

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

DATE & TIME: THURSDAY, APRIL 6, 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. 2006-23, PLEA: GUILTY

In the matter of the accusation against KAHANA TRADEWINDS INC. dba TRADEWINDS KAHANA MANOR GROCERY, Retail General License No. 281, 4310 Lower Honoapiilani Road, Suite 107 & 108, Kahana, Maui, Hawaii.

Count 1. On July 8, 2005 at approximately 10:01 p.m., KAHANA TRADEWINDS INC. dba TRADEWINDS KAHANA MANOR GROCERY, 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, 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 10:01 p.m., KAHANA TRADEWINDS INC. dba TRADEWINDS KAHANA MANOR GROCERY, 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, 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.

B. COMPLAINT AND ACCUSATION NO. 2006-24, PLEA: NO CONTEST

In the matter of the accusation against ILIMA SHELL, LTD. dba ILIMA SHELL, Retail Beer and Wine License No. 029, 137 Kaahumanu Avenue, Kahului, Maui, Hawaii.

Count 1. On July 15, 2005 at approximately 7:21 p.m., ILIMA SHELL, LTD. dba ILIMA 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.

C. COMPLAINT AND ACCUSATION NO. 2006-25, PLEA: NO CONTEST

In the matter of the accusation against TANIZAKI, LTD. dba PUKALANI SUPERETTE, Retail General License No. 137, 15 Makawao Avenue, Pukalani, Maui, Hawaii.

- Count 1. On July 16, 2005 at approximately 8:20 p.m., TANIZAKI, LTD. dba PUKALANI SUPERETTE, 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. 2006-26, PLEA: NO CONTEST

In the matter of the accusation against SEAN HENRY LLC dba MAUI MILAGROS FOOD COMPANY, Restaurant General License No. 270, 3 Baldwin Avenue, Paia, Maui, Hawaii.

- Count 1. On July 16, 2005 at approximately 9:49 p.m., SEAN HENRY LLC dba MAUI MILAGROS FOOD COMPANY, a restaurant general licensee, did, through its employee(s), sell, serve, 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. 2006-21, PLEA: NO CONTEST

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 July 1, 2005 at approximately 1:15 a.m., ISLAND HAPPY DAZE, LLC dba SOUTH SHORE TIKI LOUNGE, a dispenser general licensee, did, through its employee(s), fail to ensure that

aisles or walkways are cleared of any congestion or blockage which would prevent any person from moving freely within any aisle or walkway, contrary to Section 08-101-90(b) of the Rules of the Liquor Commission, County of Maui.

F. COMPLAINT AND ACCUSATION NO. 2006-22, 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 July 1, 2005 and July 2, 2005 between the approximate times of 10:45 p.m. and 12:35 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 Tassie Fuller, 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 July 1, 2005 and July 2, 2005 between the approximate times of 10:45 p.m. and 12:35 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 Tassie Fuller 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. 2006-10, DIAMOND RESORT MANAGEMENT, INC. dba DIAMOND RESORT

B. COMPLAINT AND ACCUSATION NO. 2006-11, KIKUYAMA ENTERPRISES, INC. dba KIHEI GAS, KAR WASH AND KWIK STOP

- C. COMPLAINT AND ACCUSATION NO. 2006-12, MINIT STOP LOWER MAIN, LLC dba MINIT STOP**
- D. COMPLAINT AND ACCUSATION NO. 2006-13, NAGATA STORE, INC. dba NAGATA STORE**
- E. COMPLAINT AND ACCUSATION NO. 2006-14, REGEL BEGEL CORPORATION dba NEPTUNES MARTINI & MUSIC LOUNGE**
- F. COMPLAINT AND ACCUSATION NO. 2006-04, CASANOVA, INC. dba CASANOVA**
- G. COMPLAINT AND ACCUSATION NO. 2006-05, CASANOVA, INC. dba CASANOVA**

III. ADJOURNMENT:

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