

- (3) Any disorderly person,
- (4) Any person known to be addicted to the excessive use of liquor,
- (5) Any person, for consumption in any vehicle on the premises;

provided that the sale of or the providing of food or beverages to or for a minor who has or is about to obtain liquor for consumption by the minor on the premises shall not be deemed to be a violation of this subsection if, at the time, the person so selling or providing food or beverages was misled by the appearance of the minor and the attending circumstances into honestly believing that such minor was of legal age and the person acted in good faith, and it shall be incumbent upon the person to prove that the person so acted in good faith.

(d) Within the meaning of this section the word "premises" includes any vessel as well as any place, with or without a structure thereon, and the hours between which licensed premises of dispensers are permitted to be open for the transaction of business shall be deemed to be those during which such dispensers are permitted to keep open their premises for the sale, service, and consumption of liquor, or any of them. [L 1949, c 147, §1; RL 1955, §159-4; HRS §281-4; am L 1972, c 177, §2; gen ch 1985]

#### Case Notes

Injunction against enforcement without showing direct invasion of property right. 39 H. 23.

## PART II. LIQUOR COMMISSIONS

**§281-11 County liquor commissions and liquor control adjudication boards; qualifications; compensation.** (a) A liquor commission or liquor control adjudication board, consisting of not less than five members, no more than the minimum required for a quorum of whom shall belong to the same political party at the time of appointment, may be created for each of the counties. The elected executive head of each county may nominate, and by and with the advice and consent of the legislative body of the county, shall appoint the members of the commissions and boards. The elected executive head of each county, by and with the advice and consent of the legislative body of the county, may remove from office any of the members. The commission or board shall designate one of its members as chairperson. Each member shall be a citizen of the United States and shall have resided in the county for which appointed for at least three years immediately preceding the date of the member's appointment.

(b) Upon the expiration of the term of each commissioner or board member, the commissioner's or board member's successor shall be appointed for a term to expire five years from the date of the expiration of the preceding term.

The tenure in office of every commissioner or board member shall be for the terms provided and until their successors are duly appointed and qualified.

Any vacancy shall be filled by appointment for the remainder of the unexpired term. No person shall be a member of any commission or board who is or becomes engaged, or is directly or indirectly interested in any business for the manufacture or sale of liquor or who advocates or is or becomes a member of, or is identified or connected with, any organization or association which advocates prohibition, or who is an elected officer of the state or county government or who presents oneself as a candidate for election to any public office during the term of the person's appointment hereunder. This provision shall be enforced by the elected executive head of the county by the removal of the disqualified member whenever such disqualifications shall appear.

RECEIVED AT PEA MEETING ON 2/12/18 219  
*(First Deputy Comptroller Counsel Kushi)*

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Jim Smith  
99 Kapuai Road  
Haiku, Maui, Hawaii 96708

2018 FEB 12 AM 8:06

OFFICE OF THE  
COUNTY COUNCIL

February 11, 2018

Testimony Regarding PEA - 2 (24) Nomination to Boards, Committees and Commissions (Various)

Chairperson Yuki Lei Sugimura, and Members of this Committee,

Our Charter provides that when the Mayor is absent from the State the Managing Director may act as Mayor. (Charter Section 7 - 6 **Vacancy in Office** (2) ). The Managing Director represented itself as “Acting Mayor” and in this fictional “official capacity”, it transmitted by letter dated January 26, 2018 nominations; that were received by Council, January 30, 2018.

There appears no emergency nor necessity, as the Council received a correspondence dated January 30, 2018 from the Mayor nominating the appointment of Jonathan Todd to the Liquor Control Commission.

The accompanying proposed Resolutions for each applicant, prepared by Corporation Council on January 8, 2018 contain no statement of fact establishing compliance with the requirements of Charter 7-6 (1a), (1b) and - or (2).

It is my belief that public trust is inspired by decisions that can be seen as appropriate and based upon complete and accurate information as provided by the executive branch. I ask the Committee to remedy deficiencies identified here.

s/ Jim Smith  
01\_11\_2018

February 9, 2018

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2018 FEB -9 PM 2:52

OFFICE OF THE MAYOR

MEMO TO: Alan M. Arakawa, Mayor

F R O M: Stacy Crivello, Chair  
Housing, Human Services, and Transportation Committee

SUBJECT: **REQUEST FOR DEPARTMENTAL PERSONNEL; HOUSING, HUMAN SERVICES, AND TRANSPORTATION COMMITTEE; FEBRUARY 15, 2018**

<b>PERSONNEL REQUESTED</b>	<b>ITEM*</b>	<b>TIME**</b>
Director of Housing and Human Concerns or Representative MR	CR All 2/12	1:30 p.m.
Director of Finance or Representative MR	DT HHT-20 2/12	1:30 p.m.
Community Development Block Grant Program Manager MR	JP HHT-16 2/12	2:15 p.m.

10:40  
10:56  
10:38

\*Refer to attached agenda  
\*\*Times noted are approximate

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2018 FEB 12 PM 2:30  
OFFICE OF THE  
COUNTY COUNCIL

This section to be completed by the Mayor or his representative.

APPROVED:

DATE:

2/12/18

COMMENTS:

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2018 FEB 12 AM 8:47

February 6, 2018

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2018 FEB -7 AM 9:35

OFFICE OF THE  
COUNTY COUNCIL

OFFICE OF THE MAYOR

MEMO TO: Alan M. Arakawa, Mayor

F R O M: Yuki Lei K. Sugimura, Chair  
Policy, Economic Development, and Agriculture Committee

SUBJECT: **REQUEST FOR DEPARTMENTAL PERSONNEL; POLICY,  
ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE;  
FEBRUARY 12, 2018**

<u>PERSONNEL REQUESTED</u>	<u>ITEM*</u>	<u>TIME</u>
Mayor or Representative <i>MR</i>	<i>MM All 1/9</i>	9:00 a.m.

*8:03*

*\*Refer to attached agenda*

This section to be completed by the Mayor or his representative.

APPROVED:

*Alan Arakawa*

DATE:

*2/8/18*

COMMENTS:

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