

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

DATE & TIME: THURSDAY, DECEMBER 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. 2007-03, PLEA: GUILTY

In the matter of the accusation against WBP, LLC dba SUPERSTOP, Retail General License No. 139, 270 Waiehu Beach Road, Wailuku, Maui, Hawaii.

Count 1. On June 9, 2006 at approximately 7:42 p.m., WBP, LLC dba SUPERSTOP, 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.

B. COMPLAINT AND ACCUSATION NO. 2007-02, PLEA: NO CONTEST

In the matter of the accusation against UPTOWN SERVICE, INC. dba UPTOWN FOOD MART & CAR WASH, Retail General License No. 214, 2085 Main Street, Wailuku, Maui, Hawaii.

Count 1. On June 9, 2006 at approximately 6:19 p.m., UPTOWN SERVICE, INC. dba UPTOWN FOOD MART & CAR WASH, 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.

C. COMPLAINT AND ACCUSATION NO. 2007-04, PLEA: NO CONTEST

In the matter of the accusation against CAA MINI MART dba CAA MINI MART, Retail Beer and Wine License No. 416, 430 Hookahi Street, Unit #28, Wailuku, Maui, Hawaii.

Count 1. On June 9, 2006 at approximately 7:14 p.m., CAA MINI MART dba CAA MINI MART, 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.

D. COMPLAINT AND ACCUSATION NO. 2007-05, PLEA: NO CONTEST

In the matter of the accusation against PLEASANT TRAVEL SERVICE dba ROYAL LAHAINA RESORT - EMPORIUM, Retail General License No. 054, 2780 Kekaa Drive Kaanapali, Maui, Hawaii.

- Count 1. On June 8, 2006 at approximately 9:52 p.m., PLEASANT TRAVEL SERVICE dba ROYAL LAHAINA RESORT - EMPORIUM, 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.

E. COMPLAINT AND ACCUSATION NO. 2007-08, PLEA: NO CONTEST

In the matter of the accusation against CSA MASTER ENTERPRISES LLC dba VILLAGE GENERAL STORE, Retail General License No. 298, 938 South Kihei Road, #120, Kihei, Maui, Hawaii.

- Count 1. On June 6, 2006 at approximately 8:00 p.m., CSA MASTER ENTERPRISES LLC dba VILLAGE GENERAL STORE, 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.

F. COMPLAINT AND ACCUSATION NO. 2007-09, PLEA: NO CONTEST

In the matter of the accusation against HENRY'S BAR & GRILL, INC. dba HENRY'S BAR & GRILL, Dispenser General License No. 165, 41 Lipoa Street, Kihei, Maui, Hawaii.

- Count 1. On June 2, 2006 between the approximate times of 6:30 p.m. and 10:30 p.m., HENRY'S BAR & GRILL, INC. dba HENRY'S BAR & GRILL, a dispenser general licensee, did, through its employee(s), sell, serve, or furnish liquor to, or allow the consumption of liquor by

Paul C. Gamboa, 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 June 2, 2006 between the approximate times of 6:30 p.m. and 10:30 p.m., HENRY'S BAR & GRILL, INC. dba HENRY'S BAR & GRILL, 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 Paul C. Gamboa 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 June 2, 2006 between the approximate times of 6:30 p.m. and 10:30 p.m., HENRY'S BAR & GRILL, INC. dba HENRY'S BAR & GRILL, a dispenser general licensee, did, through its employee(s), knowingly permit Paul C. Gamboa, 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.

G. COMPLAINT AND ACCUSATION NO. 2007-10, PLEA: NO CONTEST

In the matter of the accusation against PARADICE BLUZ, INC. dba PARADICE BLUZ NIGHTCLUB & LOUNGE, Dispenser General License No. 199, 744 Front Street, Lahaina, Maui, Hawaii.

Count 1. On July 9, 2006 between the approximate times of 12:55 a.m. and 1:10 a.m., PARADICE BLUZ, INC. dba PARADICE BLUZ NIGHTCLUB & LOUNGE, a dispenser general licensee, did, through its employee(s), allow the consumption of liquor in the area designated for dancing, contrary to Section 08-101-23(b) of the Rules of the Liquor Commission, County of Maui.

Count 2. On July 9, 2006 between the approximate times of 12:55 a.m. and 1:18 a.m., PARADICE BLUZ, INC. dba PARADICE BLUZ NIGHTCLUB & 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, to ensure that no employee, while on duty, be permitted to consume any alcoholic beverages, contrary to Section 08-101-80(a)(1) of the Rules of the Liquor Commission, County of Maui.

H. COMPLAINT AND ACCUSATION NO. 2005-08, PLEA: COUNT 2, NO CONTEST; COUNT 1, NOT GUILTY

In the matter of the accusation against 3090 INCORPORATED dba ALII NUI CHARTERS, Tour or Cruise Vessel License No. 192, Maalaea Harbor, Slip 56, Maalaea, Maui, Hawaii.

Count 1. On February 13, 2004 between the approximate times of 10:45 a.m. and 1:10 p.m., 3090 INCORPORATED dba ALII NUI CHARTERS, a tour or cruise vessel licensee, did, through their employee(s), sell, serve, or furnish liquor to, or allow the consumption of liquor by Carolann Sabatino, who was at the time under the influence of liquor, as defined in Section 281-1 of the Hawaii Revised Statutes, 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 13, 2004 between the approximate times of 10:45 a.m. and 1:10 p.m., 3090 INCORPORATED dba ALII NUI CHARTERS, a tour or cruise vessel licensee, did, through their employee(s), fail to exercise due care as defined in Section 08-101-5 of the Rules of the Liquor Commission, in determining whether Carolann Sabatino 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.

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

A. COMPLAINT AND ACCUSATION NO. 2006-38, AMAKUA HOLDINGS INC. dba MAUI BREWING CO.

B. COMPLAINT AND ACCUSATION NO. 2006-41, M.K.G.D., INC. dba CLUB DIANE

C. COMPLAINT AND ACCUSATION NO. 2006-17, GOOSE'S EDGE, INC. dba LAHAINA SHELL

D. COMPLAINT AND ACCUSATION NO. 2006-36, ISLAND HAPPY DAZE, LLC dba SOUTH SHORE TIKI LOUNGE

III. ADMINISTRATIVE AFFAIRS:

A. 2007 Meeting Schedule

B. Department's 2006 Annual Report

IV. ADJOURNMENT:

NEXT LIQUOR CONTROL ADJUDICATION BOARD MEETING WILL BE HELD ON THURSDAY, JANUARY 4, 2007, 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.