

A G E N D A
LIQUOR CONTROL ADJUDICATION BOARD
DEPARTMENT OF LIQUOR CONTROL
COUNTY OF MAUI

DATE & TIME: THURSDAY, SEPTEMBER 7, 2006, AT 9:00 A.M.

PLACE: DEPARTMENT OF LIQUOR CONTROL CONFERENCE ROOM
DAVID K. TRASK, JR. OFFICE BUILDING
2145 KAOHU STREET, ROOM 107
WAILUKU, MAUI, HAWAII 96793

I. HEARINGS BEFORE THE BOARD:

A. COMPLAINT AND ACCUSATION NO. 2006-38, PLEA: NO CONTEST

In the matter of the accusation against AMAKUA HOLDINGS INC. dba MAUI BREWING CO., Brewpub License No. 027, 4405 Honoapiilani Highway, #217, Kahana, Maui, Hawaii.

Count 1. On December 9, 2005 between the approximate times of 5:00 p.m. and 7:30 p.m., AMAKUA HOLDINGS INC. dba MAUI BREWING CO., a brewpub licensee, did, through its employee(s), sell, serve, or furnish liquor to, or allow the consumption of liquor by Edward Becker, who was at the time under the influence of liquor, as defined in Section 281-1 of the Hawaii Revised Statutes and Section 08-101-5 of the Rules of the Liquor Commission, contrary to Section 281-78(b)(1)(B) of the Hawaii Revised Statutes and Section 08-101-60(b)(1)(B) of the Rules of the Liquor Commission, County of Maui.

B. COMPLAINT AND ACCUSATION NO. 2006-41, PLEA: NO CONTEST

In the matter of the accusation against M.K.G.D., INC. dba CLUB DIANE, Dispenser General License No. 035, 350 Hoohana Street, Kahului, Maui, Hawaii.

Count 1. On January 8, 2006 between the approximate times of 12:00 a.m. and 12:46 a.m., M.K.G.D., INC. dba CLUB DIANE, a dispenser general licensee, did, through its employee(s), sell, serve, or furnish liquor to, or allow the consumption of liquor by Christopher Kang Han, who was at the time under the influence of liquor, as defined in Section 281-1 of the Hawaii Revised Statutes and Section 08-101-5 of the Rules of the Liquor Commission, contrary to Section 281-78(b)(1)(B) of the Hawaii Revised Statutes and Section 08-101-60(b)(1)(B) of the Rules of the Liquor Commission, County of Maui.

C. COMPLAINT AND ACCUSATION NO. 2006-17, PLEA: NOT GUILTY

In the matter of the accusation against GOOSE'S EDGE, INC. dba LAHAINA SHELL, Retail Beer and Wine License No. 042, 711 Mill Street, Lahaina, Maui, Hawaii.

(CONTINUED FROM MARCH 2, 2006 HEARING)

- Count 1. On July 8, 2005 at approximately 8:05 p.m., GOOSE'S EDGE, INC. dba LAHAINA SHELL, a retail beer and wine licensee, did, through its employee, sell or furnish liquor to a minor, as defined in Section 281-1 of the Hawaii Revised Statutes and Section 08-101-5 of the Rules of the Liquor Commission, contrary to Section 281-78(b)(1)(A) of the Hawaii Revised Statutes and Section 08-101-60(b)(1)(A) of the Rules of the Liquor Commission, County of Maui.
- Count 2. On July 8, 2005 at approximately 8:05 p.m., GOOSE'S EDGE, INC. dba LAHAINA SHELL, a retail beer and wine licensee, did, through its employee, fail to check or properly check the identification of a minor, as defined in Section 281-1 of the Hawaii Revised Statutes and Section 08-101-5 of the Rules of the Liquor Commission, who was in possession of or seeking to purchase liquor at its premises where liquor is sold for consumption off the premises, contrary to Section 08-101-61(b) of the Rules of the Liquor Commission, County of Maui.

D. COMPLAINT AND ACCUSATION NO. 2006-36, PLEA: NOT GUILTY

In the matter of the accusation against ISLAND HAPPY DAZE, LLC dba SOUTH SHORE TIKI LOUNGE, Dispenser General License No. 184, 1913-J South Kihei Road, Kihei, Maui, Hawaii.

- Count 1. On October 18, 2005 between the approximate times of 12:10 a.m. and 1:15 a.m., ISLAND HAPPY DAZE, LLC dba SOUTH SHORE TIKI LOUNGE, a dispenser general licensee, did, through its employee(s), sell, serve, or furnish liquor to, or allow the consumption of liquor by Pikake Shores, who was at the time under the influence of liquor, as defined in Section 281-1 of the Hawaii Revised Statutes and Section 08-101-5 of the Rules of the Liquor Commission, contrary to Section 281-78(b)(1)(B) of the Hawaii Revised Statutes and Section 08-101-60(b)(1)(B) of the Rules of the Liquor Commission, County of Maui.
- Count 2. On October 18, 2005 between the approximate times of 12:10 a.m. and 1:15 a.m., ISLAND HAPPY DAZE, LLC dba SOUTH SHORE

TIKI LOUNGE, a dispenser general licensee, did, through its employee(s), fail to exercise due care, as defined in Section 08-101-5 of the Rules of the Liquor Commission, in determining whether Pikake Shores was under the influence of liquor, as defined in Section 281-1 of the Hawaii Revised Statutes and Section 08-101-5 of the Rules of the Liquor Commission, contrary to Section 08-101-60(b)(11) of the Rules of the Liquor Commission, County of Maui.

- Count 3. On October 18, 2005 between the approximate times of 12:10 a.m. and 1:15 a.m., ISLAND HAPPY DAZE, LLC dba SOUTH SHORE TIKI LOUNGE, a dispenser general licensee, did, through its employee(s), knowingly permit Pikake Shores, who was at the time under the influence of liquor, as defined in Section 281-1 of the Hawaii Revised Statutes and Section 08-101-5 of the Rules of the Liquor Commission, to be or remain in or on the licensed premises, contrary to Section 281-78(b)(5) of the Hawaii Revised Statutes and Section 08-101-60(b)(5) of the Rules of the Liquor Commission, County of Maui.

II. ADOPTION OF FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND ORDER:

- A. COMPLAINT AND ACCUSATION NO. 2006-18, WEST 1 PROPERTIES, LLC dba PORT TOWN CHEVRON**
- B. COMPLAINT AND ACCUSATION NO. 2006-19, SIDNEY INOKUMA dba INOKUMA STORE**
- C. COMPLAINT AND ACCUSATION NO. 2006-31, FOOD PANTRY, LTD. dba LAMONTS**
- D. COMPLAINT AND ACCUSATION NO. 2006-32, MAUI BEACH HOTEL, INC. dba MAUI BEACH HOTEL**
- E. COMPLAINT AND ACCUSATION NO. 2006-33, MCBARNET PAIA CORPORATION dba PAIA CHEVRON**
- F. COMPLAINT AND ACCUSATION NO. 2006-34, KING & MARTIN, INC. dba HECOCKS ON THE OCEAN**
- G. COMPLAINT AND ACCUSATION NO. 2006-35, CHUN'S RESTAURANT, INC. dba ISANA**

III. ADMINISTRATIVE AFFAIRS:

A. Rule Amendments

IV. ADJOURNMENT:

NEXT LIQUOR CONTROL ADJUDICATION BOARD MEETING WILL BE HELD ON THURSDAY, OCTOBER 5, 2006, AT 9:00 A.M. AT THE DEPARTMENT OF LIQUOR CONTROL CONFERENCE ROOM, DAVID K. TRASK, JR. OFFICE BUILDING, 2145 KAOHU STREET, ROOM 107, WAILUKU, MAUI, HAWAII.

Any person desiring to attend the hearing and requiring an accommodation (i.e., large print, taped material, sign language interpreter, accessible parking, etc.) may request assistance provided such a request is received three (3) working days prior to the scheduled hearing. This request may be made by writing to the Director at: Department of Liquor Control, 2145 Kaohu Street, Room 105, Wailuku, Hawaii, 96793, or by calling 243-7753.