

SHACK: Bar said to have 'culture of violence'

Continued from A1

"It's not some kind of dank hangout for ne'er-do-wells and criminals as they're trying to portray," Price said.

While he acknowledged that Shack Waikiki had some problems during its initial months, those have been resolved, and the establishment has become a safe, family-friendly place with "tens of thousands of happy customers," he added.

To maintain a safe environment, The Shack has worked with the two neighboring nightclubs in the trade center, Zanzabar and Black Diamond, so that they do not all close at 4 a.m. — a factor that contributed to the initial problems — and has worked more collaboratively with their security teams in addressing other issues, according to Price.

Three years of experience running a Waikiki club has helped as well, contributing to an operating system that has "become like almost a model," he said.

"They got a lot of bad press, that's for sure," Price said of the initial problems. "Was it justified? I don't think so."

BUT as the federal prosecution, civil lawsuits and several pending liquor commission investigations progress, the club could face more unflattering attention.

Former bouncer Kauikalani Kauhi, for instance, is expected to testify in an upcoming civil trial about a "culture of violence" among the staff at Shack Waikiki, according to court documents.

Kauhi has sued the club for injuries he suffered in 2008, accusing Tory Winward, his then-supervisor and one of the three charged in the federal extortion case, of assaulting him. Shack Waikiki denied the allegations. "Bouncers regularly roughed up customers," Kauhi wrote in a statement to the Star-Advertiser. "It was known, but nobody ever did anything about it. It was just how they did things."

In court documents, Shack Waikiki argued that Kauhi was fired for being intoxicated while on the job, a charge Kauhi disputed.

THE AREA around the Waikiki Trade Center is well known to police. Several years ago, the 2255 Kuhio Ave. address generated more assault-related calls than any other location on Oahu.

Police spokeswoman Michelle Yu said assaults in that area continue to be a concern, especially on Friday and Saturday nights. Police adjusted staffing schedules this summer in part to address that concern, she said.

But overall, reported violence in that area has less-

ened, according to police statistics.

In 2009, officers responded to 113 assault cases at 2255 Kuhio, including 14 cases of aggravated assault, which involves severe bodily injury or dangerous weapons or both, the data show. In 2010, officers handled 80 cases, including nine of the more serious ones. So far this year, police have responded to 25 assaults, including five aggravated ones.

Price said police have established a more visible presence outside the site, helping prevent incidents when intoxicated customers leave the three clubs.

"It hasn't been a problem lately," he said.

Yet the filing of the extortion charges has rekindled questions about the liquor commission's oversight.

ATTORNEYS for Shack customers who have sued the nightclub say they believe it is getting special treatment and wonder what more needs to happen before the panel yanks the establishment's liquor license.

"It's disgusting," attorney Richard Turbin said in a phone interview. "The commission should have closed them down a long time ago."

Turbin represents world champion outrigger canoe paddler Karel Tresnak Jr., whose pending lawsuit alleges that Tresnak in April 2009 was put in a choke hold by a bouncer, then blacked out and was "forcefully flung face first" onto a nearby sidewalk.

"The bouncers are just out of control," added attorney Glenn Uesugi, who is representing another patron suing the club.

Shack Waikiki, in its court filings, disputed the assault allegations.

Greg Nishioka, the commission's administrator, denied that Shack Waikiki is getting special treatment.

"That's certainly not the case," he said.

THE COMMISSION can act on only substantiated violations, and the five committed at the club is not an "overly egregious" amount, according to Nishioka. Also, the substance of the violations has not risen to the level warranting a revocation or suspension of Shack Waikiki's liquor license, Nishioka added.

In one of the two violence-related violations, a police officer witnessed Winward, part-owner of the nightclub and head of its security team, in February 2009 kick a man who had fallen to the ground outside the Shack's entrance, according to commission records.

Just before the incident, the man had been involved in an altercation inside the club, threw a beer bottle at Shack security personnel and was escorted outside, the records say. The police

officer testified that he saw Winward kick the fallen man in the ribs.

Although Winward denied striking the man, the commission found the officer's testimony credible, matching what the victim reported. It imposed a fine of \$1,000 for the club's failure to suppress violent conduct.

In the other assault-related violation, the club similarly was fined \$1,000 for a November 2008 altercation between a Shack employee and a patron, the records show.

The three other violations involved nonviolent infractions such as serving liquor to a minor, according to the commission documents. Its most recent one, dated last year, was for opening too early.

The five violations, while a small number, exceeded the combined total committed by Zanzabar and Black Diamond since August 2008, when Shack Waikiki opened. Zanzabar has been fined for two violations since then, and neither was violence-related, according to the records. No violations were committed by Black Diamond during that period.

SEVERAL of the attorneys representing injured customers say they aren't surprised that violence erupts at Shack Waikiki, given the personnel hired there.

When attorney Michael Cruise, who represents Kauhi, the former bouncer, checked the names of 17 people listed as Shack "doormen" in commission records, he found 11 with criminal histories, according to Cruise and court documents he filed.

The 11 collectively were convicted of more than 140 charges ranging from kidnapping and felony drug offenses to petty misdemeanors such as harassment, the court documents show. The convictions ranged from the 1980s to as recently as 2008.

By hiring such personnel and not disciplining them when they cross the line, "the defendants intentionally created and perpetuated an environment in which violence against customers is likely to occur without repercussions," Cruise said in a March court filing.

Price defended the club's hiring, saying employers cannot use convictions from many years ago against applicants who have served their sentences.

"It's pretty clear that criminal histories are not a bar to ever being employed again," Price said.

Besides, he said, the club has strict employee rules, such as zero tolerance for taking drugs or drinking on the job, and it would be idiotic for the owners to hire people to beat customers.

"They're not idiots," Price said. "They're trying to run a friendly place for customers."