was seconded by -- it was made by Member Dudoit
10 and seconded by Member Loo?

11 CHAIR ALMEIDA: I believe that's correct.

12 CORP COUNSEL TRENHOLME: Okay. And Member Almeida,
13 do you accept the nomination, I guess?

14 CHAIR ALMEIDA: I guess I will accept the
15 nomination.

16 CORP COUNSEL TRENHOLME: Okay, great. Thank you.
17 Okay. Now you can vote.

18 CHAIR ALMEIDA: We still have to vote. Okay. So
19 we're gonna vote on me being the chair.

20 We're gonna start with Member Padilla.

21 MEMBER PADILLA: I vote for Acting Chair Almeida.

22 CHAIR ALMEIDA: Member Sanches.

23 MEMBER SANCHES: I vote for you.

24 CHAIR ALMEIDA: Member Dudoit.

25 MEMBER DUDOIT: I am 100 percent in favor of you

1 being our chair.

2 CHAIR ALMEIDA: Member Mossman.

3 MEMBER MOSSMAN: I vote for you, Allan.

4 CHAIR ALMEIDA: Member Loo.

5 MEMBER LOO: I believe you did such a fine job
6 today; you've earned chair for 2022.

7 CHAIR ALMEIDA: Thank you, Member Loo, for your
8 comments.

9 MEMBER DUDOIT: Thank you, Chair.

10 CHAIR ALMEIDA: I guess the vote carries. I will be
11 the chair for 2022 and 2023.

12 Now that is on the record; now we're gonna vote for
13 the vice chair. I put a motion to the board, a motion that we
14 vote for the vice chair. Do I have a first?

15 CORP COUNSEL TRENHOLME: Any nominations for a vice
16 chair?

17 MEMBER MOSSMAN: I motion Shane. I like that
18 motion.

19 MEMBER LOO: I second.

20 MEMBER SANCHES: I third.

21 CORP COUNSEL TRENHOLME: Okay, wait. Who's the
22 person, nomination for?

23 MEMBER SANCHES: Shane.

24 CORP COUNSEL TRENHOLME: Okay.

25 CHAIR ALMEIDA: Shane, Member Dudoit. His name is

1 on here for the vice chair. So the first by Member Mossman,
2 second by Member Loo, third by Mr. Sanches, and fourth by me,
3 Chair. (Inaudible) for the vote. Any questions? Any
4 questions? Any discussion before I call for the vote?

5 (No response.)

6 CHAIR ALMEIDA: I'm calling for the vote. Member
7 Padilla.

8 MEMBER PADILLA: I'm in favor.

9 CHAIR ALMEIDA: Member Sanches.

10 MEMBER SANCHES: I'm in favor of Shane.

11 CHAIR ALMEIDA: Member Dudoit.

12 MEMBER DUDOIT: Nay.

13 CHAIR ALMEIDA: Nay is no. No, nay is on the
14 record.

15 Member Mossman.

16 MEMBER MOSSMAN: In favor.

17 CHAIR ALMEIDA: Member Loo.

18 MEMBER LOO: A hundred percent in favor.

19 CHAIR ALMEIDA: Chair Almeida in favor. The yeas
20 carry over the one nay. Member Dudoit, you're now the vice
21 chair of the liquor control adjudication board for 2022 and
22 2023.

23 MEMBER DUDOIT: Thank you, Chair. Thank you, guys.

24 CHAIR ALMEIDA: Okay. So that concludes the
25 elections of chair and vice chair. Now we go to Member --

1 Vice Chair Dudoit, his comments regarding the training that
2 was (inaudible). Vice Chair, you have the floor.

3 MEMBER DUDOIT: Okay. Yeah, Jen asked me -- I think
4 Member Sanches, myself, Member Padilla, and Member Cathcart
5 were at a -- the workshop on April 26th, 2022, and she just
6 wanted me to make some things clear to the guys that weren't
7 there. We met, we held our annual workshop on the 26th at
8 9:00. Member Sanches, myself, Member Padilla, and Member
9 Cathcart were the only members present from the adjudication
10 board; therefore, with regard to our adjudication board, the
11 meeting was technically canceled because we did not have
12 quorum. But pursuant to the Sunshine Law, presentations could
13 proceed at canceled meetings as long as there were no
14 deliberations or decision-making. So there was no
15 deliberation or decision-making at the workshop.

16 At the workshop, the director of liquor control and
17 staff presented to the commission and to our board with
18 regards to the department's, commission's, and board's duties.
19 The deputy prosecuting attorney presented on the procedures
20 for complaints and accusations. And the deputy corp. Counsel
21 presented on legal issues for the commission and our board.
22 Our secretary Maria has forwarded all of us the links to the
23 meeting if you guys want to go view it later, and she also
24 forwarded the copy of the deputy corporation counsel's
25 PowerPoint on the legal issues dealing with our board.

1 So that is all I have for you guys today.

2 CHAIR ALMEIDA: Vice Chair Dudoit, so where can we
3 find the information?

4 MEMBER DUDOIT: Maria.

5 CHAIR ALMEIDA: Do we have that?

6 MS. KHANGSENGSING: Those members that did not
7 attend, I forwarded you the video back in April right after
8 the meeting. So if you would like another link to that, just
9 let me know.

10 CHAIR ALMEIDA: Okay, all right. Thank you.

11 Any questions from the members for Vice Chair
12 Dudoit?

13 (No response.)

14 CHAIR ALMEIDA: Seeing none, Vice Chair Dudoit,
15 thank you for the wonderful explanation and for --

16 MEMBER DUDOIT: Thank you, Chair.

17 CHAIR ALMEIDA: That -- (inaudible). Thank you,
18 Director Silva.

19 Okay. So the next liquor control adjudication board
20 regular meeting is now scheduled for Thursday, July 7th, 2022,
21 at 9:00 a.m.

22 That was our last item on the agenda. I will
23 entertain a motion to adjourn the meeting officially.

24 MEMBER LOO: I'll move.

25 CHAIR ALMEIDA: Member Loo moving to adjourn the

1 meeting. Do I have a second?
2 MEMBER PADILLA: Second.
3 CHAIR ALMEIDA: Second by Member Padilla. We'll do
4 roll call for all in favor.
5 Member Padilla.
6 MEMBER PADILLA: Aye.
7 CHAIR ALMEIDA: Member Sanches.
8 MEMBER SANCHES: Aye.
9 CHAIR ALMEIDA: Member Dudoit.
10 MEMBER DUDOIT: Aye.
11 CHAIR ALMEIDA: Member Mossman.
12 MEMBER MOSSMAN: Aye.
13 CHAIR ALMEIDA: Member Loo.
14 MEMBER LOO: Aye, yes.
15 CHAIR ALMEIDA: Member Almeida, aye.
16 Therefore, the vote carries. This meeting is
17 adjourned. (Gavel.)
18 (The proceedings were adjourned at 10:19 a.m.)
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