

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

DATE & TIME: THURSDAY, DECEMBER 1, 2005, 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. 2005-08, PLEA: 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.

B. COMPLAINT AND ACCUSATION NO. 2005-30, PLEA: NOT GUILTY

In the matter of the accusation against MAUI MOOSE, INC. dba MOOSE MCGILLYCUDDY'S, Dispenser General License No. 233, 844 Front Street, Lahaina, Maui, Hawaii.

- Count 1. On February 15, 2005 and February 16, 2005 between the approximate times of 10:00 p.m. and 1:30 a.m., MAUI MOOSE, INC. dba MOOSE MCGILLYCUDDY'S, a dispenser general licensee, did, through its employee(s), sell, serve, or furnish liquor to, or allow the consumption of liquor by Edilberto B. Larrobis, 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 15, 2005 and February 16, 2005 between the approximate times of 10:00 p.m. and 1:30 a.m., MAUI MOOSE, INC. dba MOOSE MCGILLYCUDDY'S, 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 Edilberto B. Larrobis 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 February 15, 2005 and February 16, 2005 between the approximate times of 10:00 p.m. and 1:30 a.m., MAUI MOOSE, INC. dba MOOSE MCGILLYCUDDY'S, a dispenser general licensee, did, through its employee(s), knowingly permit Edilberto B. Larrobis, 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. ADJOURNMENT:

NEXT LIQUOR CONTROL ADJUDICATION BOARD MEETING WILL BE HELD ON THURSDAY, JANUARY 5, 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.