

Small Business Regulatory Review Board

MEETING MINUTES - **DRAFT**

April 17, 2025

- I. **CALL TO ORDER:** Chair Shick called the meeting to order at 10:02 a.m., with a quorum present.

MEMBERS PRESENT:

- Jonathan Shick, Chair
- Mary Albitz, Vice Chair
- Sanford Morioka, 2nd Vice Chair
- Mark Ritchie
- Robert Cundiff
- Nikki Ige
- James (Kimo) Lee
- Jennifer Salisbury

ABSENT MEMBERS:

- Garth Yamanaka
- Tessa Gomes

STAFF: DBEDT

Dori Palcovich
Jet'aime Ariola

Office of the Attorney General

Kelcie Nagata

II. **APPROVAL of March 20, 2025 MINUTES**

Mr. Cundiff motioned to approve the March 20, 2025 meeting minutes as presented.
Mr. Ritchie seconded the motion, and the remaining Board members agreed.

III. **OLD BUSINESS**

- A. Discussion and Action on the Small Business Statement After Public Hearing and Proposed New Rules and Regulations Relating to the Use of Parks and Park Facilities Peddlers and Concessionaires, Part VI – Rules and Regulations Governing the Operation of Concessionaires at the Spouting Horn Park, promulgated by County of Kauai, Department of Parks and Recreation

Discussion leader Ms. Ige briefly stated that the proposed rules relate to bids for the concessionaires at the Spouting Horn. Mr. Patrick Porter, Director of Parks and Recreation for the County of Kauai, provided the history of this tourist attraction known as the Spouting Horn Park.

Initially, although there were only governing County Codes, it was subsequently recommended that administrative rules be created. The proposed rules mostly clean up the ordinances as they generally follow the conditions of the Code.

Ms. Ige added that the Board's agenda packet has a list of the concession procedures and fees. The proposed minimum bid of \$3,500 fixed per month fee was discussed at length as it was increased from approximately \$2,500 - \$3,000. While the amount of space per square footage appears high, Mr. Porter stated that concessionary owners were amenable to the price increase and are longing to go back to the concessionary stands.

Despite the normal, legal process of providing notice of these rules for public hearing, Mr. Porter stated that a "handful" of small business vendors are in touch with his office and familiar with the proposed rules. Also stated was that to change the upfront bid price of \$3,500, the administrative rules would need to be amended.

Mr. Cundiff motioned to send the proposed new rules to the Kauai Mayor for adoption. Second Vice Chair Morioka seconded the motion, and the Board members unanimously agreed.

IV. ADMINISTRATIVE MATTERS

A. Update on the Board's Upcoming Advocacy Activities and Programs in accordance with the Board's Powers under Section 201M-5, Hawaii Revised Statutes (HRS)

1. Update on the Business Revitalization Taskforce's most recent meeting pursuant to Act 142 (Sessions Law Hawaii 2024, Senate Bill 2974 Relating to Economic Development, and Tourism establish a task force in order to identify methods to improve Hawaii's general economic competitiveness and business climate, including the mitigations of regulatory tax burdens

Mr. Yamanaka was not in attendance but is expected to provide the Board with an update from the Business Revitalization Taskforce at the next meeting.

Mr. Ritchie attended the last Taskforce meeting and noted that the different PIG's (permitted interaction groups) presented their findings, which were well presented and thoughtful.

2. Update and Discussion on Becker Communications, Inc., regarding the Board's Small Business Outreach

The next meeting with Becker Communications and DBEDT staff is scheduled for April 24th; Chair Shick plans to attend.

3. Presentations to Industry Associations

Ms. Ige recently sat on a small business incubator panel for Common Ground, a Kauai entity, where she shared information about this Board.

4. Staff's Small Business Outreach

Ms. Ariola reminded the members that she will be attending the West Oahu small business panel on April 24th and will report back to the Board at the next meeting.

V. LEGISLATIVE MATTERS

A. Update on the following:

1. Senate Bill 1343 SD1 HD2 – Relating to the Small Business Regulatory Review Board – Amends the quorum requirements to do business and validate acts of the Small Business Regulatory Review Board.

The Senate and the House do not agree on the last version of SB 1343 SD1 HD2.

Under Section (d) of the Board's statute, the House proposed changing wording of the bill to "(d) A majority of all the members appointed 'or' confirmed to serve on the board, to no less than five." As the Senate disagrees, this measure is scheduled for Conference Committee. While House conferees were scheduled, Senate conferees have yet to be scheduled.

2. Governor's Message 617 Submitted for Consideration and Confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, Nicolle Ige, for a term to expire June 30, 2028

This measure was confirmed by the State Senate on April 10th.

3. Governor's Message 513 Submitted for Consideration and Confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, James Lee, for a term to expire June 30, 2028

This measure was confirmed by the State Senate on April 10th.

4. Governor's Message 514 Submitted for Consideration and Confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, Jennifer Salisbury, for a term to expire June 30, 2028

This measure was confirmed by the State Senate on April 10th.

VI. NEXT MEETING – Thursday, May 15, 2025 at 10:00 a.m., via Zoom and in Conference room 436 at No. 1 Capitol District Building, 250 S. Hotel Street, Honolulu, HI 96813.

VII. ADJOURNMENT – Mr. Ritchie motioned to adjourn the meeting and Ms. Ige seconded the motion; the meeting adjourned at 10:44 a.m.