

MAR 10 2023

SENATE CONCURRENT 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



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1 nearby businesses, which deters customers from entering those
2 businesses; and

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4 WHEREAS, the people of Lahaina have repeatedly demanded
5 that the county take action against these predatory businesses
6 that violate state laws and county ordinances prohibiting
7 harassment and soliciting business on a sidewalk located in a
8 historic district; and

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10 WHEREAS, the community has demanded that the cosmetics
11 stores be penalized for their repeated violations of the
12 settlement agreement and that the underlying county ordinance be
13 properly enforced; and

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15 WHEREAS, previous attempts by the Legislature to address
16 this issue have proven futile because the Legislature enacts
17 laws of general applicability, rather than specifically
18 targeting violations of county ordinances that occur at a
19 particular location within a county; and

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21 WHEREAS, the Maui County Charter was successfully amended
22 in 2022 to remove the generally applicable \$1,000 cap on civil
23 fines, thereby allowing the County to substantially increase the
24 amount of fines that may be levied against these cosmetics
25 stores, for the purpose of imposing fines in amounts that
26 represent a realistic financial deterrent to future violations;
27 and

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29 WHEREAS, significant increases in the fine amounts imposed
30 on violators would also provide the County of Maui with more
31 funding to establish additional inspector positions to
32 consistently enforce county ordinances; and

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34 WHEREAS, significantly higher fines could also be levied
35 against property owners who continue to rent retail space to
36 predatory cosmetics stores, which would incentivize these owners
37 to exercise more diligence in ensuring that their tenants abide
38 by all applicable laws and ordinances; now, therefore,

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40 BE IT RESOLVED by the Senate of the Thirty-second
41 Legislature of the State of Hawaii, Regular Session of 2023, the
42 House of Representatives concurring, that the County of Maui is



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1 urged to immediately and substantially increase the fines
2 assessed against predatory cosmetics establishments for
3 violating the Maui County Historic Districts Ordinance, which
4 specifically prohibits any person from carrying on or soliciting
5 business on any street or sidewalk in the historic district of
6 Lahaina; and
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8 BE IT FURTHER RESOLVED that the County of Maui also pursue
9 all applicable judicial remedies, including fines and punitive
10 damages, against predatory cosmetics stores for repeatedly and
11 flagrantly violating the terms of the settlement agreement that
12 was put into place; and
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14 BE IT FURTHER RESOLVED that certified copies of this
15 Concurrent Resolution be transmitted to the Mayor of Maui
16 County, Chairperson of the Maui County Council, Chairperson of
17 the Planning and Sustainable Land Use Committee of the Maui
18 County Council, West Maui Representative of the Maui County
19 Council, Director of the Planning Department of Maui County,
20 Executive Director of the Lahaina Restoration Foundation,
21 President of the LahainaTown Action Committee, and President of
22 the West Maui Taxpayers Association.
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OFFERED BY: _____

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