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Maui Dance Advocates Continue Battle with Liquor Commission



The Politics of Dancing. If you feel like moving to the rhythm, you better make your way towards a regulated dance floor, like the one here at Casanova's in Makawao. Maui's Liquor Control still has the power to regulate "dancing," even though it ha...

Although there are over 50 definitions listed in Chapter 101 from the rules of the Maui County Department of Liquor Control (LC), the term "dancing" is not included. The statutes include definitions of such terms as "obscene" and "striptease," but "dancing" is left undefined. The Maui Dance Advocates (MDA) and their attorney, Lance Collins,

continue to seek clarity of Maui's dancing rules and won't back down when it comes to fighting the good fight for civil rights against the tenacious LC.

"Dancing, hanging with friends and drinking are ways of releasing tension and empowering oneself," said Collins.

"We want dancing laws changed in Maui County," said Ramoda Anand, president of MDA. "I believe that dancing is free expression and is protected by the First Amendment."

"Most people don't even know about the dancing laws in Maui, and we want to make everyone knows their civil rights are being challenged," said MDA Vice President Anthony Simmons.

In the LC regulations, Rule 08-101-23 states "any dancing or entertainment provided shall be in areas designated and approved by the director" and "an approved area for dancing shall have, when utilized, a minimum area of 100 square feet,

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be a non-consumption area, and shall be clearly designated for dancing.”

Anand and Simmons have continually struggled for the right to move freely in public areas of liquor consumption. But the commission has so far refused to even define “dancing,” including last March’s day in court when Collins and the MDA filed a declaratory ruling. The LC rejected the petition, declaring that the law is fine the way it was.

“If you cannot define it, how can you have a rule to regulate it?” asked Anand.

Collins will represent the MDA pro bono to file a complaint in Second Circuit Court. He feels the “substantive” issues have not yet been addressed. This case seeks to have the court review the concerns related to free speech and the “standard-less discretion” of the LC. According to him, the LC has been delegating “standard-less discretion,” a statement generally known as “executive decisions made on a case-by-case basis.”

“Without standards, business owners and patrons have to guess at what is being permitted and what is prohibited,” said Collins. “All we want to do in this case is have the county voluntarily agree to define what is being regulated or come up with a way to protect safety without encroaching on the people’s rights to expression. It’s not fair that if you bob your head or tap your feet outside the area, an establishment could be fined or possibly have their license taken away,” said Simmons.

“This will be our fourth time around with the LC, and it’s such a frustrating process,” said Simmons. “We want to be able to move around outside the ‘box,’ but they consider pretty much everything dancing, and that has to be done in the designated area.”

“I would just like them to allow moderate movement of the body off the dance floor,” said Anand.

In April 2007, the LC conducted a survey to see how licensees felt about dancing regulations. According to the results, only about half responded and no one had any problems with the rule.

“The validity of the survey is questionable,” said Collins.

The rule only applies to venues where alcohol is served. Restaurants with liquor licenses fall under the jurisdiction of the LC as well. For example, if a group of vacationers are having a good time at a restaurant’s bar and moving rhythmically, the establishment could be penalized. The business could incur punishment ranging from a written reprimand to losing its liquor license.

A number of members from the bar and restaurant industry are aware of the rules, but

chose to remain anonymous when addressing the issue.

"We have roped-off areas, like a bank, where dancing is designated," said one bartender. "I try to push the 'herd' towards the dance floor, but sometimes I'm too busy."

"We get slack from the LC as it is, so I don't mind yelling at a few to stop dancing—but I don't like to," said another bartender. "Some people don't believe me about the laws."

Some bartenders aren't even aware whether or not they have an approved dancing area. "I think we do, but I'm not sure. I know there's people dancing around all the time, though, but I have never had any LC in here hassling me about it."

Other businesses put order in the hands of bouncers to keep control. "We have two bouncers on at all times making sure no dancing happens except on the dance floor," said one bar manager. "Sometimes they have to be jerks. But hey, I can't afford to lose my license."

"It's silly that I have to tell people who are just moving next to the bar to stop," a bartender said. "It's like, I'm a bartender but I have to tell them to stop having fun."

"The Department of Liquor Control will continue its mission to protect the health, safety and welfare of the general public by regulating and controlling the liquor industry in the... service of alcoholic beverages," LC Director Franklyn Silva said in a written statement to the Maui Weekly.

MDA agrees with regulating safety. "I just want to be able to move my body mildly off the dance floor and not feel like I'm violating LC laws," said Anand.

If everything goes as planned, Collins and members of MDA could be in court by the end of this year.

"We are not giving up!" said Anand.

The Maui Dance Advocates still need to raise money for filing costs. Donations may be sent to P.O. Box 790486, Pa'ia, HI 96779. Call Simmons at 264-7691 for more information.

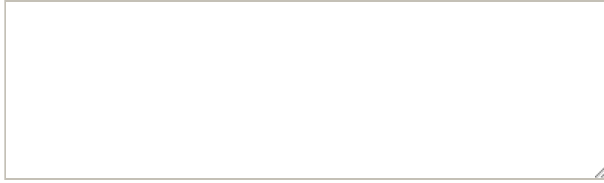
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Island Surf Building
1993 South Kihei Road, Suite 215
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Ph. **808-875-1700**