

**RES22-207
Testimony**

MISC. COMM. 431

COUNCIL

COUNCIL Meeting

Meeting Date: Oct 5, 2022 @ 10:00 AM

Support: 4

Oppose: 0

I wish to comment: 0

Name: JASON PAZ	Email: JASONKALANI@GMAIL.COM	Zip: 96707
Representing: Self	Position: Support	Submitted: Oct 3, 2022 @ 03:20 AM

Testimony:

In 2019 I decided to leave the military and try to start a business. I first opened a Karaoke room rental company. Within the first year, we had someone show up without an ID. My security would not let him enter with alcohol. He stated, my mom is a liquor commissioner. She called us and identified herself as a commissioner and said to let her son in with his party to drink alcohol. My security refused. This was the beginning of YEARS of conflict with the liquor commission.

When I decided to get a liquor license for my establishment, the same commissioner was in my hearing. She was the only one who tried to oppose my license. I then opened a bar and grill in Haleiwa with money I saved up. There were previous DPP violations from the landlord that I wasn't aware of and the person submitting my license application forgot to draw a line around the patio. This prevented me from serving alcohol on the patio and from getting a live music license. It took a lot of money to keep people eating on the patio from drinking and we were losing money because the intent of the business was to have live Hawaiian music.

I cleared up the violations, which cost a lot of money, and DPP had the updated form. For a year, they sat on it and didn't sign it. I also couldn't get my patio license because of that administrative error. We had to pay rent and the employees so I had no choice but to bring in live music. The same commissioner did her own investigation and used one of her friends to investigate. When my license hearing came up, despite all the other commissioners approving the license, she denied it. She even had the audacity to question my integrity during the hearing. I didn't get the license approved and had to get out of the business. I lost a lot of money that I had saved from Army deployments because of the ethics of the LC.

I kept my Karaoke business and license. COVID hit and we were shut down. We were allowed to reopen days before the Liquor License fees were due. I paid it even though I could barely afford my living expenses. Within a week after paying, the LC forced us to close early, then the next week it was earlier and eventually they just shut us down. They basically STOLE what little money we had left. Then when we were allowed to open, LC said I couldn't open because we had KARAOKE. Ann Hirai recommended I give back my license temporarily until COVID restrictions were lifted so we wouldn't fall under LC enforcement. I did so and that weekend inspectors showed up and tried to shut us down. I completely lost it and yelled at them. I contacted Nakasone and he stated that just because we had license in holding, we were still under the rules of the LC and they could shut us down. He told me right then that if I wanted to be open then I should give up the license. Over the phone I told him that they could keep the license and at that point I stopped selling alcohol and didn't have a license.

The LC really crushed my dreams and forced me to lose a lot of money I saved up because of their unethical behavior, and their flagrant misuse of the intent of the administrative rules to harass business. Their power is unchecked. I've heard them say during a hearing that because they are enforcing rules, not laws, they can basically interpret the rules however they want. I urge the commission to put the LC in check and to support small businesses.

Name: Robert Sobier	Email: rsobier@gmail.com	Zip: 96813
Representing: Self	Position: Support	Submitted: Oct 3, 2022 @ 06:16 PM

Name: Robbie Baldwin	Email: robbie@scarlethonolulu.com	Zip: 96813
Representing: Self	Position: Support	Submitted: Oct 4, 2022 @ 11:50 AM

Name: Walter Enriquez	Email: walter@gayislandguide.com	Zip: 96792
Representing: Gay Island Guide	Position: Support	Submitted: Oct 4, 2022 @ 10:37 PM

Testimony:

To the Honorable Honolulu City Council:

The current leadership of the Honolulu Liquor Commission needs to be terminated and the current field investigator team pulled from interacting with our licensee community until they can be subjected to thorough background checks and re-trained with a focus of de-escalation, civil rights, and professionalism.

Thankfully, since the Council committee hearing, we learned that Chief Investigator Nakagawa is no longer with the agency.

Unfortunately, as expected, we all sat here and watched Acting-Administrator Hirai deny and deflect and refuse to take any responsibility for her corrupt agency. She has done this throughout many times of her serving as the acting administrator over the decades.

Although I did not find this surprising, I was taken aback at her complete disregard of the council's concerns in committee and that she did not submit even a single piece of paper for your review, she prepared no remarks. She stated "I'm not going to be providing the narrative".

Administrator Hirai didn't want to provide the narrative to this body but she couldn't help herself in the Civil Beat article about this resolution- Honolulu Liquor Commission May Be Headed For An Overhaul 8.28.22- stating ""That said, we note that some of the proposed changes have been evaluated in the past and not adopted for a variety of reasons, and also some of the proposed changes appear to be taken from the 2005 audit and have been pursued to the extent we were able,". This is a very different story than she gave to this body in committee.

Then when asked a direct question by council member Kiaaina about the background of her employees she blatantly and knowingly lied stating "Not to my knowledge".

In the resolution before you, "Restoring Trust in the Honolulu Liquor Commission, these actions by Administrator Hirai are unacceptable.

The only consistent thread that runs through the 2 decades of scandal at the Liquor Commission is Administrator Hirai's 22+ years of day to day management of the agency.

If we are truly looking to Restore Trust in the Liquor Commission, the only useful thing Administrator Hirai to resign.

Though I am not a current licensee of the commission, I have had many years of experience with encountering them even until today.

I truly believe that the longevity of the so called "management" and "leadership" has contributed to all the distrust, lack of true change, numerous lawsuits and scandals. During many of this, Administrator Hirai was serving at the Liquor Commission and continually passes the blame or the "buck" as she did to Commissioner Minn at the committee hearing.

October 5, 2022

Rob Sobier | Submission for resolution 22-207

After last month's disastrous performance in front of the city council by Administrator Hirai and Chair Minn, it is clear there is no daylight between the worse behavior in the field, enforcement leadership, the administrators, and the legacy Commissioners (Ms. Minn and Mr. Miyashiro). The public who is demanding reform and the license community who desperately await it have become the HLC's enemy. A twisted, distorted view of the liquor license community is shared by way too many employees and leaders at the Commission.

Absurd and jaw-dropping behavior have become normal and acceptable:

- A picture of the top ticket writer in a Nazi cap and wearing Nazi inspired emblems gets barely a second glance.
- An investigator who is in a lawsuit for abuse of power; the same guy who has previously been in a suit for abuse of power, who also just got in a fight in front of a licensee with a guy leaving an arcade is made a trainer of new recruits.
- The acting Administrator refers fondly to her former boss, Dewey Kim, who resigned a decade earlier for being abusive to employees. Ms. Hirai presented Kim as a source of ideas on how to de-escalate heated conversations to the city council.
- A contractor violently harasses a whistleblower to the point a judge must get involved is rewarded with a contract extension the same month.
- The Chief Investigator assigns the defendants of a lawsuit to police a witness in the same lawsuit.
- The acting Administrator shows up unprepared to the council, lied to a council member's question and then headed off to a professional "leadership" conference the next day.
- A Commissioner bullies a licensee to let her son drink without an ID because of the position she holds. When he refuses, she organizes a yearlong campaign of retaliation against his businesses.
- An adjudication hearing panel ignores a video in front of their face and purports its administering fair and balanced justice.
- An investigator who had 2 DUIs including one while on the HLC's roster, drove to his job policing responsible alcohol management with a breath alcohol ignition interlock device on his car.
- An investigator was given 90 days off for jail time for domestic abuse and then was welcomed back with open arms.

Government corruption isn't just taking bribes. It is employees and leaders making decisions for their own benefit and not the public's interest.

Until we get adults in the room, effective leadership and oversight, this Commission from top to bottom will continue to rot.

I have loaded 7 detailed complaints supporting my statement. There are MANY more not published yet.

Thank you.



Supporting Documents

**Complaint #1: Administrator Hirai lying
to city council about criminal
background of field investigator team**

Rob Sobier



Honolulu, HI 96813

September 20, 2022

Dear Honolulu Liquor Commissioners,

On Tuesday afternoon, the city council held a hearing for Resolution 22-207. The resolution was conducted under a banner of "Restoring Trust in the Honolulu Liquor Commission." Representing the Honolulu Liquor Commission was Commissioners Minn and Miyashiro and Administrator Hirai. Administrator Hirai did the bulk of the speaking and Commissioner Miyashiro chose not to speak. Despite the seriousness of the subject matter, the group chose not to submit any supporting material and instead Hirai made herself available for questions after some public statements were made.

A large part of the discussion was on the quality of the current enforcement team and the hiring and staffing process that has put the enforcement team together. In the questions from CM Kia'aina, she asked Administrator Hirai if she knew of anyone with a criminal record on the Enforcement team. Ms. Hirai responded, "not that I am aware of." This answer was a lie.

As all are aware, there is federal lawsuit being adjudicated between Scarlet Honolulu and the Honolulu Liquor Commission. On February 8, 2022, Scarlet made a motion for a Temporary Restraining Order (TRO). In this motion, the criminal background of Enforcement Supervisor Catherine Fontaine was documented. On June 15, 2022, Scarlet filed a motion to amend their complaint. In the amended complaint, Ms. Fontaine's criminal record was also detailed for the motion. This amended complaint was accepted on August 15, 2022. On July 11, 2022, Scarlet filed a complaint in Hawaii district court asking for declaratory relief. In this complaint, Ms. Fontaine's criminal record was also detailed. Former administrator Pacarro resigned on May 5, 2022, so Administrator Hirai was "in charge" for both court filings and was very aware of Investigator Fontaine's criminal background.

As a citizen who has grave questions on the leadership and current operations of the Honolulu Liquor Commission, I find lying in a hearing to "Restore Public Trust" unacceptable. Administrator Hirai must be made to issue a correction on this to both the council members and the public. I will also add Hirai's ease at lying to the council was very disturbing and concerning. I believe that there were several other inaccuracies in her answers specific to the use of the city and state's human resources as part of their hiring investigators. For now, my complaint is specific to Hirai's knowledge of Ms. Fontaine's criminal record.

I have attached Ms. Fontaine's eCrim summary record to jar Hirai's memory.

I appreciate your time on this matter.

Sincerely,

Rob Sobier

Complaint #2: 1) Working outside of jurisdiction 2) Abuse of power of badge 3) Lying on official police reports

Rob Sobier



Honolulu, HI 96813

September 21, 2022

Honolulu Liquor Commission,

I am writing to file a formal complaint on Honolulu Investigator Jason Fears and his actions the night of April 14, 2022. In that night, Fears broke the public's trust and abused his power granted to him by carrying a badge by:

- Fears rushes into a crowd outside of a licensed restaurant which he has no purview
- Fears ends up in a physical altercation where there are conflicting stories on who started what
- Fears tries to have the other person in conflict arrested claiming police powers and quoting Hawaii Revised Statutes 281-17.
- Fears story changes the next day on why he was at the business claiming now "noise complaints"

The official Honolulu Police Department approx. 80-page police report was reviewed including multiple witness statements and the following was detailed:

1. On early Thursday morning (1:30am), April 14, 2022, Fears and his shift partner, William Walker, arrived at Dave and Busters in the Ward Village Entertainment complex. In initial reports from the evening, both Fears and Walker would state they came to observe Dave and Busters closing because there is normally lots of commotion outside at that time.
2. The field investigators arrive and say they see a fight from street level at the front of the restaurant. This is 50 stair escalator distance as well as another 30-foot approach to the escalator and another 25 feet from the top of the escalator. They do not call 911 from their perch at the car or as they make it to the door of the restaurant. They make it to the crowd by the door. Note, this is closing time and there is normally a departing crowd. Fears shift partner, Walker, states a bouncer is yelling at a patron.
3. No fight is identified in Walker's report. Walker states he is trying to identify himself to the crowd and to the bouncers at the door while displaying his Liquor Commission badge. Fears' report also states that there is no fight when he approaches only a bouncer and a doorman in what they're describing as a heated conversation.
4. Fears states he approaches the crowd from the escalator with his badge on a lanyard over his neck and he is yelling "Liquor commission, you guys need to leave." Fears is outside of the licensee and has no jurisdiction. There are no noise issues being described and the licensee is closed. Fears would later claim he was acting as law enforcement per the Commission's state charter granting him powers of a police officer.
5. Walker states in his report that he sees Rigoberto Hernandez strike Fears in the face. Fears tells a reporting Hernandez was "extremely inebriated," but his BAC was .11 when taken at intake at HPD. Hernandez states in his statement the following morning that he was shoved from behind as he was walking from Dave and Busters doors, and he turned and punched the person who shoved him.
6. Hernandez states that he then realized that he punched a person with a badge and ran away. Fears claims he asked Hernandez why he punched him after the facial blow.
7. The police arrived shortly after and arrested Hernandez as he walked away on foot. The Ward area security officer who gave a statement that night described only one fight that evening and that was with Hernandez and Fears.

8. No Dave and Busters managers or employees made a statement to the police. The licensee had locked their door and closed.
9. The next morning, Fears gave another statement to the case detective and now stated that Fears and Walker was at Dave and Busters because of noise complaints which was different than the reason he gave the previous evening.
10. On the night of the arrest, Hernandez would be charged for assaulting a Law Enforcement Officer for his fight with Fears. The city's Prosecutor would review the report and drop that charge the next day.

In another violent incident Fears was involved with in 2011, Fears, when employed as a prison guard in Kansas, was involved in an incident when he was accused of participating and being negligent in his actions that resulted in the severe beating of a prisoner. This incident would be documented in the case Sellers vs Cline. In the official investigation of the incident Fears was found to:

- "Defendants cite an affidavit from Fears stating that he received this information a little before 7 p.m. Doc. 28-4. But in his subsequent deposition Fears could not remember what time it happened"
- "Fears told Mitchell and Baker of a rumor of a possible fight in the showers. Although Baker and Mitchell each testified that Fears only gave them a general warning about a fight in the showers, Fears testified that he informed them the threat was directed at plaintiff."

As a citizen of Honolulu, I am writing to file a formal complaint of Honolulu Liquor Commission Jason Fears. Specially, my complaints are:

1. Mr. Fear had no jurisdiction outside a licensee. He was not responding to a complaint. He was not responding to a request for help from the licensee. He was not asked for help by the Honolulu Police Department nor any other county or state law enforcement. Mr. Fears should not have been outside the licensee that night on private property. He never tried to enter the licensee per his own statement to the police at the scene.
2. Mr. Fears used his badge to mis-represent his power of a badge holder. Mr. Fears also shoved a citizen in the back. From my layman's perspective, he abused his power of a badge holder.
3. Mr. Fears misrepresented the facts of the night and lied about his action in the official detectives report the following morning after the incident. This changing of his story is a pattern for Mr. Fears.

I believe that Mr. Fears is a danger to the citizens of Honolulu and should not be able to misuse his badge. I believe continuing to allow Mr. Fears in public with his badge could ultimately result in the unnecessary harm and injury to a bystander or target of Mr. Fears' aggression.

I may be reached at [REDACTED] email to clarify any of my concerns.

Sincerely,

Rob Sobier

Complaint #3: Frederick Kruse- 1) Abuse of Power 2) Glorifying Hate Group Ideology

Robert Sobier

[REDACTED]
Honolulu, HI 96813

September 23, 2022

Re: Honolulu Liquor Commission Investigator Frederick Kruse

Dear Honolulu Liquor Commissioners,

In the last year, I have spent countless hours acting as a community organizer focused on documenting issues with the Honolulu Liquor Commission, especially the enforcement part of the agency. In addition, I have coached several licensees on how to document their concerns, engage legal help and communicate with the press, law enforcement and politicians.

As part of these activities, a licensee who felt that he was being harassed by an Investigator, Frederick Kruse, had discovered some disturbing pictures. The licensee had searched Investigator Kruse's social media doing his own research on the Investigator. It should be noted that Mr. Kruse has since disabled the social media account that the pictures were discovered. The licensee was afraid to share these with the leadership of the HLC out of fear for retaliation, so as a concerned citizen, I present these:

- The first, a picture of Kruse in a World War 2 replica Nazi Panzer field cap and a winter jacket with a red emblem that had been inspired by the Nazi flag. The picture was dated April 17, 2015.
- The second picture was Kruse wearing his Nazi World War 2 field cap with his University of Hawaii Public Safety uniform. Kruse worked for UH from 2013 to 2017, before joining the Liquor Commission investigator team. In the available comments attached to the picture was a dialog with a former UH student, Kruse replied to a comment about his outfit, "Nein the hitler jungen wore brown shirts but those are for casual Friday." Further in the conversation Kruse commented to a question of how he has been, "I'm doing yelling at college kinder who think they know everything is always fun." Finally, the former student in the dialog with Kruse makes a comment about having experienced Kruse's "wrath."

Kruse's name has been a frequent referral from the public who felt harassed and bullied. Given the context of Kruse's potential tie to hate ideology, the following specific examples are very concerning:

Club Rock-Za

Hostess bars receive tickets at five times the rate of a non-hostess licensee. Club Rock-Za, a hostess bar with a dance stage has received 19 warnings and violations since 2013. Five of those tickets were written by Kruse. In October 2018, Kruse wrote a ticket to a dancer, Selena Cantu. Ms. Cantu is from Texas and is Latino. Club Rock-za is owned by the Vierness family and was represented by Yvonne Viernes, a Vietnamese immigrant.

In the October incident, Kruse claimed to see Cantu allowing herself to be fondled for “**2 minutes**”. On the night of the visit, he wrote several tickets to Rock-Za for fondling and “blue card” infractions. In the small space, Kruse’s investigator partner for the evening did not see the **two minutes** of fondling.

The night of the incident, Vierness checked her security video of the time and place Kruse claimed to see the fondling and could only see a customer try to grab Cantu’s butt for which she brushed his hand away and walked away. She shared this with Kruse who did not withdraw his claims of infractions. Kruse proceeded to write tickets.

An adjudication hearing for the October 2018 was held on February 13, 2020. The Commissioners present were O’Donnell, Ganaban and Lee. Vierness was present and was represented by attorney Keith Kiuchi. In the hearing, the video of the night of the charges was played. In a cringe worthy hearing performance where Ganaban aggressively challenged the video’s authenticity and Kruse claimed “he did not recall” to many questions, Rock-Za was found guilty. The video of the hearing can be viewed at:

[021320 LIQ 28th Regular Meeting - YouTube](#)

As a side commentary, this video is a great example of why the licensee community has no trust in the current adjudication system.

Lanakai Brewing Company

Kruse was specifically identified as the antagonist in years of harassment of Kailua’s Lanikai Brewing Company, owned by Steve Haumschild (a Germanic name frequently with Jewish ties). Lanikai received six citations since 2016 including three written by Investigator Kruse.

In an October 2020, Kruse called Kailua police demanding the arrest of Haumschild. Haumschild shared that the Kailua police were “baffled” at Kruse’s rage and took no action. Earlier in the year, the Commission’s prosecutors dropped all items still be adjudicated with Lanikai Brewing.

As a side concern, Haumschild shared “Fontaine personally threatened me”, when detailing his harassment. There is an emerging Fontaine-Kruse-Fears nexus that I call out and describe further below.

Scarlet Honolulu and Gay Island Guide October 2021 LGBT Pride Party

Mr. Kruse was part of a team with Jacob Fears, Catherine Fontaine, and William Walker that is the subject of the Scarlet federal lawsuit against the Liquor Commission. Kruse did not present his badge or identification but was later identified as a key participant in the night’s conflict, so he was not named in the lawsuit.

Mr. Kruse was also part of the team with Jacob Fears and Catherine Fontaine that ordered the outdoor LGBT Pride event closed and issued a 24-hour shut down order to the host of the hotel, Waikiki White Sands hotel. Once again, Kruse did not present his badge or identification and he was not named in the lawsuit.

Since his tenure at the HLC started in July 2017, Kruse has been the most prolific ticket writer. During the pandemic, he was in the Top 2 ticket writer of restriction related violations including 24-hour shut

down orders. He is also the second most prolific ticket writer to bars with hostess licenses. These numbers are based on ticket data which was provided by a UIPA request.

Licensee Community at Large

In the period of July 2017 to July 2022, Kruse was the leading ticket (warnings and violations) writer:

1	FREDERICK.KRUSE	412
2	GLEN.NISHIGATA	410
3	ARTHUR.TUPUOLA	332
4	JACOB.FEARS	279
5	WILLIAM.WALKER1	232
6	PLAGAPA	174
7	DELIS.ESTABILIO	137
8	BRENDA.MEJIA	136
9	AREYES	118
10	CHAD.KAAIKAULA	110

In the pandemic period of April to November 2021, tickets enforcing Mayoral Orders:

JACOB.FEARS	77
FREDERICK.KRUSE	67
BRENDA.MEJIA	60
DELIS.ESTABILIO	48
WILLIAM.WALKER1	33
CHAD.KAAIKAULA	29
GLEN.NISHIGATA	17
ARTHUR.TUPUOLA	13
CATHERINE.FONTA	6
JOSEPH.RANGEL	4
B.VANWAGONER	1

Frequent target of Kruse's focus are hostess bars. Tickets written to hostess bars from July 2015 to July 2022.

1	GLEN.NISHIGATA	96
2	FREDERICK.KRUSE	73
3	ARTHUR.TUPUOLA	72
4	MGRAVES	49
5	WILLIAM.WALKER1	46
6	JACOB.FEARS	39
7	CATHERINE.FONTA	32
8	BRENDA.MEJIA	29
9	DELIS.ESTABILIO	29
10	MIKELA.MEDAL	27

Formal Complaint

I believe that there is ample evidence that Frederick Kruse has misused his power and believe his motivation is a personally held hate-group inspired ideology. This ideology is usually defined as a hatred of gays, immigrants and jews.

As a citizen of Honolulu, I believe that Kruse' embrace and glorification of hate group inspired emblems and clothing should disqualify him from working with the public and holding a badge.

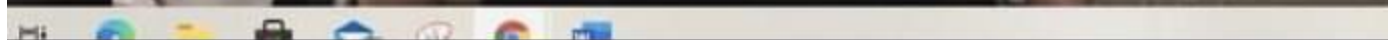
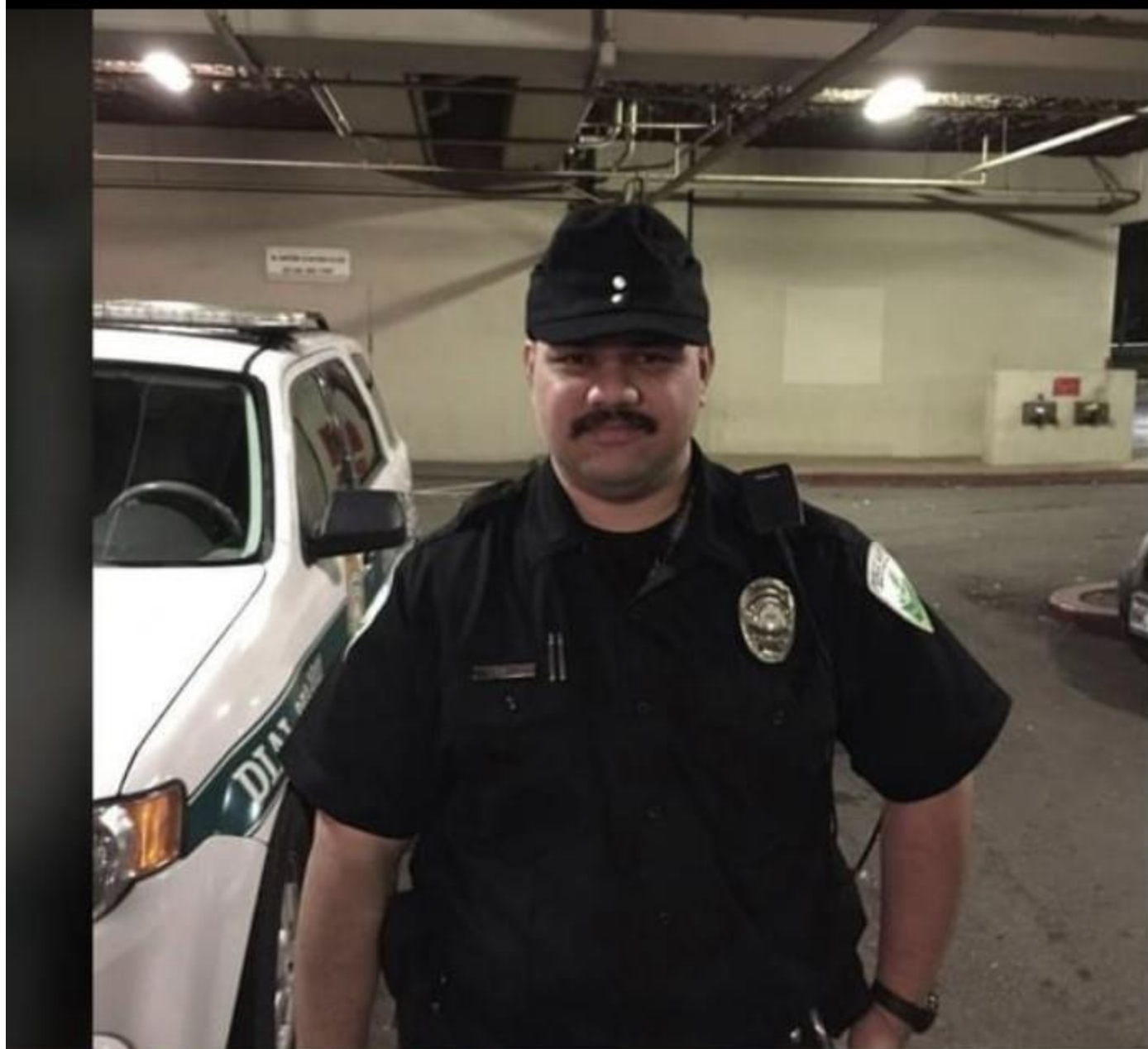
I believe that Kruse' ideology has influenced the execution of his job and he has written unfounded tickets solely based on his beliefs. The Liquor Commission's own prosecutors agreed with this when they dropped the tickets written to Lanikai and the Scarlet tickets are still pending.

I believe Kruse is a danger to not only to the licensee community but the community in general given he has been assigned a badge that could be presented as a member of the Law Enforcement Community. His "wrath" is a joking matter to Kruse and his associates. He should be removed from the field immediately.

I formally submit these complaints, ask for an investigation and given the evidence presented, expect his removal. I may be reached at [REDACTED] or via email for further information.

Sincerely,

Rob Sobier





Frederick Kruse

APR 17, 2015



 [View Larger Image](#)



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German WWII M43 Black Tankers Field Cap Panzer Reproduction

The reproduction German WWII M43 Black Tankers or Panzer Field Cap is a wool cap with lining. Used by armored troops and can be worn by all ranks.

Features fold-down ear flaps with cloth loops and pebble finished buttons. Marked in German Army sizes and corresponding US hat sizes. Sizes: 56 (US size 7), 57 (US size 7-1/8), 58 (US size 7-1/4), 59 (US size 7-3/8), 60 (US size 7-1/2), 61 (US size 7-5/8), 62

**Complaint #4: Nakagawa/Fontaine/Fears-
Failure to recuse from activities involving
Federal Lawsuit**

Rob Sobier

[REDACTED] et

Honolulu, HI 96813

September 25, 2022

Re: Interference of Federal Lawsuit- Peter Nakagawa, Catherine Fontaine, and Jacob Fears

Dear Honolulu Liquor Commissioners,

Formal Complaint

Chief Investigator Nakagawa, Supervisor Investigator Fontaine and Investigator Fears have conspired to create visible pressure on a licensee, White Sands Hotel, that is a subject in a federal complaint and whose management will surely be called to testify on the events of October 23, 2021, as they are critical witnesses to the events of the complaint.

Chief Investigator Nakagawa directed Fears to “investigate” the White Sands in early June 2022. Nakagawa was aware that Fears had 3 separate on-the-job incidences where his failure to deescalate a situation resulted in violence with people injured in 2 of the incidences:

- November 2011 - Hutchinson Corrections. Fears did not follow procedure and a prisoner was severely beaten. Fears story changed multiple times in the subsequent investigation. (Seller v Cline, Warden of Hutchinson Correctional Facility)
- July 2021- Scarlet Honolulu- Fears attempted to shove through a doorman as well as owner of the licensed establishment in a dispute over the need for a COVID vaccine card. The event is part of ongoing federal litigation.
- April 2022- Outside a licensee (Dave & Busters)- In a disputed story on who started what and why was he even there, Fears was punched in face. In the aftermath, an on-duty Honolulu Police Officer was injured. Fears story contained in the official police report changed from the night of the event to the following morning.

Nakagawa’s decision to send Fears to the White Sands was reckless as well as a conflict of interest.

In addition, Investigator Supervisor Fontaine’s continued involvement in “documenting” complaints involving licensee, Scarlet Honolulu, while she is named in a lawsuit by Scarlet Honolulu is also a clear conflict of interest.

Fontaine’s and Fears’ actions have created, at minimum, a perception of impropriety. Their continued involvement also creates questions of their motive with consideration to the

HLC's proposed changes allowing investigators to recommend non-renewal of licenses for noise at the suggestion of the investigator team.

Chief Investigator Nakagawa served as a police officer with the Honolulu Police Department from 1986 to 2018. While in this role, Nakagawa was a defendant in a lengthy USC section 1983 adjudication (Rodriques and Rezentes v City and County of Hawaii; Peter Nakagawa and other defendants.)

Nakagawa is clearly aware of the need for recusal of Fears and Fontaine from any involvement with licensee Scarlet Honolulu and White Sands. While there is still an obvious need for governance of all licensees, Chief Investigator Nakagawa directing Fontaine's and Fears' involvements with the White Sands is unacceptable. The trios' motives may also be criminal under 18 U.S. Code § 1512-tampering with a witness, victim, or an informant.

I ask the Commissioners to request an investigation of these actions and to take immediate action to stop the interference and the conflict-of-interest activities.

I will also be sending my concerns to Corporation Counsel.

I may be contacted at [REDACTED] or via email at [REDACTED] if you have any questions.

Background

On July 16, 2021, at Scarlet Honolulu nightclub, on a site visit to inspect the nightclub, Investigator Walker and Investigator Fears were asked for their vaccine card during the first weeks of nightclub *restricted openings - only vaccinated allowed to enter rules*. As the owner of the club and onsite Honolulu Police Department and Investigator Walker were huddling to figure out the specifics of the often-changing rules, Investigator Fears, taking the stance that the HLC investigators were not required to show proof of vaccination, tried to push his way into the club. He pushed the owner of the nightclub as well as a security guard. In parallel, Supervisor Investigator Fontaine and Investigator Frederick Kruse arrived at the scene. The owner acquiesced under a verbal statement of protest and allowed Fontaine, Fears, Walker, and Kruse to inspect the nightclub.

On October 23, 2021, at White Sands Hotel pool bar area, Supervisor Fontaine, and Investigator Fears, arrived at an outdoor day time pool party. The party was hosted by Gay Island Guide, a LGBT media and public relations firm and was a "Pride" party as it was Honolulu's Gay Pride week. Fontaine and Fears declared they were on site for a noise complaint and said that they saw patrons without masks on (at the pool). They order the party shut down and issued a 24-hour closure notice to the White Sands. The closure not only impacted the pool but the hotel's other services such as brunch the following morning.

In November 2021, Scarlet and Gay Island Guide filed a federal lawsuit for the actions taken by the HLC at each of these incidents. HLC Investigator Jacob Fears and HLC Supervising Investigator Catherine Fontaine were specifically named in the legal complaint.

From January 1, 2012, to October 22, 2021, the White Sands Hotel received zero warning or violation citations from the HLC. After receiving two violations the night of October 23, 2021. The White Sands has now received three warning citations:

- 12/21/2021- HLC Rule 3-81-17.56
- 6/2/2022- HLC Rule 3-84-78.03(b)
- 6/12/2022-HLC Rule 3-84-78.03(b)

Details of complaint:

December 2022, Audit of White Sands Hotel's Fiscal Year 2020 Annual Gross Sales Report Filing

On December 21, 2021, the White Sands received a warning for violation of HLC Rule 3-81-17.56 Failure to File Accurate Gross Sales Reports. This is the specific citation number written after an audit of a licensee has occurred.

In fiscal year 2021, when revenue and normal operations were largely impacted by COVID Restrictions, 67 of the 1500 licensees received this violation after an audit. In December 2021 and early January 2022, both Scarlet and White Sands were ticketed post an audit for their June 30, 2021, filings.

Note-In addition to these licensees, Club Rock-Za and Lanikai Brewing Company were audited for fiscal year 2021. Both had been outspoken about harassment by the HLC in media interviews.

March 2022, Investigator Fontaine writes a complaint on White Sands. Fontaine forwards complaint to Investigator Fears

On March 27, 2022, Investigator Fontaine logged complaint number 22-0324 on the White Sands. In this report, Fontaine manually writes over typed information changing the complaint from Waikiki Sand Villa to White Sands Hotel.

The complaint, attributed to a [REDACTED] is a noise complaint and had come in via email. Mr. [REDACTED] at 2345 Ala Wai Blvd, which is at the rear of the building about 100 yards away. Fontaine's documentation states that the complainant is 10 feet away parallel to the pool. Fontaine notes a "JF" which, assumedly, is Field Investigator Jacob Fears. Fontaine stamps that the complaint was referred to "enforcement".

June 2022, Chief Investigator Nakagawa directs Fears to the White Sands Hotel to issue a "warning"

On Sunday, June 12, 2022, a noise complaint was sent via an email that was addressed directly to Nakagawa. The email describes a pool party that had occurred that afternoon. On Monday, Nakagawa emails Fontaine, Fears, and Investigator Glenn Nishigata. He instructs the trio to initiate a complaint and "investigate."

On Thursday, June 16, 2022, Fears goes to the White Sands and issues a warning ticket citing 3-84- 78.03(b), Entertainment- which causes complaints from the public or reports from the Commission's investigators. This was several days later than the pool party; Fears' only involvement with the Sunday pool party was to visit the White Sands on Thursday to issue a warning in person. To be clear:

- Sunday, June 12, 2022-White Sands has a pool party and a neighbor emails Nakagawa a complaint
- Monday, June 13, 2022- Chief Investigator emails Fontaine and Fears to write a complaint and start an "investigation" of the White Sands.
- Thursday, June 16, 2022- Investigator Fears writes a "warning" and delivers it to White Sands management.

July 2022, Fontaine writes a complaint on Scarlet

In addition to Fontaine and Fears remaining engaged "investigating" and communicating with White Sands, Fontaine in July 2022 wrote a noise complaint about Scarlet Honolulu. The complaint is attributed to a [REDACTED], assumedly a neighbor, described as living "8 stories up" on the complaint form.

Federal Code:

18 U.S. Code § 1512 - Tampering with a witness, victim, or an informant

(b)Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to—

1) influence, delay, or prevent the testimony of any person in an official proceeding; shall be fined under this title or imprisoned not more than 20 years, or both.

22-0324
JF

**LIQUOR COMMISSION
CITY AND COUNTY OF HONOLULU**
711 KAPIOLANI BOULEVARD, SUITE 600, HONOLULU, HAWAII 96813-6249
PHONE (808) 788-7300 • FAX (808) 788-7311
INTERNET ADDRESS: www.honolulu.gov/llc

COMPLAINT FORM

Date of Complaint: 03/27/2022 @ 1553
Premise Name: ~~Waikiki Sands Villa~~ WHITE SANDS HOTEL
Address/Location: ~~2376 ALA WAH BLVD~~ 431 NOHONANI ST.
Complainant Name (optional): [REDACTED] Phone Number (optional): [REDACTED]

Describe the Problem (check all that apply):

☒ Excessive Noise

If noise is the problem, what kind of noise is it?

- ☐ People yelling or talking ☒ Ordinary music noise too loud
☐ Trash dumping or machinery ☒ Low frequency (such as drums, base, vibration)

How far away are you from the noise source? 10 ft. away parallel to pool

- | | |
|--|---|
| <input type="checkbox"/> Minor in Possession of Liquor | <input type="checkbox"/> Selling/Serving Liquor to Minors |
| <input type="checkbox"/> Employee Drinking Alcoholic Beverages | <input type="checkbox"/> Selling/Serving Liquor to Intoxicated Persons |
| <input type="checkbox"/> Selling/Serving Liquor without a Liquor License | <input type="checkbox"/> Sell/Serve/Allow Consumption of Liquor after hours |
| <input type="checkbox"/> Conduct of Liquor Commission Employees | <input type="checkbox"/> Assault <input type="checkbox"/> Nudity |
| <input type="checkbox"/> Other (Describe): <u>See attached email</u> | |

When/How Often is the Problem Occurring (or Occurred):

Date(s): 3/27, 3/13, 2/13, 1/16 Time(s): _____

Witnesses:

Name: _____ Phone Number: _____

Name: _____ Phone Number: _____

.....
Liquor License #: L0035 2270 **For Liquor Commission Use Only** ☐ Unlicensed Complaint #: 22-0324

Filed By: ☐ Telephone ☒ Email/Online ☐ In Person ☐ Other _____

Referred for Action:
Complaint Intake By: C. Fontaine Administrator Review: [Signature]

Assigned to: ENFORCEMENT Date Assigned: MAR 31 2022

Follow Up Result:
☐ No Violation ☐ Written Warning ☐ Notice of Violation ☐ Referred to: _____

Investigator: _____ LCI-III: _____ Supv. Inv.: _____ Chief Inv.: _____

LQ-ENF-801

Rev. 07/06/19

Fontaine, Catherine K

22-0611

From: Nakagawa, Peter H
Sent: Monday, June 13, 2022 7:24 AM
To: Fontaine, Catherine K; Nishigata, Glen; Fears, Jacob E
Subject: FW: Noise from alcohol at White Sands Hotel
Attachments: MOV_0044.mp4

Please initiate a complaint and investigate.

From: [REDACTED]
Sent: Sunday, June 12, 2022 5:44 PM
To: Nakagawa, Peter H <pnakagawa@honolulu.gov>
Subject: Re: Noise from alcohol at White Sands Hotel

CAUTION: Email received from an EXTERNAL sender. Please confirm the content is safe prior to opening attachments or links.

2022年6月12日(日) 17:37 [REDACTED]

 MOV_0044.mp4

 Screenshot_20220612-173238.png

2022年6月12日(日) 17:04 [REDACTED]

The odd voice is spluttering while looking at the alcohol.

 MOV_0050.mp4

2022年6月12日(日) 15:13 [REDACTED]

The noise from alcohol at the White Sands Hotel has not abated at all.

The noise is about 2-3 times a week.

The legal limit in this area is 60 decibels.

However, it is always over 80 decibels.

Please see attached.

The noise is getting louder and louder as the alcohol gets into the system and gets more and more excited.

There is no explanation for the alcohol application to the neighbors.

Was it justified that the alcohol permit was approved without explanation to the neighbors?

Please address this issue.

 MOV_0044.mp4

22-0713
Reserved for Office Use (Date/Time Stamp)

LIQUOR COMMISSION
CITY AND COUNTY OF HONOLULU
711 KAPIOLANI BOULEVARD, SUITE 800, HONOLULU, HAWAII 96813-5249
PHONE (808) 765-7300 • EMAIL: LC@honolulu.gov
INTERNET ADDRESS: www.honolulu.gov/lc

COMPLAINT FORM

Date of Complaint: 07/03/22 @ 6213

Premises Name: Scarlet Night Club

Address / Location: 80 S Pauahi

Complainant Name (optional): [REDACTED] Phone # (optional): [REDACTED]

Describe the Problem (check all that apply):

☒ Excessive Noise

If noise is the problem, what kind of noise is it?

☒ People yelling or talking

☒ Ordinary music noise too loud

☐ Trash dumping or machinery

☐ Low frequency (such as drums, bass, vibration)

How far away are you from the noise source? 8 stories up

☐ Minor in Possession of Liquor

☐ Selling/Serving Liquor to Minors

☐ Employee Drinking Alcoholic Beverages

☒ Selling/Serving Liquor to Intoxicated Persons

☐ Selling/Serving Liquor without a Liquor License

☐ Sell/Serve/Allow Consumption of Liquor after hours

☐ Conduct of Liquor Commission Employees

☐ Assault

☐ Nudity

☐ Other (Describe):

When/How Often is the Problem Occurring (or Occurred):

Date(s): Weekly / every Friday and Saturday Time(s): 11:00-2:00

Witnesses:

Name: Phone Number:

Name: Phone Number:

Sometimes we need additional information to help us locate or resolve the issue you reported. For this reason, we ask that you provide a witness name and a phone number that we may contact them. We respect you and your witnesses' privacy and will keep your contact information confidential.

For HLC Office Use Only

Liquor License #: E1407 ☐ Uncensored Complaint #: 22-0713

Filed By: ☐ Telephone ☒ Email / Online ☐ In Person ☐ Other

Referred for Action:

Complaint Intake By: C. Fontaine Administrator Review:

Assigned to: Date Assigned:

Follow Up Result:

☐ No Violation ☐ Written Warning ☐ Notice of Violation ☐ Referred to:

Investigator: LCI-III: Supv. Inv.: Chief Inv.:

Complaint #5: Abuse of power- Business Interference with North Shore tavern

Robert Sobier

[REDACTED]

Honolulu, HI 96813

September 27, 2022

Re: Honolulu Liquor Commissions dealing with [REDACTED]

Dear Honolulu Liquor Commission:

In late spring of this year, a former licensee met with me to share his shocking story of being targeted by the HLC that began with his business refusing to serve liquor to the stepson of a Liquor Commissioner. His decision to refuse service to a young man with no legal ID started years of troubling interactions with the HLC that ultimately left him with no liquor licenses, a business shuttered, and his retirement plans drastically changed.

I spent several weeks exchanging information and helping the licensee frame out a complaint. He ultimately stated that he was too worried about retaliation on what remained of his business and chose not to go public with his story. I believe that the licensee did write a scaled back complaint which he sent to CM's Tupola and Kia'aina, as they had begun to press on the need for change at the HLC.

Today, as a concerned citizen and whistleblower, I submit the complaint from the details that were shared by the licensee, from information obtained from the Liquor Commission, and from a video of a shocking adjudication hearing.

Complaint

Former Chairperson Narsi Ganaban, driven by a desire for retaliation on a licensee for not serving her possibly underage stepson, conspired with former Chief Investigator Peter Nakagawa, (still employed at the time) Supervising Investigator Catherine Fontaine and Investigator Jacob Fears to execute years of business interference.

In pursuit of this retaliation, Ganaban broke the Commission's rules on disqualification by serving as both investigator and adjudicator in a licensing hearing for the licensee's second establishment. There is also evidence that Ganaban and Fontaine worked together to create license and operating challenges for the licensee.

In acts of abuse of power, Chief Investigator Nakagawa and Investigator Jacob Fears conspired to harass and issue a 24-hour shutdown order to a licensee who had just put his liquor license in "safekeeping".

[REDACTED] against a civil or administrative rule, I also want to state the disrespect shown to the licensee, a uniformed US Army officer, by a still sitting Commissioner was shocking and worthy of resignations on that matter alone.

I respectfully ask for the Commissioners to investigate these occurrences and to act to address those still at the HLC for their actions and to implement reforms preventing such abuse from happening again.

Details of Complaint

December 14, 2017, Incident at [REDACTED]

In 2017 [REDACTED] the owner of [REDACTED] ke, submitted a liquor license application and received a preliminary hearing date of November 30, 2017, and a public hearing date of January 25, 2018. Before his licensing, [REDACTED] was operating the business as BYOB during the holiday season.

On Thursday, December 14, 2017, a phone reservation was taken for a private karaoke room. (Reservation record below.) The party organizer was Liquor Commission Commissioner Narsi Ganaban. Ganaban provided all the required information: her birthday, acknowledgement that there would be alcohol (BYOB) at the party, her email address from the union Local that she worked at, and her phone number. She paid for two hours and used a MasterCard to pay \$146.62.

[REDACTED] before the Saturday planned party, Ganaban called to transfer the room to her stepson [REDACTED]. Ganaban has 2 stepsons, [REDACTED] a 2007 Graduate of Waianae High School [REDACTED] a 2017 graduate of Waianae HS. [REDACTED] would have been about 28 years old at the time.

The night of the event, a young man came to [REDACTED] ke with cases of beer and said he [REDACTED] [REDACTED] and he was there to host the Ganaban party. Security asked [REDACTED] for his ID, to which he stated that he did not have one. "[REDACTED]" then announced his mother was a Liquor Commissioner. Security still did not let "[REDACTED]" in.

At that time, Narsi Ganaban called the venue to speak to a manager. On the call, she announced her position as a commissioner and demanded [REDACTED] let in. The manager acquiesced and let "[REDACTED]" in. [REDACTED] could not let him bring his beer in. Most of the party goers who were underage (as noted in the nightly report) were also let in but no alcohol was allowed at the party. "[REDACTED]" asked for a refund but was not given one. The party ultimately left early, not using their prepaid 2 hours.

A few weeks later, in January, Ganaban was the only Commissioner who voted against [REDACTED] ke receiving a liquor license.

Harassment at [REDACTED] - 2018 to 2021

Starting after Fontaine took over as Supervising Investigator from Investigator Scott Perez [REDACTED] [REDACTED] ved frequent visits from the HLC's investigator team. These included verbal warnings by Fontaine who to [REDACTED] she could ticket him over:

- A Jenga game for being an unregistered gambling device
- An iPad for an unregistered entertainment device.

Note [REDACTED] after a few visits, started to ask locals about Fontaine and was told that (now former) Chair Ganaban and Fontaine had a long social relationship based on years of both being in the local motorcycle community.

HLC tickets:

Citation Type	Investigator	Citation Date	Date of Violation	Ticket #	Rule
VIOLATION	DANIEL.BRUNKEN	9/21/2018	9/21/2018	26437	3-84-72.3(a)
WARNING	ARTHUR.TUPUOLA	9/17/2019	8/15/2019	26900	3-82-38.8
VIOLATION	ARTHUR.TUPUOLA	10/2/2019	8/15/2019	27252	3-82-38.8
VIOLATION	PLAGAPA	10/10/2019	8/1/2019	02020	3-81-17.54(c)
WARNING	GLEN.NISHIGATA	6/12/2020	6/12/2020	27327	281-38
VIOLATION	PLAGAPA	12/10/2020	8/5/2020	02110	3-81-17.54(c)

In early 2021, [REDACTED] had a conversation with now Acting Administrator Hirai. He asked if he put his liquor license in “safekeeping” at the HLC and did not sell liquor if he would be subject to the HLC’s investigator’s inspections. Hirai said he would not be.

The next day, Wednesday, January 20, 2021, after [REDACTED] gave up its liquor license for the time being, Investigator Jacob Fears arrived at [REDACTED] and demanded to inspect the premises. Fears issued a 24-hour shut down order.

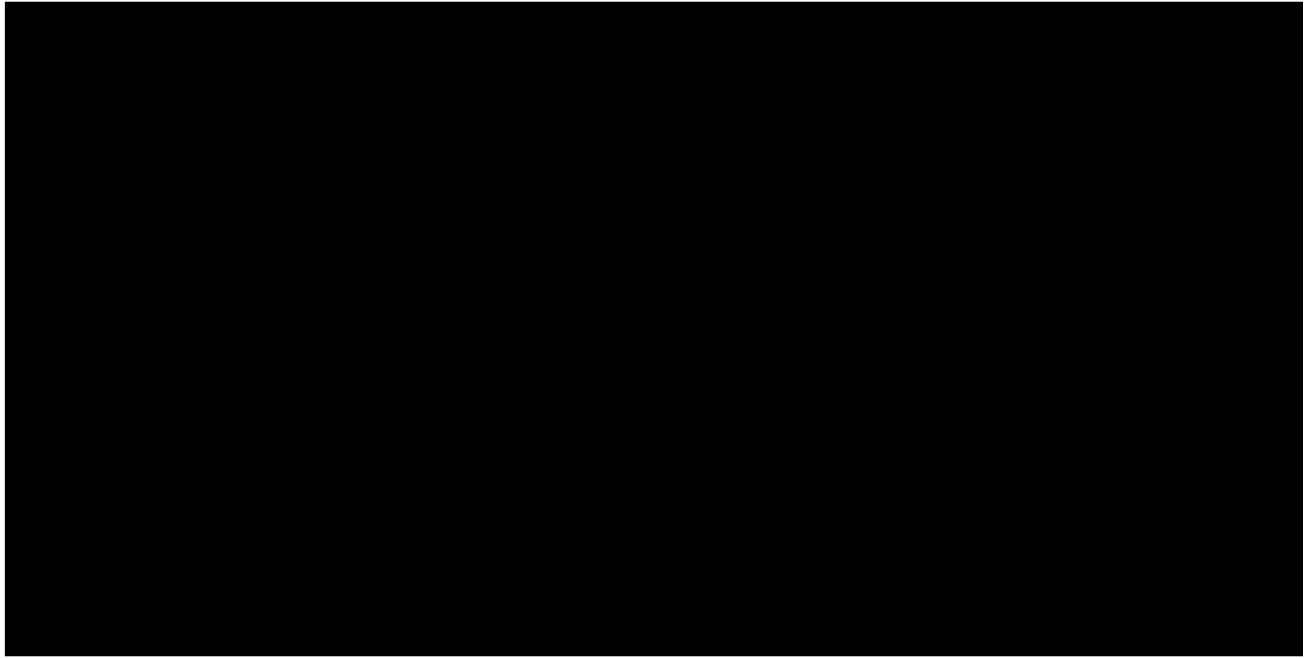
Citation Type	Investigator	Citation Date	Date of Violation	Ticket #	Rule
VIOLATION	JACOB.FEARS	1/20/2021	1/20/2021	28013	281-38

In the days that followed, a fellow Iraq War veteran in the Honolulu Police Department reached out and told [REDACTED] that Fears had tried to get HPD to come with him to his inspection. Fears told HPD that [REDACTED] was known to be combative. Fears was told that if [REDACTED] didn’t broken any laws, they were not going to come with him. Fears knew he was antagonizing [REDACTED]

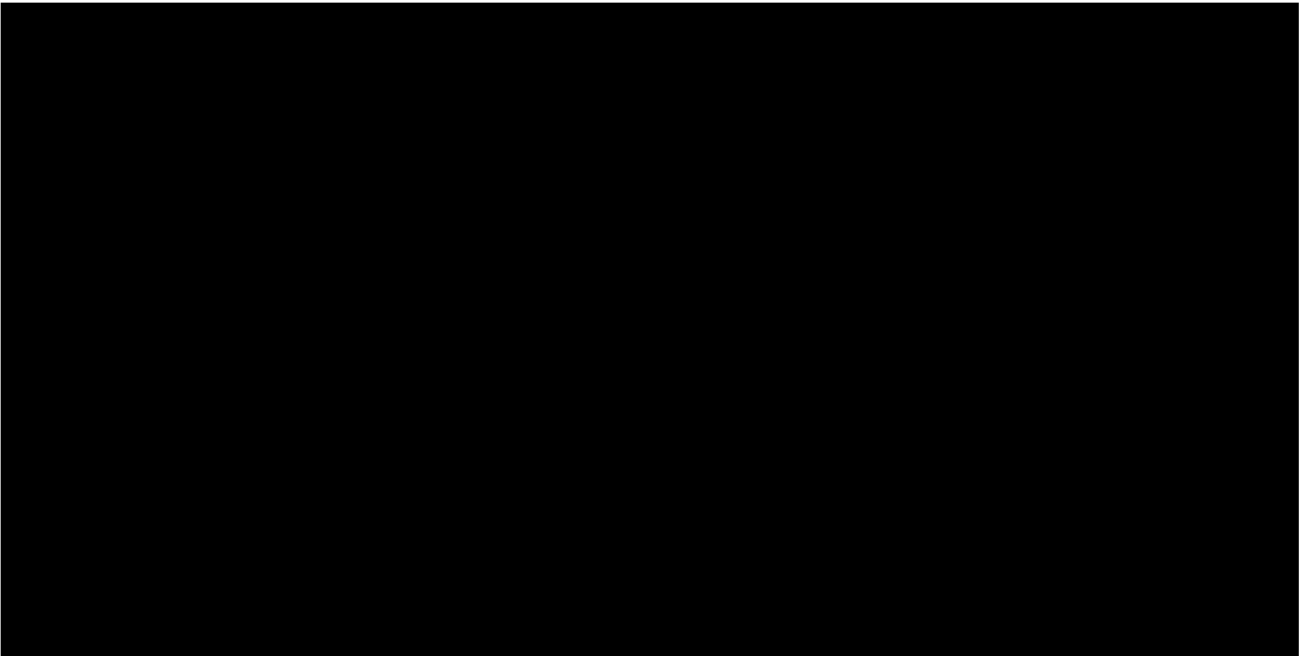
[REDACTED] called Nakagawa the next day. Nakagawa told him Hirai was wrong and even with the license being in “safekeeping”, he was a licensee and was subject to restriction orders. Oddly, Nakagawa told [REDACTED] he knew what Fort he was assigned to, and he knew his rank [REDACTED] felt like he was trying to intimidate him.

[REDACTED] would terminate his [REDACTED] liquor license after the conversation and now [REDACTED] as a BYOB business.

Reservation Record and notes from night of Ganaban's son's party



Outside view of [REDACTED]



[REDACTED]

In July 2019, [REDACTED] so opened [REDACTED] in Haleiwa. As part of this business, [REDACTED] planned to have a patio area and live local music. The previous holders of the business had [REDACTED] which was licensed. [REDACTED] license submission did not specifically call out the patio as part of the business' planned operating space. He was then informed he would have to submit a formal change to his license. [REDACTED] applied for changes to the [REDACTED] space, but the application was held up by the city's DPP for over a year as they worked to clear building issues not related to the business.

After the DPP issues were finally cleared, [REDACTED] was given a May 2019 public hearing for the changes to the patio and his request for live music. Sometime before the meeting, [REDACTED] was told by an employee that Ganaban came to the business to make her own inspection and took pictures. Ganaban lives in Mililani, close to the tavern's North Shore location.

The hearing was conducted on May 16, 2021. Among others, the hearing was attended by Assistant Administrator Hirai, Commissioners Minn, Ganaban and Lee, and Supervising Field Investigator Fontaine and Licensing Supervisor Sato.

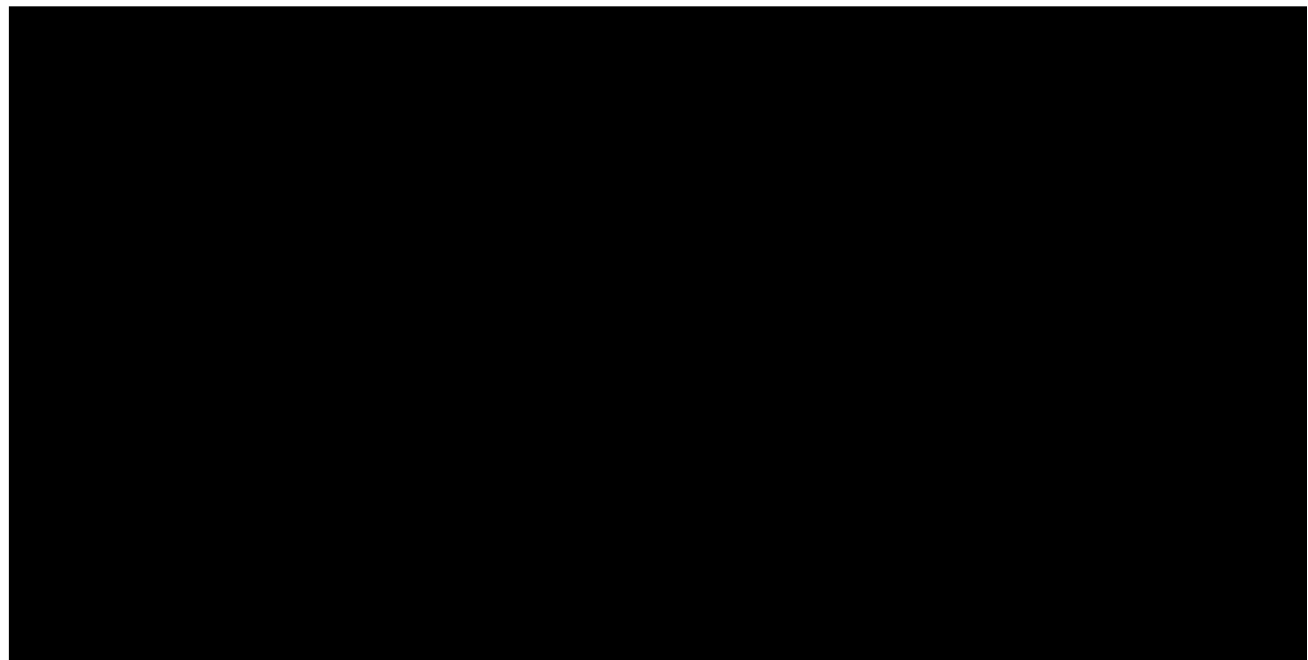
[REDACTED] was called on the agenda and [REDACTED] was present to represent his business. Ganaban initiated a string of questions about his entertainment license application. As part of her questioning, Ganaban referred to [REDACTED]'s social media and website which she has researched.

Note:

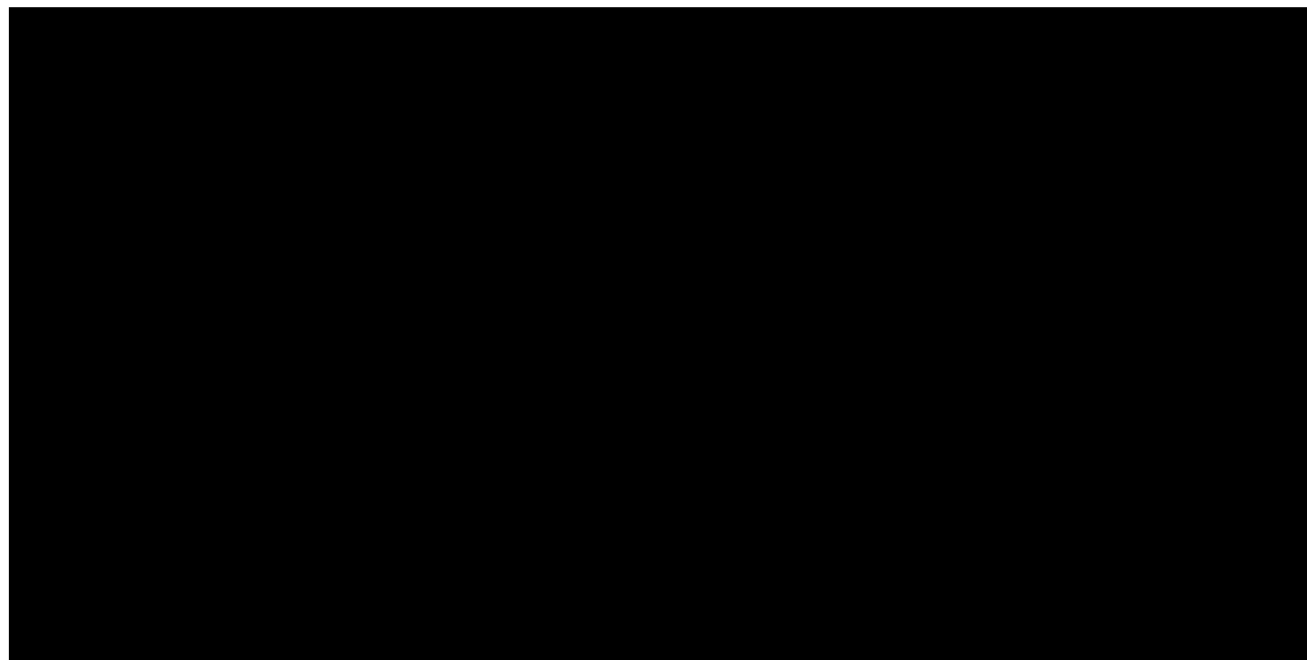
Ganaban's website, social media and other "investigations" specifically broke LC Rule 3-81-19.12:

- Disqualification of Member of Commission - No Matter shall be heard by a member of the Commission who: (2) Has participated in the investigation preceding the institution of the proceeding or has participated in the development of the evidence to be introduced in the proceeding; or 3) has a personal bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceeding which will prevent a fair hearing by the Commission.

After Ganaban's sharing of her investigative work, Commissioner Minn asked a series of questions. Minn pushed on the lack of [REDACTED] on weekday nights. [REDACTED] explained the struggle financially that would cause and referred to the long DPP process leaving him in a financially precarious spot. Minn asked [REDACTED] if he was there and could act as the security. [REDACTED] explained that he is assigned to the Joint Pacific Command and works hours that are frequently 4:30am to 7pm. Minn asked if he was reachable by phone. [REDACTED] stated that he frequently is in highly secure areas and having a phone was not always allowed. He stated he felt his onsite team is competent and they do the best they can. At one point frustrated, [REDACTED] came from his base assignment.



After Minn's questioning, Licensing Investigator Sato was called to speak to explain the status of the licensing change. Sato quickly called Field Investigator Fontaine to the podium stating she had done the licensing review for the proposed change. Sato did not explain why Fontaine had taken on this task from his work statement. They spoke in bureaucratic speak on why [REDACTED]'s space did not include the same footprint as the previous attendant. Neither stated that they called [REDACTED] to try to address any confusion with the applicant.



After Fontaine's presentation, the board met in "executive session". When the Commissioners returned to the Board Room, Minn began to speak. W [REDACTED] nges with the patio, Minn [REDACTED] she felt that he had been dishonest during the hearing. She then told a veteran of two wars, someone who still had a very high security clea [REDACTED] uniform, that she had concern about his character. She then reminded him that having a liquor license is a privilege (sort of like freedom).

051619 42nd LIQ Regular Meeting

[Visit](#)



051619 42nd LIQ Regular Meeting

[Visit](#)



The Commission would d [REDACTED] citation for his patio service.

From August 30, 2018, to December 10, 2020, [REDACTED] was issued 12 violation citations and 3 warnings.

VIOLATION	DANIEL.BRUNKEN	8/30/2018	8/30/2018	26423	3-82-47.1(a)
VIOLATION	DANIEL.BRUNKEN	12/1/2018	12/1/2018	26571	281-78(b)(2)
VIOLATION	DANIEL.BRUNKEN	12/1/2018	12/1/2018	26570	3-82-47.1(b)
VIOLATION	LESLEY.LEONG	1/10/2019	1/10/2019	26672	3-82-38.9(a)
WARNING	FREDERICK.KRUSE	6/1/2019	6/1/2019	26827	3-82-38.4(a)
VIOLATION	FREDERICK.KRUSE	6/1/2019	6/1/2019	26826	3-82-38.5(a)
VIOLATION	FREDERICK.KRUSE	6/1/2019	6/1/2019	26828	3-84-73.2
WARNING	FREDERICK.KRUSE	6/18/2019	6/18/2019	26834	3-82-38.4(c)
VIOLATION	FREDERICK.KRUSE	6/18/2019	6/18/2019	26837	3-82-47.1(a)
WARNING	WILLIAM.WALKER1	8/21/2019	8/21/2019	27204	3-82-38.9(g)
VIOLATION	PLAGAPA	10/10/2019	8/1/2019	02021	3-81-17.54(c)
VIOLATION	GLEN.NISHIGATA	11/21/2019	10/15/2019	27146	281-41(h)
VIOLATION	GLEN.NISHIGATA	11/21/2019	10/31/2019	27147	3-82-38.8
VIOLATION	GLEN.NISHIGATA	6/12/2020	12/11/2019	27326	281-91
VIOLATION	PLAGAPA	12/10/2020	8/5/2020	02111	3-81-17.54(c)

Liquor Commission's Night Supervising Investigator Fontaine was frequently present for the inspections.

[REDACTED] tickets included having a karaoke machine without receiving prior permission and "failure to dispense straight or unmixed spirits from its original container", a rum punch.

[REDACTED] ed, "seeing how the HLC operates, including how the hearings are run, has made me lose my faith in government and politicians." He no longer has a liquor license.

Complaint #6: To State Ombudsman - Commissioner Minn, Failure to perform oversight

Robert Sobier

██████████ et

Honolulu, HI 96813

Office of the Ombudsman

State of Hawaii

Robin Matsunaga

465 S. King St. #4

Honolulu, HI 96813

September 28, 2022

Re: Failure to perform role- HLC Chairperson Malama Minn

Dear Robin Matsunaga, Hawaii State Ombudsman

I formally submit the following:

Formal Complaint for Ombudsman Review

Malama Minn, in her role as Chair of the Honolulu Liquor Commission (HLC), has refused to accept her responsibility to provide governance and oversight to the HLC Administrator. This refusal has put the licensee community and the public in danger. She has clearly stated that she has limited time and ability to respond to critical issues.

Minn also does not demonstrate that she understands that as Chair, her responsibility is not to defend the HLC, but her role is to protect the public's best interests by making informed, evidence-based decisions. Chair Minn's neglect of her responsibility to the public just last week has:

- allowed investigators with the propensity for violence to remain interacting with the public
- tolerated the HLC's acting Administrator Anna Hirai to mislead the city council on the criminal background of her Supervising Field Investigator
- personally attacked (via email) a complainant who had identified himself as a whistleblower and had submitted evidence-based complaints on the operations of the HLC.

Minn's neglect of her oversight responsibilities has created an environment where acting Administrator Hirai felt empowered to lie in an official proceeding with the city council; To let the Administrator immediately leave to a professional conference off island with limited communication after being informed of a possibly dangerous investigator remaining in the field; And where the administrator can maintain a stance that complaints on the operations of the HLC are attacks of ill intent and not identifying critical problems that need addressed.

I respectfully ask all powers of your office be used to demand Minn perform her job to demand an immediate thorough review of Hirai's performance managing the enforcement and the audit teams and to recommend removing both Minn and Hirai if their decisions have endangered the public.

Background

I am an independent management consultant. In the last year, I have worked with liquor license holders to document their experiences with the Honolulu Liquor Commission. In this time, it has been clear that the HLC operates with little oversight. By charter, the Commission's oversight should come from the five-person Liquor Commission board through its power to nominate and remove the Commission's administrators:

Liquor Laws of Hawaii, City and County Honolulu, revised 2019

Part II: Liquor Commissions

281-17 Jurisdiction and powers

5) Subject to chapter 76 to appoint and remove an administrator, who may also be appointed as investigator and who shall be responsible for the operations and activities of the staff. The administrator may hire and remove hearing officers, investigators, and clerical or other assistants as its business may from time to time require, prescribe their duties, and fix their compensation, and engage the service of experts and persons engaged in the practice of a profession, if deemed expedient. Every investigator, within the scope of the investigator's duties, shall have the powers of police officers.

As our city has emerged from pandemic restrictions, the Honolulu Liquor Commission (HLC) has been under public media scrutiny for issues of abuse of power, questions of hiring practices, discriminatory behavior in the field, and for attempting to implement rules that were deemed by local lawyers as blatantly unconstitutional.

Former Chief Investigator Nakagawa also controversially justified several of his enforcement team's actions with an aggressive definition of police powers.

Two Chairmen have resigned in about six months and Nakagawa has recently left his position projecting an appearance of instability with HLC leadership.

Last week, current interim Chair Malama Minn, Vice Chair Duane Miyashiro and acting Administrator Hirai appeared at a Honolulu City Council to discuss a resolution asking the Commission to address numerous issues. Minn emphatically stated that she stands and assumably the other Commissioners stand by their record at the HLC.

Minn stated that to her knowledge there were no complaints outside of those defined in a federal lawsuit specific to the HLC. Regarding the lawsuit, both Minn and Hirai took the stance that the lawsuit is early in the litigation process and the HLC will be vindicated once all the story is known.

One of the ongoing lawsuit's demands that the plaintiffs have made public is for the HLC to make a legal commitment to a list of reform actions. Neither Minn nor Hirai have publicly discussed reform let alone embraced that idea. In the hearing, Minn seemed to state that only trouble-maker licensees are complaining about the HLC's performance. In a rambling monolog in defense of the HLC, Minn also

stated Honolulu Police Department calls the HLC field investigators for support in the field during heated situations; The HLC is considering advertising complaints that they receive on specific licensees; and HLC hires many candidates for investigators that were not able to be hired at HPD. Minn also added that she has never seen 99% of the licensees in her 7 years as a commissioner, though records show that over 50% of licensees have received citations in that time. Hirai and Mann stood together on these claims.

Activities of September 20, 2022, to present

In the week following the hearing, Minn demonstrated a complete abandonment of her responsibility to provide prudent governance and oversight.

Minn repeatedly abandoned her duty to care to the citizens of Honolulu. Minn's actions enabling Administrator Hirai's decisions on staffing and management of the HLC's enforcement team have put the public in danger.

Minn also has left unchallenged, Chief Investigator Nakagawa's aggressive definition of police powers that have been, if an investigator is on the job working, the investigator is operating with the same powers as a Honolulu Police Department officer. This stance by the enforcement team has recently left an HPD officer injured, and a citizen receiving felony charges. Neither would have occurred if not for the investigator's antagonizing actions

September 20, 2022: Administrator Hirai and Chairperson Minn at City Council hearing

City Council Resolution 22-207 Public Hearing:

In the public hearing to discuss the need for reform at the Honolulu Liquor Commission and to "Regain the Public's Trust", Council Member Esther Kia'aina asked acting Administrator Hirai, "do you believe, any investigators have a criminal history?" Hirai replied, "not to my knowledge."

Hirai lied with this denial of knowing that her Supervising field Investigator has an extensive criminal history.

Liquor Commission Chairperson Minn stood literally and symbolically with Hirai at the podium that morning aggressively defending the HLC in several unstructured monologs. Commissioner Miyashiro, Vice Chair, was present at the meeting but did not speak. Neither commissioner corrected Hirai's statement.

Emails with Chairperson Minn, September 21-27, 2022

On Wednesday, September 21, 2022, I sent a complaint letter to the HLC@honolulu.gov email stating that Hirai had lied in her reply.

Per documents available on the federal Pacer system, the HLC received two filings while Hirai served as acting Administrator that detailed the criminal record of her field Supervising Investigator.

My complaint asked for a public correction be made before the follow up full city council meeting to vote on the 22-207 resolution was held. The complaint letter was under the title, "Tuesday Hearing on Restoring Public Trust in Liquor Commission- Complaint on testimony."

In addition to the complaint on Hirai's false statement on her lack of knowledge of criminal history in her field team, I sent a complaint to the HLC@honolulu.gov email that described a field investigator's actions in April 2022, where the investigator actions outside a licensee (outside of the HLC's jurisdiction) escalated into a fight, in the aftermath of the fight, an on-duty HPD officer was injured. The investigator then lied on the subsequent police reports changing the reason that he originally was at the scene.

In the emailed complaint titled, "Formal complaint of violence by HLC Investigator Jason Fears" (note it should be "Jacob"), I included the complaint pdf and a set of excerpts from the official 80+ page HPD police report that was compiled on the April incident. My complaint identified two other violent incidents Investigator Fears has been involved while on the job, both resulting in federal lawsuits.

In the complaint, I stated that "I believe continuing to allow Mr. Fears in public with his badge could ultimately result in the unnecessary harm and injury to a bystander or target of Mr. Fears' aggression."

Thursday afternoon, I received an email from Chairperson Minn that stated she had received the two complaints which had been forwarded by CM Kia'aina. Minn replied confirming her possession of the complaints and stated, "it would be inappropriate to investigate and address your complaint within the agency, please submit your complaint directly to the State Ombudsman, Robin Matsunaga."

Minn provided the Ombudsman's contact information and then added, "We will also be adding this contact information to the Liquor Commission website as soon as we can. I apologize that this information was not readily available, but because complaints are rare, it hasn't been a top priority for the commission. We understand this is an error and are remedying it presently."

Minn then followed up with another email stating "Any and all complaints against LIQ staff or Commissioners should be submitted to the State's Ombudsman. I am in receipt of (2) from you and it's your prerogative whether to submit either or both. Complaints from the public about individual licensees will continue to be handled by the commission."

I questioned Minn about Hirai's claim at the Tuesday hearing of an HLC contractor who handled internal investigations and rather the contractor should conduct the requested investigations. Minn shifted gears and stated "Of course this (the Ombudsman) is just another avenue, and you may choose not to utilize it. I was only provided with your complaints after the hearing. Yours are the only that I have received in 7 years I have volunteered in the commission and have only recently been elected as the interim Chair, so I was inexperienced in how to handle them."

Minn then replied specifically to the complaint email chain on Fears, "Your complaint will be referred to the independent contractor and she will contact you to follow-up. If you would like to also submit a complaint to the state ombudsman, that is your prerogative. I hope this clarifies and simplifies things for you."

I thanked her for "simplifying" it for me and added that I hoped these matters are handled with professionalism.

Minn then replied, "I will reiterate that we are a volunteer commission with full time jobs and personal obligations. Often, I have very little time to respond to emails, so I apologize for any lack of clarity."

That evening, I sent another complaint identifying an investigator still on the HLC's active roster who was photographed in attire glorifying Nazi ideology and detailed concerning incidents of abuse of power. There was no specific reply. In the complaint's cover email, I stated clearly, "This complaint describes issues that may involve dangers to public safety."

In six emails Minn sent responding to a complaint sharing evidence-based concerns of an investigator prone to violence in the field. Minn not once spoke about any concern for the public, immediate mitigative actions, or working with the Administrator who would have responsibility for the investigators. There was never a reply or comment about the hate ideology tied investigator. I also identified the Nazi glorifying investigator as an immediate potential harm to public safety.

The following morning, I emailed a letter to Minn stating that if because of lack of compensation or time commitment required, she couldn't commit the efforts required of her role, she should resign. I stated that both the license community and the public deserve a full commitment.

Minn replied, "Thank you for your letter and numerous emails. ... Out of curiosity, what led you to having such a heightened concern for liquor licensing and administration? Are you a landlord for licensed tenants? Are you a current or retired public servant? I'm just trying to better understand the root of your emotional and intense scrutiny..."

On Sunday afternoon, September 25, 2022, I forwarded another complaint that the members of the investigative team named in a federal lawsuit had not recused from involvement with governance of the plaintiffs and witnesses in the lawsuit.

Minn replied. "I believe we lack jurisdiction in this matter, so I will refer your complaint to the corporation counsel for guidance. ... Are you a party (or relative) to the federal case to which you refer to the complaint?" Note- the corporation counsel was cc-ed in the original submission.

I replied that I was not a party and that I should be considered a whistleblower. I also mentioned her attention to my motives (versus the content of the complaint) was odd.

Minn replied, "Again, I do not believe the HLC has jurisdiction over complaints in connection with an ongoing federal lawsuit. The term "whistleblower" has a discrete definition and legal parameters. Therefore, I will refer your complaint to the corporation counsel for guidance, as previously stated ... I am asking who you are as a matter of legal standing. I will stop asking and leave those questions to the independent contractor to investigate." Note- I was sharing a complaint and not threatening a lawsuit, so I am not sure where "standing" was relevant, but I digress.

Frustrated with Minn's deflection of responsibility and continued focus on why I was passionately concerned about Nazis in our government and violent investigators prone to lying on official reports, I responded:

"My complaint is asking for recusal of Fontaine and Fears from all things White Sands and Scarlet. I am not sure how that isn't your jurisdiction. It should be common sense.

The determination of the trios' criminal or disruptive motive is for other's jurisdiction, the federal court. I did not ask for the HLC's determination of that.

I use the term whistleblower because in lieu of a functioning inspector general role or internal investigator, using UIPAs and public record access as well as stories of multiple operators, I am presenting you a ground level and frequently an internal view of problems in the HLC supported with evidence. From my perspective, you have done everything to make me feel like I am your enemy and to communicate to me as such as you want to protect your status quo. You made it clear Tuesday that you stand on your record and 99% of the licensee community loves the HLC. They send emails telling you so. Anything that does not support that view must have corrupt intent.

To date- you have told me to go to an outside agency. You have asked me my motives. You have been patronizing. You have accused me of being part of the same lawsuit that I questioned Nakagawa and company's meddling. You have made excuses about your time commitment and lack of compensation. You pushed responsibilities of managing your investigators' daily activities to the public to Corporation Counsel calling those decisions out of your jurisdiction. Not once have you expressed concern with poorly trained and unqualified investigators prone to violence remaining in the field. Not once have you indicated that there is zero tolerance for hate ideology in the field or anywhere in the HLC. Not once have you have expressed a willingness to assure proper legal adjudication with the investigation team that is in legal jeopardy free of interference.

When given the information you need to start thinking through a new HLC, you have made it clear that is not a goal. It has been astounding."

The next morning Minn removed the other commissioners, city council members and corporation counsel emails from her response and sent me the following unprofessional, attacking, and frankly bizarre response:

"Mr. Savvy/Sobier,

You are correct that the determination of guilt is the purview of the court and not the HLC and the court has yet to make its ruling as to Fontaine and Fears guilt. I may propose what you stated in your request/complaint to the other commissioners at an agendaized (sic) executive session at a scheduled HLC meeting as is required by law.

As I type this, I am waiting to join a conference call with my boss and I have spent a great deal of time and effort over the last week fielding emails and complaints from you. I understand you are not a fan, that is VERY clear. My mom, however, thinks I'm doing a great job and is surprised I haven't quit with all the additional work and unwarranted attacks on my character from strangers. And really, only her opinion matters to me.

I have politely asked you questions to help inform the discussion while you have been very rude and presumptuous towards me. That is the nature of public service sometimes, but still uncalled for. I've worked in the public sector and volunteered on public boards and commissions for most of my professional life and when attacks are visceral and personal in nature, they don't usually come from a disinterested party. Asking about your background is our local culture - If we met in a different context I would ask you "what school did you go?" as we do here.

I have sent your complaints to the appropriate authorities to investigate and make a determination. I beg you to give them the time to do their jobs. And now, I need to get back to mine.

Sincerely,

Malama Minn"

In the day following the Tuesday public hearing and the receipt of credible concerns of risks to public safety, Administrator Hirai prepared for a boondoggle extended weekend. On Wednesday or Thursday, Hirai left for a multi-day conference for National Association of Licensing and Compliance Professionals (NALCP) in Portland, Oregon which was held Thursday, September 22 to Saturday 24, 2022.

On Friday, September 23, Investigator Fears was seen out in the field assumably still interacting with licensees and the public in general.

I have attached a compilation of "screenshots" of Minn and my emails and will send on a separate all complaints shared with the HLC during the week following the hearing.

Additional Statement of Concern and Contact information

I feel it important to state, I do not believe Minn is fit for her job. She is unprofessional, inconsistent, has the wrong priorities and seems unstable. I also believe she lied to me in her response.

I may be reached at [REDACTED] or by email at [REDACTED], if you have questions.

Respectfully,

Rob Sobier



Rob [REDACTED]

Complaint - HLC's Nakagawa, Fontaine and Fears: Interfering with Federal Lawsuit

M Minn <mminn811@gmail.com>

Mon, Sep 26, 2022 at 9:17 AM

To: Rob Sav [REDACTED]

Mr. Savvy/Sobler,

You are correct that the determination of guilt is the purview of the court and not the HLC and the court has yet to make its ruling as to Fontaine and Fears guilt. I may propose what you stated in your request/complaint to the other commissioners at an agendaized executive session at a scheduled HLC meeting as is required by law.

As I type this, I am waiting to join a conference call with my boss and I have spent a great deal of time and effort over the last week fielding emails and complaints from you. I understand you are not a fan, that is VERY clear. My mom, however, thinks I'm doing a great job and is surprised I haven't quit with all the additional work and unwarranted attacks on my character from strangers. And really, only her opinion matters to me.

I have politely asked you questions to help inform the discussion while you have been very rude and presumptuous towards me. That is the nature of public service sometimes, but still uncalled for. I've worked in the public sector and volunteered on public boards and commissions for most of my professional life and when attacks are visceral and personal in nature, they don't usually come from a disinterested party. Asking about your background is our local culture - If we met in a different context I would ask you "what school did you go to?" as we do here.

I have sent your complaints to the appropriate authorities to investigate and make a determination. I beg you to give them the time to do their jobs. And now, I need to get back to mine.

Sincerely,

Melama Minn

[Quoted text hidden]

- 1st email exchange

Email communications with HLC Chair Minn-09292022

Aloha Mr. Sobier,

I received your complaint from Councilmember Kia'aina. Since it would be inappropriate to investigate and address your complaint within the agency, please submit your complaint directly to the State Ombudsman, Robin Matsunaga.

The Office of the Ombudsman is an independent agency of the Hawaii State Legislature that investigates complaints about actions of executive branch agencies of the state and county governments in Hawaii. Their office has the power to obtain necessary information for an investigation and to recommend corrective action if a complaint is found to be substantiated.

The Ombudsman serves as a neutral, independent intermediary between the citizen and the agency. They conduct their investigations in a fair and impartial manner. However, they do not provide

manner. However, they do not provide legal advice, nor do they serve as an advocate or representative of any person or agency.

You may submit your complaint via email here: complaints@ombudsman.hawaii.gov or via phone at this number: [\(808\) 587-0770](tel:(808)587-0770) or in person/mail at this address: 465 South King Street, 4th Floor, Honolulu, Hawaii 96813

We will also be adding this contact information to the Liquor Commission website as soon as we can. I apologize that this information was not readily available, but because complaints are rare, it hasn't been a top priority for the commission. We understand this is an error and are remedying it presently.

Thank you for your time,

Email communications with HLC Chair Minn-09292022

On Sep 22, 2022, at 1:17 PM, Rob Savvy

[REDACTED] wrote:

Which complaint are you referring?

Aloha

On Sep 22, 2022, at 12:37 PM, M Minn

Email communications with HLC Chair Minn -09292022

On Sep 22, 2022, at 1:24 PM, M Minn

<[REDACTED]@com> wrote:

Aloha again,

Any and all complaints against LIQ staff or commissioners should be submitted to the State Ombudsman. I am in receipt of (2) from you and it's your prerogative whether to submit either or both. Complaints from members of the public about individual licensees will continued to be handled by the commission.

Thank you,
Malama Minn

Email communications with HLC Chair Minn -09292022

From: Rob Savvy [REDACTED]
Date: September 22, 2022 at 1:29:49 PM HST
To: M Minn <mminn811@gmail.com>
Cc: "Kiaaina, Esther" <ekiaaina@honolulu.gov>
Subject: Re: Complaint Re: LC Investigator

That isnt what was said in the hearing.
Admin Hirai said there was an contractor, I believe Vivienne Hee, to handle internal investigations.

You also made a statement of not knowing about complaints. Regardless of how you investigate them, the Commissioners need visibility of issues the public sees with the HLC.

Aloha

Email communications with HLC Chair Minn -09292022

On Sep 22, 2022, at 1:24 PM, M Minn <mminn811@gmail.com> wrote:

Aloha again,

Any and all complaints against LIQ staff or commissioners should be submitted to the State Ombudsman. I am in receipt of (2) from you and it's your prerogative whether to submit either or both. Complaints from members of the public about individual licensees will continued to be handled by the commission.

Thank you,
Malama Minn

Email communications with HLC Chair Minn -09292022

Minn wrote

Re: Complaint Re: LC Investigator

Yes, we have also referred your complaints to the contractor. However, I considered whether this option may be insufficient in your view and I am therefore giving you another option outside of the agency to avail. Of course this is just another avenue and you may choose not to utilize it. I was only provided with your complaints after the hearing. Yours are the only that I have received in the 7 years I have volunteered on the commission and have only recently been elected as the interim Chair, so I was not experienced in how to handle them. I previously worked for the state and I therefore had knowledge of the state ombudsman's office and their role and responsibilities so I reached out to their director to confirm that complaints about our agency should be directed to them. Mr. Matsunaga confirmed that their office is where complaints of this nature should be submitted. We take complaints from the public very seriously and I want to ensure that your complaint is handled fairly and impartially. Thanks again,

Email communications with HLC Chair Minn -09292022



Rob Savvy

Thursday

To: M Minn Cc: Esther >

Also in the interest of "Restoring Public Trust", issuing a correction would be an easier path than throwing this into a beuqacratic hole.

Aloha

Email communications with HLC Chair Minn -09292022

- 2nd email exchange

Email communications with HLC Chair Minn -09292022

On Sep 22, 2022, at 4:01 PM, Rob Savvy

Dear Honolulu Liquor Commissioners,

Today, I had a confusing email dialog with Chairperson Minn. After Tuesday's city council public hearing where governance and internal investigations were discussed, I submitted a complaint specific to the Acting Administrator's truthfulness in the hearing. I subsequently also submitted a complaint which aligned specifically to CM Tupola's concerns with investigators not understanding their scope and authority resulting in issues with the public as well as potential legal liability issues for the county. I sent both complaints to the liquor@honolulu.gov email address and copied the council members who are driving the calls for reform at the commission.

RS wrote

Inbox Tuesday Hearing on R... ^ v

As part of my submission, I asked for these complaints to be shared with you, the commissioners. I made this request for both reasons of informing you as Chairperson Minn presented a perception that there are few complaints about the commission's operations team, including Enforcement. This was a shocking thing to hear given the number of complaints that exist in the license community. I also feel there are immediate issues of day-to-day leadership that per 281-17.5 of the commission's charter may need to be immediately addressed.

Ms. Minn suggested I send my complaints to the State Ombudsman which feels like a bureaucratic and ineffective approach to address immediate problems that in a typical business would be handled by the Administrator's boss, which by charter is you. I also feel that there is potential danger to the public issues that I believe the duty of care responsibility to the public is ultimately held by the commissioners.

Email communications with HLC Chair Minn -09292022

Inbox 8 Messages Tuesday Hearing on R... ^ v

I admittedly have been concerned with what has been and what is shared with you, the commissioner team. I am familiar with both former Administrator's Pacarro and Acting Administrator's Hirai's handling of whistleblower Ellis Lalau and his antagonist longtime contractor David Primiano, specifically how his life was endangered by their lack of action. This was documented in a TRO submission that was granted in 2018. (I can provide the details of this if need be, just email me on a separate chain.)

Forwarded with this email is a complaint about Administrator Hirai's testimony in Tuesday's hearing. In short, she knowingly lied about the background of the Enforcement team. I am also going to forward a complaint about an investigator that occurred in April in front of a licensee. I also have in the works other complaints that I have been working with the licensee community. I believe the details of this are necessary for the commission to answer the city council's resolution being voted on in October.

I appreciate your efforts at providing

Inbox 8 Messages Tuesday Hearing on R... ^ v

I appreciate your efforts at providing governance to the Honolulu Liquor Commission.

I do not have Commissioner Hullinger's email address and would ask these correspondences to be forwarded to him.

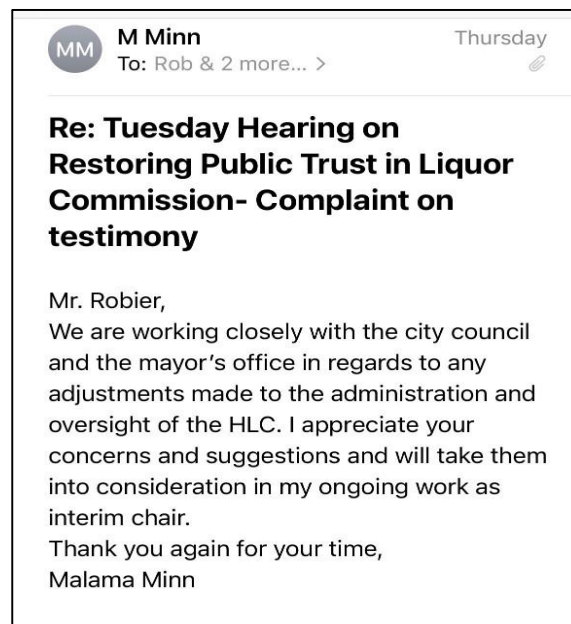
Respectfully submitted,

Rob Sobier

RS wrote



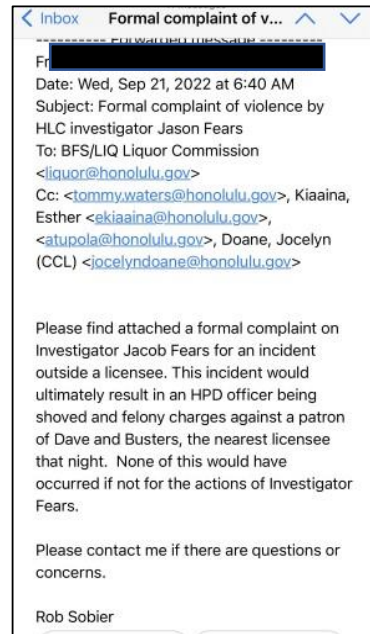
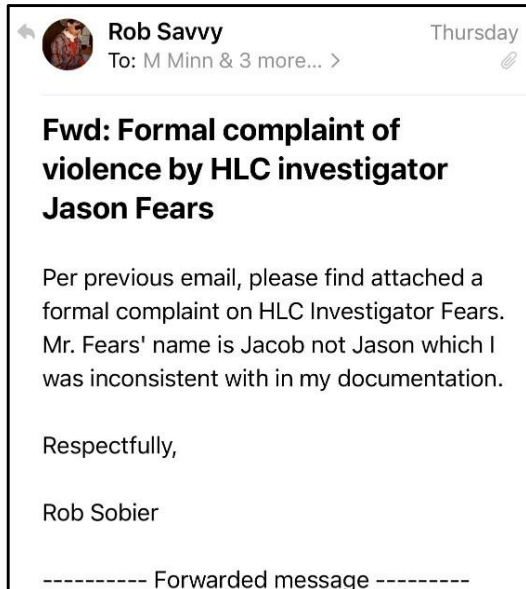
Email communications with HLC Chair Minn -09292022



Email communications with HLC Chair Minn -09292022

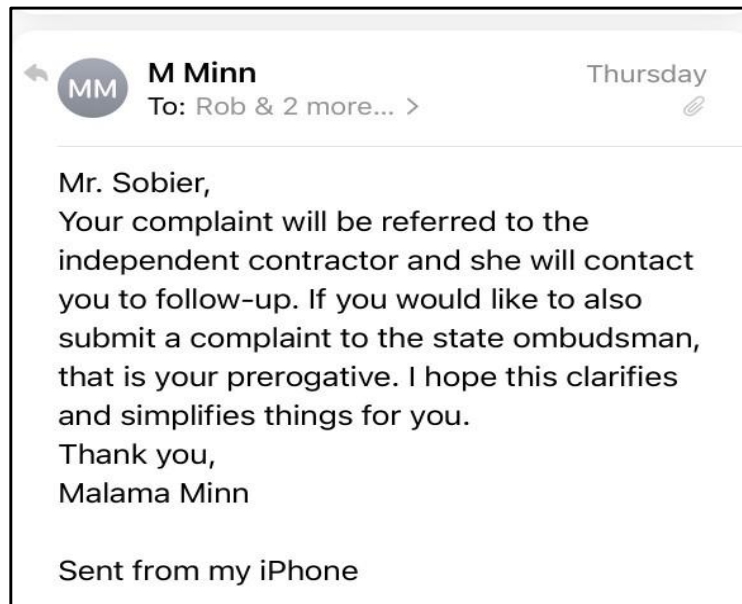
Third email exchange

Email communications with HLC Chair Minn -09292022

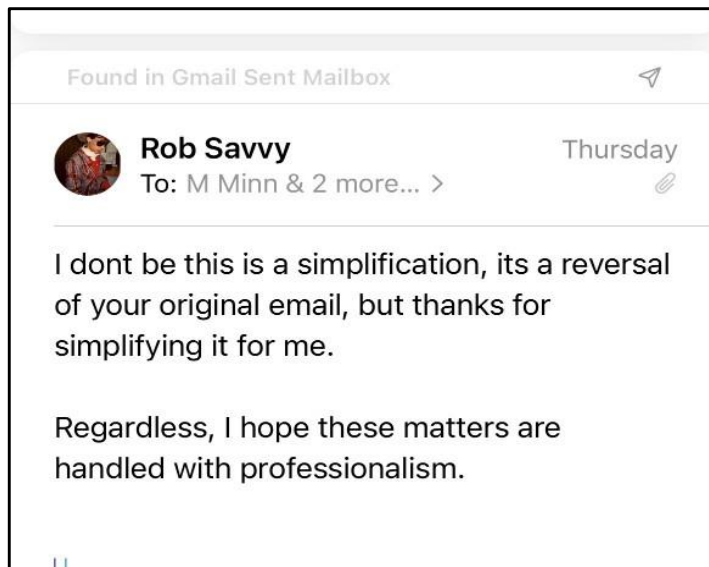


Email communications with HLC Chair Minn -09292022





Email communications with HLC Chair Minn -09292022



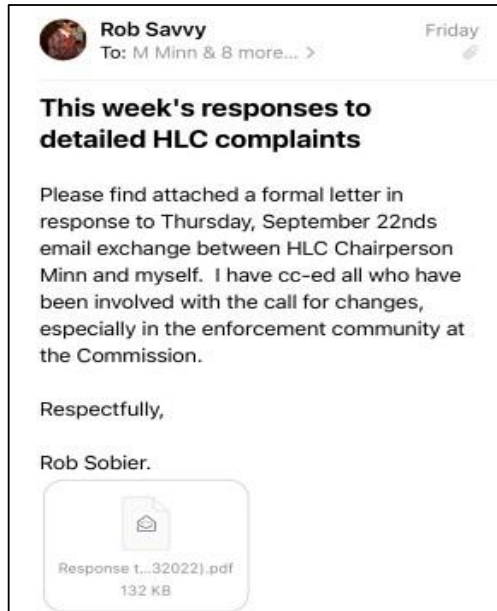
Email communications with HLC Chair Minn -09292022



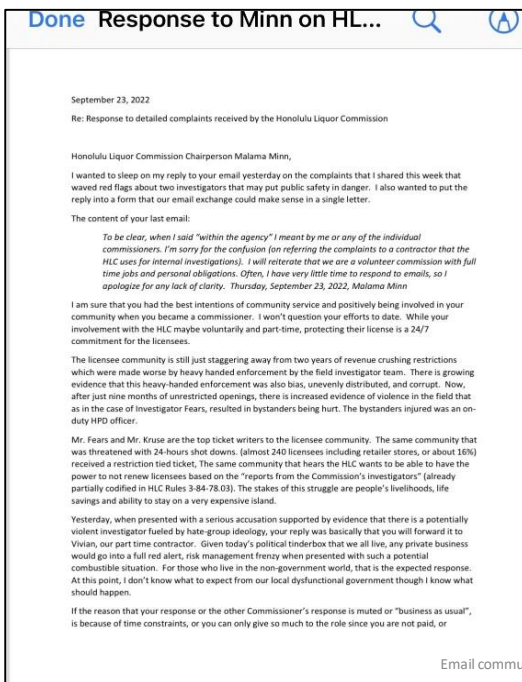
Email communications with HLC Chair Minn -09292022

- 3rd email exchange

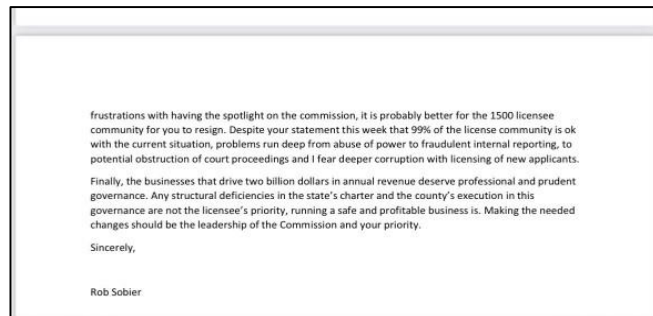
Email communications with HLC Chair Minn -09292022

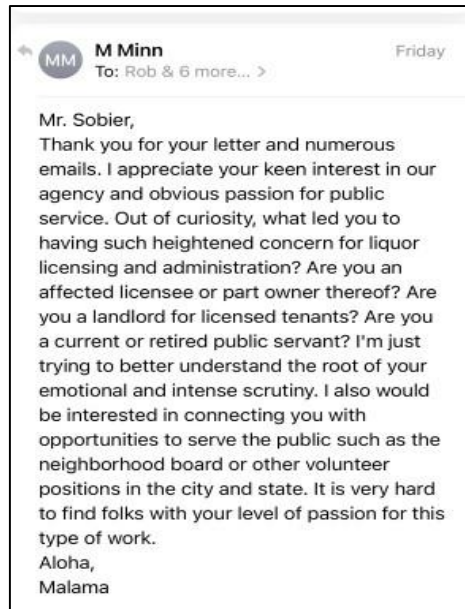


Email communications with HLC Chair Minn -09292022



Email communications with HLC Chair Minn -09292022





Email communications with HLC Chair Minn -09292022

First, my "emails" were 3 formal complaints:

- 1) The HLC's acting Administrator lied to the City Council about the criminal background of one of the HLC's investigators
- 2) An investigator abused his power and lied on an official police report in an incident that resulted in the injury of a police officer.
- 3) An investigator who has a documented case of wearing Nazi inspired clothing has numerous examples of abuse of power is the HLC's top ticket writer.

I am not a licensee. Given the history of retaliation at the HLC in the field and with the audit team, this is necessary to drive change.

I am an independent management consultant that has a history of transforming businesses in complex environments. I became "passionate" about the situation when Mayor Caldwell introduced his unconstitutional property seizure orders in the summer of 2020.

4 Messages
Inbox This week's response... ^ v

There is much to do still with remaining an outsider from the HLC and potentially other agencies given the corruption plagued county and state government.

I would also add that I wish that the HLC leadership was passionate about change and not maintaining the status quo. I've never seen anything like the situation at the Liquor Commission.

I hope this answers your questions.

Rob S.

Email communications with HLC Chair Minn -09292022

- 4th email exchange

Email communications with HLC Chair Minn -09292022

>>>> On Sep 25, 2022, at 1:36 PM, Rob Savvy <[\[REDACTED\]@pm](#)> wrote:
>>>
>>>
>>> Dear Chairperson Minn and HLC Commissioners,
>>>
>>> Please find attached a formal complaint of Interfering with a Federal Lawsuit regarding Chief Investigator Nakagawa, Investigator Supervisor Fontaine and Investigator Fears. The trio has taken a series of actions in obvious conflict of interest with an ongoing lawsuit.
>>>
>>> I appreciate your efforts in addressing this matter.
>>>
>>> Rob Sobier

Email communications with HLC Chair Minn -09292022

>> On Sep 25, 2022, at 2:03 PM, M Minn
<mminn811@gmail.com> wrote:

>>

>> Mr. Sobier/Savvy,

>> I believe we lack jurisdiction in this matter, so I will refer your complaint to the corporation counsel for guidance. Also, Mr. Nakagawa is no longer employed at HLC.

>>

>> Are you a party to (or relative) the federal case to which you refer to in the complaint?

>>

>> M. Minn

Email communications with HLC Chair Minn -09292022

> On Sep 25, 2022, at 2:07 PM, Rob Savvy
<[REDACTED]> wrote:

>

> No.

> I think i would be a whistleblower and your continued questions of my motives are odd at best.

>

> I also believe Fontaine and Fears are w the HLC and their actions are under the Administrator's scope and with that the Commissioners.

>

> Aloha

Email communications with HLC Chair Minn -09292022


On Sun, Sep 25, 2022 at 5:52 PM M Minn <mminn811@gmail.com> wrote:
Again, I do not believe the HLC has jurisdiction over complaints in connection with an ongoing federal lawsuit. The term "whistleblower" has a discrete definition and legal parameters. Therefore, I will refer your complaint to the corporation counsel for guidance, as previously stated.

I am asking who you are as a matter of legal standing. I will stop asking and leave those questions to the independent contractor to investigate.
M. Minn

Sent from my iPhone

Email communications with HLC Chair Minn -09292022

RS wrote

 To: M Minn & 8 more... >

Re: Complaint - HLC's Nakagawa, Fontaine and Fears: Interfering with Federal Lawsuit

My complaint is asking for recusal of Fontaine and Fears from all things White Sands and Scarlet. I am not sure how that isn't your jurisdiction. It should be common sense.

The determination of the trios' criminal or disruptive motive is for other's jurisdiction, the federal court. I did not ask for the HLC's determination of that.

I use the term whistleblower because in lieu of a functioning inspector general role or internal investigator, using UIPAs and public record access as well as stories of multiple operators, I am presenting you a ground level and frequently an internal view of problems in the HLC supported with evidence. From my perspective, you have done everything to make me feel like I am your enemy and to communicate to me as

< 41 Complaint - HLC's Na... ^ v

such as you want to protect your status quo. You made it clear Tuesday that you stand on your record and 99% of the licensee community loves the HLC. They send emails telling you so. Anything that does not support that view must have corrupt intent.

To date- you have told me to go to an outside agency. You have asked me my motives. You have been patronizing. You have accused me of being part of the same lawsuit that I questioned Nakagawa and company's meddling. You have made excuses about your time commitment and lack of compensation. You pushed responsibilities of managing your investigators' daily activities to the public to Corporation Counsel calling those decisions out of your jurisdiction. Not once have you expressed concern with poorly trained and unqualified investigators prone to violence remaining in the field. Not once have you indicated that there is zero tolerance for hate ideology in the field or anywhere in the HLC. Not once have you expressed a willingness to assure proper legal adjudication with the investigation team that is in legal jeopardy free of interference.

Email communications with HLC Chair Minn -09292022

When given the information you need to start thinking through a new HLC, you have made it clear that is not a goal. It has been astounding.



Complaint - HLC's Nakagawa, Fontaine and Fears: interfering with Federal Lawsuit

Mon, Sep 26, 2022 at 9:17 AM

Mr. Savvy/Sobier,

You are correct that the determination of guilt is the purview of the court and not the HLC and the court has yet to make its ruling as to Fontaine and Fears' guilt. I may propose what you stated in your request/complaint to the other commissioners at an agendaized executive session at a scheduled HLC meeting so is required by law.

As I type this, I am waiting to join a conference call with my boss and I have spent a great deal of time and effort over the last week fielding emails and complaints from you. I understand you are not a fan, that is VERY clear. My mom, however, thinks I'm doing a great job and is surprised I haven't quit with all the additional work and unwarranted attacks on my character from strangers. And really, only her opinion matters to me.

I have politely asked you questions to help inform the discussion while you have been very rude and presumptuous towards me. That is the nature of public service sometimes, but still unclear for: I've worked in the public sector and volunteered on public boards and commissions for most of my professional life and when attacks are vicious and personal in nature, they don't usually come from a disinterested party. Asking about your background is our best culture - if we met in a different context I would ask you "what school did you go to?" as we do here.

I have sent your complaints to the appropriate authorities to investigate and make a determination. I beg you to give them the time to do their jobs. And now, I need to get back to mine.

Sincerely,
Makana Minn
(Quoted text hidden)

Complaint #7 (not submitted):

Investigator refuses breathalyzer, drives to work with an ignition device and has revocation reversed in shady circumstance

Investigator [REDACTED] worked for the HLC from 12/1/2011 to 1/31/2019.

On early Wednesday September 21, 2016, [REDACTED] was pulled over for speeding and OWI. This was [REDACTED]'s second offense. [REDACTED] refused a breathalyzer and by statute with his second offense, his license was suspended for 2 years.

[REDACTED] was granted the use of an alcohol-checking ignition device to go to and from work; so, he was able to go to his job monitoring responsible alcohol consumption for the county.

[REDACTED] would engage a lawyer to try to have the license suspension reversed. Over the course of about a year, one of the arresting officers would avoid appearing at [REDACTED] administrative review.

The officer, a 34-year veteran of HPD and former colleague of Chief Investigator Nakagawa never appeared "calling in sick" numerous times on the day of the hearing. The administrator was forced to reverse [REDACTED] revocation and his license was returned.

<input type="checkbox"/> Business/ <input type="checkbox"/> School		<input type="checkbox"/> Complainant		<input type="checkbox"/> Victim		<input type="checkbox"/> Reporting Person		<input type="checkbox"/> Finder		<input type="checkbox"/> Witness		<input checked="" type="checkbox"/> Suspect		Race: Black																																							
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SYNOPSIS ON ABOVE DATE, TIME AND LOCATION GRAVES WAS ARRESTED FOR OVUII.																																																					

**ACKNOWLEDGEMENT OF RECEIPT OF SANCTIONS INFORMATION
& IMPLIED CONSENT TESTING CHOICE**

REPORT NO.: 1635607

ALCOHOL CONCENTRATION

After I informed the arrestee of the aforementioned sanctions and the choice of taking a blood test, a breath test, or both, or refusing to take a test to determine the alcohol concentration, the arrestee:

- ☒ AGREED TO TAKE A BREATH TEST AND REFUSED THE BLOOD TEST
☐ AGREED TO TAKE A BLOOD TEST AND REFUSED THE BREATH TEST
☐ AGREED TO TAKE BOTH A BREATH TEST AND A BLOOD TEST
☒ REFUSED TO TAKE EITHER A BREATH TEST OR A BLOOD TEST

DRUG TESTING

After I informed the arrestee of the aforementioned sanctions and the choice of taking a blood test, a urine test, or both, or refusing to take a test to determine the drug content, the arrestee:

- ☐ AGREED TO TAKE A BLOOD TEST AND REFUSED THE URINE TEST
☐ AGREED TO TAKE A URINE TEST AND REFUSED THE BLOOD TEST
☐ AGREED TO TAKE BOTH A BLOOD TEST AND A URINE TEST
☐ REFUSED TO TAKE EITHER A BLOOD TEST OR A URINE TEST

I, THE ARRESTEE, ACKNOWLEDGE THAT I MADE THE CHOICE(S) INDICATED ABOVE AND WAS INFORMED OF THE INFORMATION IN THIS REPORT.

ARRESTEE'S SIGNATURE: [Signature] 9-21-16/0332
DATE/TIME

SIGNED: [Signature] 52150 9-21-16/0332L
OFFICER'S SIGNATURE ID. NO. DATE/TIME

WITNESS: _____
WITNESS'S SIGNATURE DATE/TIME

COMMENTS: _____

HPD-396B4 (R-08/12)

WHITE - COURTS

YELLOW - ADMIN. REV.

PINK - RECORDS

Page 4 of 4

MESSAGE

RESPONDENT

[REDACTED]

CASE #

16-04094

Name of Caller:

Of:

HPD

Date

5/17/2017

Time

0758

Contact #(s):

Type:

TELEPHONE MESSAGE

Taken By

NICOLE M.

SUBJECT

HEARING TODAY

MESSAGE:

OFFICER [REDACTED] CALLED IN SICK.

MESSAGE

RESPONDENT: [REDACTED] CASE #: 16-04094
Name of Caller: [REDACTED] Date: 3/9/2017
Of: HPD Time: 1313
Contact #(s): [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
Type: TELEPHONE MESSAGE
Taken By: NICOLE M.
SUBJECT: HEARING TODAY
MESSAGE:
OFFICER [REDACTED] CALLED IN SICK.

Robbie Baldwin,
80 S. Pauahi Street
Honolulu, HI 96813

October 4, 2022

Resolution 22-207, Position: Approve

“A lot of times, our recruits weren’t able to get into the police department. And so they’re applying at a lesser known or lesser level law enforcement agency which is the Liquor commission.”

- Interim Chair Malama Minn 9/20/22, City Council Hearing

Next week LGBT Pride week is here. It is also the one-year anniversary of investigators, arriving at a pride event and ordering it shut down.

Ms. Minn and Ms. Hirai stood here and dismissed that my team and I have been harassed by their investigators. This was offensive. Their job is to find out what happened. They have been lazy and cowardly, hiding behind, *“they can’t talk about an active lawsuit.”*

They have not made one public statement affirming the HLC’s commitment to LGBT rights let alone the need for reform. They have failed to do their jobs. Just as they failed to do their job when they arrived here unprepared saying *“they are not going to be providing the narrative”*. It was offensive, and full of hubris.

In the private sector, when you don’t do your job, you are fired. There is not an option where you just decide you just don’t report to anyone, and you will do what you please. That is a child’s approach.

I understand that council members may not want to discuss the active lawsuit but I can speak broadly about what I know about the commission that doesn’t touch the active litigation. I want to have the hard conversations and I hope you have questions for me today.

Regards
Robbie Baldwin