

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

DATE & TIME: THURSDAY, JULY 17, 2008, 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. 2008-27, PLEA: NO CONTEST**

**In the matter of the accusation against KMART CORPORATION dba BIG KMART, Retail General License No. 405, 424 Dairy Road, Kahului, Maui, Hawaii.**

- Count 1. On June 29, 2007 at approximately 7:04 p.m., KMART CORPORATION dba BIG KMART, a retail general 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 3. On June 29, 2007 at approximately 7:04 p.m., KMART CORPORATION dba BIG KMART, a retail general licensee, did fail to register and obtain approval from the director for the employment of Enselina Tim, 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, where liquor is sold, stored or readily accessible, contrary to Section 08-101-73(a) of the Rules of the Liquor Commission, County of Maui.
- Count 4. On June 29, 2007 at approximately 7:04 p.m., KMART CORPORATION dba BIG KMART, a retail general licensee, did have a person under eighteen years of age selling, handling, and coming in contact with liquor, contrary to Section 08-101-73(f) of the Rules of the Liquor Commission, County of Maui.
- Count 5. On June 29, 2007 at approximately 7:04 p.m., KMART CORPORATION dba BIG KMART, a retail general licensee, did fail to provide adequate supervision at all times by an "employee

approved by the director,” as defined in Section 08-101-70 of the Rules of the Liquor Commission, for an employee under twenty-one years of age, while such employee was employed on its licensed premises, contrary to Section 08-101-73(g) of the Rules of the Liquor Commission, County of Maui.

- Count 6. On June 29, 2007 at approximately 7:04 p.m., KMART CORPORATION dba BIG KMART, a retail general licensee, did fail to have an on-duty employee duly approved by the director to be in active charge of its premises during all times that such premises is open for business, contrary to Section 08-101-70(a) of the Rules of the Liquor Commission, County of Maui.

**B. COMPLAINT AND ACCUSATION NO. 2008-28, PLEA: NO CONTEST**

**In the matter of the accusation against TRG ENTERPRISES, INC. dba THE SPORTS PAGE GRILL & BAR, Dispenser General License No. 186, 2411 South Kihei Road, Kihei, Maui, Hawaii.**

- Count 1. On February 10, 2008 between the approximate times of 9:30 p.m. and 12:00 midnight, TRG ENTERPRISES, INC. dba THE SPORTS PAGE GRILL & BAR, a dispenser general licensee, did, through its employee(s), sell, serve, or furnish liquor to, or allow the consumption of liquor by Diana M. Carlton, 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, drugs, as defined in Section 08-101-5 of the Rules of the Liquor Commission, or any combination thereof, 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 February 10, 2008 between the approximate times of 9:30 p.m. and 12:00 midnight, TRG ENTERPRISES, INC. dba THE SPORTS PAGE GRILL & BAR, a dispenser general licensee, did, through its employee(s), knowingly permit Diana M. Carlton, 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, drugs, as defined in Section 08-101-5 of the Rules of the Liquor Commission, or any combination thereof, 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.

**C. COMPLAINT AND ACCUSATION NO. 2008-29, PLEA: NO CONTEST**

**In the matter of the accusation against MNS, LTD. dba ABC STORES, Retail General License No. 423, 247 Pi'ikea Avenue, Space #104, Kihei, Maui, Hawaii.**

Count 1. On June 23, 2007 at approximately 7:24 p.m., MNS, LTD. dba ABC STORES, a retail general 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.

**D. COMPLAINT AND ACCUSATION NO. 2008-26, PLEA: NOT GUILTY**

**In the matter of the accusation against CASANOVA, LTD. dba CASANOVA, Restaurant General License No. 010, 1188 Makawao Avenue, Makawao, Maui, Hawaii.**

Count 1. On October 26, 2007 and October 27, 2007 between the approximate times of 10:00 p.m. and 1:00 a.m., CASANOVA, LTD. dba CASANOVA, a restaurant general licensee, did, through its employee(s), sell, serve, or furnish liquor to, or allow the consumption of liquor by Keoni K. Ahuna, 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 October 26, 2007 and October 27, 2007 between the approximate times of 10:00 p.m. and 1:00 a.m., CASANOVA, LTD. dba CASANOVA, a restaurant general licensee, did, through its employee(s), fail to properly check the identification of Keoni K. Ahuna, 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 08-101-61(c) 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. 2008-14, FOOD PANTRY, LTD. dba WHALER'S GENERAL STORE**

- B. COMPLAINT AND ACCUSATION NO. 2008-15, LULU'S RESTAURANT  
KIHEI, LLC dba LULU'S**
- C. COMPLAINT AND ACCUSATION NO. 2008-17, KUALAPUU MARKET, LTD.  
dba KUALAPUU MARKET, LTD.**
- D. COMPLAINT AND ACCUSATION NO. 2008-18, M-B ZIGMOND INC. dba  
PELE'S OTHER GARDEN**
- E. COMPLAINT AND ACCUSATION NO. 2008-19, CASTLE & COOKE LANAI  
MANAGEMENT INC. dba THE EXPERIENCE AT KOELE**

**III. ADMINISTRATIVE AFFAIRS:**

- A. State Conference**

**IV. ADJOURNMENT:**

NEXT LIQUOR CONTROL ADJUDICATION BOARD MEETING WILL BE HELD ON THURSDAY, AUGUST 7, 2008, 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.