

July 28, 2020

SENT VIA EMAIL

The Honorable Kirk Caldwell
Office of the Mayor
530 S King Street, Room 300
Honolulu, HI 96813
Email: mayor@honolulu.gov

Re: Arbitrary, Capricious and Discriminatory Targeting of Bars

Dear Mayor Caldwell,

We are a group of bar owners (owners) united to oppose the arbitrary, capricious, and discriminatory blanket closing of bars and no other business by the City and County of Honolulu (Honolulu). You have requested permission from the governor to close bars for 3 weeks in response to the recent surges of positive COVID-19 cases in Honolulu in order to increase and train enforcement staff.

Our information regarding the demographics and details for positive cases, clusters and the current surges are limited to what is disseminated to the public. The news reported 56 cases associated with funerals, 20 cases associated with gyms and the Hawaiian Air cluster which has resulted in a death. In today's post you concede that many of the clusters come from home and social gatherings. There have been many reported incidences of individual non-bar businesses where the establishments have shut down due to a positive cases or cases, done deep cleaning and reopened within hours. Despite this clear documentation of cases within other businesses, you are not proposing any other industrywide closure and have only targeted the bar industry.

The bar business industry is already a highly regulated and licensed business. When bars were allowed to reopen on or about June 19th further rules and guidelines were issued regarding sanitation, karaoke, social distancing and capacity, among other things to address COVID-19 concerns. Department of Health inspections and Liquor Commission inspector visits were increased to ensure compliance. It was reported that individual violators would suffer consequences. However, after the reopening and rising positive cases in general within Honolulu, midnight closures were mandated for all bars absent any justification except a rising positivity count. So far as we know 4 bars have been in the news, 2 for violations (of the midnight closure proclamation and of the social distancing and capacity restrictions). Two bars have recently been associated with small clusters. All bars have been named by government officials although names of businesses in other industries have not been divulged for privacy reasons

Repeatedly, bars have been villainized by public officials from the start of the pandemic – in part because of negative stereotypes of bars as “high risk. However, that has not been the case within Honolulu bars. The assumption is that all bars are the same, and without exception,

should be treated the same. The perception seems to be that bar owners, employees and patrons are irresponsible, do not care about others and are to blame for the current surge in cases. No news reports have supported these perceptions and assumptions.

The fact is that bars are not all the same. Many of us have been in the bar business for years. To survive in this business, you must be responsible because of the liability of dispensing alcohol. Despite financial difficulty we all paid our Liquor License fees on June 30 (without a rebate or discount for 3 months of mandatory closure). We will have to pay our gross sales fees by July 31 (Liquor Commission has a payment plan). Yes, there are those in this industry, like all other professions, that do not follow the rules. That is why we have enforcement. Many of the owners have spent precious dollars on plexiglass, sanitizers and other expenditures to keep our business safe not only for our patrons but for our employees, ourselves and own families. Now we are being punished, even though we have complied, seemingly because of a few.

As a leader you are required to make difficult and challenging decisions. However, these decisions need to be balanced, well vetted and not a knee jerk reaction to shut down an easy target with no justification. Closure of all bars, industrywide, regardless of compliance is an overcorrection that is extremely arbitrary, capricious and discriminatory against bar owners – especially when there is no factual basis or correlation that bars are a high risk in Honolulu. Corrective measures should be on a case by case basis. The number of positive cases in Hawaii is small enough whereby contact tracing and enforcement should be used to mitigate the surge. It is easier to close all bars, but that is not the fair way to deal with our positivity rates. The state already has the tools and ability to take a surgical approach to the problem. The owners have already suffered financially and continue to struggle. Owners agree that violators should face consequences, but please do not punish those of us who have been complying.

Mayor, please remember that we are mothers. We are fathers. We are sons. We are daughters. We have all fought hard and worked hard so that we can raise our families in this great City. Find the fair balance in this quest and don't push to shut us down.

Mayor, it is just plain unfair and even unjust to deprive us of our livelihood!

DO NOT CLOSE THE BARS!

Sincerely,

Lynn Tu Cabral
Hyo Son Ltd., dba Y's Sports Bar & Grill

Robert Fritz
Hibiscus Club

Judy Foster Long
Anyplace Inc. dba Anyplace Cocktail Lounge

Gaye Misemer
The Genji Group, Inc., dba Club Genji

Mary Yeung
8 Fat Fat 8 Bar & Grille

Chauvanthi Matsubara
Café Anasia

cc: Governor David Ige