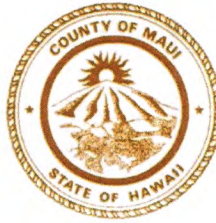


MICHAEL P. VICTORINO  
Mayor

GLENN MUKAI  
Director

GEORGETTE C.R. TYAU  
Deputy Director



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2019 NOV -6 PM 1:33  
OFFICE OF THE MAYOR

DEPARTMENT OF LIQUOR CONTROL  
COUNTY OF MAUI  
2145 KAOHU STREET, ROOM 105  
WAILUKU, MAUI, HAWAII 96793  
TELEPHONE: (808) 243-7753  
FACSIMILE: (808) 243-7558

November 6, 2019

Honorable Michael P. Victorino  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

  
Acting Mayor Date 11/8/19

For Transmittal to:

Honorable Yuki Lei Sugimura  
Chair, Multimodal Transportation Committee  
Maui County Council  
200 South High Street  
Wailuku, Hawaii 96793

RECEIVED  
CLERK OF THE  
COUNTY COUNCIL

2019 NOV 12 PM 4:29

RECEIVED

Dear Chair Sugimura:

**SUBJECT: PROMOTING ROADWAY SAFETY (MT-33)**

1. *The Hawaii Small Business Regulatory Review Board, established under Act 168 with the passage of the Small Business Regulatory Flexibility Act, is responsible for reviewing statewide rules and regulations, and is not limited to review of liquor rules. It appears the Board reviewed changes to Maui County's liquor rules at its meetings on January 17, 2019 and April 18, 2019.*

- *What is the process for proposed liquor rule changes to go before the Board?*

The Department submits "Pre-Public Hearing Small Business Impact Statement to the Small Business Regulatory Review Board (Hawaii Revised Statutes 201M-2)" with all proposed Rules of the Liquor Commission attached, prior to the Public Hearing. "Small Business Statement "After" Public Hearing to the Small Business Regulatory Review Board" (Hawaii Revised Statutes (HRS), 201M-3)" is forwarded to the Hawaii Small Business Regulatory Review Board after the Public Hearing is held. (See Enclosed Forms)

- *How does the Department use the Board's comments when considering proposed liquor rule changes?*

The Board's past comments were "Upon Review, the members unanimously agreed to move the amendments forward to public hearing." (See enclosed memorandums)

Public hearings were held by the Liquor Commission on the proposed rules.

- *Is every proposed liquor rule change required to go before the Board for review and comment?*

The Department submits all proposed rules to the Board for review and comment.

2. *Regarding the Small Business Review and Advisory Committee that you oversee:*

- *How many members make up the Small Business Review and Advisory Committee?*

Currently there are 8 members.

- *Please identify the members and the organization they each represent.*

Debbie Cabebe – Class 10, Maui Non Profit Directors Association (MEO)

Paul Hegele – Class 18, Small Craft Producer Pub (Maui Wine)

Kim Robello – Class 4, Retail Dealers (Minit Stop)

Michael Moore – Class 5, Dispenser Licensee (Old Lahaina Luau, Leoda's, Aloha Mixed Plate, Star Noodle)

Aaron Placourakis – Class 5, Dispenser Licensee (Sonz, Kohos, Nick's, Sarento's)

Greg Cabanting – Class 3, Wholesaler Licensee (Anheuser Busch)

James Coon – Class 8, Tour and Cruise Licensee (Trilogy, Lanai Plantation Store, Manele General Store)

Diane Orite – Class 2, Restaurant Licensee (Tiffany's)

Rod Antone - Maui Hotel and Lodging Association, Executive Director, Class 12, Hotel Licensee, Class 15, Condominium Hotel, etc. represents over 100 licensees from various classes.

- *How are Committee members selected and how long are they able to serve?*

Associations representing licensees (Maui Hotel Association, Hawaii Hotel Association, Hawaii Restaurant Association, Hawaii Retail Liquor Dealers Association, etc.), licensees from various classes of licenses and other recommendations were utilized in the selection of members. Recommendations were based on licensees who were active, knowledgeable, involved and/or respected in their specific license classes.

There is no time limitation on serving.

- *What is the purpose of the Committee? What topics are discussed and how is Committee input used? How often does the Committee meet?*

The Department's Small Business Review and Advisory Committee was formed to address the Small Business Flexibility Act and to provide members' input and draw on their expertise on liquor industry matters. Topics discussed are, but not limited to, proposed rule amendments, Department Operations, liquor education for licensees and their employees, health, safety and welfare of the public, rapid changes in the liquor industry, changes in state liquor laws and code of federal regulations, etc. Committee input has resulted in working in partnership to amend state laws, changes in policy and procedures to streamline or improve operations, providing a level playing field for all licensees, updating of rules, etc.

The committee meets as needed.

- *Will you please provide copies of agendas and minutes for meetings held by the Small Business Review and Advisory Committee in the past 12 months. If no agendas and minutes are maintained, will you please explain why.*

The Department is not required to have agendas or minutes based on the review and guidance by the Department of the Corporation Counsel.

- *How does the Department communicate with licensees and nonprofit groups regarding proposed liquor rule changes?*

The Department notifies, by hardcopy delivery, all licensees of the date, time, and location of the public hearing, and the proposed rule amendments.

Honorable Yuki Lei Sugimura  
November 6, 2019  
Page 4

In addition to the delivery, notice of public hearing is published at least once in a newspaper of general circulation in the State at least thirty days prior to the public hearing. The notice of public hearing informs the public that copies of the proposed rule amendments may be viewed or downloaded from the Department of Liquor Control webpage or mailed to any interested person.

The notice of public hearing is also provided to all persons who have made a timely written request for advance notice of its rulemaking proceedings.

- *Other than small businesses, how do community representatives such as first responders, substance abuse professionals, or nonprofit organizations such as those named above, provide input on proposed liquor rule changes?*

The general public may submit oral or written testimony to any adoption, amendment, or deletion of any rules at the public hearing pursuant to Hawaii Revised Statutes.

The above mentioned groups did provide oral and written testimony to the Liquor Commission in the past public hearings.

- *If the Small Business Review and Advisory Committee is not a "fit", or does not function as hoped, what is the Department's commitment to form a separate committee to include community representatives, a Department representative, and a Liquor Commission representative?*

The Small Business Review and Advisory Committee has been an ideal "fit" in meeting the requirement of the Small Business Flexibility Act.

Sincerely,



Glenn Mukai, Director  
Department of Liquor Control

Enclosures

GM/gcrt

**PRE-PUBLIC HEARING  
SMALL BUSINESS IMPACT STATEMENT  
TO THE  
SMALL BUSINESS REGULATORY REVIEW BOARD**  
(Hawaii Revised Statutes §201M-2)

**Department or Agency:** \_\_\_\_\_

**Administrative Rule Title and Chapter:** \_\_\_\_\_

**Chapter Name:** \_\_\_\_\_

**Contact Person/Title:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_

**E-mail Address:** \_\_\_\_\_ **Date:** \_\_\_\_\_

A. To assist the SBRRB in complying with the meeting notice requirement in HRS §92-7, please attach a statement of the topic of the proposed rules or a general description of the subjects involved.

B. Are the draft rules available for viewing in person and on the Lieutenant Governor's Website pursuant to HRS §92-7? Yes ☐ No ☐ (If Yes, please provide webpage address and when and where rules may be viewed in person☺)

<http://mauicounty.gov/1004/RulesLaws>

(Please keep the proposed rules on this webpage until after the SBRRB meeting.)

I. Rule Description: New ☐ Repeal ☐ Amendment ☐ Compilation ☐

II. Will the proposed rule(s) affect small business? Yes ☐ No ☐ (If No, no need to submit this form.)

\* "Affect small business" is defined as "any potential or actual requirement imposed upon a small business . . . that will cause a direct and significant economic burden upon a small business, or is directly related to the formation, operation, or expansion of a small business." HRS §201M-1

\* "Small business" is defined as a "for-profit enterprise consisting of fewer than one hundred full-time or part-time employees." HRS §201M-1

III. Is the proposed rule being adopted to implement a statute or ordinance that does not require the agency to interpret or describe the requirements of the statute or ordinance? Yes ☐ No ☐ (If Yes, no need to submit this form.)

(e.g., a federally-mandated regulation that does not afford the agency the discretion to consider less restrictive alternatives.) HRS §201M-2(d)

IV. Is the proposed rule being adopted pursuant to emergency rulemaking? (HRS §201M-2(a)) Yes ☐ No ☐ (If Yes, no need to submit this form.)

\* \* \*

**If the proposed rule affects small business and are not exempt as noted above, please provide a reasonable determination of the following:**

1. Description of the small businesses that will be required to comply with the proposed rules and how they may be adversely affected.
2. In dollar amounts, the increase in the level of direct costs such as fees or fines, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs associated with compliance.

If the proposed rule imposes a new or increased fee or fine:

- a. Amount of the current fee or fine and the last time it was increased.
  - b. Amount of the proposed fee or fine and the percentage increase.
  - c. Reason for the new or increased fee or fine.
  - d. Criteria or methodology used to determine the amount of the fee or fine (i.e., Consumer Price Index, Inflation rate, etc.).
3. The probable monetary costs and benefits to the agency or other agencies directly affected, including the estimated total amount the agency expects to collect from any additionally imposed fees and the manner in which the moneys will be used.

4. The methods the agency considered or used to reduce the impact on small business such as consolidation, simplification, differing compliance or reporting requirements, less stringent deadlines, modification of the fines schedule, performance rather than design standards, exemption, or other mitigating techniques.
5. The availability and practicability of less restrictive alternatives that could be implemented in lieu of the proposed rules.
6. Consideration of creative, innovative, or flexible methods of compliance for small businesses. The businesses that will be directly affected by, bear the costs of, or directly benefit from the proposed rules.
7. How the agency involved small business in the development of the proposed rules.
  - a. If there were any recommendations made by small business, were the recommendations incorporated into the proposed rule? If yes, explain. If no, why not.
8. Whether the proposed rules include provisions that are more stringent than those mandated by any comparable or related federal, state, or county standards, with an explanation of the reason for imposing the more stringent standard.

If yes, please provide information comparing the costs and benefits of the proposed rules to the costs and benefits of the comparable federal, state, or county law, including the following:

- a. Description of the public purposes to be served by the proposed rule.
- b. The text of the related federal, state, or county law, including information about the purposes and applicability of the law.
- c. A comparison between the proposed rule and the related federal, state, or county law, including a comparison of their purposes, application, and administration.
- d. A comparison of the monetary costs and benefits of the proposed rule with the costs and benefits of imposing or deferring to the related federal, state, or county law, as well as a description of the manner in which any additional fees from the proposed rule will be used.
- e. A comparison of the adverse effects on small business imposed by the proposed rule with the adverse effects of the related federal, state, or county law.

\* \* \*

Small Business Regulatory Review Board / DBEDT  
Phone: (808) 586-2594  
Email: [dbedt.sbrrb@hawaii.gov](mailto:dbedt.sbrrb@hawaii.gov)

This Statement may be found on the  
SBRRB Website at:  
<http://dbedt.hawaii.gov/sbrrb/small-business-impact-statements-pre-and-post-public-hearing>



**SMALL BUSINESS STATEMENT "AFTER" PUBLIC HEARING  
TO THE**

**SMALL BUSINESS REGULATORY REVIEW BOARD**

(Hawaii Revised Statutes (HRS), §201M-3)

**Department or Agency:**

**Administrative Rule Title and Chapter:**

**Chapter Name:**

**Contact Person/Title:**

**Phone Number:**

**E-mail Address:**

**Date:**

A. To assist the SBRRB in complying with the meeting notice requirement in HRS §92-7, please attach a statement of the topic of the proposed rules or a general description of the subjects involved.

B. Are the draft rules available for viewing in person and on the Lieutenant Governor's Website pursuant to HRS §92-7? Yes ☐ No ☐

(If "Yes" please provide webpage address and when and where rules may be viewed in person.) [www.mauicounty.gov](http://www.mauicounty.gov)

(Please keep the proposed rules on this webpage until after the SBRRB meeting.)

I. Rule Description: New ☐ Repeal ☐ Amendment ☐ Compilation ☐

II. Will the proposed rule(s) affect small business? Yes ☐ No ☐ (If "No" you do not need to submit this form.)

\* "Affect small business" is defined as "any potential or actual requirement imposed upon a small business . . . that will cause a direct and significant economic burden upon a small business, or is directly related to the formation, operation, or expansion of a small business." HRS §201M-1

\* "Small business" is defined as a "for-profit enterprise consisting of fewer than one hundred full-time or part-time employees." HRS §201M-1

III. Is the proposed rule being adopted to implement a statute or ordinance that does not require the agency to interpret or describe the requirements of the statute or ordinance? Yes ☐ No ☐ (If "Yes" no need to submit this form.) (e.g., a federally-mandated regulation that does not afford the agency the discretion to consider less restrictive alternatives.) HRS §201M-2(d)

IV. Is the proposed rule being adopted pursuant to emergency rulemaking? (HRS §201M-2(a)) Yes ☐ No ☐ (If "Yes" no need to submit this form.)

\* \* \*

**I. Please explain how the agency involved small business in the development of the proposed rules.**

- a. Were there any recommendations incorporated into the proposed rules? If yes, explain. If not, why not?**

**II. If the proposed rule(s) affect small business, and are not exempt as noted above, please provide the following information:**

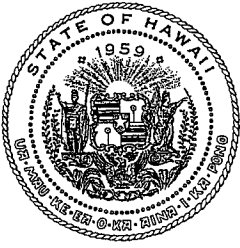
1. A description of how opinions or comments from affected small businesses were solicited.
2. A summary of the public's and small businesses' comments.
3. A summary of the agency's response to those comments.
4. The number of persons who:
  - (i) Attended the public hearing:
  - (ii) Testified at the hearing:
  - (iii) Submitted written comments:
5. Was a request made at the hearing to change the proposed rule in a way that affected small business?
  - (i) If "Yes" was the change adopted? Yes ☐ No ☐
  - (ii) If No, please explain the reason the change was not adopted and the problems or negative result of the change.

\* \* \*

Small Business Regulatory Review Board / DBEDT

Phone: (808) 586-2594 / Email: [sbrrb@dbedt.hawaii.gov](mailto:sbrrb@dbedt.hawaii.gov)

This statement may be found on the SBRRB Website at: <http://dbedt.hawaii.gov/sbrrb-impact-statements-pre-and-post-public-hearing>



## SMALL BUSINESS REGULATORY REVIEW BOARD

Department of Business, Economic Development & Tourism (DBEDT)  
No. 1 Capitol District Building, 250 S. Hotel Street, Fifth Floor, Honolulu, HI 96813  
Mailing Address: P.O. Box 2359, Honolulu, HI 96804  
Email: [dbedt.SBRRB.info@hawaii.gov](mailto:dbedt.SBRRB.info@hawaii.gov)  
Website: [dbedt.hawaii.gov/SBRRB](http://dbedt.hawaii.gov/SBRRB)

Tel: 808 586-2419

### MEMORANDUM

David Y. Ige  
Governor

Michael McCartney  
DBEDT Director

#### Members

Anthony Borge  
Chairperson  
O'ahu

Robert Cundiff  
Vice Chairperson  
O'ahu

Garth Yamanaka  
2nd Vice Chairperson  
Hawai'i

Harris Nakamoto  
O'ahu

Dr. Nancy Atmospera-  
Walch  
O'ahu

Mary Albitz  
Maui

William Lydgate  
Kaua'i

James Kimo Lee  
Hawai'i

Jonathan Shick  
O'ahu

Director, DBEDT  
Voting Ex Officio

TO: Glenn Mukai, Director  
Department of Liquor Control, County of Maui

FROM: Anthony Borge, Chair *Anthony Borge*  
Small Business Regulatory Review Board

DATE: April 22, 2019

SUBJECT: Proposed Amendments to Title 8 Chapter 101, "Rules Governing the Manufacture and Sale of Intoxicating Liquor of The County of Maui," and Chapter 102; and "Rules Governing the Administrative Practices and Procedures of the Liquor Commission and Liquor Control Adjudication Board of the County of Maui"

The Small Business Regulatory Review Board (SBRRB) provides recommendations to State and County agencies on proposed rules and proposed rule amendments pursuant to Chapter 201M, Hawaii Revised Statutes.

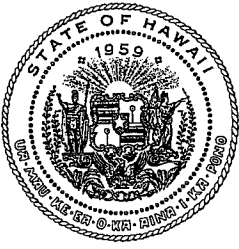
Please be advised that at the SBRRB's April 18, 2019 meeting, the members reviewed the above-captioned proposed amended administrative rules before the public hearing.

Upon review, the members unanimously agreed to move the amendments forward to public hearing.

The SBRRB members thank you, as always, for keeping them apprised of the regulatory activity at the Department of Liquor Control in the County of Maui.

c: Mary Albitz, SBRRB Discussion Leader

RECEIVED  
2019 APR 25 PM 12:54  
DEPT. OF LIQUOR CONTROL  
OFFICE OF THE DIRECTOR  
COUNTY OF MAUI



## SMALL BUSINESS REGULATORY REVIEW BOARD

Department of Business, Economic Development & Tourism (DBEDT)  
No. 1 Capitol District Building, 250 S. Hotel Street, Fifth Floor, Honolulu, HI 96813  
Mailing Address: P.O. Box 2359, Honolulu, HI 96804  
Email: [dbedt.sbrrb.info@hawaii.gov](mailto:dbedt.sbrrb.info@hawaii.gov)  
Website: [dbedt.hawaii.gov/sbrrb](http://dbedt.hawaii.gov/sbrrb)

Tel: 808 586-2594

### MEMORANDUM

David Y. Ige  
Governor

Michael McCartney  
DBEDT Director

#### Members

Anthony Borge  
Chairperson  
O'ahu

Robert Cundiff  
Vice Chairperson  
O'ahu

Garth Yamanaka  
2nd Vice Chairperson  
Hawai'i

Harris Nakamoto  
O'ahu

Nancy Atmospera-Walch  
O'ahu

Mary Albitz  
Maui

William Lydgate  
Kaua'i

Director, DBEDT  
Voting Ex Officio

TO: Glenn Mukai, Director  
Department of Liquor Control, County of Maui

FROM: Anthony Borge, Chair *Anthony Borge*  
Small Business Regulatory Review Board

DATE: January 22, 2019

SUBJECT: Proposed Amendments to Title 8, Chapter 101, Rules Governing the  
Manufacture and Sale of Intoxicating Liquor of the County of Maui

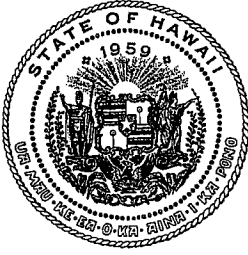
The Small Business Regulatory Review Board (SBRRB) provides recommendations to State and County agencies on proposed rules and proposed rule amendments pursuant to Chapter 201M, Hawaii Revised Statutes.

Please be advised that at the SBRRB's January 17, 2019 meeting, the Board members reviewed the above-captioned proposed administrative rules after the public hearing. Upon review, the SBRRB unanimously agreed to recommend that the amendments proceed for adoption.

The SBRRB commends the Department of Liquor for the good job at addressing the problems raised by the stakeholders. As always, we thank you for keeping us apprised of the Department's regulatory activity.

c: Mary Albitz, SBRRB Discussion Leader

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2019 JAN 24 PM 3:08  
DEPT. OF LIC. & REG.  
OFFICE OF THE CLERK  
COUNTY OF MAUI



## SMALL BUSINESS REGULATORY REVIEW BOARD

Department of Business, Economic Development & Tourism (DBEDT)  
No. 1 Capitol District Building, 250 S. Hotel Street, Fifth Floor, Honolulu, HI 96813  
Mailing Address: P.O. Box 2359, Honolulu, HI 96804  
Email: [dbedt.SBRRB.info@hawaii.gov](mailto:dbedt.SBRRB.info@hawaii.gov)  
Website: [dbedt.hawaii.gov/SBRRB](http://dbedt.hawaii.gov/SBRRB)

Tel: 808 586-2594

RECEIVED  
2018 DEC 19 PM 2:05  
DEPT. OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM  
OFFICE OF THE DIRECTOR  
COUNTY OF MAUI

David Y. Ige  
Governor

Mary Alice Evans  
DBEDT Director

### Members

Anthony Borge  
Chairperson  
O'ahu

Robert Cundiff  
Vice Chairperson  
O'ahu

Garth Yamanaka  
2nd Vice Chairperson  
Hawai'i

Harris Nakamoto  
O'ahu

Nancy Atmospera-Walch  
O'ahu

Mary Albitz  
Maui

William Lydgate  
Kaua'i

Director, DBEDT  
Voting Ex Officio

### MEMORANDUM

TO: Glenn Mukai, Director  
Department of Liquor Control  
County of Maui

FROM: Anthony Borge, Chair *Anthony Borge*  
Small Business Regulatory Review Board

DATE: December 14, 2018

SUBJECT: Proposed Amendments to Title 8 Chapter 101, Rules Governing the  
Manufacture and Sale of Intoxicating Liquor of the County of Maui

The Small Business Regulatory Review Board (SBRRB) provides recommendations to State and County agencies on proposed rules and proposed rule amendments pursuant to Chapter 201M, Hawaii Revised Statutes.

Please be advised that at the SBRRB's December 12, 2018 board meeting, the members reviewed the proposed amendments to the above-captioned administrative rules, prior to the public hearing.

Upon review, the members unanimously agreed that the proposed amendments proceed to public hearing.

Thank you and happy holidays.

c: Mary Albitz, SBRRB Discussion Leader



## SMALL BUSINESS REGULATORY REVIEW BOARD

Department of Business, Economic Development & Tourism  
No. 1 Capitol District Bldg., 28 South Hotel St., 5<sup>th</sup> Fl., Honolulu, Hawaii 96813  
Mailing Address: P.O. Box 259, Honolulu, Hawaii 96804  
Email: [DBEDT.sbrrb.info@hawaii.gov](mailto:DBEDT.sbrrb.info@hawaii.gov)  
Website: [dbedt.hawaii.gov/sbrrb](http://dbedt.hawaii.gov/sbrrb)

Tel 808 586-2594

DEPT. OF LIQUOR CONTROL  
COUNTY OF MAUI

2017 SEP 25 PM 2:44

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David Y. Ige  
Governor

Luis P. Salaveria  
Director, DBEDT

### Members

Anthony Borge  
Chair  
Oahu

Robert Cundiff  
Vice Chair  
Oahu

Garth Yamanaka  
2<sup>nd</sup> Vice Chair  
Hawaii

Kyoko Kimura  
Maui

Harris Nakamoto  
Oahu

Nancy Atmospera-Walch  
Oahu

Director, DBEDT  
Voting Ex Officio

### MEMORANDUM

TO: Glenn Mukai, Director  
Department of Liquor Control - County of Maui

FROM: Anthony Borge, Chair *Anthony Borge*  
Small Business Regulatory Review Board

DATE: September 21, 2017

SUBJECT: Proposed Amendments to Title 8, Subtitle 1, Chapter 101,  
Liquor Commission, Chapter 1, "Rules Governing the  
Manufacture and Sale of Intoxicating Liquor of the County of  
Maui," Section 22(j) "Licenses, Classes; Class 10. Special  
License" and Section 69(a) "Practice to Promote Excessive  
Consumption of Liquor; Prohibited"

As you are aware, the Small Business Regulatory Review Board (SBRRB) provides recommendations to State and County agencies on proposed rules and proposed rule amendments, pursuant to Chapter 201M, Hawaii Revised Statutes.

Thank you for speaking with the SBRRB members at the September 20, 2017 board meeting and answering questions to the above-captioned administrative rules. After careful review, the Board agreed to recommend that the proposed amendments proceed to the Mayor for adoption.

As always, thank you for keeping the SBRRB apprised of the regulatory activity at the County of Maui's Department of Liquor Control.

Cc: The Honorable Mayor Alan M. Arakawa