

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

DATE & TIME: THURSDAY, FEBRUARY 2, 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. 2006-10, PLEA: NO CONTEST

In the matter of the accusation against DIAMOND RESORT MANAGEMENT, INC. dba DIAMOND RESORT, Retail General License No. 175, 555 Kaukahi Street, Wailea, Maui, Hawaii.

Count 1. On July 29, 2005 at approximately 8:48 p.m., DIAMOND RESORT MANAGEMENT, INC. dba DIAMOND RESORT, 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.

B. COMPLAINT AND ACCUSATION NO. 2006-11, PLEA: NO CONTEST

In the matter of the accusation against KIKUYAMA ENTERPRISES, INC. dba KIHEI GAS, KAR WASH AND KWIK STOP, Retail Beer and Wine License No. 326, 51 East Lipoa Street, Kihei, Maui, Hawaii.

Count 1. On July 1, 2005 at approximately 7:55 p.m., KIKUYAMA ENTERPRISES, INC. dba KIHEI GAS, KAR WASH AND KWIK STOP, 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, 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. 2006-12, PLEA: NO CONTEST

In the matter of the accusation against MINIT STOP LOWER MAIN, LLC dba MINIT STOP, Retail Beer and Wine License No. 224, 233 Piikea Avenue, Kihei, Maui, Hawaii.

- Count 1. On July 1, 2005 at approximately 6:57 p.m., MINIT STOP LOWER MAIN, LLC dba MINIT STOP, 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, 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 1, 2005 at approximately 6:57 p.m., MINIT STOP LOWER MAIN, LLC dba MINIT STOP, 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, 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. 2006-13, PLEA: NO CONTEST

In the matter of the accusation against NAGATA STORE, INC. dba NAGATA STORE, Retail General License No. 047, 96 Hana Highway, Paia, Maui, Hawaii.

- Count 1. On July 29, 2005 at approximately 5:59 p.m., NAGATA STORE, INC. dba NAGATA 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, 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. 2006-14, PLEA: NO CONTEST

In the matter of the accusation against REGEL BEGEL CORPORATION dba NEPTUNES MARTINI & MUSIC LOUNGE, Dispenser General License No. 366, 1913-H South Kihei Road, Kihei, Maui, Hawaii.

- Count 1. On July 2, 2005 at approximately 12:32 a.m., REGEL BEGEL CORPORATION dba NEPTUNES MARTINI & MUSIC LOUNGE, a dispenser general licensee, did, through its employee, sell, serve, 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 2, 2005 at approximately 12:32 a.m., REGEL BEGEL CORPORATION dba NEPTUNES MARTINI & MUSIC LOUNGE, a dispenser general licensee, did, through its employee, sell, serve, 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.

F. COMPLAINT AND ACCUSATION NO. 2006-04, PLEA: NOT GUILTY

In the matter of the accusation against CASANOVA, INC. dba CASANOVA, Restaurant General License No. 387, 1188 Makawao Avenue, Makawao, Maui, Hawaii.

(CONTINUED FROM SEPTEMBER 1, 2005 HEARING)

- Count 1. On May 11, 2005 and May 12, 2005 between the approximate times of 9:30 p.m. and 1:30 a.m., CASANOVA, INC. dba CASANOVA, a restaurant general licensee, did, through its employee(s), sell, serve, or furnish liquor to, or allow the consumption of liquor by Rodger P. Agcaoili, 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 May 11, 2005 and May 12, 2005 between the approximate times of 9:30 p.m. and 1:30 a.m., CASANOVA, INC. dba CASANOVA, a restaurant 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 Rodger P. Agcaoili 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 May 11, 2005 and May 12, 2005 between the approximate times of 9:30 p.m. and 1:30 a.m., CASANOVA, INC. dba CASANOVA, a restaurant general licensee, did, through its employee(s), knowingly permit Rodger P. Agcaoili, 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, 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. 2006-05, PLEA: NOT GUILTY

In the matter of the accusation against CASANOVA, INC. dba CASANOVA, Restaurant General License No. 387, 1188 Makawao Avenue, Makawao, Maui, Hawaii.

(CONTINUED FROM SEPTEMBER 1, 2005 HEARING)

- Count 1. On May 11, 2005 and May 12, 2005 between the approximate times of 10:00 p.m. and 1:30 a.m., CASANOVA, INC. dba CASANOVA, a restaurant general licensee, did, through its employee(s), sell, serve, or furnish liquor to, or allow the consumption of liquor by Tracy L. K. Oliveira, 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 May 11, 2005 and May 12, 2005 between the approximate times of 10:00 p.m. and 1:30 a.m., CASANOVA, INC. dba CASANOVA, a restaurant 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 Tracy L. K. Oliveira 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 May 11, 2005 and May 12, 2005 between the approximate times of 10:00 p.m. and 1:30 a.m., CASANOVA, INC. dba CASANOVA, a restaurant general licensee, did, through its employee(s), knowingly permit Tracy L. K. Oliveira, 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, 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. ADMINISTRATIVE AFFAIRS:

A. Request by Board Member Lance Collins for clarification of procedures of the Liquor Control Adjudication Board.

Executive Session may be held pursuant to Chapter 92, Hawaii Revised Statutes.

III. ADJOURNMENT:

NEXT LIQUOR CONTROL ADJUDICATION BOARD MEETING WILL BE HELD ON THURSDAY, MARCH 2, 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.