

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE AND CANNABIS BOARD
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MEETING

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IN THE MATTER OF: :
 :
Elite Prodigy LLC, :
t/a The Warehouse :
2210 5th Street NE : Fact Finding
Retailer MC - ANC 5F : Hearing
License No. 129377 :
 :
(Review of Standard :
Application for New :
Retailer License with :
Delivery, Education :
Tasting, Summer Garden, :
and Safe-Use Treatment :
Facility.) :
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Wednesday
October 7, 2026

The Alcoholic Beverage and Cannabis
Board met via WebEx videoconference, Chairperson
Donovan W. Anderson presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson
SILAS GRANT, JR., Member
RYAN JONES, Member
DAVID MEADOWS, Member
TERI JANINE QUINN, Member
JAMES TURNER, Member

ALSO PRESENT:

JOSE ORELLANA, DC ABCA Staff
RANDOLPH DICKENS, Applicant
CAMERON MIXON, Applicant's Counsel
GREGORY CASTEN, Witness
GEORGE ALLITZER, Witness

1 P-R-O-C-E-E-D-I-N-G-S

2 10:55 a.m.

3 CHAIRPERSON ANDERSON: So, what's
4 scheduled now, we have a fact find hearing for
5 The Warehouse, and I know before -- Mr. Orellana,
6 can you please elevate the rights of the licensee
7 in this case please?

8 MR. ORELLANA: Sure thing, call in
9 user access elevated, and Cameron Mixon, access
10 elevated. That will be all, sir.

11 CHAIRPERSON ANDERSON: Okay, that's
12 fine, all right.

13 MR. MIXON: Good morning, Mr. Chair.
14 We actually also have two witnesses we'd like to
15 testify alongside the applicant, they should be
16 in the chat, Greg casten and Eric Allitzer.

17 CHAIRPERSON ANDERSON: All right,
18 that's fine, I guess the call in can also unmute
19 himself too. So, good morning, Mr. Mixon, can
20 you identify yourself for the record?

21 MR. MIXON: Yes, Cameron Mixon,
22 counsel for the applicant. Cameron, C-A-M-E-R-O-
23 N Mixon, M-I-X-O-N.

24 CHAIRPERSON ANDERSON: And Mr.
25 Casten, can you please identify yourself for the

1 record?

2 MR. CASTEN: Gregory Casten, C-A-S-T-
3 E-N, owner of the property where The Warehouse is
4 building its business.

5 CHAIRPERSON ANDERSON: And I think we
6 have a Mr. Allitzer, can you please spell and
7 state your name for the record, and identify
8 yourself for the record, sir?

9 MR. ALLITZER: My name is George
10 Allitzer, I'm a contractor working at the
11 warehouse.

12 CHAIRPERSON ANDERSON: You're in a
13 bad area, sir, but I also need you to spell your
14 name. We have a court reporter, so they can
15 capture the current spelling of your name, sir.

16 MR. ALLITZER: My last name is
17 Allitzer, A-L-L-I-T-Z-E-R.

18 CHAIRPERSON ANDERSON: He has spelled
19 his name, so it's George Eric A-L-L-I-T-Z-E-R,
20 okay, thank you, sir. And who else do we have
21 here today?

22 MR. MIXON: The call in user is the
23 applicant, Randolph Dickens.

24 CHAIRPERSON ANDERSON: So, Mr.
25 Dickens, can you please unmute yourself, and

1 identify yourself for the record? Or Mr.
2 Orellana, can you please send him -- instruct him
3 how to unmute himself please.

4 MR. ORELLANA: Sure, press star six,
5 call in user, to unmute, on the keypad.

6 MR. DICKENS: Randolph Dickens, owner
7 of The Warehouse.

8 CHAIRPERSON ANDERSON: Can you spell
9 your name too?

10 MR. DICKENS: R-A-N-D-O-L-P-
11 H Dickens, D-I-C-K-E-N-S.

12 CHAIRPERSON ANDERSON: Good morning,
13 sir. And what is your relationship to the
14 establishment?

15 MR. DICKENS: I'm the owner, the
16 applicant, sir.

17 CHAIRPERSON ANDERSON: The reason why
18 I ask these questions is that we have a court
19 reporter, and we have a transcript, and so
20 therefore that's why I ask everyone to spell and
21 state their name for the record, and their
22 relationship, so when you have a copy of the
23 transcript everyone is the correct spelling, and
24 their affiliation is clearly documented in the
25 record.

1 So, that's one of the reasons why I
2 asked folks to do that, okay? All right, this is
3 another fact finding hearing, we previously had a
4 fact finding hearing, so The Warehouse applied
5 for a medical cannabis retail license with
6 delivery, education, testing, summer garden, and
7 safe use treatment facility endorsement at 2210
8 5th Street Northeast.

9 The placard posting date was
10 September 13th, 2024. The applicant last
11 appeared before the board for a fact finding
12 hearing on April 29th, 2026 at which time they
13 stated that The Warehouse would be open by August
14 of 2026. On August 13th, 2026 ABCA Licensing
15 issued a deficiency letter notifying the
16 applicant that the following items were still
17 outstanding.

18 Notice of business tax registration,
19 certificate of occupancy, basic business license
20 current and valid, police clearance, updated
21 security plan, an updated clean hands for the
22 business and all owners. Applicant provided the
23 notice of business tax registration and police
24 clearance, but did not submit the remaining
25 required documents.

1 My understanding is that supervising
2 investigator Jason Peru informed the applicant
3 that the outstanding materials must be submitted
4 by September 16th, 2026.k The applicant then
5 requested additional time from the board, a
6 review from DOB Portal shows no pending activity
7 or application for certificate of occupancy.

8 The applicant has also indicated
9 they're interested in installing golf simulators
10 within the retail space. Under 22-C DCMR, such
11 an amenity is permissible only if it exists
12 outside of the registered cannabis premises, that
13 is within a separately dismissed, and separately
14 licensed space, and even then it requires ABCA
15 confirmation and zoning review.

16 So, and I guess Mr. Mixon, you
17 previously appeared before the board for a fact
18 finding hearing regarding your delaying opening
19 display, despite being placarded more than two
20 years ago. At that time you represented that you
21 would open no later than August of 2026. We are
22 now in, today is October 7th, so bring me up to
23 speed, sir.

24 MR. MIXON: Yes, Mr. Chair. As an
25 initial point of clarification, the golf

1 simulator that was referenced in the fact
2 finding, and in our prior correspondence would be
3 a separately owned and operated business that
4 would just happen to be in the same building,
5 separate retail unit, with its own certificate of
6 occupancy.

7 We bring that up because it factored
8 into the reasons for the overall delays in the
9 construction project. Mr. Dickens has been
10 expeditiously pursuing licensure of the business
11 to the best of his ability, there has been a
12 numerous series of delays for both regulatory and
13 just practical construction reasons.

14 That is why we brought in the
15 property owner, Mr. Casten, and the general
16 contractor in charge of the construction project,
17 Mr. Allitzer, to kind of fill in those details as
18 to why the process has taken longer than
19 originally projected.

20 CHAIRPERSON ANDERSON: But what are -
21 - when you guys were here last -- when were you
22 here? I'm trying to figure out when --

23 MR. MIXON: April 29th of this year.

24 CHAIRPERSON ANDERSON: April 29th.
25 In April, May, June, July, you said in four

1 months, so what happened between April and today?
2 Walk me through the steps, what is it that has
3 occurred, and what work has been done between
4 this period?

5 MR. MIXON: When we last met for the
6 first fact finding, the applicant's construction
7 of the premises were not able to go forward
8 because DOB could not approve the building permit
9 in order for construction to begin on the two
10 businesses, both the licensed premises, and the
11 separate golf simulator business.

12 Which required a zoning variance to
13 be approved by the Board of Zoning Adjustment.
14 Mr. Casten, as property owner, supervising seeing
15 the premises built so that both businesses could
16 exist, was going through the Board of Zoning
17 Adjustment process at that time. Mr. Casten, do
18 you want to kind of fill us in on that part of
19 the process?

20 MR. CASTEN: Sure. We weren't
21 actually told that we needed a variance until a
22 couple of weeks before the anticipated issuance
23 of the permit, otherwise we'd have done that
24 process simultaneously. At the time that we were
25 told we had to go to the Zoning Board, there was

1 not a -- I think one of them ran for mayor, and
2 another one resigned, so there was not a quorum
3 for a period of approximately 90 days.

4 And during that time we were at a
5 complete standstill, so in the end, not knowing
6 when the issue would be heard by the BZA, we
7 elected to change the permit, and go without the
8 golf simulator. And before they could issue the
9 permit they convened a BZA hearing, and we were
10 awarded.

11 So, they then went back and gave us
12 the permit with everything, which we didn't
13 receive until July I believe, late June. And at
14 that point we began construction immediately, and
15 at this point in time we have closed in on the
16 plumbing, and we are awaiting an electrical
17 upgrade from Pepco.

18 And when that happens I think this
19 whole thing will finish up very quickly, and
20 we'll be able to deliver the space to Mr.
21 Dickens.

22 CHAIRPERSON ANDERSON: Are you able
23 to provide zoning variance, whatever the concern
24 that was going on with the Board of Zoning, are
25 you able to provide information to the board to

1 say okay, this is when a request was made, this
2 is when the hearing was -- or this is when we
3 were informed that we need a variance.

4 And this is the notice of public
5 hearing scheduling this hearing for whenever it
6 was scheduled for, and a copy of the notice, or
7 the issuance of the variance from the Board of
8 Zoning.

9 MR. CASTEN: Yes, I can provide all
10 of that detail. Cameron, I thought I gave you
11 some of that, I'm not sure if you included it --

12 MR. MIXON: I have the summary order
13 from the June 10th hearing, which was then issued
14 on June 16th, and we can provide that following
15 this hearing, and any other updates along the
16 process. I understand, Mr. Casten, there were
17 multiple delays before the hearing was finally
18 held?

19 MR. CASTEN: Yes, there was --

20 CHAIRPERSON ANDERSON: There was
21 representation that there was no quorum because
22 someone ran for office, someone -- so, if there
23 is documentation, if there is any documentation
24 that, at least from the Board of Zoning to say we
25 are unable to meet because there is no quorum, I

1 mean I guess public knowledge, yes, there is
2 someone from the Board of Zoning who did run for
3 office.

4 But I don't know whether or not that
5 prevented the Board of Zoning from meeting. So,
6 if there is some written record to say they
7 didn't have a quorum so they could meet, then it
8 would help your case if that information is
9 provided to the Board.

10 MR. CASTEN: We can provide that,
11 there is no issue with that. There is a notice
12 that was given out for that, and they postponed
13 three -- they meet once every third week of the
14 month, and they postponed three or four
15 consecutive meetings, and yes, I'd be happy to
16 get that information.

17 CHAIRPERSON ANDERSON: And when can
18 all of this information be provided to the Board?

19 MR. CASTEN: Maybe not by the end of
20 the day, but certainly by the end of the week, I
21 would let Cameron look at it to make sure that he
22 thinks it's the appropriate documentation you're
23 looking at. But I assume I can get that today
24 from the BZA website.

25 CHAIRPERSON ANDERSON: Well, you're

1 saying that --

2 MR. CASTEN: Or get somebody like
3 Anthony Hood, or one of the BZA members to
4 testify.

5 CHAIRPERSON ANDERSON: Well, I think
6 Mr. Hood has now retired, so I'm not sure if he's
7 still with the government. I saw something that
8 Mr. Hood retired from the government on the 29th,
9 and how I know this is because I know who Mr.
10 Hood is, and Mr. Hood always shared with me that
11 we are mistaken for each other.

12 People always call him for ABCA
13 issues, and so therefore he calls me to say that
14 by the way, he is not the chair of ABCA, so can I
15 deal with the ABCA issues that folks usually call
16 him to deal with. So, that's how I know Mr. Hood
17 professionally, I just want to put that on the
18 record.

19 But I was told that he retired on the
20 29th, I don't know exactly what that means. So,
21 I'm just saying though, you made certain
22 representation to say that there are
23 circumstances beyond your control that the Board
24 of Zoning did not meet, so therefore -- and so I
25 need you to provide us that information.

1 To say that these are circumstances
2 beyond our control, that's why we did not move
3 through the process, if the Board is going to
4 consider granting an extension, because this
5 matter has been placarded over two years ago, and
6 the law states that -- this is not moving at the
7 pace that we anticipate the matter should move.

8 However, if you have done what you're
9 supposed to do, and if there are other
10 intervening factors that are beyond your control,
11 then I believe the Board will look at that
12 information. Because this is --

13 MR. CASTEN: Understood, I can easily
14 provide that, there were a number of meetings. I
15 would also bring to the Board's attention that
16 when we apply for a permit or work approval, if
17 you want to get a plumbing close in, you apply
18 now, they're scheduling you for January.

19 So your project goes dormant for two
20 months while DOB arranges for -- I mean you can
21 pay an expedited fee, which is something not in
22 the budget for this tenant, but at the end of the
23 day it has been a very frustrating process for
24 us. Because originally, I think this was
25 testified to in April, Mr. Dickens had his own

1 architect.

2 And he met with very stiff resistance
3 at DOB, and then DOB was going through an upgrade
4 to an online system, and it became very
5 difficult, I worked with both Mr. Hanlon and Ms.
6 Nichols in order to get this project through, and
7 it still took nine and a half months for a 2700
8 square foot single story building with no
9 structural content involved to get permitted.

10 It has been an alarmingly frustrating
11 process, but that's not the issue at hand here,
12 that's me expressing some of the frustrations. I
13 can get you all of the detail that you have
14 requested.

15 CHAIRPERSON ANDERSON: As I stated
16 before, we expect that our licensees to comply
17 with deadlines, but if the licensee has, or the
18 applicant has provided information to say I have
19 done, and these are issues that are beyond my
20 control, I don't think the Board would use it as
21 a ding against the applicant.

22 But the Board, how at least I will
23 use it as a ding against the applicant, if some
24 of the problems were preventable. And so that's
25 one of the reasons what I'm asking, are these

1 actions that were done by -- yeah, are these
2 issues that should have been anticipated,
3 preventable, or it's just your bureaucracy, and
4 you're working through this.

5 So, that's why I'm asking for that
6 type of information to provide documentation --

7 MR. CASTEN: Understood, thank you
8 for that clarification.

9 CHAIRPERSON ANDERSON: All right, let
10 me see.

11 MR. MIXON: And additionally, Mr.
12 Chair --

13 CHAIRPERSON ANDERSON: Do me a favor
14 please, when you speak, please identify yourself
15 for the record.

16 MR. MIXON: Cameron Mixon, counsel.
17 So, to kind of pick up where Mr. Casten left off
18 time line wise, the premises finally came into
19 construction this summer, and is currently
20 anticipated to be complete, and ready for a
21 certificate of occupancy inspection in the fall.

22 And it is my understanding that once
23 construction began it hit some road blocks along
24 the way that made it take longer than the
25 original anticipated time line, and Mr. Allitzer

1 can speak to that.

2 CHAIRPERSON ANDERSON: Go ahead, sir.
3 Mr. Allitzer? You're on mute, sir. Your
4 attorney says that you have some representation
5 to make, sir. You'll have to unmute yourself to
6 speak, sir, unless you're frozen.

7 MR. ORELLANA: Yeah, it might be a
8 mix of frozen, I just sent him a request to
9 unmute.

10 CHAIRPERSON ANDERSON: Thank you.

11 MR. ALLITZER: Hello, can you hear me
12 now?

13 CHAIRPERSON ANDERSON: Yes, sir, go
14 ahead.

15 MR. ALLITZER: Sorry about that. My
16 name is George Allitzer, contractor working on
17 the site, at The Warehouse. At this time we are
18 doing floor close in with the plumbing, and we've
19 also ran into a water line problem, issue, it's
20 when we started to dig up, we realized that the
21 water line was a galvanized, corroded pipe that
22 broke.

23 So, we had to continue that dig out
24 onto the street to the meter to replace it, so
25 that has been one of the delays. So, we have to

1 take care of that at this time. And then we've
2 had some issues with clean up, but we have taken
3 care of that. But I don't see anymore issues
4 being involved in the future.

5 And we should be framing next week,
6 and I would say within the next couple months we
7 should be finished.

8 CHAIRPERSON ANDERSON: I'm sorry,
9 what is the time line you provided, sir?

10 MR. ALLITZER: I would say in the
11 next month, or sometime this fall. As long as we
12 don't run into any other issues or delays.

13 CHAIRPERSON ANDERSON: So, you are
14 saying -- well, the fall, we're almost in the
15 winter, so the fall will be over in a couple of
16 weeks, so --

17 MR. ALLITZER: Well, let's say
18 beginning of this winter, coming.

19 CHAIRPERSON ANDERSON: And what does
20 that mean, beginning of this winter, what should
21 occur beginning -- the time line that you're
22 giving us, what is it that you're saying should
23 occur within this time line, the beginning of
24 this winter?

25 MR. ALLITZER: We're looking end of

1 November possibly.

2 CHAIRPERSON ANDERSON: I guess ending
3 of November for what to happen? If you're going
4 to give us a time line, what is it that you're
5 telling us would happen by the end of November?

6 MR. ALLITZER: We should have the
7 walls closed, and most of the items completed,
8 and we should have occupancy by sometime in the
9 beginning of December, or mid December.

10 CHAIRPERSON ANDERSON: All right. I
11 guess, Mr. Mixon, you can tell us, we have not
12 received a basic business license. I understand
13 the certificate of occupancy, that does make
14 sense. We do not have a basic business license,
15 it's my understanding --

16 MR. CASTEN: This is Mr. Casten --

17 CHAIRPERSON ANDERSON: Hold on, Mr.
18 Casten --

19 MR. CASTEN: You can't get a basic
20 business license without a C of O, I believe.

21 CHAIRPERSON ANDERSON: Okay, as I
22 said, this is our standing, I am aware that you
23 cannot get a certificate of occupancy. I don't
24 know about why you have not provided us a basic
25 business license, why we haven't received an

1 updated security plan, or an updated clean hands
2 for the business, and all its owners.

3 These are still outstanding items,
4 and I don't know why these documents have not
5 been provided to the Agency. And can someone
6 give us a reason why these documents have not
7 been provided to the Agency? I think you were
8 making some representation, Mr. Casten?

9 MR. CASTEN: Yes, you cannot get a
10 basic business license without a C of O. So,
11 they have told us no, and there is no interim. I
12 can speak to the people there, or have Mr.
13 Dickens, I have been trying to help him as best I
14 can in this process, but they won't issue that.

15 I believe Mr. Dickens provided a
16 clean hands, I'm surprised to know the Board
17 doesn't know that, because I helped tell him
18 where to go and get that --

19 CHAIRPERSON ANDERSON: Maybe, it says
20 an updated clean hands, so maybe he provided one
21 months ago, I don't know. But from what I was
22 told from our legal office, and they're the one
23 who provided this information to me yesterday
24 afternoon, so I don't know. I'm just putting it
25 on the record to say, and I specifically asked,

1 it says an updated.

2 So, maybe a clean hands certificate
3 was issued, I'm not sure how long ago that is.
4 But what I'm being told, what's required is an
5 updated clean hands for the business, and all its
6 owners.

7 MR. MIXON: Yes, Mr. Chair, I can
8 speak to those. With respect to the security
9 plan, the procedures in the security plan filed
10 with the initial application I believe still
11 remain in effect. We have not seen a need to
12 update the security plan since then, we always
13 provide those at the outset of the application.

14 With respect to the clean hands,
15 those are only valid for the Board's purposes if
16 they are issued within the last 90 days, and
17 because of, as previously set forth, various
18 delays in the process, we wouldn't want to submit
19 a document that would then become out of date
20 before it became time to submit the C of O, and
21 basic business license, and proceed to final
22 inspection.

23 So, it was our intention to have the
24 most recent clean hands for the owner, and the
25 applicant entity available at the same time with

1 those final documents put in, so that everything
2 was current, and there was not need to repeat
3 work multiple times in the process.

4 CHAIRPERSON ANDERSON: Okay, that's
5 fine. I heard you say that you provided a
6 security plan, but here it is, it says updated.
7 I don't know what is being requested, and I don't
8 know if this information was provided to your
9 client, or if it's an updated security plan.

10 I don't know what that means, and
11 maybe your client knows what that means, it needs
12 to be addressed.

13 MR. MIXON: If I may, I believe it is
14 my experience in advising other clients through
15 this licensure process, is that the licensing
16 division, whenever it sends these updates, these
17 deficiency letters seeking outstanding documents,
18 it always includes kind of standardized language,
19 send an updated security plan if any changes have
20 been made either to camera layouts, or expected
21 security procedures.

22 And in most cases, in every case I
23 have represented an applicant in, the security
24 plan procedures that we put in at the time of the
25 initial application are what we intend to

1 implement at the time of the business opening.
2 So, there's not yet been a need to update a
3 security plan.

4 But if for any reason the procedures
5 need to change, we would do so promptly with the
6 Board as required by the statute.

7 CHAIRPERSON ANDERSON: All right.
8 Now, what's being presented to us is that you've
9 been in the case with, one should say no
10 demonstrated progress for over two years. You're
11 also preventing other applicants from obtaining
12 licenses, you have also missed multiple
13 deadlines, and continue to fail to provide the
14 required documents.

15 Why should the Board permit you to
16 continue the application process? Whoever can
17 feel comfortable to respond to that question.

18 MR. MIXON: Well, I wouldn't say
19 there has been no demonstrated progress, the
20 applicant did, promptly after the placarding
21 protest petition deadline, work through a
22 settlement agreement with the local advisory
23 neighborhood commission, which has been approved
24 by this Board, which is between that and
25 issuance, the last remaining major step of any

1 application is submission of certificate of
2 occupancy and basic business license.

3 And for reasons we've explained,
4 those have taken longer than anticipated.
5 Obviously we would have those as soon as they
6 were in our possession, and applicant has been
7 working hard, and has been receiving -- and Mr.
8 Casten as the property owner are interested in
9 seeing a flourishing business exist within this
10 property, has also contributed significantly to
11 the process.

12 At no point here is there any
13 evidence of any kind of willful negligence, or
14 lack of interest in the applicant in being
15 licensed. That's why we enlisted the help to
16 apply for a building permit, hired an architect,
17 a general contractor, hired my firm as counsel.
18 It's Mr. Dickens' intention to run a licensed
19 business.

20 And the approval to begin
21 construction, and issues along side the
22 construction are no real reason to determine that
23 it's unfit for licensure.

24 CHAIRPERSON ANDERSON: And am I
25 assuming incorrectly that no employees have been

1 hired for this potential business?

2 MR. MIXON: As we explained in the
3 initial fact finding hearing, Mr. Casten already
4 has a management team in place who is working
5 with him. In terms of more day to day staff,
6 those are decisions to be made in the coming
7 weeks now that there is an actual light at the
8 end of the tunnel for the C of O process.

9 And expecting a quick turn around
10 once that's in, and basic business license is in,
11 and enforcement has provided its approval of the
12 security features, and the license can be issued,
13 then the full personnel for the facility can then
14 be hired, and trained.

15 CHAIRPERSON ANDERSON: So, are you
16 aware that under 22-C DCMR section 5303, if the
17 business fails to open within 120 days after the
18 license is issued, that the Board may cancel the
19 license?

20 MR. MIXON: That is understood, and I
21 see no delays that would occur once the license
22 is ready for issuance.

23 CHAIRPERSON ANDERSON: Now, let's get
24 put on the record about the golf simulator. So,
25 you're aware that under 22-C DCMR any existing

1 endorsed structure golf simulators must be
2 located outside of the registered cannabis
3 premises in a separate dismissed, and separate
4 licensed space.

5 Because D.C. authorizes only a
6 limited list of cannabis related endorsements
7 safe use treatment facility, D.C. Code Section 7-
8 1671.06C, education and testing, 22-C DCMR
9 Section 5611, summer garden, and retail delivery,
10 and none of these allow amusement or generally
11 ancillary business activities. How do you plan
12 to comply with these restrictions?

13 MR. MIXON: As I explained in the
14 beginning of the hearing, the golf simulator
15 would be an entirely separate business housed
16 within the same larger building, but under its
17 own certificate of occupancy that just happened
18 to be adjacent to one another. I think the
19 intention on Mr. Casten's part is that both
20 businesses would benefit from being neighbors to
21 one another.

22 But there is not an intention to have
23 the golf simulator inside the safe use treatment
24 facility.

25 CHAIRPERSON ANDERSON: So, you're

1 also aware that on premises consumption is
2 prohibited under 22-C DCMR Section 5705, which
3 requires that medical cannabis not be consumed in
4 any form on the registered premises, and that any
5 product be dispensed in sealed containers not
6 opened on site.

7 A simulated model that allows
8 customers to linger and consume is therefore not
9 permitted, how will your concept comply with
10 these consumption requirements?

11 MR. MIXON: Mr. Casten, I understand
12 is superintendent, or principal of the golf
13 simulator business, that you would speak to that
14 most directly. But I imagine that there is no
15 intention to permit on site consumption within
16 that separate business, is that correct?

17 MR. CASTEN: Yeah, this is Mr.
18 Casten, yes, that's correct. They're two
19 separate areas, and we showed Jason, forgive me,
20 I can't remember his last name, the inspector,
21 how that lays out. There is a second floor above
22 the cannabis location for a safe spot, and then
23 an area out front with a little patio as well.

24 And then in The Warehouse itself is
25 four relatively small bays of 25 feet deep, with

1 about a 10 foot area to swing the golf club, and
2 then about a 15 foot area to walk past to the
3 next bay, bathrooms, and showers.

4 CHAIRPERSON ANDERSON: So, let me ask
5 this question. Mr. Mixon, as part of the
6 application process, and maybe I need to look at
7 my notes, are you guys -- is it a safe treatment
8 use facility, is that endorsement on this -- yes,
9 that's part of the application, a safe use
10 treatment facility, okay, that's part of the
11 application.

12 MR. MIXON: I believe the applicant
13 applied for all four endorsements.

14 CHAIRPERSON ANDERSON: Right, so it's
15 clear that the applicant can -- I'm sorry,
16 because there are going to be two separate
17 entities that -- in the facility for golfing an
18 individual cannot consume in that separate
19 facility, is it clear? Is it clear to the
20 client?

21 Well, I'm talking to you, Mr. Mixon,
22 is that clear to your client, I know that it was
23 presented as this is a different twist on what
24 this dispensary could offer, but the law
25 basically says it has to be a separate facility,

1 that for safe use it can be done within the
2 confines of the dispensary, but it cannot occur
3 in this other separate facility where we have
4 golfing.

5 So, this is not where you can leave
6 the separate golf simulator to go have a smoke
7 break on the summer garden of this separate
8 facility. I just want to make sure that these
9 are two separate facilities, and that you cannot
10 leave the dispensary, and go to the separate
11 business where the golf simulator is, and consume
12 there.

13 MR. MIXON: That is clear, that has
14 been discussed, and that was part of the plan.
15 It's no different than if there was a, say a
16 licensed restaurant adjacent to a retailer. A
17 patient could consume on site at the retailer,
18 and then how they choose to patronize other
19 businesses is up to them.

20 There would be no expectation that
21 the restaurant would then also be permitting
22 consumption on site just because it shares the
23 same building as the licensed retailer.

24 CHAIRPERSON ANDERSON: Well, I want
25 to clarify the record, because when it was

1 presented to us, it was presented as this is one
2 of the endorsements, this is a concept, a novel
3 concept, however because we only have medical
4 cannabis here in the District, this novel concept
5 cannot work within the dispensary.

6 It has to be two separate, so that's
7 why I'm reminding the parties that I know you had
8 this novel concept, but because of we only have
9 medical care in D.C., that this concept cannot
10 work, and I don't want it to be, if the Board
11 decides to give extra time to overcome these
12 challenges, that you're going to say well we did
13 not know that we could not smoke where the golf
14 simulation is occurring, okay?

15 MR. MIXON: That is understood. And
16 we only raised the existence of this separate
17 business because it was -- there is a common
18 building permit to build out the building
19 generally, to the benefit of both businesses.
20 And if we were unclear in our representations at
21 the prior fact finding we apologize.

22 But we only raised that to say this
23 is one of several elements that led to a more
24 complicated permitting process than originally
25 anticipated. And as Mr. Casten said, actually he

1 put aside his plans on the golf simulator
2 business for the time being in order to remove
3 any further roadblocks from The Warehouse being
4 able to be permitted for construction.

5 CHAIRPERSON ANDERSON: All right, so
6 who are the owners of this establishment?

7 MR. MIXON: Mr. Dickens is the sole
8 member of Elite Prodigy, LLC.

9 CHAIRPERSON ANDERSON: And so, is
10 there a management team that's in place to help
11 Mr. Dickens run this business?

12 MR. DICKENS: Yes, sir. Yes, sir, I
13 have a management company behind me.

14 CHAIRPERSON ANDERSON: And so do you
15 have a current engagement, or do you plan to sign
16 an engagement, can you disclose who this
17 management company is, or who are the owners of
18 this management company?

19 MR. DICKENS: We are putting the
20 pieces together now so we can start concentrating
21 on every day operations, and being able to have
22 people to do inventories, and to have the
23 training in place so we'll be able to open in a
24 timely manner. I know there has been a lot of
25 delays, and I'll get a chance to just finish what

1 I started.

2 CHAIRPERSON ANDERSON: I have some
3 other questions, but I'm going to allow other
4 board members, if they have questions, to ask.
5 Question by board members? Go ahead, Mr. Grant.

6 MEMBER GRANT: Mr. Mixon, just a
7 couple of questions for you if possible. When we
8 were in the original hearing back in April, do
9 you recall how we came to the conclusion on the
10 August date? Was that a date that you all put
11 out, or did we work our way through that back and
12 forth?

13 MR. MIXON: That was an estimate Mr.
14 Dickens provided to the best of his understanding
15 at the time. At that time the anticipated
16 building permit issuance was much sooner than it
17 originally ended up being. I believe Mr. Casten
18 said earlier that that ended up happening in
19 either late June or early July.

20 And I believe at the time of the
21 April fact finding hearing, it was originally
22 anticipated for a more May to June time line. But
23 due to those delays with receiving Board of
24 Zoning Administration approval, the building
25 permit was not issued until later. So, this was

1 based on a different set of facts, and then other
2 things developed after the fact finding.

3 MEMBER GRANT: Mr. Mixon, in terms of
4 the delays that you all mentioned today as it
5 relates to the lack of a quorum, and some of the
6 permitting issues, did you all notify ABCA of
7 those delays?

8 MR. MIXON: We provided
9 correspondence to the Board in September of this
10 year, when it became clear that there was concern
11 on the part of the Board, and ABCA enforcement.

12 MEMBER GRANT: But that wasn't before
13 the August deadline, when you guys communicated
14 anything?

15 MR. MIXON: No, when the permit was
16 finally issued, and construction was in full
17 force, we were hopeful that that was going to
18 proceed expeditiously. And the next thing that
19 we would say to the Board is here is an issued
20 certificate of occupancy, and basic business
21 license, and we are ready to be inspected for
22 issuance.

23 MEMBER GRANT: Okay, my final question
24 is we now are at a point where there is a
25 consideration for an additional delay. If it is

1 approved, do we have a commitment that you all
2 will notify us prior to the next agreed upon
3 deadline if there is any additional hiccups that
4 prevent you from meeting that deadline?

5 MR. MIXON: Absolutely, going forward
6 we will remain completely in communication with
7 the Agency. We anticipate that there will be
8 ready for inspection, as Mr. Allitzer is
9 representing, in November, and we can happily
10 update the Agency when that application is
11 submitted, and there's only one last point in the
12 line left before we're ready to turn it over to
13 the Agency to clear us for the license.

14 MEMBER GRANT: Okay, no further
15 questions, Mr. Chair.

16 CHAIRPERSON ANDERSON: Thank you. Go
17 ahead, Ms. Quinn.

18 MEMBER QUINN: Okay. Did I just
19 understand correctly that it was an August
20 deadline, and the business did not preemptively
21 notify the Board that you were going to miss that
22 deadline? Okay, well then let me skip that
23 question. Why would we even have to ask you to
24 do that going forward?

25 MR. MIXON: Well, at the conclusion

1 of the fact finding hearing, it was our
2 understanding that to the best of our knowledge
3 at the time, we would have a completed premises
4 ready for certificate of occupancy review in
5 August. It was our understanding, we didn't
6 receive any form of hard notice that a deadline
7 had been established.

8 That was a representation that we
9 were working with the Board to meet, and further
10 delays were, at that time, not yet anticipated.

11 MEMBER QUINN: I'm sorry, so you left
12 the meeting not understanding that there was an
13 August deadline, is that what the situation was?

14 MR. MIXON: When it became known to
15 us that the Board required a more updated time
16 line, we immediately provided that correspondence
17 and explanation.

18 MEMBER QUINN: Okay, let me get to,
19 because I think you missed my point. Did you, as
20 counsel, understand that there was an August
21 deadline to be met, there was something you
22 agreed would happen by some point in August, did
23 you understand that to be the case?

24 MR. MIXON: Yes, and we believed we
25 were going to meet it.

1 MEMBER QUINN: But at some point you
2 realized you weren't going to meet it, why didn't
3 we get a notice? I just cannot understand why we
4 would need to tell you, if you're not going to
5 meet a deadline, that you need to let us know.
6 Because here you are back hat in hand after
7 you've missed the deadline.

8 MR. CASTEN: Cameron, I think if you
9 go back and look at my April email to you, I said
10 October from then. This is the first time, and
11 I'm not the license holder, but I am trying to
12 help him get there, it's the first time I heard
13 there was an absolute deadline about anything.

14 We knew back in April, based on the
15 way DOB, and the speed was going, that this space
16 was at best September or October. And if you look
17 back to my emails in March and April, that's
18 exactly what I said. I think we're only four or
19 five weeks behind in the build out, and that's
20 impressive, considering the 120 day, or 90 day, I
21 don't know if it was three or four hearings BZA
22 missed. Anyway, it is what it is.

23 CHAIRPERSON ANDERSON: Hold on, let
24 me assist you a little bit, Board Member Quinn.
25 I think what I read this morning, and if I'm

1 reading it wrong, this is a briefing that I was
2 given by legal, the applicant last appeared
3 before the Board for a fact finding hearing on
4 April 29th, 2026, at which time they stated that
5 The Warehouse would be open by August 2026.

6 That is the briefing that was
7 provided to me by our legal office. So, Ms.
8 Quinn, you can move on from there, but that's
9 what, unless legal gave me the wrong information,
10 I'm going to get clarification again, but that is
11 what's in the record. Go ahead, Ms. Quinn.

12 MEMBER QUINN: Okay, that's helpful.
13 I think I'm just, if you can't tell, troubled by,
14 from my side, what appears to be a clear, agreed
15 upon deadline, and that that date would come, and
16 then go with no initiative from the applicant to
17 say hey, I see a problem here. I might not be
18 able to meet this, please continue to work with
19 me.

20 I'm concerned about that coming on
21 the back end, and especially because we're
22 entering a new relationship, and under this is
23 you're delivering medicine, there's got to be a
24 sense of trust, and it is hard to maintain a
25 sense of trust in a circumstance like this. So,

1 it is now you say okay, this thing is going to
2 happen on date whatever, I don't know what's
3 going to happen.

4 And so I think we start off giving a
5 certain benefit of the doubt, but I just want to
6 be super clear that I'm uncomfortable with that,
7 and that going forward, whether it's this case or
8 another case, my expectation as a board member
9 is that if you've told us a thing is going to
10 happen, and you realize that thing is not going
11 to happen, you ought come to us in advance of the
12 deadline.

13 And so that's -- I think I've made
14 that point super clear, so I don't need to go on
15 beating a dead horse. But can you just -- if
16 this came up before, forgive me for having missed
17 it, but the golf side of the business, is there
18 any intent at any point to have that side serve
19 alcohol?

20 MR. MIXON: Mr. Casten? You're
21 currently muted.

22 MR. CASTEN: I don't have any
23 intention to start serving alcohol. I mean,
24 depending on what happens with cannabis in the
25 future, I'm not going to commit to never, but

1 you're not allowed to mix cannabis and alcohol.
2 Did you hear any of that?

3 MEMBER QUINN: Yes, I did hear that.

4 MR. CASTEN: Okay, sorry. Yeah, no,
5 we're well aware you're not allowed to use both.
6 I happen to own a number of liquor establishments
7 that are out there, and I know that you can't
8 have both. In fact at one point I, because this
9 process was taking so long, I went to Randolph
10 and said hey, if you don't want to do this, I'll
11 try to put a restaurant or something here.

12 Take this abandoned building, and try
13 to make it useful for the Ward 5, that whole
14 area. But no, the plans are not to have alcohol.
15 I'd like to put some kind of grill in there to
16 make it fun if you're golfing to have a sandwich,
17 but I'm not sure that's allowed. I haven't
18 explored on that, and that's not on the building
19 plan.

20 But certainly within Mr. Dickens'
21 space, there will be no alcohol, and there would
22 be none. And at this point in time there is
23 absolutely no anticipation of adding alcohol use
24 to the golf area. I'm just trying to look at the
25 businesses that are out there, and give this

1 business a competitive chance.

2 I'm in Ivy City, there's four other
3 cannabis places there right now that are not
4 thriving, and I'm trying to help Randolph
5 succeed.

6 MEMBER QUINN: I understand that.
7 And just so that I have a better understanding of
8 how this is going to work, Mr. Casten, are the
9 two businesses, we've talked about them being
10 separate, but are they going to have completely
11 separate ownership and operation?

12 MR. CASTEN: Correct.

13 MEMBER QUINN: Okay, excellent. And
14 that's my other --

15 MR. CASTEN: Yeah, I don't own any of
16 Elite Prodigy. And when this all started,
17 Randolph was --

18 MEMBER QUINN: That's where I'm
19 coming from, Mr. Casten, because if these are two
20 separate businesses, then I guess that's where I
21 was like okay, well if you're a completely
22 separate business then can you sell alcohol? If
23 these are two -- because I think what I heard the
24 chair say earlier, or clarify earlier --

25 MR. CASTEN: I don't know.

1 MEMBER QUINN: Was that our
2 expectation is that we wouldn't have people going
3 to one side of the business, getting product, and
4 then coming over to this side to maybe enjoy the
5 product. And so that is where it gets a little
6 bit fuzzy for me in terms of how far we take this
7 separation.

8 And I know that this is kind of a
9 novel question for us, and we're all kind of
10 thinking about this together. And so I just want
11 to be sure that as we think about it, we have all
12 the facts for it.

13 MR. CASTEN: So, the expectation is
14 that those patrons of the cannabis license would
15 ultimately be potential customers for the golf,
16 and may very well enjoy both in the same visit,
17 but not simultaneous. So, to say that somebody
18 might be going into the cannabis, and smoke
19 cannabis, and sit in the lounge, or wherever they
20 might smoke it on premises and then walk next
21 door and hit some golf balls.

22 I think that is a possibility, and
23 frankly I think that will be activity that people
24 enjoy.

25 MEMBER QUINN: I think these are

1 questions that we've got to continue to think
2 about as this moves forward to make sure we
3 really understand what the constraints are on
4 this kind of operation, and that we're clear
5 about that with you. So that everyone knows what
6 the rules are, and then that gives you a better
7 chance of being able to follow the rules.

8 MR. CASTEN: I'm all for it.

9 MEMBER QUINN: And so lastly, I want
10 to be sure, we talked about deadlines earlier, I
11 really understand what the current commitment is.
12 Because I thought I heard someone say -- the
13 gentleman, I think he's left the -- but I thought
14 I heard him say something about his expectation
15 was that we'd be at a certain point by some point
16 in November, right?

17 MR. CASTEN: No, no, don't do that,
18 don't do that --

19 CHAIRPERSON ANDERSON: All right,
20 hold on a minute, hold on a minute. Mr. Dickens,
21 you need to mute your line, and I can't have
22 conversation while the board member is speaking,
23 all right? Go ahead.

24 MEMBER QUINN: So, my understanding,
25 I heard something about something that will

1 happen in November potentially, but then earlier,
2 Mr. Casten, I heard you make reference to
3 something that could be delayed. I don't remember
4 if that was related to electricity, but something
5 where you might be on a waiting list until
6 January.

7 And I think I want to get some
8 clarity about what that piece is you were
9 discussing earlier, and how that might factor
10 into the possibility of getting this open by a
11 date certain.

12 MR. CASTEN: So, my comment is about
13 DOB, you apply for an inspection, so you get a
14 close in, and then a final. And if you apply for
15 a close in, they're telling you January, that is
16 how fast the city is responding. So, and then
17 from there you do more work, and get your final.

18 Or you can go and pay a third party,
19 or pay for an expedited service, which for a
20 project of this size is probably cost
21 prohibitive, although the expense that we've gone
22 through to get here anyway has been exorbitant
23 just because of the permitting process.

24 We went from a 7000 dollar set of
25 plans to 130000 dollar set of plans, and BZA

1 hearing over the last months. So, my comment is
2 it's out of our control if the government agency
3 isn't going to perform the inspections in a
4 timely manner for us unless we have the capital
5 to make that happen.

6 That said, we have gotten through all
7 of the close in, that's what Eric Allitzer was
8 referring to, we've gotten through all the close
9 ins. And what remains now is final inspections
10 for the drywalls that we're going to put in, and
11 then there is a third party necessary for an exit
12 stairwell that has to be made out of steel, that
13 has to be structurally confirmed.

14 That inspection is generally pretty
15 quick, past the end of November, but I've also
16 heard you can't get a C of O for six weeks after
17 the permit is finalized. That is now a different
18 process, so DOB gets you prepared, and then they
19 have a different division that does C of Os, and
20 that's a six week process.

21 So, we may say to you in November
22 we're done, we're waiting for this issuance, I
23 just can't control that. I think DOB is trying
24 to rectify that time line, and that situation,
25 but right now, I think if you listen to counsel,

1 and you listen to what's going on out there,
2 there are a lot of frustrations with that
3 process.

4 That has frankly pushed some
5 development away, it's certainly left me unhappy,
6 I can tell you that.

7 MEMBER QUINN: Yeah, and as a last
8 point, I want to be clear that I --

9 MR. CASTEN: Well anyway, that's
10 neither here nor there, right?

11 MEMBER QUINN: Yeah, I'm sorry, I was
12 speaking over you, we were a bit delayed at least
13 on my computer, the sound was coming through a
14 bit delayed, so I didn't realize you were still
15 speaking. But my last point here is just that I
16 hope that you understand that we intend to be
17 reasonable when it comes to things that are out
18 of your control.

19 So, but I think it's also very
20 important that we be aligned on what the
21 deadlines are. So, if we say a thing is going to
22 happen by X date in November, I think it's
23 important for us to leave this meeting with an
24 understanding of is that a statement that from
25 the businesses side, they expect that everything

1 they need to do will be done by that date.

2 And at that point it will be in the
3 hands of whomever, and if there are other things
4 that you think would substantially delay this
5 from opening beyond that date in November, give
6 us some sense of what you know of that. And I
7 think you've tried to do that, Mr. Casten, in
8 saying okay, well I'm hearing that this thing is
9 not going to happen, or hasn't been happening
10 until the deadline in January.

11 And this other thing could take X
12 amount of time, that kind of additional
13 information helps us understand what we're really
14 talking about in terms of the ultimate delay in
15 getting doors open. So, with that I will stop
16 talking, thank you.

17 CHAIRPERSON ANDERSON: Any other
18 questions by --

19 MR. CASTEN: Yeah, did you want me to
20 respond to that? I mean, I stand firm by the --

21 MEMBER QUINN: If you have deadlines,
22 yeah.

23 MR. CASTEN: I stand firm that we
24 should be done with all of the construction, and
25 the 3rd 10 ten day period in November, maybe

1 around the 20th to the 30th, and then the
2 question of how long it takes to get the C of O
3 from there. I do believe this has been one of
4 the most frustrating processes, DOB is going to
5 work with us because they even recognize how
6 difficult this one ended up being.

7 And it's just been one negative after
8 another, but I go back to April, and my email
9 said October, and I'm now really only saying I
10 think November is the day, and I do, and Eric is
11 on hand, and he's testified, he's the guy who is
12 doing the work, physically there is not that much
13 work left to do.

14 And I think Jason would follow that
15 report up by his visit, that the actual cannabis
16 space is built out, and the walls where the
17 security, and the separation between the two
18 businesses are clearly marked, and they were
19 actually not studs, but the metal line where the
20 drywall would attach to the floor was in place.

21 And we were able to say this is the
22 hallway, this is where security is, this is how
23 you're going to get into where you can purchase
24 the alcohol, I mean the cannabis, and this is
25 where you'll get to the safe space. And all of

1 that was designed, again, with Randolph.

2 This is his business, and my role
3 here is really to help him achieve what he wants
4 to be able to achieve. If any delay happened
5 from the golf, I threw that in there because I'm
6 trying to put him in a position to succeed by
7 giving him an amenity that I think people will
8 come to his business and partake in.

9 So, I feel bad in that regard,
10 especially when I found out it had to go to a BZA
11 hearing, and it caused delay to the permit that
12 was already extensively long. But I truly
13 believe in the end he's going to have a great
14 establishment here, and this is going to be a
15 great place for the city.

16 And I think he'll be successful,
17 especially with -- and let me clarify something
18 else, my support team has been the ones that are
19 trying to help him with permitting, and all of
20 that back stuff, business licenses, taxes, and
21 this not. But Mr. Dickens is going to pick his
22 own staff, his own crew, and run this
23 establishment himself.

24 And I'm hoping that that is a home
25 run for him, he deserves it, he has been at this

1 for a long time. So, anyway, the end of
2 November, I am comfortable with saying that here.

3 MEMBER QUINN: Thank you.

4 CHAIRPERSON ANDERSON: Any additional
5 questions by any board members? Go ahead, Mr.
6 Turner.

7 MEMBER TURNER: There seems to have
8 been a lot of delays, and not good communication
9 around this application. And Mr. Mixon, it would
10 behoove you to keep ABCA informed of time lines,
11 especially if time lines are shifting so
12 dramatically, as it appears to have done in this
13 case, just some advice for going forward.

14 And also on this case, I don't seen,
15 I haven't seen any floor plans. There is a
16 summer garden for the marijuana establishment, is
17 that correct?

18 MR. MIXON: That's correct, and those
19 floor plans are attached actually to the security
20 plan that was submitted at the time of the
21 application in order to show the camera layouts,
22 and from there you can intuit the kind of use of
23 the space as a whole.

24 MEMBER TURNER: Okay, and the golf
25 business is adjacent, or in the same building,

1 can you walk from the summer garden into the golf
2 establishment?

3 MR. MIXON: My understanding is no, I
4 believe they are different units. Mr. Casten?

5 MR. CASTEN: Sorry, I couldn't find
6 the button. When you look at the floor plan,
7 there is patio that will be available to both,
8 and there is a dividing wall that on the exterior
9 will be like you would have at a garden
10 restaurant, just a jersey wall that's not all the
11 way up, but that you won't be able to walk from
12 one side to the other.

13 But it's open air outside on both
14 sides of that wall, and the golf has roll up
15 doors that are 18 feet high, or 16 feet high so
16 that you'll actually could feel like you're
17 outside when you're playing the golf. And it is
18 the anticipation that people will step outside
19 while they're playing, and the other guy is
20 hitting, or swinging the golf club.

21 And you'll have that luxury of space,
22 and then you may or may not want to sit at a
23 table behind it, but there won't be activity to
24 do at the tables. There's no liquor sales,
25 there's no food sales anticipated at this point

1 in time, although we may, like I said, try to put
2 some kind of sandwich, or something apparatus.

3 And they will be separately locked,
4 and access will be separate. The golf hours may
5 be later than the cannabis hours because people
6 may want to play the golf at a later hour at
7 night, so you won't be able to get in the
8 cannabis side even if you wanted to as a
9 customer.

10 But I don't know if that answers your
11 question, but outside will have a division, but
12 the division will not be a solid wall 15 feet
13 high like the building height, it will be a
14 jersey type wall, four feet high with some kind
15 of barrier in front of it. And you would walk
16 through the cannabis patio to get into the
17 cannabis business.

18 MEMBER TURNER: Okay, thank you.

19 CHAIRPERSON ANDERSON: All right, any
20 other questions by any of the board members? Any
21 other questions? Hold on.

22 MR. MIXON: And if I can just make
23 one more representation, sir, chair?

24 CHAIRPERSON ANDERSON: Go ahead.

25 MR. MIXON: To amend some of my

1 earlier answers, I think some of the disconnect
2 that happened around the timing here is that
3 while this may have been an overly optimistic,
4 and also with an incomplete understanding of the
5 facts of what would develop at the last fact
6 finding hearing, I was just reviewing the
7 transcript on that.

8 And Mr. Dickens' representation
9 regarding that August time line was in response
10 to a question regarding when he anticipated the
11 building to be ready for C of O inspections,
12 rather than a representation of his best guess as
13 to when the license would finally be issued, and
14 the business would begin opening its doors for
15 business.

16 Which even in the best cases of
17 scenarios, in all the other cannabis applicants
18 I've had, readiness for C of O inspection, and
19 readiness for opening the business are often
20 times weeks removed from one another. So, just
21 want to understand that we weren't completely out
22 of nowhere providing a time line that we didn't
23 think we were going to.

24 MEMBER QUINN: Mr. Mixon, just one
25 more quick thing, this is Board Member Quinn.

1 CHAIRPERSON ANDERSON: Go ahead.

2 MEMBER QUINN: On the golf side, will
3 there be any age restriction, or can anyone come
4 in? Is this going to be a family site, or adults
5 only?

6 MR. CASTEN: That's a great question,
7 especially today those young kids are really good
8 golfers, making a lot of money doing it. I have
9 not thought about that, I really have not.

10 MEMBER QUINN: Okay.

11 MR. CASTEN: I would, on the face of
12 it, based on the nature of where it is, I would
13 probably have some kind of age restriction. At
14 the same time, I don't know, I would like to
15 think about that, and if you want I can write up
16 some sort of thought on it, and discuss how the
17 Board thinks it would be appropriate to do that.

18 Because they do have leagues for kids
19 now, and a lot of golf play that's out there, and
20 a lot of parents are trying to get their kids --
21 I envision private lessons going on here where
22 pros will come in, and teach kids, or do
23 activities based on it, not necessarily kids, but
24 people, people who are wanting to be better
25 golfers. I had not thought about an age limit

1 for that.

2 MEMBER QUINN: I think whatever you
3 can share would be helpful, because again, like I
4 said, this is a novel scenario for us, and I
5 think it would behoove all of us to think ahead
6 in terms of any challenges that might come down
7 the road, that maybe we can anticipate, and work
8 around, or mitigate.

9 CHAIRPERSON ANDERSON: I think one of
10 the -- and I'm going to bring this matter to
11 closure, and so you can provide us certain
12 information.

13 MR. CASTEN: I agree.

14 CHAIRPERSON ANDERSON: I think one of
15 the major concerns is that whoever provided the
16 date, it wasn't that it was a board order, but a
17 date was hanging there, and we received no
18 information from the licensee to say these are
19 the concerns that we're having. We're having
20 this hearing because I think that the Board
21 issued a Board order to say that -- I believe
22 that's why.

23 I think the Board issued, because
24 from what I see here that Mr. Peru had provided a
25 time line for September 17th, and so it appears

1 that if we, if the Board did not take an action,
2 if the Board wasn't keeping track of this, these
3 imposed time lines, the applicant would not
4 contact us.

5 So, if the Board didn't take action
6 we wouldn't have had this hearing today, and this
7 is not the way for a potential licensee should
8 operate. If there are deadlines established,
9 you're presenting today that these are some
10 structural issues that we have that are beyond
11 our control.

12 The Board of Zoning, we realize that
13 if we have to change the zoning, okay, we've
14 applied, however, because of quorum issues the
15 Board of Zoning is not moving, these are the
16 concerns that are beyond our control, and that's
17 not being provided, that was not provided to us.

18 We wouldn't have had this hearing if
19 the Board did not say by the way, you had this
20 time line, additional time was given, and it's
21 like once the Board issues a Board order to say
22 we're going to take certain action against you,
23 then you're now requesting this hearing, you're
24 giving us all these either excuses or legitimate
25 reasons why you didn't comply with the time line.

1 And this is not the way we operate,
2 so I guess, Mr. Mixon, what is the time line that
3 has been provided to us in the sense that all
4 this information would be provided to us, and so
5 the Board can issue a license? So, what time
6 line is now being provided to us?

7 MR. MIXON: So, the first of several
8 steps here is that to the extent it would be
9 helpful for the Board to corroborate the
10 narrative we've provided, and we can provide any
11 of those materials filling in the Board of Zoning
12 Adjustment process this week, as Mr. Casten
13 provided, happy to look through all those, and
14 deliver them to the Agency.

15 Next step I believe would be
16 submitting the establishment for certificate of
17 occupancy review, which as we've said, will
18 happen in the third, fourth week of November. As
19 soon as the Department of Buildings issues the
20 certificate of occupancy, the same day I believe,
21 the applicant will place his application for
22 basic business license with the Department of
23 Licensing and Consumer Protection.

24 And as soon as that's done,
25 everything else will be ready for review by the

1 Board. Well, actually in between that is once
2 those documents are provided, then the applicant
3 will contact ABCA enforcement for a final
4 security inspection, and then yes, we will ask
5 that the Board issue the license, and I believe
6 that can all happen before the end of 2026.

7 Pending that Department of Buildings
8 inspection for the certificate of occupancy
9 happens according to relatively normal time
10 frames.

11 CHAIRPERSON ANDERSON: Well, why
12 don't you, Mr. Mixon, your client needs to
13 provide us by Friday the information that already
14 is in the record. In the sense that you are
15 stating that the applicant was delayed because of
16 these reasons that's beyond his control, okay?
17 So, these are all in the past, because it's what
18 you've said already happened.

19 So, I don't see any reasons why you
20 can't provide this information by Friday, and you
21 also need to provide us what are the next steps,
22 and the time line for these steps. Because I
23 think that I don't feel comfortable making a
24 decision today on what should be done, because we
25 don't know.

1 I don't know, I don't know what it
2 is, you need to provide us documentation to say
3 these are the reasons why we had these delays,
4 and these were beyond our control, and these are
5 the next steps that need to occur. And I think
6 the Board will look, and be sympathetic to issues
7 in process, because we understand the
8 bureaucracy.

9 I don't think this Board is going to
10 tell you to hire an expediter if that is going to
11 cost a significant amount of money. My personal
12 view is that government should operate within
13 reasonable time lines, and government shouldn't
14 operate because you're getting extra money to get
15 an expediter, that's just my personal view, but
16 that's neither here nor there.

17 But what I'm asking is you need to
18 provide us that, provide us a chronology of these
19 actions that were beyond your control, why is it
20 that you missed the last deadline that was
21 proposed, and what are the steps moving forward,
22 and the time line to you believe are reasonable
23 to accomplish those steps.

24 And I think if the Board has that
25 information, we can provide some guidance. So,

1 can you provide us -- all right, I hope my
2 computer doesn't shut off, because my computer is
3 telling me that I need to restart now. So, just
4 in case somebody loses me, that's because -- and
5 as I said, this is one of the occurrences that's
6 beyond my control.

7 Because in the middle of a hearing,
8 my computer is telling me that I need to restart.
9 I'm hoping that if I ignore it, it does not
10 restart, okay? But these are, it's apropos that
11 I'm talking about incidents that's not within our
12 control, that you need to provide that to us,
13 okay?

14 So, can you provide us all this
15 information by Friday, or do you need more time
16 to do this?

17 MR. MIXON: I'll transmit whatever I
18 have as soon as I've received it from Mr. Dickens
19 and Mr. Casten, so I --

20 MR. CASTEN: I'll get you this later
21 today --

22 CHAIRPERSON ANDERSON: Mr. Mixon, I'm
23 talking to you as counsel, how much time do you
24 need to provide the information I asked for, sir?
25 I don't want to impose an unreasonable time line.

1 So, I'm asking you how much time, you know what
2 it is that I've asked for, for the Board to
3 reasonably figure out what's going on, so we can
4 establish time lines that are -- if we're going
5 to allow you to continue, allow your client to
6 continue this process.

7 How much time do you need to provide
8 us this information?

9 MR. MIXON: I'm able to provide it as
10 soon as possible. I'll even take time out of the
11 leave I have set to begin tomorrow morning --

12 CHAIRPERSON ANDERSON: Mr. Mixon, you
13 have been working with this Board long enough,
14 this is not an unreasonable board. Mr. Mixon,
15 it's a holiday weekend, the Board is not meeting
16 next week because Monday is a holiday. If you
17 have personal leave, Mr. Mixon, I'm not going to
18 tell you that you need to postpone your leave to
19 do this.

20 That's why I'm asking you, sir, is
21 this, you tell me, I don't think I can be more
22 simple than that, Mr. Mixon.

23 MR. MIXON: Sorry, I didn't want to
24 request personal indulgence. But I certainly
25 could provide the Board with everything that I

1 receive, and even fill in any additional
2 information as needed by the end of the day on
3 Tuesday.

4 CHAIRPERSON ANDERSON: All right,
5 fine, by the end of Tuesday. I'm like we all
6 have another life outside of this work, and
7 you're an attorney, I'm an attorney myself, and
8 there are three other attorneys on this Board,
9 and we all understand time lines, and we all know
10 what's important.

11 But at the same time we have to make
12 a balance, and so therefore I don't think any of
13 us, any of the Board members would be
14 unreasonable by asking you to, even if we're in a
15 court of law, if you have time, I don't think a
16 judge is going to say that no, you can't do what
17 you need to do to comply with my time line.

18 That's why I'm asking, so you're
19 saying that by close of business on Tuesday
20 you'll provide us documentation of these delays
21 that were beyond your client's control, because
22 you talked specifically about the Board of Zoning
23 issue, and you're going to provide us a time
24 line, what is next, and when you think that will
25 be accomplished.

1 And once we receive this information
2 by close of business on Tuesday, then the Board
3 will issue something to say this is what it is.
4 And I'm putting you on notice, if the Board
5 agrees to grant this, you cannot come back after
6 the deadline expires and make excuses.

7 MR. MIXON: I understand.

8 CHAIRPERSON ANDERSON: You need to
9 let the Board know that these are the time lines
10 that were established, and these are the reasons
11 that are beyond our control. These are the
12 reasons beyond our control why we are not able to
13 comply with the time lines that were proposed,
14 okay, sir?

15 MR. MIXON: Understood, Mr. Chair.
16 And I appreciate the Board's flexibility.

17 CHAIRPERSON ANDERSON: All right,
18 thank you, sir. I thank the parties for being
19 here today, have a great day.

20 MR. MIXON: Thank you, you as well,
21 goodbye.

22 CHAIRPERSON ANDERSON: All right, we
23 still have another hearing, and I apologize to
24 our board members, I didn't realize this fact
25 finding hearing would have taken this long. I'm

1 not sure if I want to blame Board Member Quinn.
2 And Board Member Quinn, I'm very --

3 MEMBER QUINN: I'll take full
4 responsibility, I take full responsibility.

5 CHAIRPERSON ANDERSON: No, you have
6 always asked questions, and I appreciate all the
7 board members asking questions, and this is one
8 of the matters that I think you had a significant
9 amount of questions. And I mean I like Board
10 engagement, and Board involvement, I mean I don't
11 necessarily always want to ask the questions, so
12 I appreciate your inquiry.

13 So, I appreciate that, and I'm open
14 to that from all board members, that when we do
15 these hearings, of course legal provides me some
16 questions to ask to make sure that we put some
17 basic information on the record. However, I
18 depend on my board to have other questions to
19 ask, so I appreciate that, and I thank all the
20 board members who asked questions, and others who
21 didn't.

22 (Whereupon, the above-entitled matter
23 went off the record at 12:18 p.m.)
24
25

C E R T I F I C A T E

This is to certify that the foregoing transcript was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings; and that I am neither counsel for, related to, nor employed by any of the parties to this action in which this matter was taken; and further that I am not a relative nor an employee of any of the parties nor counsel employed by the parties, and I am not financially or otherwise interested in the outcome of the action.



Lauryn Barnes

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