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Maui County

SPECIAL BONUS LC WATCH: 'Find Another Island'

The LC smashes an attempt to liberalize the county's dancing rules

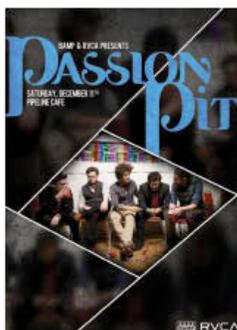
by By Anthony Pignataro write the author

April 12, 2007

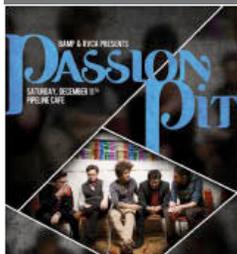
"Abandon all hope, ye who enter here." These are the words Dante

inscribed over the gates of Hell in his Divine Comedy, but they might as well appear at the door into the Maui County Liquor Commission's hearing room. In my decade covering local government in Hawai'i and California, I have never seen an appointed body act so arrogantly and show such utter contempt towards citizens who dared take time off from work to speak at a public hearing as the Liquor Commission did during its Apr. 11 meeting.

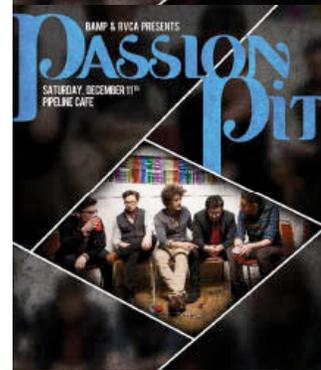
At issue was a petition containing 84 signatures submitted by a group calling itself Maui Dance Advocates. The petition asked the commission to change its rules governing dancing, which currently prohibit all dancing in an establishment except on specially designated dance floors. Specifically, the group wanted an actual definition of dancing placed in the rules—there is not one there now, despite the rules which govern where "dancing" can take place—and an allowance for "moderate"



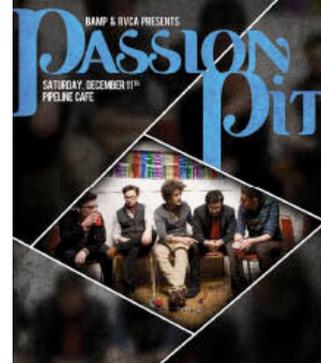
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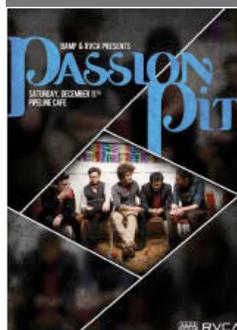
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Saturday
Dec. 11

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upper-body movement anywhere in an establishment.

Ten members of the public showed up at the hearing, which is about 10 more than usually appear. Of them, four signed up to speak during the public testimony portion of the hearing.

Steve La Fleur, who identified himself as a professional dancer and wore a black t-shirt saying "Back the Booty"—the meaning of which was undoubtedly lost on the commissioners, whose average age has got to be 55—said he found it "offensive" that numerous establishments had told him to stop dancing when he was just moving his upper body to the music.

When La Fleur's three minutes were up, Commissioner Blackie Gadarian told him he didn't believe him, questioned his motives and ultimately said, "If you feel you're being persecuted, find another island."

Commissioner Ron McOmber also jumped into the act, badgering La Fleur in an attempt to get him to name the establishments that had allegedly told him to stop dancing. "We'd like to talk to them," McOmber told La Fleur, who ultimately said he couldn't remember their names.

Jonathan Starr—himself a member of the Maui Planning Commission—later stood and gave his own personal opinion that he didn't think regulating dancing "should be the business of this body." The commissioners were silent on that, but when Starr added that in his view prohibiting dancing was a constitutional issue—freedom of expression, anyone?—the commissioners seemed both clueless and outraged.

"Explain that to me," McOmber demanded, to which Starr responded that he didn't feel it appropriate to make it easy for someone to sue the County of Maui.

Commissioner Todd Lawson, who rarely speaks at hearings, was the only member of the panel to show even the slightest sympathy towards the dance advocates. Pointing out that his fellow commissioners weren't even familiar with the law they were refusing to change, he said it might be a good idea to hold a public hearing on the notion of putting



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an actual, legal definition of dancing into the rules.

His idea died in a miserable silence.

After the members of the public had spoken, McOmber pointed out that the testimony the commission heard "has all been one-sided," as though that were the fault of Maui Dance Advocates. (He and his fellow commissioners seemed to ignore Department of Liquor Control Director Franklyn Silva's admission that Maui Dance Advocates had "followed the rules" in submitting a rule-change petition.)

In fact, McOmber complained so loudly about who had spoken that Penny Kikuchi—general manager and limited partner of Moose McGillycuddy's in Kihei—agreed to speak on the issue. The commissioners then grilled her on whether she'd ever invoked the name of the Liquor Commission when telling customers to stop dancing (she admitted she had). This went on for a few minutes before Gadarian tired of it and sneered, "Can we get a motion or something?"

Commissioner Curt Morimoto was only too happy to do that. Questioning the legitimacy of the petition by pointing out that it carried 84 signatures but just four people signed up to speak at the hearing—he refused to allow Maui Dance Advocates to defend itself—Morimoto said he saw no problem with the rule as it stood, which was on the books for "safety" reasons. Then he made a motion to reject the petition and end the matter entirely.

The commissioners approved it without any opposition. MTW

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