

MAR 10 2023

SENATE RESOLUTION

URGING THE COUNTY OF MAUI TO IMMEDIATELY AND SUBSTANTIALLY
INCREASE THE FINES ASSESSED AGAINST PREDATORY COSMETICS
ESTABLISHMENTS FOR VIOLATING THE MAUI COUNTY HISTORIC
DISTRICTS ORDINANCE.

1 WHEREAS, numerous predatory cosmetics stores have continued
2 to operate on Front Street in Lahaina, Maui, and continue to
3 engage in marketing techniques that are considered to be
4 disrespectful, inconsiderate, and aggressive in nature, thus
5 creating an intimidating atmosphere for residents and visitors
6 alike; and
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8 WHEREAS, there have been numerous ongoing complaints by
9 residents and visitors that they have been accosted and harassed
10 by the personnel of these predatory cosmetics stores, who
11 persistently use aggressive sales techniques; and
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13 WHEREAS, these predatory cosmetics stores also engage in
14 unscrupulous behavior in the production of their products and in
15 the aggressive and unsolicited physical application of these
16 products on the faces of unsuspecting passersby; and
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18 WHEREAS, the previous administration of the County of Maui
19 entered into a settlement agreement with the parent company of
20 several of these cosmetics stores, but the terms of the
21 agreement have been repeatedly and egregiously violated by the
22 stores in the course of doing business because the county does
23 not appear to be actively enforcing the agreement; and
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25 WHEREAS, cosmetics store salespeople have recently been
26 observed engaging in even more flagrant and combative sales
27 tactics, including following people down the street; harassing
28 and aggressively marketing to uninterested people along the
29 seawall and other locations far from the salespeople's own
30 storefronts; calling out to and approaching occupants of nearby
31 vehicles; and confronting people gathered at the entrance of
32 nearby businesses, which deters customers from entering those
33 businesses; and
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1 WHEREAS, the people of Lahaina have repeatedly demanded
2 that the county take action against these predatory businesses
3 that violate state laws and county ordinances prohibiting
4 harassment and soliciting business on a sidewalk located in a
5 historic district; and
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7 WHEREAS, the community has demanded that the cosmetics
8 stores be penalized for their repeated violations of the
9 settlement agreement and that the underlying county ordinance be
10 properly enforced; and
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12 WHEREAS, previous attempts by the Legislature to address
13 this issue have proven futile because the Legislature enacts
14 laws of general applicability, rather than specifically
15 targeting violations of county ordinances that occur at a
16 particular location within a county; and
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18 WHEREAS, the Maui County Charter was successfully amended
19 in 2022 to remove the generally applicable \$1,000 cap on civil
20 fines, thereby allowing the County to substantially increase the
21 amount of fines that may be levied against these cosmetics
22 stores, for the purpose of imposing fines in amounts that
23 represent a realistic financial deterrent to future violations;
24 and
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26 WHEREAS, significant increases in the fine amounts imposed
27 on violators would also provide the County of Maui with more
28 funding to establish additional inspector positions to
29 consistently enforce county ordinances; and
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31 WHEREAS, significantly higher fines could also be levied
32 against property owners who continue to rent retail space to
33 predatory cosmetics stores, which would incentivize these owners
34 to exercise more diligence in ensuring that their tenants abide
35 by all applicable laws and ordinances; now, therefore,
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37 BE IT RESOLVED by the Senate of the Thirty-second
38 Legislature of the State of Hawaii, Regular Session of 2023,
39 that the County of Maui is urged to immediately and
40 substantially increase the fines assessed against predatory
41 cosmetics establishments for violating the Maui County Historic
42 Districts Ordinance, which specifically prohibits any person



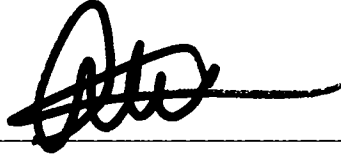
1 from carrying on or soliciting business on any street or
2 sidewalk in the historic district of Lahaina; and

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4 BE IT FURTHER RESOLVED that the County of Maui also pursue
5 all applicable judicial remedies, including fines and punitive
6 damages, against predatory cosmetics stores for repeatedly and
7 flagrantly violating the terms of the settlement agreement that
8 was put into place; and

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10 BE IT FURTHER RESOLVED that certified copies of this
11 Resolution be transmitted to the Mayor of Maui County,
12 Chairperson of the Maui County Council, Chairperson of the
13 Planning and Sustainable Land Use Committee of the Maui County
14 Council, West Maui Representative of the Maui County Council,
15 Director of the Planning Department of Maui County, Executive
16 Director of the Lahaina Restoration Foundation, President of the
17 LahainaTown Action Committee, and President of the West Maui
18 Taxpayers Association.

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OFFERED BY: _____

A handwritten signature in black ink, appearing to be 'Ato', written over a horizontal line.