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LIQUOR CONTROL ADJUDICATION BOARD
COUNTY OF MAUI, STATE OF HAWAII

TRANSCRIPT OF PROCEEDINGS
REGULAR MEETING

Held at the County of Maui Service Center, Suite
212A Conference Room, 110 Alaihi Street, Kahului, Maui,
Hawaii, commencing at 9:00 a.m., on February 5, 2026.

Reported by: Sandra J. Gran, RPR, CSR 424

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RECORD OF ATTENDANCE

BOARD MEMBERS:

- Gary Y. Murai, Chair
- Rhonda I.L. Loo, Vice Chair
- Mark T. Honda, Member
- Janice Kalanhuia, Member
- Dustin Kaleiopu, Member
- John D. Kim, Member
- Lu Ann Lankford-Faborito, Member
- Randal N. Mahiai, Jr.

EXCUSED:

None

ABSENT:

None

OTHERS:

- Christie Trenholme, Deputy Corporation Counsel
- Richard Rost, Deputy Prosecuting Attorney
- Layne N. Silva, Director, Department of Liquor Control
- Jarrett Kahoochanohano, Deputy Director, Department of Liquor Control
- Cullen Kawano, Head of Enforcement Division, Department of Liquor Control
- Maria Khangsensing, Board Secretary

1 February 5, 2026, 9:00 a.m.

2 Kahului, Maui, Hawaii

3 -oOo-

4 CHAIR MURAI: Good morning, everyone. This is a
5 regular meeting of the Liquor Control Adjudication Board. It
6 is Thursday, February 5th, and it is 9:00 a.m. My name is
7 Gary Murai, and I'm the chair for this board. I hereby call
8 this meeting to order. I'm going to do a roll call now. And
9 this is when I normally look to the screen, and I tell the
10 members who are joining remotely to please identify themselves
11 and who is in the room with them, but we don't need to do that
12 today because we are lucky to have Member Kalanihuia with us
13 and got plenty people in the room with her.

14 MEMBER KALEIOPU: Thank you.

15 CHAIR MURAI: So I'm going to do roll call now.

16 Vice Chair Loo.

17 VICE CHAIR LOO: Present.

18 CHAIR MURAI: Member Honda.

19 MEMBER HONDA: Present.

20 CHAIR MURAI: Member Kalanihuia.

21 MEMBER KALANIHUIA: Present.

22 CHAIR MURAI: Member Kaleiopu.

23 MEMBER KALEIOPU: Present.

24 CHAIR MURAI: Member Kim.

25 MEMBER KIM: Here.

1 CHAIR MURAI: Member Lankford-Faborito.
2 MEMBER LANKFORD-FABORITO: Here.
3 CHAIR MURAI: And the chair is present.
4 Okay. Also --
5 MEMBER MAHIAI: You forgot me.
6 CHAIR MURAI: Oh, Randal, sorry.
7 MEMBER MAHIAI: Present.
8 CHAIR MURAI: Mahiai
9 VICE CHAIR LOO: (Inaudible.)
10 CHAIR MURAI: Last but not least.
11 All right. Also present is Deputy Corporation
12 Counsel Christie Trenholme. I also note the appearance of
13 Deputy Prosecuting Attorney Richard Rost. Also present is
14 Director Silva, Deputy Director Kahooohanohano -- and Cullen is
15 not here now. Okay.
16 UNIDENTIFIED SPEAKER: He's coming.
17 CHAIR MURAI: Oh, okay.
18 Moving on to public testimony. For -- Maria, has
19 anyone signed up for public testimony?
20 MS. KHANGSENGSING: (Inaudible.)
21 CHAIR MURAI: I guess I still need to read this.
22 Pursuant to Chapter HRS 92.6, no public testimony will be
23 received on adjudicatory matters. Testimony will be accepted
24 for all other agenda items. For oral testimony, each
25 testifier will be limited to two minutes on each agenda item

1 with one minute to conclude. Individuals may sign up to
2 testify via video by sending a direct message to a board staff
3 in the chat function, signifying your intention to testify and
4 noting the agenda item number. Testimony shall not be
5 submitted within the chat function. The chat function may not
6 be used to contact the board or other meeting participants to
7 comment on agenda items or other matters. Individuals may be
8 disconnected from the meeting for breaking decorum.
9 Testifiers are asked to mute their audio and video when not
10 testifying. Video testifiers will be called first, followed
11 by phone testifiers, then in-person testifiers. Is there
12 anyone present in the room who wishes to provide public
13 testimony?

14 (No response.)

15 CHAIR MURAI: Seeing none, Maria, is there anyone
16 else who has signed up either online --

17 MS. KHANGSENGSING: (Inaudible.)

18 CHAIR MURAI: Okay. Seeing that there is no one
19 wishing to provide public testimony, I will hereby close
20 public testimony.

21 We'll now move on to Hearings Before the Board, Item
22 A, Complaint (pause) -- and Accusation No. 25-08, in the
23 matter of the accusation against Ambrosia, LLC, dba Vibe Bar &
24 Nightclub, located at 1913-H South Kihei Road, Kihei, Hawaii,
25 and they hold a General Dispenser, Category C(ii) License No.

1 331.

2 Is there anyone here for Vibe Bar?

3 MR. BERA: Yes.

4 CHAIR MURAI: Can you please step forward? You can
5 have a seat. Will you please state your name and your
6 relationship to the Vibe Bar?

7 MR. BERA: I'm John Bera. I'm the owner.

8 CHAIR MURAI: Okay. The parties to this hearing are
9 the Department of Liquor Control and the licensee.

10 Mr. Rost, are you representing the department?

11 PROSECUTOR ROST: Yes, Mr. Chair.

12 CHAIR MURAI: And Mr. Bera, are you representing
13 Vibe Bar?

14 MR. BERA: Yes.

15 CHAIR MURAI: Mr. Bera, just like last time, I'm
16 going to ask you to raise your right hand so I can swear you
17 in. Do you solemnly swear or affirm that the testimony you
18 give before this board today in connection with this case will
19 be the truth, the whole truth, and nothing but the truth?

20 MR. BERA: I do.

21 CHAIR MURAI: Okay, thank you. Mr. Bera, do you
22 have legal counsel?

23 MR. BERA: I reached out to them, and they told me
24 to represent myself, is what they said is the best idea.

25 CHAIR MURAI: So it's a yes or no question.

1 MR. BERA: No.

2 CHAIR MURAI: And you understand that you have the
3 right to have legal counsel with you?

4 MR. BERA: I do.

5 CHAIR MURAI: And you are waiving the right to be
6 represented by a lawyer?

7 MR. BERA: Yes, I am.

8 CHAIR MURAI: And you -- are you prepared to
9 proceed?

10 MR. BERA: Yes.

11 CHAIR MURAI: You know, before we go any further,
12 Mr. Bera, I think -- well, have you filed a prehearing
13 statement in this matter?

14 MR. BERA: I did.

15 CHAIR MURAI: You did?

16 MR. BERA: (Inaudible) the email that I sent.

17 CHAIR MURAI: When did you do that?

18 MR. BERA: Like, over ten days ago at that point.

19 CHAIR MURAI: And who did you email it to?

20 MR. BERA: I read the sheet and followed the steps.
21 It was Maui County Liquor Control. I can look it up exactly.

22 CHAIR MURAI: You know what? Let's take a short
23 recess.

24 (Pause in proceedings.)

25 CHAIR MURAI: Okay. So, back on the record. The

1 same parties and members are present. The licensee has
2 indicated that he emailed a prehearing statement to the Liquor
3 Adjudication Board email address about ten days ago. We were
4 trying to see if we can find that now. Mr. Bera, if you have
5 a -- do you happen to have a hard copy with you?

6 MR. BERA: I don't have a hard copy. I just sent it
7 to you guys.

8 CHAIR MURAI: Okay.

9 MR. BERA: Do you want me email it to you right now
10 or --

11 CHAIR MURAI: Yeah, why don't you -- why don't you
12 resend it, and we'll see if we can go take a look at it. Tell
13 you what, find the email that you sent originally, ten days
14 ago, and resend that.

15 MR. BERA: Okay.

16 VICE CHAIR LOO: It should be liquoradjudication
17 @mauicounty.gov.

18 MR. BERA: Yeah, that's (pause) -- Can you give me
19 the email real quick?

20 VICE CHAIR LOO: Liquor Adjudication, that's one
21 word, at Maui County dot G-O-V.

22 MR. BERA: Okay. There, I sent it.

23 CHAIR MURAI: Okay. Give us a -- Maria, could you
24 just check and print it out for us?

25 (Inaudible comments.)

1 VICE CHAIR LOO: It's liquor, L-I-Q-U-O-R,
2 adjudication, A-D-J-U-D-I-C-A-T-I-O-N, adjudication, that's
3 one word.

4 MR. BERA: Yeah, do it one more time.

5 VICE CHAIR LOO: Okay. So liquor, L-I-Q-U-O-R.

6 MR. BERA: I got that.

7 VICE CHAIR LOO: And then adjudication is
8 A-D-J-U-D-I-C-A-T-I-O-N. At Maui County.gov, G-O-V.

9 (Inaudible comments.)

10 VICE CHAIR LOO: You got it, Mr. Bera?

11 MR. BERA: I sent it, yeah.

12 (Inaudible comments.)

13 MR. BERA: You still haven't gotten the email?

14 CHAIR MURAI: Not yet. Do you show that it's --

15 VICE CHAIR LOO: (Inaudible) the email.

16 CHAIR MURAI: Well, I'm going to assume that she
17 knows how to check her email.

18 Mr. Bera.

19 MR. BERA: Yeah.

20 CHAIR MURAI: Well, let's see. Anyone have any
21 ideas or suggestions how we can get the email into a hard copy
22 so we can look at it?

23 MR. BERA: Is there a printer here I could --

24 CHAIR MURAI: What's that?

25 MR. BERA: I said, is there a printer I can hook up

1 to or --

2 CHAIR MURAI: Well, I mean --

3 MR. BERA: It's just -- yeah, it was a very rough
4 statement.

5 CHAIR MURAI: Yeah. Well, (inaudible).

6 MR. BERA: It's just I brought Bettina Kelley as my
7 witness and --

8 CHAIR MURAI: Okay. Well, why don't we talk about
9 that? So, as far as witnesses, how many witnesses do you plan
10 on calling?

11 MR. BERA: Just one.

12 CHAIR MURAI: Just one.

13 MR. BERA: Bettina Kelley.

14 CHAIR MURAI: And do you plan on testifying
15 yourself?

16 MR. BERA: I mean, I wasn't there, so --

17 CHAIR MURAI: Okay.

18 MR. BERA: Bettina Kelley was present.

19 CHAIR MURAI: Okay. Mr. Rost, what's the
20 department's position on this?

21 PROSECUTOR ROST: Well, you know, regardless of
22 whether he actually emailed the prehearing statement ten days
23 ago, the bottom line is I have not seen it. I would have
24 liked to have seen it ahead of time to prepare for whatever
25 their defenses are. I haven't had a chance to do that. I

1 don't want to continue this matter again. We've brought in
2 our --

3 (Multiple speakers.)

4 PROSECUTOR ROST: Yeah, so --

5 CHAIR MURAI: The officer is here for the second
6 time.

7 VICE CHAIR LOO: Would you like to see the statement
8 off his --

9 Is it on your phone?

10 MR. BERA: It's very broadly -- yes.

11 VICE CHAIR LOO: I'm just asking a question.

12 MR. BERA: Yes.

13 VICE CHAIR LOO: So, I'm sorry.

14 PROSECUTOR ROST: If they're going to be allowed to
15 call a witness, I'd certainly like to see the statement ahead
16 of time, so I have some idea of what they're --

17 VICE CHAIR LOO: Okay.

18 PROSECUTOR ROST: -- what they're planning to argue.

19 CHAIR MURAI: Why don't we do that? Why don't we
20 take a recess? Mr. Rost, maybe you can take a look at the
21 email, and in the meantime, we can see if it can be retrieved.
22 Okay? So take a brief recess.

23 (Pause in proceedings.)

24 CHAIR MURAI: Okay. Back in session. The same
25 parties and members are present.

1 Mr. Bera.

2 MR. BERA: Yes.

3 CHAIR MURAI: Apparently, according to what I'm
4 looking at, an email that you sent us --

5 MR. BERA: Yeah.

6 CHAIR MURAI: For the record, you can correct me,
7 but -- if you disagree, you know. Apparently, you did send a
8 prehearing statement, and it was sent to the wrong address.
9 There was a misspelling. You dropped the J in adjudication,
10 and so -- but we also see that your email was bounced back to
11 you with a message to say it was undeliverable and -- but
12 today you resent it to the correct address, but when -- when
13 the board secretary tries to open the document --

14 MR. BERA: Yeah.

15 CHAIR MURAI: -- it's blank. Now, it sounds as if
16 it's a fairly short document.

17 MR. BERA: Yeah, it is fairly short.

18 CHAIR MURAI: And what I'm going to do is I'm going
19 to ask Mr. Rost, you know, having read the -- read the --

20 MR. BERA: Yes.

21 CHAIR MURAI: -- the document on your phone, what
22 his position is.

23 PROSECUTOR ROST: It is very short, it's about a
24 paragraph long, and it indicates their only witness is going
25 to be Ms. Kelley, who is the bartender on the night in

1 question. In that case, the department's not going to object
2 to them calling Ms. Kelley.

3 CHAIR MURAI: Wait one second.

4 PROSECUTOR ROST: Yeah.

5 CHAIR MURAI: Mr. Bera.

6 MR. BERA: Yes.

7 CHAIR MURAI: Does Mr. Rost's description of what
8 you wrote, is that -- do you agree with that?

9 MR. BERA: Yeah, that's essentially what it says,
10 yeah. Ms. Bettina is our --

11 CHAIR MURAI: Okay. I'm sorry, Richard, go ahead.

12 PROSECUTOR ROST: The other thing that I gleaned
13 from this statement is it appears that one thing the licensee
14 is going to argue is that the criminal charges against the
15 bouncer and the bartender were dropped. While that's true, I
16 believe that's irrelevant to this proceeding, and I would -- I
17 would ask the board not to take any evidence on that point
18 insofar as what -- whether there was criminal charges or not.
19 This is a civil proceeding, and it's a different standard of
20 proof, etc., so what happened or didn't happen in the criminal
21 case is -- simply doesn't control this case.

22 VICE CHAIR LOO: Is irrelevant.

23 CHAIR MURAI: Your -- your objection is noted.

24 Okay. So, Mr. Rost, are you prepared to proceed, then, today?

25 PROSECUTOR ROST: Yes, Mr. Chair.

1 CHAIR MURAI: All right. So this hearing will be
2 taken in two phases. The first phase is the evidentiary --
3 evidentiary phase, where the licensee and the prosecutor will
4 be able to present their cases. At the close of the evidence,
5 the board will render a decision on guilt or -- and the second
6 phase will occur if the board does find the licensee guilty.
7 The department and the licensee will be given an opportunity
8 to present arguments to the board as to what the penalty
9 should be.

10 Okay. Mr. Bera, you give evidence first, make a
11 decision, and the second part will be where the board decides
12 what the penalty should be. And you'll have an opportunity to
13 argue, you know, to make your own argument as to what it
14 should be.

15 Pursuant to Section 06-102-92, subparagraph 3 of the
16 rules of the board, the board will now invoke the witness
17 exclusionary rule and will request all witnesses for this case
18 to wait outside of this hearing until it is their turn to
19 testify, which includes both physically outside the hearing
20 room and/or in a disconnected online hearing link.

21 The board may make a -- the parties may make an
22 opening statement before any evidence is presented unless they
23 waive the opportunity. The department's evidence shall be
24 presented first, followed by the licensee's. Each witness
25 shall be examined first by the party calling the witness; the

1 opposing party may then do cross-examination. All witnesses
2 shall be administered an oath prior to their testimony.

3 After presentation of the evidence in support of
4 their respective cases, the parties shall have the opportunity
5 to introduce rebuttal evidence. The department shall present
6 rebuttal evidence first, followed by the licensee. After all
7 evidence, including rebuttal evidence, has been presented, the
8 parties may make a final argument.

9 Okay, let's see. Mr. Rost, would you like to
10 present an opening statement?

11 CORP COUNSEL TRENHOLME: Gary, the witnesses are --

12 CHAIR MURAI: Yeah. Do we do that now or after the
13 first witness is called? Do we do it right now?

14 CORP COUNSEL TRENHOLME: We do it now.

15 CHAIR MURAI: Okay. Does everyone need to go out?
16 'Cause, Richard, who are you planning to call first?

17 PROSECUTOR ROST: The officer (inaudible.)

18 CHAIR MURAI: Does she need to go out since she's
19 the first witness?

20 VICE CHAIR LOO: Yes.

21 CHAIR MURAI: (Inaudible.)

22 CORP COUNSEL TRENHOLME: Yes.

23 CHAIR MURAI: Okay, all right. Ms. Kelley and
24 Officer Guarriello, will you wait outside until you're called?

25 Before any further -- Mr. Bera, you have the right

1 to have the charges read to you in open session, or you can
2 waive the reading of the charges. Which do you prefer?

3 MR. BERA: I have read them before. I understand
4 them.

5 CHAIR MURAI: Okay, thank you.

6 Mr. Rost.

7 PROSECUTOR ROST: Thank you, Mr. Chair.

8 The evidence will show that on February 17, 2024,
9 the Maui Police Department was conducting an undercover
10 operation with minor decoys investigating laws -- whether the
11 licensee was complying with laws prohibiting alcohol sales to
12 minors. Officer Guarriello and two minor decoys went to the
13 Vibe Bar that night at approximately 9:30. They presented --
14 the two minor decoys had their own identification card with
15 them, both of which showed that they were under 21 years of
16 age. This was in 2024. Both of the minor decoys were born in
17 2004, so they were both under 21 at the time.

18 They presented their identifications to the bouncer
19 at the door, who was later identified as William Chung. He
20 looked at their identifications, but apparently did not
21 perceive that they were under 21 because he let them into the
22 bar. He did not ask them their age.

23 After they were allowed into the bar, they
24 approached the bartender, Ms. Kelley, and ordered three
25 alcoholic drinks. Initially, she misunderstood and served

1 them an espresso drink, just coffee with no alcohol, but they
2 said no, we want something with alcohol. She brought three
3 alcoholic drinks, which were paid for by one of the minor
4 decoys.

5 So as a result of this incident, the licensee has
6 been charged with two counts of serving alcohol to minors, one
7 for each minor, that's Count 1. And Count 4, they're also
8 charged with an HRS violation for that same offense, which is
9 Count 3 and Count 6, serving alcohol to a minor. They're also
10 charged under the liquor rules with failing to properly check
11 identification, and that's Count 2 and Count 5. So the
12 department believes that the evidence will show that all of
13 these violations occurred.

14 Thank you.

15 CHAIR MURAI: Okay. Thank you, Mr. Rost.

16 Mr. Bera, you also have the chance to make an
17 opening statement, but you can -- you can give it -- deliver
18 it now, or you can wait until it's your turn to present your
19 case. What would you prefer?

20 MR. BERA: I'll wait.

21 CHAIR MURAI: Okay. Mr. Rost, will you please call
22 your first witness?

23 PROSECUTOR ROST: The department calls Officer Luna
24 Guarriello.

25 CHAIR MURAI: Thank you.

1 VICE CHAIR LOO: How do you pronounce her last name?

2 PROSECUTOR ROST: I'll have to ask her.

3 VICE CHAIR LOO: You have to ask her.

4 (Inaudible comments.)

5 CHAIR MURAI: Officer, will you please step forward?

6 Thank you for coming back again. Would you please state your
7 name?

8 OFFICER GUARRIELLO: My name is Officer Luna
9 Guarriello.

10 VICE CHAIR LOO: Will you (inaudible) microphone
11 just a little bit, please?

12 OFFICER GUARRIELLO: Yeah. Short (inaudible),
13 sorry.

14 CHAIR MURAI: Officer, will you please raise your
15 right hand to be sworn? Do you solemnly swear or affirm that
16 the testimony you are about to give before this board in
17 connection with this case will be the truth, the whole truth,
18 and nothing but the truth?

19 OFFICER GUARRIELLO: I swear.

20 CHAIR MURAI: Thank you.

21 Mr. Rost.

22 PROSECUTOR ROST: Thank you.

23 Could you please state your name, Officer?

24 OFFICER GUARRIELLO: Officer Luna Guarriello.

25 PROSECUTOR ROST: And I've just been informed that

1 you're -- I'm sorry to bring this up, it's a little emotional.

2 OFFICER GUARRIELLO: Yes.

3 PROSECUTOR ROST: Is there something going on in
4 your life?

5 OFFICER GUARRIELLO: Yes, I'm sorry, I have a family
6 member in the ICU, and I just found out about it.

7 PROSECUTOR ROST: Are you able to proceed with your
8 testimony?

9 OFFICER GUARRIELLO: Yes, yes. We're all here,
10 let's -- I would like to proceed.

11 PROSECUTOR ROST: Okay, thank you. Thank you, and
12 I'm sorry about --

13 OFFICER GUARRIELLO: I appreciate your kind words.

14 PROSECUTOR ROST: Okay. Who are you employed by?

15 OFFICER GUARRIELLO: I am employed by the Maui
16 Police Department.

17 PROSECUTOR ROST: And how long have you been
18 employed there?

19 OFFICER GUARRIELLO: I've been with the Maui Police
20 Department for approximately six years.

21 PROSECUTOR ROST: And what's your rank?

22 OFFICER GUARRIELLO: I'm a police officer -- right
23 now, actually, temporarily, police officer III, that's for my
24 field training officer duties.

25 PROSECUTOR ROST: Were you a police officer on

1 February 17, 2024?

2 OFFICER GUARRIELLO: Yes, sir.

3 CHAIR MURAI: Okay. And were you on duty that day?

4 OFFICER GUARRIELLO: Yes, sir.

5 PROSECUTOR ROST: Okay. Are you familiar with

6 something -- an operation of MPD code-named Operation

7 Thunderdome 2?

8 OFFICER GUARRIELLO: Yes, sir.

9 PROSECUTOR ROST: Okay. Could you explain what that
10 was?

11 OFFICER GUARRIELLO: Operation Thunderdome 2 is an
12 undercover decoy operation targeting liquor establishments in
13 The Triangle area, so the bars in Kihei.

14 PROSECUTOR ROST: And what was your role in that
15 operation?

16 OFFICER GUARRIELLO: My role was just to help
17 facilitate that. So I had my two undercover -- my decoys, my
18 confidential informants, and our duty was to go into liquor
19 establishments and try to see if they would, one, let the
20 minor decoys enter the establishment, or sell them liquor.

21 PROSECUTOR ROST: And did you go to an establishment
22 known as the Vibe Bar on February 17, 2024?

23 OFFICER GUARRIELLO: Yes, sir.

24 PROSECUTOR ROST: And you had two minor decoys with
25 you?

1 OFFICER GUARRIELLO: That's correct.

2 PROSECUTOR ROST: I'm going to show you what's been
3 marked as Exhibit B, the last page of Exhibit 2, (inaudible)
4 identification cards. Do you recognize those two people
5 there?

6 OFFICER GUARRIELLO: Yes, I do.

7 PROSECUTOR ROST: Okay. Are those two people
8 depicted there the minor decoys from that operation?

9 OFFICER GUARRIELLO: Yes, sir.

10 PROSECUTOR ROST: Okay. And as far as you know, are
11 those their -- is that a reproduction of their genuine
12 identification cards?

13 OFFICER GUARRIELLO: Yes, sir, those are their state
14 of Hawaii IDs.

15 PROSECUTOR ROST: And those IDs both reflect that
16 they -- these two people were born in 2004. Is that right?

17 OFFICER GUARRIELLO: Correct.

18 PROSECUTOR ROST: And so they would have been under
19 21 on February 17, 2024?

20 OFFICER GUARRIELLO: Yes, sir.

21 PROSECUTOR ROST: And do these two photos accurately
22 depict how these two individuals looked on the night of
23 February 17, 2024?

24 OFFICER GUARRIELLO: Yes, sir.

25 PROSECUTOR ROST: Having observed these two

1 individuals in person, did they look to be their -- their
2 accurate age? Did they perceive -- look to be under 21 years
3 old to you?

4 OFFICER GUARRIELLO: Yes, sir, they did look under
5 21 in my opinion.

6 PROSECUTOR ROST: Okay, all right. So, can you
7 explain what happened when you arrived at the Vibe Bar?

8 OFFICER GUARRIELLO: When we got to the Vibe Bar, at
9 the entrance of the Vibe Bar, there's security, so we stopped
10 at security. He checked my ID, and then he checked the
11 confidential informants' IDs. One of them is vertical instead
12 of horizontal, and he made a comment that -- just to
13 paraphrase -- With these vertical ones, you really have to
14 check. I guess he didn't check them well enough, and then he
15 allowed us to enter Vibe Bar.

16 PROSECUTOR ROST: Did he ask anyone in your party
17 how old they were?

18 OFFICER GUARRIELLO: I don't recall.

19 PROSECUTOR ROST: Had the minor decoys been
20 instructed to -- anything about what to do if they were asked
21 their age?

22 OFFICER GUARRIELLO: Yeah. So we instruct them that
23 if they were asked about their age, to be truthful.

24 PROSECUTOR ROST: To your knowledge, did anyone ask
25 them their age that night?

1 OFFICER GUARRIELLO: No, not my knowledge.

2 PROSECUTOR ROST: All right. So after you were
3 allowed to enter the bar by security, what -- what did you do
4 next?

5 OFFICER GUARRIELLO: We walked into the bar. I do
6 recall it was a pretty busy night, so we walked to the bar and
7 had to wait a little while, and then we tried to order some
8 alcoholic beverages.

9 PROSECUTOR ROST: And who did you -- do you remember
10 who you were ordering from?

11 OFFICER GUARRIELLO: I do remember who I ordered
12 them from. It was Ms. Bettina Kelley. I'm not sure if I'm
13 allowed to say her name just because of --

14 PROSECUTOR ROST: Is that the person -- did you see
15 her outside?

16 OFFICER GUARRIELLO: Yes, I did.

17 PROSECUTOR ROST: Just -- just today?

18 OFFICER GUARRIELLO: Yes.

19 PROSECUTOR ROST: Okay. Who actually ordered the
20 drinks?

21 OFFICER GUARRIELLO: It was Ms. -- do I say the
22 confidential informant's name?

23 PROSECUTOR ROST: I'll defer to the board on whether
24 you want that on the record or not.

25 CHAIR MURAI: Well, their names are on their

1 driver's licenses, so you can -- yes, you can.

2 OFFICER GUARRIELLO: Okay. It was Ms. Kalee, that's
3 her first name, Kalee.

4 PROSECUTOR ROST: Okay. And what did she order, do
5 you recall?

6 OFFICER GUARRIELLO: She ordered a -- I think she
7 was trying to order like an espresso martini, but she didn't
8 know how to order it, so she ordered some espresso shots, and
9 that's what we got. We actually got espresso shots without
10 alcohol.

11 PROSECUTOR ROST: And so what did you do after
12 receiving the espresso?

13 OFFICER GUARRIELLO: I looked at it, and I could
14 smell just straight espresso. And I asked the bartender, what
15 is this? And she told me that it's just espresso and that
16 sometimes people like to have espresso at night. And I told
17 her, no, we want to drink, and she remade the drinks.

18 PROSECUTOR ROST: Okay. And so she -- did she
19 ultimately bring drinks with alcohol in them?

20 OFFICER GUARRIELLO: Yes, sir, she did.

21 PROSECUTOR ROST: Okay. Do you know what kind of
22 drinks they were?

23 OFFICER GUARRIELLO: I -- it seemed that she just
24 poured some liquor into the same coffee and put it on ice.

25 PROSECUTOR ROST: So what happened after she served

1 these alcoholic drinks?

2 OFFICER GUARRIELLO: That's it. We didn't stay
3 around much longer, and we left the establishment. I let my
4 partners know that the minors were served, and that pretty
5 much concluded our time there.

6 PROSECUTOR ROST: Did someone pay for the drinks?

7 OFFICER GUARRIELLO: Yes. She -- Ms. Kalee paid
8 with cash.

9 PROSECUTOR ROST: Did the bartender at any point ask
10 anyone's age?

11 OFFICER GUARRIELLO: No, she did not.

12 PROSECUTOR ROST: Okay. Did she ask to see anyone's
13 ID?

14 OFFICER GUARRIELLO: No, sir.

15 PROSECUTOR ROST: Okay, all right. That's all the
16 questions I have for you, Officer. Thank you.

17 OFFICER GUARRIELLO: Thank you.

18 CHAIR MURAI: Okay. Mr. Bera, do you have any
19 cross-examination questions for this witness?

20 VICE CHAIR LOO: Hold on, Officer.

21 CHAIR MURAI: Hold on.

22 VICE CHAIR LOO: Thank you.

23 MR. BERA: No.

24 CHAIR MURAI: No questions? Can we release the
25 witness?

1 PROSECUTOR ROST: Unless the board has questions.

2 CHAIR MURAI: Board Members, any questions for this
3 witness?

4 VICE CHAIR LOO: Do we need the witness for possibly
5 rebuttal?

6 PROSECUTOR ROST: I don't -- I don't think I'll have
7 any rebuttal. Well, hang on. When Ms. Kelley testifies, too,
8 yes, she may be required. I'm sorry.

9 CHAIR MURAI: Okay, thank you.

10 MEMBER KIM: May I ask a question?

11 CHAIR MURAI: Sure. Go ahead.

12 MEMBER KIM: Who was your partner?

13 OFFICER GUARRIELLO: My partner was Officer Dylan
14 Hankins.

15 MEMBER KIM: And were you present at the briefing of
16 the two minors?

17 OFFICER GUARRIELLO: Yes, sir, I was.

18 MEMBER KIM: Okay. And they're told to present
19 their ID -- not fake IDs, their real IDs. Is that correct?

20 OFFICER GUARRIELLO: Their real State of Hawaii IDs.

21 MEMBER KIM: And then were they also told if anyone
22 asks your age, what would their response be?

23 OFFICER GUARRIELLO: They were told to be truthful
24 about their age. We instructed them not to lie about their
25 age.

1 MEMBER KIM: And the exhibit that you were shown --
2 I guess this Item No. 4, the two pictures, yeah?

3 OFFICER GUARRIELLO: Yes, sir.

4 MEMBER KIM: Those were the IDs that were presented
5 to the doorman?

6 OFFICER GUARRIELLO: Yes, sir.

7 MEMBER KIM: I have no further questions.

8 CHAIR MURAI: Anyone else?

9 VICE CHAIR LOO: So, Officer Guarriello, the two
10 IDs, the copies of the IDs that you see on this exhibit, were
11 they pretty much the same IDs that you saw the girls have that
12 night?

13 OFFICER GUARRIELLO: Yes.

14 VICE CHAIR LOO: And these are the exact IDs that
15 were shown to the -- to the doorman that night. Is that
16 correct?

17 OFFICER GUARRIELLO: I believe so, yes.

18 VICE CHAIR LOO: When you look at these two IDs, can
19 you see on them -- these are -- one is vertical, one is
20 horizontal, so it's hard to tell from this -- from this
21 photograph, but there is a 21st and an 18th birthday on the
22 side. Does it not reflect that 21st would be 2025 on both of
23 the IDs?

24 OFFICER GUARRIELLO: That's correct, ma'am.

25 VICE CHAIR LOO: Okay. You guys were there on

1 February 17, 2024. Is that correct?

2 OFFICER GUARRIELLO: That's correct.

3 VICE CHAIR LOO: Okay. Thank you very much.

4 OFFICER GUARRIELLO: Thank you.

5 CHAIR MURAI: Based on the further questioning, Mr.
6 Bera, do you have any questions for this witness?

7 MR. BERA: No.

8 CHAIR MURAI: Okay, thank you. All right, Officer,
9 I'm sorry, you have to stick around, but you can step down for
10 now.

11 OFFICER GUARRIELLO: Would you like me to wait
12 outside?

13 CHAIR MURAI: Yeah, please.

14 OFFICER GUARRIELLO: Thank you.

15 CHAIR MURAI: Mr. Rost, your next witness.

16 PROSECUTOR ROST: The department is going to call
17 LCO Martin Davis.

18 CHAIR MURAI: Okay.

19 All right. I'll swear you in. Will you please
20 raise your right hand? Do you swear or affirm that the
21 testimony you are about to give today before the board in
22 connection with this matter will be the truth, the whole
23 truth, and nothing but the truth?

24 LCO DAVIS: I do.

25 CHAIR MURAI: Thank you.

1 Mr. Rost.

2 PROSECUTOR ROST: Thank you, Mr. Chair.

3 Could you please state your name?

4 LCO DAVIS: Martin Davis.

5 PROSECUTOR ROST: And how long have -- or what's
6 your -- who is your employer?

7 LCO DAVIS: Maui County Department of Liquor
8 Control.

9 PROSECUTOR ROST: And what's your position there?

10 LCO DAVIS: I'm a liquor control officer III.

11 PROSECUTOR ROST: And how long have you been a
12 liquor control officer III?

13 LCO DAVIS: So, liquor control officer III for about
14 a year. I've been working for the department as a liquor
15 control officer for just over seven.

16 PROSECUTOR ROST: And before you were a liquor
17 control officer III, were you a liquor control officer II?

18 LCO DAVIS: Yes.

19 PROSECUTOR ROST: Okay. Were you employed as a
20 liquor control officer on -- in February 2024?

21 LCO DAVIS: Yes.

22 PROSECUTOR ROST: At some point in February 2024,
23 did you become aware of an operation involving minor decoys
24 that the Maui Police Department had conducted at the Vibe Bar
25 in Kihei?

1 LCO DAVIS: No. I was made aware of that in March
2 after we received the police report regarding that incident.

3 PROSECUTOR ROST: Okay, thank you. So, at some
4 point in March 2024, you received a police report, and what
5 did this police report document?

6 LCO DAVIS: Just -- it was a police report that
7 documented the minor decoy operation that MPD had conducted in
8 the Kihei Kalama Villages area on the 17th of February.

9 PROSECUTOR ROST: And what did you do when you
10 received that police report?

11 LCO DAVIS: I began an investigation from our
12 standpoint on whether any liquor violations were associated
13 with that incident from the Department of Liquor Control's
14 standpoint.

15 PROSECUTOR ROST: I'm going to show you what's been
16 marked as Exhibit A. Is that a notice of violation that you
17 prepared?

18 LCO DAVIS: Yes.

19 PROSECUTOR ROST: Okay. And that's something that
20 you provided to the licensee in this case after your
21 investigation. Is that right?

22 LCO DAVIS: Correct.

23 PROSECUTOR ROST: Okay. If you go to the second
24 page, is that a -- what is that document?

25 LCO DAVIS: That is my violation report in regards

1 to this incident.

2 PROSECUTOR ROST: So when you -- what's the first
3 thing you do when you started to investigate this case?

4 LCO DAVIS: I go over the documentation that's in
5 the police report to see what they purported occurred, and
6 then, in the -- typically, what I'll do is see what the dates
7 and times were, and then I'll go and request documentation
8 from the licensee that's going to overlap the occurrence or
9 the incident. I'll start looking at that, that way I know who
10 to interview as a witness and where to go from there.

11 PROSECUTOR ROST: So, who did you -- were there any
12 witnesses that you interviewed in this case?

13 LCO DAVIS: Yes, two. I interviewed two.

14 PROSECUTOR ROST: Who did you talk to?

15 LCO DAVIS: I talked to the bartender who was on
16 duty that night that was recorded in the police report as
17 serving minors, Bettina Kelley, and I also corresponded via
18 email with Officer Guarriello, who was the police officer who
19 was sent to the Vibe Bar that night with minor decoys.

20 PROSECUTOR ROST: Did you speak to Ms. Kelley in
21 person?

22 LCO DAVIS: Yes.

23 PROSECUTOR ROST: Okay. Did you -- did you go to
24 the Vibe Bar and talk to her?

25 LCO DAVIS: I went to the Vibe Bar and spoke with

1 her on the premises.

2 VICE CHAIR LOO: Can you please adjust the
3 microphone, please? I had the last witness bring it down
4 because she --

5 LCO DAVIS: Oh, okay.

6 VICE CHAIR LOO: -- was a little vertically
7 challenged, but --

8 LCO DAVIS: She was a little shorter.

9 VICE CHAIR LOO: Thank you.

10 PROSECUTOR ROST: All right. So what did you --
11 what was the substance of your conversation with Ms. Kelley,
12 the bartender?

13 LCO DAVIS: I went in, and she recognized me. I've
14 had interactions with her before doing my routine inspections
15 and stuff. And I told her I was there to look into an
16 incident that had occurred with minors being served in the
17 premises on the 17th of February, and asked her what had
18 occurred. And a very brief conversation, but she told me her
19 recollection of what had happened that night.

20 PROSECUTOR ROST: And what specifically was her
21 recollection that she told you?

22 LCO DAVIS: She said that there were three people
23 who had come into the bar, sat down, and had -- she had served
24 them drinks. I asked what the situation was. She said that
25 they had come in and that the doorman had checked ID, or she

1 assumed the doorman had checked ID, that's how they operate
2 their premises for determining people who are underage. They
3 came to the bar and ordered drinks, and she served the drinks.

4 I asked her if she had checked or asked ID or age,
5 and she said she hadn't because she trusts that the doorman in
6 this case had asked for ID. She served them espresso shots
7 'cause -- but they didn't have liquor in them, so they asked
8 that they be served liquor drinks, so she remade the drinks
9 and served them the drinks.

10 PROSECUTOR ROST: Did you -- did you ask for
11 receipts from the Vibe Bar for that night?

12 LCO DAVIS: I did.

13 PROSECUTOR ROST: Did you receive anything?

14 LCO DAVIS: I did receive receipts.

15 PROSECUTOR ROST: Okay. I'm going to show you what
16 has been marked as Exhibit (inaudible), the third page, and
17 ask you if you recognize that.

18 LCO DAVIS: Yes, I do.

19 PROSECUTOR ROST: Okay. What is that?

20 LCO DAVIS: That is a receipt for cash expenditure
21 for three drinks that were served at 9:31 p.m. on the 27th of
22 February '24.

23 PROSECUTOR ROST: And was it your conclusion that
24 this was the -- a receipt for the three drinks that were
25 served to the MPD minor decoys and the officer?

1 LCO DAVIS: Yes, it was.

2 PROSECUTOR ROST: How did you draw that conclusion?

3 LCO DAVIS: The -- out of all of the receipts I got
4 -- I asked for receipts for a period from 6:00 p.m. till 12:00
5 p.m. that day, with detailed itemized receipts to go with each
6 receipt. They were had in cash. The only receipt that
7 matches the time that they were in there at 9:30 is this
8 receipt. The previous receipt that was for cash I believe was
9 ten minutes earlier, a different amount, and it was at a time
10 before the police officer reported going into Vibe Bar. And
11 the next receipt after this that dealt with cash was 10:30 at
12 night, some time -- quite some time after. Plus, this matched
13 the three drinks served and a \$40 bill, which Officer
14 Guarriello told me that's what -- kind of matched up what she
15 had.

16 PROSECUTOR ROST: So this receipt reflects three Big
17 Shots were served, correct?

18 LCO DAVIS: Yes. Yes.

19 PROSECUTOR ROST: Did you get any information about
20 what that is?

21 LCO DAVIS: I did, because I wanted to know what a
22 Big Shot meant, because I was told there were espresso drinks
23 that were served. So I was told by Ms. Kelley that a Big Shot
24 is just a generic term for a drink that they put a shot of
25 liquor in, and especially like an espresso drink, she told me,

1 like an espresso drink.

2 PROSECUTOR ROST: Did you ever speak with William
3 Chung?

4 LCO DAVIS: No, I didn't. I went to Vibe Bar two or
5 three times, and he wasn't working at any of the times that I
6 was there.

7 PROSECUTOR ROST: Okay. Did you request any other
8 documents from Vibe Bar as part of this investigation?

9 LCO DAVIS: Yes. Typically, what I will do is I
10 request time sheets, so I see which employees were working
11 during that time period. So I requested that, and was
12 provided that. I request credit card receipts and the cash
13 receipts for the period of time, with the itemized receipts to
14 go with those, so I know what was paid for at the time. And I
15 also will request any video recordings that the premises might
16 have that were taken and recorded during that time.

17 PROSECUTOR ROST: And did they have any video
18 recordings?

19 LCO DAVIS: No. There was a notification within --
20 when they brought the documents that I requested, there was a
21 notification that the video system that they have doesn't
22 record -- it's only a live feed.

23 PROSECUTOR ROST: I see. Okay. So based on your
24 investigation, you issued a notice of violation, correct?

25 LCO DAVIS: Yes.

1 PROSECUTOR ROST: And what was that for?

2 LCO DAVIS: For serving liquor to two separate
3 minors and also for incorrectly checking identification of a
4 minor.

5 PROSECUTOR ROST: All right. Thank you, LCO Davis.
6 I don't have any further questions.

7 CHAIR MURAI: Mr. Bera, do you have any questions
8 for this witness?

9 MR. BERA: No, we don't.

10 CHAIR MURAI: Members, any questions for this
11 witness?

12 VICE CHAIR LOO: I have a couple.

13 CHAIR MURAI: Vice Chair.

14 VICE CHAIR LOO: So, Mr. Davis, you confirmed with
15 Ms. Kelley that she did not check the ID of the two underage
16 minors, correct?

17 LCO DAVIS: Correct. I asked her if she had asked
18 any of their ages or checked their ID, and she said she
19 didn't.

20 VICE CHAIR LOO: And you also confirmed with the
21 receipt (inaudible) -- the receipt that you got that the Big
22 Shots were served approximately the time of the -- that the
23 minors were in the bar, correct?

24 LCO DAVIS: Yes. The police report said that they
25 entered the bar around 9:30, walked right up to the bar, and

1 the timestamp on that receipt is 9:31.

2 VICE CHAIR LOO: And you confirmed with Ms. Kelley
3 that Big Shots would include shots with liquor inside?

4 LCO DAVIS: Yes, ma'am.

5 VICE CHAIR LOO: That she had served -- these minors
6 and the adult were served liquor that night, correct?

7 LCO DAVIS: Yes. She did say that she -- she took
8 these shots that she provided them, the espresso shots that
9 didn't have liquor in, and they requested that they have a
10 liquor drink, so she remade them three drinks with liquor in
11 them and served them.

12 VICE CHAIR LOO: I assume a coffee shot would be a
13 lot cheaper than liquor shots, right? At \$13.

14 LCO DAVIS: I don't buy them, but I would assume so.

15 VICE CHAIR LOO: Okay, thank you.

16 CHAIR MURAI: Mr. Bera, any -- based on the vice
17 chair's questions, do you have any questions for this witness?

18 MR. BERA: No, I do not.

19 CHAIR MURAI: Thank you.

20 Mr. Rost?

21 PROSECUTOR ROST: No further witnesses.

22 CHAIR MURAI: All right. Officer Davis, you're
23 excused.

24 Mr. Rost, any further witnesses?

25 PROSECUTOR ROST: No, Mr. Chair.

1 CHAIR MURAI: All right. Mr. Bera, it's now your
2 turn to present your case. You may proceed by calling your
3 first witness.

4 MR. BERA: Yeah. I'll just call Bettina.

5 CHAIR MURAI: Why don't you go ahead and get her?

6 VICE CHAIR LOO: (Inaudible.)

7 CHAIR MURAI: He was going to defer --

8 VICE CHAIR LOO: That would be deferred to now.

9 CHAIR MURAI: You know, Mr. Bera, hold on. I
10 screwed up.

11 VICE CHAIR LOO: (Inaudible.)

12 CHAIR MURAI: No, but we have the witness exclusion,
13 so she has to wait outside.

14 VICE CHAIR LOO: Yes.

15 CHAIR MURAI: You know what? I forgot -- I had
16 forgotten that you had deferred making your opening statement
17 until -- so Ms. Kelley has to wait outside for another minute
18 until you can either make an opening statement or you can
19 waive your opening statement. So if you'd like to give a
20 statement, you may do so now.

21 MR. BERA: I'm just going to let her.

22 CHAIR MURAI: Okay. You'll let the witness speak
23 for herself?

24 MR. BERA: I mean, for -- the main part of like what
25 we had to deal with this -- all the charges were dropped

1 federally, so I guess that was most of our question, but I
2 will go get her.

3 CHAIR MURAI: Okay. Go ahead.

4 Why don't you step up to the podium, please? Will
5 you please raise your right hand? Do you swear or affirm that
6 the testimony you are about to give today in this matter will
7 be the truth, the whole truth, and nothing but the truth?

8 MS. KELLEY: Yes.

9 CHAIR MURAI: Thank you.

10 Mr. Bera, proceed.

11 MR. BERA: I'm just wondering what you experienced
12 that night, so --

13 CHAIR MURAI: Why don't we, for the record, identify
14 the -- you know, ask her name, you know, establish that she
15 works at, you know, the Vibe Bar.

16 MR. BERA: All right.

17 And your name is?

18 MS. KELLEY: My name is Bettina Kelley. I work at
19 Vibe Bar Maui.

20 MR. BERA: Your position?

21 MS. KELLEY: Bartender.

22 MR. BERA: And how long have you bartended?

23 MR. BERA: Over 20 years.

24 MR. BERA: Okay.

25 CHAIR MURAI: Well, you go -- the way it works is

1 you go first, Mr. Rost can go next if he wishes, and the board
2 will ask questions.

3 MR. BERA: I just wondered what you experienced the
4 night of February 17, as far as the three women that came in.

5 MS. KELLEY: So there was an older, middle-aged
6 woman that came in and two younger-looking girls. I -- the
7 bar was empty, so I physically watched my bouncer, who was
8 Will Chung -- by the way, he is an incredible bouncer. He is
9 well-known all throughout the island for being incredibly
10 strict. I watched him physically check every single one of
11 their IDs. I had no reason whatsoever to believe anyone was
12 under 21. I was going off the information given to me, just
13 like you guys are here, going off information given to you. I
14 then made drinks and a couple -- then they took the drinks,
15 they left, a couple minutes later, this guy comes in,
16 plainclothes, and says I'm under arrest for serving minors.
17 They're gone.

18 I saw no IDs, nothing, just this guy in plainclothes
19 walking me out to the back part of the parking lot at The
20 Triangle by myself. I didn't even know he was an actual
21 police officer until we got to an actual cop car. I was
22 processed, put in a holding cell, treated like a criminal for
23 doing my job based on the information given to me at that
24 time. I was released.

25 Then they came back, they said they were going to

1 arrest the bouncer. He said (inaudible) I'll shit in your cop
2 car, so they didn't arrest him.

3 Fast forward a little bit later, I go to court, the
4 judge dismissed it with prejudice, which, by the way, means
5 this case has no merit based on legal implications.

6 PROSECUTOR ROST: I'm going to object to this as
7 being both irrelevant and a legal conclusion.

8 CHAIR MURAI: Your objection is noted, Mr. Rost.
9 Go ahead.

10 MS. KELLEY: I'm personally kind of confused as to
11 why we're here when in an actual court of law, it was
12 dismissed, and I think this is kind of crazy, to be honest.

13 CHAIR MURAI: You know what? I'm going to stop you
14 there.

15 MS. KELLEY: And the officer that was here --

16 CHAIR MURAI: Hold on.

17 MS. KELLEY: -- is not the officer that was there.

18 CHAIR MURAI: Hold on. Hold on.

19 MS. KELLEY: I never seen (inaudible).

20 VICE CHAIR LOO: (Inaudible), ma'am.

21 CHAIR MURAI: Ma'am, when I ask you to stop, the way
22 it works is you stop. You'll have your opportunity. Here is
23 how it works: You have -- you're there as a witness, sworn to
24 tell the truth, and you answer questions, not give your
25 opinions or not, you know --

1 MS. KELLEY: Okay.

2 CHAIR MURAI: So listen to the question you are
3 asked and ask -- and answer the question.

4 MS. KELLEY: Okay.

5 CHAIR MURAI: And so if that's all you have in
6 response to Mr. Bera's question, then you can either wait for
7 the next question, or if Mr. Bera has no more questions for
8 you, then he's done, and then Mr. Rost can then cross-examine
9 you. Okay? Do you have anything else to add in response to
10 Mr. Bera's question about -- I think the question was, you
11 know, what happened on February 17th. And I presume this is
12 February twenty -- February 17, 2024, the night that this all
13 happened.

14 Mr. Bera, any other questions?

15 MR. BERA: Were you shown the people that you served
16 after?

17 MS. KELLEY: No.

18 CHAIR MURAI: I'm sorry. What was the question?

19 MR. BERA: Was she shown the people that she
20 actually served that were underage?

21 CHAIR MURAI: Okay.

22 MS. KELLEY: No.

23 CHAIR MURAI: Any further questions?

24 MR. BERA: Was the police officer one of the people
25 that served you -- or that was served?

1 CHAIR MURAI: (Inaudible.)

2 MR. BERA: The officer that was present earlier, is
3 that one of the people present there?

4 MS. KELLEY: No.

5 CHAIR MURAI: Okay. Any other questions?

6 MR. BERA: That's all I have for now.

7 CHAIR MURAI: Okay.

8 Mr. Rost, any cross-examination?

9 PROSECUTOR ROST: Yes, thank you, Mr. Chair.

10 Ms. Kelley, is it your practice not to check IDs and
11 just rely on the bouncer to do that?

12 MS. KELLEY: No, but I will say that if I have a
13 bouncer that I know and trust and I watch them check IDs, then
14 it is also part of my job to believe that they checked IDs
15 properly, correct? Well --

16 PROSECUTOR ROST: Please just answer my question.

17 MS. KELLEY: Okay, but I'm -- I'm confused as to the
18 question, then.

19 CHAIR MURAI: Hold on. Ma'am, if you don't -- you
20 know, Mr. Rost gets to ask the questions. You cannot ask him
21 questions.

22 MS. KELLEY: Okay. I'm just --

23 CHAIR MURAI: If --

24 MS. KELLEY: Can you restate -- can you rephrase the
25 question, then?

1 CHAIR MURAI: Mr. Rost, would you -- could you reask
2 your question?

3 PROSECUTOR ROST: Yeah. Thank you, Mr. Chair.

4 The question was, is it your normal practice as a
5 bartender not to check IDs and to rely on security or the
6 bouncer to do that before they let people into the bar?

7 MS. KELLEY: If there is a bouncer, yes.

8 PROSECUTOR ROST: Okay. And the night of February
9 17, 2024, there was a bouncer, Mr. Chung was working?

10 MS. KELLEY: Correct.

11 PROSECUTOR ROST: Okay. And so because of that, you
12 did not check the IDs of these three people --

13 MS. KELLEY: Correct.

14 PROSECUTOR ROST: -- we're talking about?

15 Okay. Did either -- any of the three people who you
16 served drinks to look unusually young to you?

17 MS. KELLEY: No.

18 PROSECUTOR ROST: Okay. I'm going to show you
19 what's -- the last page that has been marked and ask you, do
20 you see those two people on those photos there?

21 MS. KELLEY: Yes.

22 PROSECUTOR ROST: Are those the two people you
23 served?

24 MS. KELLEY: I believe so. I just know they were
25 early 20s looking. I did watch my bouncer check the ID. I

1 typically don't recheck IDs, as any bartender would.

2 PROSECUTOR ROST: If they had appeared -- if you
3 thought they appeared underage, would you have still -- would
4 you have asked to see their ID?

5 MS. KELLEY: Absolutely.

6 PROSECUTOR ROST: Okay. So even if the bartender --
7 the bouncers check their IDs, your testimony is that if they
8 looked underage, you would then take the initiative, check the
9 IDs yourself?

10 MS. KELLEY: Correct.

11 PROSECUTOR ROST: Okay. But in this case, because
12 you saw Mr. Chung check the ID and they apparently didn't
13 appear underage to you, you did not check their IDs. Is that
14 correct?

15 MS. KELLEY: Correct.

16 PROSECUTOR ROST: Okay. Now, your testimony earlier
17 seemed to imply that Officer Guarriello, who was here before,
18 is not the person you saw with these two minors that night.

19 MS. KELLEY: Correct.

20 PROSECUTOR ROST: Okay. Could you describe the
21 person you claim to have seen that night?

22 MS. KELLEY: She was, like, middle-aged, like --
23 that officer is really young. This lady was definitely older
24 than me.

25 PROSECUTOR ROST: Okay. Did you ever see that

1 person again after that night?

2 MS. KELLEY: No.

3 PROSECUTOR ROST: Okay. Does your bar have any sort
4 of policy about checking IDs?

5 MS. KELLEY: We check everyone's ID. You're not
6 allowed to be in the bar unless you're over 21.

7 PROSECUTOR ROST: Okay. But you personally don't
8 check IDs if you think the bouncer has done it?

9 MS. KELLEY: Correct.

10 PROSECUTOR ROST: Okay. Okay, that's all the
11 questions I have.

12 MS. KELLEY: Not if I think -- sorry. Can I
13 rephrase that? Not if I think they have done it; if I have
14 seen they have done it.

15 VICE CHAIR LOO: Can you repeat that? You said
16 what?

17 MS. KELLEY: I said not if I think they had checked
18 IDs; if I had seen them check IDs, I do not recheck. I
19 physically watched him check the IDs.

20 CHAIR MURAI: Mr. Bera, based on Mr. Rost's cross-
21 examination questions, do you have any further questions for
22 this witness?

23 MR. BERA: No, I do not.

24 CHAIR MURAI: Members, any questions for this
25 witness?

1 VICE CHAIR LOO: I have a couple.

2 CHAIR MURAI: Okay. Member Kim first.

3 MEMBER KIM: No.

4 CHAIR MURAI: Oh, no? Okay. Vice Chair Loo.

5 VICE CHAIR LOO: So, Ms. Kelley, I just confirm that
6 you did serve alcohol to the two people who walked in that
7 night, correct?

8 MS. KELLEY: Correct.

9 VICE CHAIR LOO: Alcohol was served?

10 MS. KELLEY: Yes.

11 VICE CHAIR LOO: And then you said the two younger-
12 looking ones, not the, as you described, middle-aged one, did
13 look on the younger side. You said 20s?

14 MS. KELLEY: Yeah, like in their 20s, but not
15 underage, they didn't look.

16 VICE CHAIR LOO: So 20s meaning 21? They looked 22?
17 Did they look like a 23-year-old and a 20-year-old?

18 MS. KELLEY: There -- like I said, I watched the
19 bouncer check the IDs. I had no reason beyond -- reasonable
20 doubt to believe they were under 21.

21 VICE CHAIR LOO: So you trusted Mr. Chung, in other
22 words?

23 MS. KELLEY: Correct.

24 VICE CHAIR LOO: And if there was another bar --
25 excuse me, another doorman there that perhaps you did not

1 trust, then maybe --

2 MS. KELLEY: A hundred percent, I would recheck. If
3 I did not trust that bouncer, I would definitely recheck.

4 VICE CHAIR LOO: But with Mr. Chung, you always
5 trusted his judgment?

6 MS. KELLEY: Did I trust his judgment explicitly?
7 I've worked with him several times in the past. He's always
8 very strict, always very on top of things, so --

9 VICE CHAIR LOO: Could you have asked for their IDs?

10 MS. KELLEY: I could have.

11 VICE CHAIR LOO: Okay. But you didn't.

12 MS. KELLEY: Would you have in my -- that's -- I
13 feel like this is just going around in circles. You keep
14 asking me if I asked for IDs. Clearly, I did not.

15 VICE CHAIR LOO: Could you have asked them their
16 age?

17 MS. KELLEY: I could have.

18 VICE CHAIR LOO: But you chose not to.

19 MS. KELLEY: Why would I think I would need to?

20 VICE CHAIR LOO: Well --

21 CHAIR MURAI: You know what? This is not a
22 (inaudible).

23 MS. KELLEY: Okay.

24 CHAIR MURAI: This is not helpful.

25 MS. KELLEY: I'm just saying, like I don't

1 understand --

2 CHAIR MURAI: You know what? When you're asked to
3 stop, you have to stop. We all follow the same rules.

4 All right.

5 MEMBER KIM: I'm sorry. I do have --

6 CHAIR MURAI: Okay, Member Kim.

7 MEMBER KIM: You testified that the bar was empty at
8 that time. Is that correct?

9 MS. KELLEY: Yes.

10 MEMBER KIM: Thank you.

11 CHAIR MURAI: Okay. Any further questions from the
12 board members?

13 (No response.)

14 CHAIR MURAI: All right. Based on these questions,
15 Mr. Rost, Mr. Bera, any follow-up questions for this witness?

16 PROSECUTOR ROST: Not from me. Thank you, Chair.

17 CHAIR MURAI: None, Mr. Bera?

18 MR. BERA: I guess just to clarify, how many people
19 would you say were in the bar?

20 MS. KELLEY: Including myself?

21 MR. BERA: Just (inaudible), just so we have an
22 idea, yes.

23 MS. KELLEY: Including myself and the other
24 bartender, there was little -- I don't think there was anybody
25 else in the bar. It was literally just myself, the other

1 bartender, and the bouncer.

2 CHAIR MURAI: Anything else, Mr. Bera?

3 MR. BERA: No.

4 CHAIR MURAI: Any further -- any other witnesses?

5 MR. BERA: No.

6 CHAIR MURAI: Okay. So you're resting your case?

7 MR. BERA: I am.

8 CHAIR MURAI: Okay, thank you.

9 You're excused. Thank you.

10 VICE CHAIR LOO: (Inaudible.)

11 CHAIR MURAI: Yeah. Mr. Rost, do you have any
12 rebuttal witnesses?

13 PROSECUTOR ROST: Yeah. I feel like I have to
14 recall Officer Guarriello.

15 CHAIR MURAI: Okay. Go ahead.

16 All right. Thank you, Officer. Do you recall --

17 VICE CHAIR LOO: She's still under oath.

18 CHAIR MURAI: Yeah. I just want to remind you that
19 you're still under oath.

20 And Mr. Rost, your witness.

21 PROSECUTOR ROST: Officer, did -- I believe you
22 testified earlier that there -- the bar was relatively crowded
23 the night of February 17th, 2024. Is that right?

24 OFFICER GUARRIELLO: Yes, sir.

25 PROSECUTOR ROST: Could you estimate about how many

1 people were there?

2 OFFICER GUARRIELLO: I wouldn't be able to say for
3 sure an estimate.

4 PROSECUTOR ROST: Okay. But more -- it was -- you
5 would not call it empty?

6 OFFICER GUARRIELLO: No, I wouldn't call it empty.

7 PROSECUTOR ROST: Okay. There were other customers
8 there?

9 OFFICER GUARRIELLO: There was other customers.

10 PROSECUTOR ROST: Okay. Was anyone else besides
11 yourself and Officer Hankins involved with this operation from
12 your PD side?

13 OFFICER GUARRIELLO: Yes. There was a few other
14 department members involved in this operation.

15 PROSECUTOR ROST: Did anyone else besides -- any
16 other officers besides you go into the bar with the two
17 minors?

18 OFFICER GUARRIELLO: I don't recall. I was just
19 focused on my -- the two minor decoys was my main focus.

20 PROSECUTOR ROST: Okay. Sorry, that was inartfully
21 phrased. When you went in with the two minors, was there any
22 other officer with the three of you?

23 OFFICER GUARRIELLO: I don't recall, unfortunately.
24 I'm sorry.

25 PROSECUTOR ROST: Okay, that's fine. But you

1 remember speaking with Ms. Kelley, the bartender?

2 OFFICER GUARRIELLO: Yes.

3 PROSECUTOR ROST: Okay. And you saw her earlier
4 here today?

5 OFFICER GUARRIELLO: Yes, sir.

6 PROSECUTOR ROST: Okay. That's all the questions I
7 have. Thank you, Officer.

8 CHAIR MURAI: Okay. Mr. Bera, any questions?

9 MR. BERA: No, I can't think of any.

10 CHAIR MURAI: Board Members, any questions?

11 MEMBER KIM: Who were the other officers involved in
12 this operation on that date?

13 OFFICER GUARRIELLO: On that date, it was Officer
14 Dylan Hankins; I believe part of the arrest team was Officer
15 Leon Sanders.

16 MEMBER KIM: I'm sorry.

17 OFFICER GUARRIELLO: Sanders, Leon.

18 VICE CHAIR LOO: Is Leon female or male?

19 MEMBER KIM: Sorry. Leon is --

20 OFFICER GUARRIELLO: Male. Male. Sorry, yeah.

21 MEMBER KIM: So that's three of you.

22 OFFICER GUARRIELLO: Yes. And the sergeant,
23 Sergeant Masanori Kaya.

24 MEMBER KIM: Sergeant Masanori Kaya.

25 VICE CHAIR LOO: Also a minor? I mean --

1 OFFICER GUARRIELLO: Also a male, yes.

2 MEMBER KIM: Could he be mistaken for a middle-aged
3 female?

4 OFFICER GUARRIELLO: I wouldn't say so, no.

5 VICE CHAIR LOO: I have a question.

6 CHAIR MURAI: Vice Chair Loo.

7 VICE CHAIR LOO: Officer Guarriello, only yourself
8 and the two minors approached the bartender, Kelley. Is that
9 correct?

10 OFFICER GUARRIELLO: That's correct.

11 VICE CHAIR LOO: Okay. So, all of the interactions
12 with the minors with Ms. Kelley, you were in their presence.
13 Is that correct?

14 OFFICER GUARRIELLO: That's correct.

15 VICE CHAIR LOO: Okay. There was possible testimony
16 that there was a slightly middle-aged older female, so I hate
17 to ask, can you tell us how old you are?

18 OFFICER GUARRIELLO: I'm 33.

19 VICE CHAIR LOO: Much younger. But there was no one
20 older than you --

21 OFFICER GUARRIELLO: No.

22 VICE CHAIR LOO: -- that was a female, correct, a
23 female officer?

24 OFFICER GUARRIELLO: No. It was myself and the two
25 confidential informants.

1 VICE CHAIR LOO: Thank you.

2 OFFICER GUARRIELLO: Yeah.

3 MR. BERA: I do have a question. Did you make her
4 aware that Bettina had served an underaged --

5 OFFICER GUARRIELLO: At the arrest?

6 MR. BERA: When they went out to the vehicle.

7 OFFICER GUARRIELLO: So I can't speak to that
8 because I wasn't part of the arrest team, so I'm not able to
9 answer that. That would be the arrest officers.

10 VICE CHAIR LOO: Chair, I didn't hear his question,
11 please.

12 CHAIR MURAI: Me, too. I thought I heard -- were
13 you --

14 MR. BERA: I was asking if she was made aware of who
15 the people that were underaged. To the bartender, Bettina
16 Kelley, who she had served that were underaged when they were
17 arresting her for serving underaged.

18 CHAIR MURAI: I -- I don't understand the question,
19 but if the witness understands the question, I believe she --

20 MR. BERA: I'm saying when she was being arrested,
21 who -- was she made aware who she had served underaged?

22 MEMBER KIM: And she said she wasn't there, so
23 wouldn't know. Right?

24 MR. BERA: That's what I was asking.

25 MEMBER KIM: Yeah, okay. Thank you.

1 CHAIR MURAI: Okay. Any -- if there's no further
2 questions for this witness, may we excuse her?

3 MR. BERA: Yes.

4 PROSECUTOR ROST: Yes, Mr. Chair.

5 Thank you, Officer.

6 CHAIR MURAI: Good luck, Officer. Thank you.

7 OFFICER GUARRIELLO: Thank you, ladies. Thank you,
8 gentlemen.

9 CHAIR MURAI: So, Richard, no further rebuttal
10 witnesses?

11 PROSECUTOR ROST: No, thank you.

12 CHAIR MURAI: Okay. At this time, since both the
13 parties have rested, I'm going to entertain closing arguments.
14 Mr. Rost, would you proceed?

15 PROSECUTOR ROST: Thank you, Mr. Chair. I think the
16 issue that the licensee perhaps is confused by here, when it
17 comes to the criminal charges is in this case, we're wondering
18 -- we're proving that the licensee served two minors. We
19 don't have to prove any individual committed a crime; any
20 individual is criminally liable. The two minors were served
21 due to the breakdown of the licensee's procedures. The
22 bartender -- the bartender didn't check their IDs, she didn't
23 ask them how old they were, she was relying on the bouncer.
24 Well, the bouncer apparently screwed up. He looked at their
25 IDs; he let them in anyway. There's no dispute about any of

1 that. There's no dispute that these two individuals were
2 underage; there's no dispute that they were served alcohol.

3 So I think this story about it being someone other
4 than Officer Guarriello is just not true. I don't think you
5 need to credit Ms. Kelley's testimony that the bar wasn't
6 busy. We've heard from LCO Davis about all of the receipts he
7 received. There were clearly other people in the bar around
8 that time. And I think Officer Guarriello was much more
9 credible on that point.

10 So, given that there's no dispute that these two
11 people were underage and that they were, in fact, served
12 alcohol, we ask that the board find the licensee guilty on all
13 the charges. Thank you.

14 CHAIR MURAI: All right. Thank you.

15 Mr. Bera, this is your opportunity to make a final
16 argument.

17 MR. BERA: I don't have any.

18 CHAIR MURAI: Sorry.

19 MR. BERA: We're good.

20 CHAIR MURAI: Okay. So you're waiving your final
21 argument?

22 MR. BERA: I am.

23 CHAIR MURAI: All right. So I guess, Mr. Rost, you
24 have no rebuttal.

25 Okay. For the record, the parties have presented

1 testimony and evidence regarding this matter. I will now
2 entertain a motion for the board to accept the evidence
3 presented.

4 MEMBER KIM: So moved.

5 VICE CHAIR LOO: Second.

6 CHAIR MURAI: Moved by Member Kim, seconded by Vice
7 Chair Loo. Any discussion?

8 (No response.)

9 CHAIR MURAI: If not, I'll call for the vote. I'm
10 going to do a roll call vote. All those in favor of the
11 motion will say aye, those opposed will say nay.

12 Vice Chair Loo.

13 VICE CHAIR LOO: Aye, yes.

14 CHAIR MURAI: Member Honda.

15 MEMBER HONDA: Aye.

16 CHAIR MURAI: Member Kalanihuia.

17 MEMBER KALANIHUIA: Aye.

18 CHAIR MURAI: Member Kaleiopu.

19 MEMBER KALEIOPU: Aye.

20 CHAIR MURAI: Member Kim.

21 MEMBER KIM: Aye.

22 CHAIR MURAI: Member Lankford-Faborito.

23 MEMBER LANKFORD-FABORITO: Aye.

24 CHAIR MURAI: This time, I'll remember to call
25 Member Mahiai.

1 MEMBER MAHIAI: Aye.

2 CHAIR MURAI: The chair also votes aye.

3 The motion carries unanimous -- unanimously.

4 Now I will entertain a motion to go into closed
5 session for the purpose of deliberation.

6 MEMBER KIM: So moved.

7 VICE CHAIR LOO: Second.

8 CHAIR MURAI: Moved by Member Kim, seconded by Vice
9 Chair Loo. Any discussion?

10 (No response.)

11 CHAIR MURAI: Hearing none, I'll call for the vote
12 also by roll call.

13 Vice Chair Loo.

14 VICE CHAIR LOO: Aye, yes.

15 CHAIR MURAI: Member Honda.

16 MEMBER HONDA: Aye.

17 CHAIR MURAI: Member Kalanihuia.

18 MEMBER KALANIHUIA: Aye.

19 CHAIR MURAI: Member Kaleiopu.

20 MEMBER KALEIOPU: Aye.

21 CHAIR MURAI: Member Kim.

22 MEMBER KIM: Aye.

23 CHAIR MURAI: Member Lankford-Faborito.

24 MEMBER LANKFORD-FABORITO: Aye.

25 CHAIR MURAI: Member Mahiai.

1 MEMBER MAHIAI: Aye.

2 CHAIR MURAI: The chair also votes aye.

3 Motion carries. We are now in closed session for
4 purposes of deliberation. Will everyone please vacate the
5 room except for corp counsel?

6 (Pause in proceedings.)

7 CHAIR MURAI: The board is now back in open session.
8 The time is 10:45 a.m. I'll do a roll call attendance.

9 Vice Chair Loo.

10 VICE CHAIR LOO: Present.

11 CHAIR MURAI: Member Honda.

12 MEMBER HONDA: Present.

13 CHAIR MURAI: Member Kalanihuia.

14 MEMBER KALANIHUIA: Present.

15 CHAIR MURAI: Member Kaleiopu.

16 MEMBER KALEIOPU: Present.

17 CHAIR MURAI: Member Kim.

18 MEMBER KIM: Present.

19 CHAIR MURAI: Member Lankford-Faborito.

20 MEMBER LANKFORD-FABORITO: Here.

21 CHAIR MURAI: Member Mahiai.

22 MEMBER MAHIAI: Present.

23 CHAIR MURAI: The chair is present as well.

24 At this time, the chair will entertain any motions
25 from the board members regarding whether to find the licensee

1 guilty or not guilty of Counts 1 through 5 of Complaint and
2 Accusation -- I'm sorry, 1 through 6 -- thank you -- of
3 Complaint and Accusation No. 2025-08.

4 MEMBER KIM: Mr. Chair.

5 CHAIR MURAI: Member Kim.

6 MEMBER KIM: At this time, I move on the Complaint
7 and Accusation 2025-08 on Counts 1, 2, 3, 4, 5, and 6 that we
8 find Vibe Bar guilty of violating those counts.

9 CHAIR MURAI: All right. The motion has been made
10 by Member Kim. Is there any second?

11 MEMBER MAHIAI: Second.

12 CHAIR MURAI: Second by Member Mahiai. All right.
13 So moved and seconded. Members, any discussion?

14 MEMBER KIM: I made the motion because after the
15 testimony, I believe the investigator -- actually, the police
16 officer, Luna --

17 CHAIR MURAI: Guarriello.

18 MEMBER KIM: -- Guarriello testified truthfully.
19 There's no dispute that minors were served. There's no
20 dispute that they were minors. It's just that the doorman
21 just failed to properly calculate their ages. And the fact
22 that the bartender, Ms. Kelley, depended on the doorman in, in
23 her mind, an empty bar, that procedure is just wrong. I mean,
24 it's always common that if you go to a grocery store and pick
25 up something -- some alcohol, we get carded with every

1 purchase, so that -- yeah, so that's pretty clear to me.

2 CHAIR MURAI: Okay. Any other discussion from the
3 members?

4 (No response.)

5 CHAIR MURAI: If there's no further discussion, are
6 we ready for the vote?

7 (No response.)

8 CHAIR MURAI: Okay. The motion is to find the
9 licensee, Ambrosia, LLC, dba Vibe Bar & Nightclub, guilty of
10 all six counts. I'll take a roll call vote, and you can
11 please answer with affirmative by saying aye or negative by
12 saying no.

13 Vice Chair Loo.

14 VICE CHAIR LOO: Aye, yes.

15 CHAIR MURAI: Member Honda.

16 MEMBER HONDA: Aye.

17 CHAIR MURAI: Member Kalanihuia.

18 MEMBER KALANIHUIA: Aye.

19 CHAIR MURAI: Member Kaleiopu.

20 MEMBER KALEIOPU: Aye.

21 CHAIR MURAI: Member Kim.

22 MEMBER KIM: Aye.

23 CHAIR MURAI: Member Lankford-Faborito.

24 MEMBER LANKFORD-FABORITO: Aye.

25 CHAIR MURAI: Member Mahiai.

1 MEMBER MAHIAI: Aye.

2 CHAIR MURAI: The chair also votes aye.

3 The motion carries unanimously.

4 Okay. We will now -- the chair will now entertain a
5 motion to recess open session and go into closed session for
6 the purpose of --

7 MEMBER KIM: Penalty phase.

8 CHAIR MURAI: Oh, I'm sorry. Mr. Rost.

9 PROSECUTOR ROST: Thank you, Mr. Chair. As to the
10 penalty, Count 1 and Count 4 have a mandatory minimum penalty
11 of \$1,000, no portion of which may be suspended because this
12 is the first offense of this type for the licensee. So the
13 department will recommend \$1,000 as to Count 1 and Count 4,
14 each count. Count 2, the -- and Count 5, which are the
15 failure to properly check identification, the department is
16 going to recommend a thousand-dollar fine on each of those
17 counts as well. Count 3 and Count 6, that -- this is the HRS
18 violation which is essentially the same as Count 1 and we have
19 had conversations -- I've had conversations with the director
20 about this particular issue because I think it's clearly
21 proper for the board to find the defendant guilty -- or the
22 licensee guilty of both the county code violation and the HRS
23 violation; I'm not sure that it's appropriate to give them a
24 double penalty for essentially the same conduct. So we're
25 going to defer the board on what -- how the board wants to

1 handle the penalty for Counts 3 and 6.

2 VICE CHAIR LOO: What are the maximums for 3 and 6?

3 PROSECUTOR ROST: That's under the HRS. I believe
4 the -- the maximum penalty on 3 and 6 is 5,000.

5 CHAIR MURAI: Anything further, Mr. Rost?

6 PROSECUTOR ROST: No, thank you.

7 CHAIR MURAI: Mr. Bera, now's your opportunity to
8 make an argument to the board as to what you believe the
9 appropriate penalty should be in this matter. Do you have any
10 closing argument or recommendations to the board?

11 MR. BERA: Just that we've made improvements, I
12 gotten ID scanners and everything else to help make sure this
13 problem never happens again.

14 CHAIR MURAI: Yeah, that's what we want to hear.

15 MR. BERA: I gotten Tokenworks scanner, actually,
16 for a thousand dollars for -- one for the bartenders and one
17 for the door.

18 CHAIR MURAI: And you're using them now?

19 MR. BERA: And we have done everything we can to
20 make sure this never happens again.

21 CHAIR MURAI: Okay. Anything else?

22 MR. BERA: That's it.

23 CHAIR MURAI: Okay, thank you.

24 At this time, the chair will entertain a motion to
25 exit open session and enter into deliberation.

1 VICE CHAIR LOO: So moved.

2 CHAIR MURAI: Moved by Vice Chair Loo. Is there any
3 second?

4 MEMBER HONDA: Second.

5 CHAIR MURAI: Seconded by Member Honda. Any
6 discussion?

7 (No response.)

8 CHAIR MURAI: If not, I'll call -- I'll call for a
9 roll call vote, and you can answer aye in the affirmative if
10 you want to go into closed session.

11 Vice Chair Loo.

12 VICE CHAIR LOO: Aye, yes.

13 CHAIR MURAI: Member Honda.

14 MEMBER HONDA: Aye.

15 CHAIR MURAI: Member Kalanihuia.

16 MEMBER KALANIHUIA: Aye.

17 CHAIR MURAI: Member Kaleiopu.

18 MEMBER KALEIOPU: Aye.

19 CHAIR MURAI: Member Kim.

20 MEMBER KIM: Aye.

21 CHAIR MURAI: Member Lankford-Faborito.

22 MEMBER LANKFORD-FABORITO: Aye.

23 CHAIR MURAI: Member Mahiai.

24 MEMBER MAHIAI: Aye.

25 CHAIR MURAI: It is now 10:52, and we are in recess.

1 (Pause in proceedings: 10:52 a.m.-11:27 a.m.)

2 CHAIR MURAI: The board is now back in session, and

3 the time is 11:27. I'll do a roll call vote for attendance.

4 Vice Chair Loo.

5 VICE CHAIR LOO: Present.

6 CHAIR MURAI: Member Honda.

7 MEMBER HONDA: Present.

8 CHAIR MURAI: Member Kalanihuia.

9 MEMBER KALANIHUIA: Present.

10 CHAIR MURAI: Member Kaleiopu.

11 MEMBER KALEIOPU: Present.

12 CHAIR MURAI: Member Kim.

13 MEMBER KIM: Here.

14 CHAIR MURAI: Member Lankford-Faborito.

15 MEMBER LANKFORD-FABORITO: Here.

16 CHAIR MURAI: Member Mahiai.

17 MEMBER MAHIAI: Here.

18 CHAIR MURAI: The chair is present as well.

19 At this time, I'll now entertain any motions with

20 regard to the penalty.

21 MEMBER KIM: Mr. Chair.

22 CHAIR MURAI: Member Kim.

23 MEMBER KIM: Under Complaint and Accusation No.

24 2025-8, Count 1, I recommend -- I move that we impose a \$2,000

25 fine; Count 2, a \$2,000 fine; Count 3, no fine, zero; Count 4,

1 \$2,000; Count 5, \$2,000; and Count 6, no fine on that. The
2 reason behind zeroing out Counts 3 and 6 is that it appears to
3 me that those counts are the same as (inaudible) as the
4 previous counts in this complaint. I believe the licensee was
5 mistaken --

6 CHAIR MURAI: Hold on, JD. Let's ask for a second
7 first.

8 MEMBER KIM: Okay.

9 VICE CHAIR LOO: Second.

10 CHAIR MURAI: Seconded by Member -- Vice Chair.
11 Go ahead. I'm sorry to interrupt.

12 MEMBER KIM: Yeah, no. My (inaudible) --

13 CHAIR MURAI: I broke your chain of thought.

14 MEMBER KIM: Yeah, yeah. I mean, it's pretty
15 obvious that the bartender should have checked. You get --
16 like I said earlier, we get checked at the grocery, in the
17 line at the grocery, and it's very simple, very easy. And
18 under the rules of a minor decoy operation, you heard the
19 officer say if asked, the decoy has to repeat their age. How
20 hard is it to ask, Hey, how old are you? Simple as that. I
21 mean, and they can't lie, and they have to present their
22 original -- they can't -- they can't use a fake ID. So it's a
23 simple fact, a simple solution. You invested money in buying
24 scanners (inaudible), but --

25 MR. BERA: Yeah, we did, but --

1 CHAIR MURAI: Sir, you have to have permission to
2 speak. It's -- I'm sorry.

3 MEMBER KIM: Yeah. So, that's my reasoning. The
4 licensee should have trained his employees more carefully, and
5 that's -- it is a matter of just training and following the
6 procedures set out by management, and that was not done in
7 this case.

8 CHAIR MURAI: Any further discussion?

9 (No response.)

10 CHAIR MURAI: Okay. Are we ready for the vote?

11 (No response.)

12 CHAIR MURAI: In that case, the motion is for -- to
13 impose a penalty of \$2,000 for Counts 1, 2, 4, and 5; with no
14 penalty assessed for counts, what was it, 3 and 6. I'll do a
15 roll call vote. A vote in favor of the motion would be aye or
16 yes, a vote opposed would be no or a nay.

17 Vice Chair Loo.

18 VICE CHAIR LOO: Aye, yes.

19 CHAIR MURAI: Member Honda.

20 MEMBER HONDA: Aye.

21 CHAIR MURAI: Member Kalanihuia.

22 MEMBER KALANIHUIA: Aye.

23 CHAIR MURAI: Member Kaleiopu.

24 MEMBER KALEIOPU: Aye.

25 CHAIR MURAI: Member Kim.

1 MEMBER KIM: Aye.

2 CHAIR MURAI: Member Lankford-Faborito.

3 MEMBER LANKFORD-FABORITO: Aye.

4 CHAIR MURAI: Member Mahiai.

5 MEMBER MAHIAI: Aye.

6 CHAIR MURAI: The chair votes aye as well.

7 Okay. Thank you, folks. You'll be notified when
8 payment is due.

9 Okay. Moving on with our agenda -- oh, thank you.

10 (Inaudible comment.)

11 CHAIR MURAI: Okay. Our next meeting is March 5th,
12 9:00 a.m., and it's -- it'll be the final -- sorry.

13 VICE CHAIR LOO: No, (inaudible) quick comment
14 before you adjourn. It'll be an announcement.

15 CHAIR MURAI: Okay.

16 DIRECTOR SILVA: If I may.

17 CHAIR MURAI: Yeah, sure.

18 DIRECTOR SILVA: And just so that everyone's aware,
19 and thank you, guys, all for being here in person today, this
20 is -- I haven't seen the room look like this ever. But, you
21 know, the department is working through a backlog of cases
22 that we have, so we're probably looking at an extending of the
23 dates, the meeting. I'm going to try to -- the goal is to
24 keep it at the regular scheduled date, the first Thursdays of
25 every month, but we're looking at probably extending the date

1 to include more cases per day so we can work our way through
2 the backlog. I just wanted to let you guys know that that's
3 what may be --

4 VICE CHAIR LOO: So how (inaudible) to extend?

5 CORP COUNSEL TRENHOLME: 9:00 to 4:30.

6 CHAIR MURAI: Well, I was going to get to that as
7 part of the announcement.

8 CORP COUNSEL TRENHOLME: Oh, sorry.

9 CHAIR MURAI: So our next meeting is March 5th at
10 9:00 a.m. What the director is talking about is, you know, we
11 have a lot of cases, and so we anticipate kind of heavy
12 calendars. You know, normally -- even though today was a
13 contested hearing and contested hearings take a long time,
14 it's almost -- you know, almost lunchtime and we did one case.
15 As you folks know from our experience, you know, the
16 no-contest cases naturally are faster because, you know,
17 there's only one issue, what the penalty should be.

18 Now, we've been able to handle, you know, three,
19 four cases pretty easily within the time we have, you know,
20 but -- you know, for the folks that have been part of this,
21 you know, for a long time, a lot of us remember when there
22 were like five, six cases on the agenda and we would go into
23 the afternoon. It's not a regular -- you know, it used to
24 happen fairly regularly, you know, at least, you know, every
25 couple, three months, we'd go into the afternoon. We've been

1 lucky that we haven't had to do that in a while, but --

2 And you know, I appreciate especially for those of
3 you folks that, you know, Lu Ann or -- Janice maybe is not on
4 for too much longer -- take the effort to come to Maui and
5 appear in person, and -- or even people who live here, but --
6 you know, but they're still working people. Sometimes we may
7 need to go into the afternoon, and you -- and we'll try to --
8 you'll kind of have a heads up on that when you see the
9 agenda. If you see like five, six cases, there's a chance we
10 might go into the afternoon.

11 Another alternative may be, you know, scheduling
12 more dates. Instead of once a month, we might add another
13 meeting day just to take care of -- get caught up. So, you
14 know, if you folks have like, you know, work or travel
15 commitments, you know, kind of let us know about the time the
16 agenda -- you know, we're working on the agenda so we can let
17 you know, oh, you know, it's going to be a heavy agenda.

18 Now, here's the thing: Let's say somebody says, you
19 know, I've really got to go, I no can stay, as long as we have
20 a quorum, we should be okay, but you get -- it could get a
21 little bit tricky because if, let's say, I need to leave at --
22 I need to leave at 11:30, I probably shouldn't hear part of a
23 case and then not be, you know, around for the end of the case
24 or vice versa, if I'm not here at the beginning, but I'm there
25 only for the end.

1 So, anyway, keep that in mind, that, you know,
2 technically, we've -- you know, it's an all-day -- it could be
3 an all-day commitment. We haven't done it in years, though,
4 yeah.

5 DIRECTOR SILVA: It's been a while, yes.

6 CHAIR MURAI: It's been a while. But the good point
7 is they serve you a good lunch.

8 (Laughter.)

9 CHAIR MURAI: So, you know, if it looks like we're
10 going to go late, start thinking about what you like, you
11 know, whether you like chicken katsu or (inaudible), you know.

12 DIRECTOR SILVA: Well, keep in mind, we're not next
13 door to Ichiban anymore.

14 CHAIR MURAI: That's true. (Inaudible.)

15 MEMBER KIM: I have a question for the director.
16 Are we able to -- I mean, we're getting more cases because
17 we're caught up with the investigative side that we've had
18 more manpower?

19 DIRECTOR SILVA: Honestly, I couldn't tell you what
20 -- how it resulted in it, but what the result is is that there
21 -- we have a bunch of cases and, you know, in order to get
22 through them a little more quickly --

23 MEMBER KIM: I remember when I first started, the
24 investigators that -- you know, they were kind of sparse.

25 DIRECTOR SILVA: Yes. We have actually filled a lot

1 of vacancies. Right now, we have two vacancies left in
2 enforcement that we've already interviewed for, so the hopes
3 are we're going to be fully staffed at least in enforcement
4 real soon.

5 MEMBER KIM: Okay.

6 CHAIR MURAI: Yeah. You know what? That's probably
7 just a little far afield off the agenda.

8 CORP COUNSEL TRENHOLME: I would suggest that -- so,
9 you know, moving forward, like for the next few months, we
10 should plan on 9:00 to 4:30.

11 VICE CHAIR LOO: 9:00 to 4:00.

12 DIRECTOR SILVA: I think that would be a safe way to
13 think about it, yes.

14 CHAIR MURAI: Well, you know, theoretically, any of
15 our hearings -- even like this one, you know, let's say each
16 side had five witnesses, we go on till we're pau. So, you
17 know, it's not like, you know, there was ever a rule that said
18 we're finished by lunchtime. It's always theoretically we
19 could go all day. And you know, we need to count our
20 blessings, and it could be like the Honolulu Liquor Commission
21 where they'd meet every week, and they'd go into the night
22 every meeting, into the nighttime every time.

23 Anyway, so I think that's all the business we have.
24 If there's no other -- I don't see anything else on the
25 agenda. The orders of the day call for us to adjourn, so it

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is 11:37, and the February 5th meeting of the Liquor Control
Adjudication Board is adjourned.

(The proceedings were adjourned at 11:37 a.m.)

