

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

DATE & TIME: THURSDAY, MAY 4, 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. 2006-27, PLEA: NO CONTEST**

**In the matter of the accusation against FAIRMONT HOTELS & RESORTS (U.S.) INC. dba CAFFE CIAO, Retail General License No. 213, 4100 Wailea Alanui Drive, Wailea, Maui, Hawaii.**

Count 1. On July 29, 2005 at approximately 9:13 p.m., FAIRMONT HOTELS & RESORTS (U.S.) INC. dba CAFFE CIAO, 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. 2006-29, PLEA: NO CONTEST**

**In the matter of the accusation against MORIHARA, INC. dba MORIHARA STORE, Retail General License No. 025, 4581 Lower Kula Road, Kula, Maui, Hawaii.**

Count 1. On August 5, 2005 at approximately 6:35 p.m., MORIHARA, INC. dba MORIHARA 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.

**C. COMPLAINT AND ACCUSATION NO. 2006-30, PLEA: NO CONTEST**

**In the matter of the accusation against FOODLAND SUPER MARKET, LIMITED dba SACK 'N SAVE FOODS, Retail General License No. 355, 790 Eha Street, Wailuku, Maui, Hawaii.**

- Count 1. On July 15, 2005 at approximately 6:06 p.m., FOODLAND SUPER MARKET, LIMITED dba SACK 'N SAVE FOODS, 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 2. On July 15, 2005 at approximately 6:06 p.m., FOODLAND SUPER MARKET, LIMITED dba SACK 'N SAVE FOODS, a retail general 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. 2006-15, PLEA: NOT GUILTY**

**In the matter of the accusation against METCALFE RESTAURANTS, INC. dba JEROME E. METCALFE'S RUSTY HARPOON RESTAURANT & TAVERN, Restaurant General License No. 010, 2435 Kaanapali Parkway, Kaanapali, Maui, Hawaii.**

- Count 1. On April 5, 2005 between the approximate times of 9:15 p.m. and 9:50 p.m., METCALFE RESTAURANTS, INC. dba JEROME E. METCALFE'S RUSTY HARPOON RESTAURANT & TAVERN, a restaurant general licensee, did, through their employee(s), sell, serve, or furnish liquor to, or allow the consumption of liquor by Jesse Solomon, 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 April 5, 2005 between the approximate times of 9:15 p.m. and 9:50 p.m., METCALFE RESTAURANTS, INC. dba JEROME E. METCALFE'S RUSTY HARPOON RESTAURANT & TAVERN, a restaurant general licensee, did, through their employee(s), sell,

serve, or furnish liquor to, or allow the consumption of liquor by Andre Offergeld, 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 3. On April 5, 2005 between the approximate times of 9:15 p.m. and 9:50 p.m., METCALFE RESTAURANTS, INC. dba JEROME E. METCALFE'S RUSTY HARPOON RESTAURANT & TAVERN, a restaurant general licensee, did, through their employee(s), sell, serve, or furnish liquor to, or allow the consumption of liquor by Jesse Solomon, who was 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 4. On April 5, 2005 between the approximate times of 9:15 p.m. and 9:50 p.m., METCALFE RESTAURANTS, INC. dba JEROME E. METCALFE'S RUSTY HARPOON RESTAURANT & TAVERN, a restaurant general licensee, did, through their employee(s), sell, serve, or furnish liquor to, or allow the consumption of liquor by Andre Offergeld, who was 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 5. On April 5, 2005 between the approximate times of 9:15 p.m. and 9:50 p.m., METCALFE RESTAURANTS, INC. dba JEROME E. METCALFE'S RUSTY HARPOON RESTAURANT & TAVERN, a restaurant general 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 Jesse Solomon 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 6. On April 5, 2005 between the approximate times of 9:15 p.m. and

9:50 p.m., METCALFE RESTAURANTS, INC. dba JEROME E. METCALFE'S RUSTY HARPOON RESTAURANT & TAVERN, a restaurant general 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 Andre Offergeld 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 7. On April 5, 2005 between the approximate times of 9:15 p.m. and 9:50 p.m., METCALFE RESTAURANTS, INC. dba JEROME E. METCALFE'S RUSTY HARPOON RESTAURANT & TAVERN, a restaurant general licensee, did, through their employee(s), knowingly permit Jesse Solomon, 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.
- Count 8. On April 5, 2005 between the approximate times of 9:15 p.m. and 9:50 p.m., METCALFE RESTAURANTS, INC. dba JEROME E. METCALFE'S RUSTY HARPOON RESTAURANT & TAVERN, a restaurant general licensee, did, through their employee(s), knowingly permit Andre Offergeld, 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.
- Count 9. On April 5, 2005 between the approximate times of 9:15 p.m. and 9:50 p.m., METCALFE RESTAURANTS, INC. dba JEROME E. METCALFE'S RUSTY HARPOON RESTAURANT & TAVERN, a restaurant general licensee, did, through its employee(s), fail to check or properly check the identification of Jesse Solomon, who was 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 ordering, being furnished, in possession of,

or consuming liquor within the premises where liquor is sold for consumption on the premises, contrary to Section 08-101-61(b) of the Rules of the Liquor Commission, County of Maui.

- Count 10. On April 5, 2005 between the approximate times of 9:15 p.m. and 9:50 p.m., METCALFE RESTAURANTS, INC. dba JEROME E. METCALFE'S RUSTY HARPOON RESTAURANT & TAVERN, a restaurant general licensee, did, through its employee(s), fail to check or properly check the identification of Andre Offergeld, who was 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 ordering, being furnished, in possession of, or consuming liquor within the premises where liquor is sold for consumption on the premises, contrary to Section 08-101-61(b) of the Rules of the Liquor Commission, County of Maui.

## **II. ADJOURNMENT:**

NEXT LIQUOR CONTROL ADJUDICATION BOARD MEETING WILL BE HELD ON THURSDAY, JUNE 1, 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.