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Daily Coconut BLOG Cover Story

2007-12-06 News



### LC Watch Case Dismissed

by Anthony Pignataro write the author

December 06, 2007 The LCwins again! In slightly less than one hour, Judge Joseph E. Cardoza dismissed the appeal by Maui Community College student Ramoda Anand and the Maui Dance Advocates of the Maui County Liquor Commission's April 2006 decision not to change the county's rules regarding dancing.

After listening to 40 minutes worth of arguments from Maui Dance Advocates attorney Lance Collins and Deputy Corporation Counsel Jane Lovell (representing the LC), Cardoza sided with Lovell's argument that he had no jurisdiction to hear the case since the Liquor Commission's hearing on dance rules wasn't a "contested case." There was no basis for an appeal, Cardoza said, and that was that.

So much for the legality of the matter. In practical terms, those who want to liberalize the LC's ambiguous rules on dancing—enforced at the discretion of individual LC investigators (which could potentially violate a person's right to due process, an attorney standing in the back of the courtroom whispered during the case)—have little recourse.

It's clear the Liquor Commission will not alter their rules on dancing. They've made that perfectly clear. They don't consider dancing to be, as Collins put it to Cardoza, "a form of expression that is protected by the First Amendment [to the U.S. Constitution]." They see it as mere "recreation," as Lovell explained, subject to restrictions they've already deemed "reasonable."

Now it's still possible to get the dancing rules changed. One way would happen if an establishment licensed to sell alcohol in the County of Maui gets hit with a violation for allowing illegal dancing, and then challenges the rule. But another, perhaps easier—and more likely—recourse would be for a patron to just start dancing at an establishment. When asked to

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stop, the patron would then sue the County of Maui, alleging that the LC's rules violated his or her civil rights.

Any volunteers?



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**the grid**  
Maui's Guide to Late Night Entertainment

**Reader Feedback**

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**FIRST AMENDMENT?**  
**December 08, 2007 | 08:05 PM**

Does anyone know what amendments are that work for the government on Maui? Hey forget my college education and lets take my high school education and become a judge. I think its more of who you know then what you know to get a high power job here on maui. Thats ok, I Have been reading this article since they started it and it always brings a smile to my face. Thanks Maui Times. And to the lc, why dont you watch the movie footloose and then maybe you will see how f--king stupid you all look.

*frank the stank silva :)*

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**lets give up people, you have already**  
**December 11, 2007 | 07:23 AM**

Why? we all wonder how things can be so bad here on this beautiful island we call home. Its simple, we do nothing about it but talk amongst ourselves. Its easier to just get along then do something about it. What a weak society we have become and really, we are ok with it.

Well to the readers out there that only voice your opinion at a bar or in your living room with a bunch of friends, dont expect anything to happen from that but a waste of breath and a big waste of time. Shame on all of us for really sitting back and just getting along.

*hotair*

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