

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE AND CANNABIS BOARD
+ + + + +
MEETING

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IN THE MATTER OF:
:
:
Natanem II, Inc. :
t/a District Smoke :
Shop/District Cure :
Dispensary :
2626 Georgia Avenue NW : Summary Action
License No. 127161 : Hearing
Case #127161 :
:
(Request for a Hearing) :
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Thursday
February 13, 2025

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

ALSO PRESENT:

- JOSE ORELLANA, DC ABCA Staff
ABEL GEBRE, Licensee
KAMAL NAWASH, Licensee Counsel
JOSE JEAN-BAPTISTE, DC OAG
CHRISTOPHER SOUTHCOTT, DC OAG
INVESTIGATOR JASON PERU, DC ABCA
ELTHSON TORRES, Witness
DERHANU MOLA, Witness

C-O-N-T-E-N-T-S

Opening Statement  
 Government . . . . .42  
 Licensee . . . . .45

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
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Jason Peru	17	22	37	
Derhanu Molla	91	126		
Abel Gebre	138	140		
Elthson Torres	152	170	192	

Closing Statement  
 Government . . . . .196  
 Licensee . . . . .206

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

2 10:34 a.m.

3 CHAIRPERSON ANDERSON: Good morning,  
4 we are on the record. As Chairperson of the  
5 Alcoholic Beverage and Cannabis Board for the  
6 District of Columbia, and in accordance with D.C.  
7 Code section 2571 et seq. of the Open Meetings  
8 Act, or OMA, I am welcoming you to the regularly  
9 scheduled meeting of the Alcoholic Beverages and  
10 Cannabis Board. This meeting is being conducted  
11 pursuant to guidance made available by the  
12 District of Columbia's Office of Open Government  
13 regarding electronic meetings held by public  
14 bodies. Electronic meetings by the ABC Board are  
15 authorized pursuant to Section 2577a of the D.C.  
16 Code.

17 Pursuant to the OMA requirements,  
18 notice of today's meeting was provided 48 hours  
19 in advance of the meeting on ABCA's website and  
20 on the District's central meeting calendar. The  
21 notice included the time, date, agenda, and  
22 call-in or log-in information for public  
23 participation. This electronic meeting is being  
24 hosted by a Webex account provided by the  
25 District of Columbia Government. Please address

1 any questions or complaints to the OOG at  
2 oepngovoffice.@dc.gov.

3 My name is Donovan Anderson, I'm  
4 Chairperson of the Board. I would like to  
5 introduce the members of the ABC Board who are  
6 also participating electronically. Please  
7 respond when I announce your names. Mr. Silas  
8 Grant.

9 MEMBER GRANT: Mr. Silas Grant,  
10 present.

11 CHAIRPERSON ANDERSON: Mr. David  
12 Meadows.

13 MEMBER MEADOWS: Good morning  
14 Chairman, Mr. David Meadows, present.

15 CHAIRPERSON ANDERSON: Mr. Ryan Jones.

16 MEMBER JONES: Mr. Ryan Jones.

17 CHAIRPERSON ANDERSON: The Board has  
18 four members in attendance for the conduct of  
19 business today, and that constitutes a quorum.  
20 Before we get underway with today's hearing  
21 calendar, I need to make a few instructions very  
22 clear so that the conduct of these hearings is  
23 understood by everyone. There are three cases on  
24 our morning calendar. Once your case is called,  
25 I will take a moment for IT specialists to

1       elevate the rights for each party to enable their  
2       camera and microphone. Then, and only then, will  
3       you have the ability to enable your equipment.  
4       If your case is not being heard, you will remain  
5       mute and your camera will be disabled. At the  
6       conclusion of each case, the parties will have  
7       the option to leave. If the party chooses to  
8       stay, all cameras and microphones for the  
9       concluded case will be disabled. Should you have  
10      any questions or require technical assistance  
11      during the hearing, please submit them using the  
12      question and answer feature.

13                 Our first case today, it is a summary  
14      action matter, this is case number 24 ULC, 00056,  
15      District Cure Dispensary. Good morning Mr.  
16      Orellana, can you please elevate the rights of  
17      the parties in this case?

18                 MR. ORELLANA: Kamal Nawash, your  
19      access has been elevated, Christopher Southcott,  
20      your access has been elevated, Jose  
21      Jean-Baptiste, your access has been elevated,  
22      Supervisory Investigator Jason Peru, access has  
23      been elevated, and that appears to be all,  
24      Chairman.

25                 CHAIRPERSON ANDERSON: Thank you. I'm

1 asking everyone to be on camera, Ms. Nawash, can  
2 you turn your camera on please, ma'am? Mr.  
3 Orellana, Ms. Nawash is saying she is unable to  
4 turn her camera, so are you -- ?

5 MR. NAWASH: Hello, can you hear me?

6 CHAIRPERSON ANDERSON: I'm sorry, yes  
7 I can hear you sir, I can't see you, though.

8 MR. NAWASH: Yeah, I don't see any  
9 icon that allows me to turn on the camera.

10 CHAIRPERSON ANDERSON: There is a --

11 MR. ORELLANA: Do you see start video?

12 MR. NAWASH: Do I see what, I'm sorry?  
13 Start video? Would it be under my name? I see,  
14 would it be on the box where my name is?

15 MR. ORELLANA: Are you joined through  
16 the web browser?

17 MR. NAWASH: I put the link that you sent  
18 me, I did that, and that's it. I mean, I see a  
19 box with my name on it, but I don't see any  
20 option where I can video. Unless --

21 MR. ORELLANA: You may want to try to log  
22 out, log back in, potentially.

23 MR. NAWASH: Okay, all right.

24 CHAIRPERSON ANDERSON: All right, good  
25 morning sir, I can now see you. Good morning

1 everyone. Let me have the parties identify  
2 themselves for the record, let's start with the  
3 Government.

4 MR. JEAN-BAPTISTE: Mr. Chairperson,  
5 Board Members, my name is Jose Jean-Baptiste, I'm  
6 Assistant Attorney General here on behalf of the  
7 district.

8 CHAIRPERSON ANDERSON: Good morning  
9 Mr. Jean-Baptiste.

10 MR. SOUTHCOTT: Good morning Mr.  
11 Chairman and members of the Board, my name is  
12 Chris Southcott from the Office of the Attorney  
13 General, also representing the District.

14 CHAIRPERSON ANDERSON: Good morning  
15 Mr. Southcott, let me ask, let me ask Mr.  
16 Jean-Baptiste, can you please spell your name for  
17 the record, sir?

18 MR. JEAN-BAPTISTE: First name is  
19 spelled J-O-S-E, last name J-E-A-N, hyphen,  
20 B-A-P-T-I-S-T-E.

21 CHAIRPERSON ANDERSON: Thank you sir.  
22 Mr. Southcott?

23 MR. SOUTHCOTT: My name is spelled  
24 C-H-R-I-S, last name S-O-U-T-H-C-O-T-T.

25 CHAIRPERSON ANDERSON: Mr. Nawash,

1 please identify yourself and spell and state your  
2 name for the record, sir.

3 MR. NAWASH: I'm here on behalf of  
4 District Cure Dispensary, my first name is  
5 K-A-M-A-L, and my last name is N-A-W-A-S-H.

6 CHAIRPERSON ANDERSON: So Mr. Nawash,  
7 who is your client, and is your client planning  
8 to be here?

9 MR. GEBRE: Hi, my name is Abel Gebre,  
10 Cure Dispensary.

11 CHAIRPERSON ANDERSON: Can you spell  
12 your name, sir?

13 MR. GEBRE: A-B-E-L, G-E-B-R-E.

14 CHAIRPERSON ANDERSON: Good morning,  
15 sir. All right, Mr. Jean-Baptiste, are there any  
16 preliminary matters in this case?

17 MR. JEAN-BAPTISTE: Yes, Mr.  
18 Chairperson. The District would like to bring up  
19 the untimely hearing request. The Government  
20 would like to move the Board to not go forward  
21 with the hearing, due to the establishment's  
22 untimely hearing request under D.C. Code  
23 7-1671.08g4, which states the owner of the  
24 unlicensed establishment shall have five business  
25 days after service of the notice of summary



1 closure to request a hearing with the ABC Board,  
2 which shall hold a hearing within five business  
3 days of a timely request. In this case, summary  
4 closure occurred on January 16th, 2025, five  
5 business days after that is January 23rd, 2025.  
6 ABCA received the hearing request on January 27,  
7 2025, making the request untimely, and there is  
8 not provision allowing a hearing for an untimely  
9 request.

10 CHAIRPERSON ANDERSON: Mr. Nawash, do  
11 you have a response, sir? You need to unmute  
12 yourself, please.

13 MR. NAWASH: Your Honor, I filed this  
14 case on the same day that I received it. It  
15 appears there was another lawyer in the case who  
16 for some reason could not proceed, I think it  
17 turned out maybe he wasn't licensed or so on, and  
18 he couldn't proceed, so the day he came to me, I  
19 filed it, on the very same day.

20 CHAIRPERSON ANDERSON: So how did --  
21 Mr. Abel, that's his name? Well, Mr. Nawash, how  
22 did your client receive service?

23 MR. NAWASH: He said that he received  
24 it by email, he did not receive personal service  
25 in this case, he only received an email,

1 according to him.

2 CHAIRPERSON ANDERSON: Okay.

3 MR. NAWASH: And even with that, he  
4 said he found it in his spam documents. Was it  
5 on the same day, or was it like two or three  
6 days?

7 MR. GEBRE: Two or three days.

8 MR. NAWASH: He said it was two or  
9 three days after it was sent, because it was in  
10 his spam folder.

11 CHAIRPERSON ANDERSON: Mr.  
12 Jean-Baptiste, what does shall' mean, I mean,  
13 what's the legal interpretation of shall?

14 MR. JEAN-BAPTISTE: Shall' is a  
15 binding term in regards to the Board to have to  
16 hold a hearing five days after a hearing request,  
17 a timely hearing request is made. It doesn't say  
18 that they may hold a hearing days after a hearing  
19 request was supposed to be sent over to the  
20 Board, however in this case it says, as I stated,  
21 it says that they must have sent the hearing  
22 request within the timeframe that is allowed in  
23 the statute.

24 CHAIRPERSON ANDERSON: And the  
25 regulation that you quoted said shall, and that's

1 why I'm asking you, and I don't -- I'm just  
2 asking questions, okay? I'm just asking  
3 questions to say what is the legal definition of  
4 shall? Is shall that it must occur, or is shall  
5 that it may, I'm trying to get some guidance,  
6 since the Government made the motion. What is  
7 the legal definition of shall?

8 MR. JEAN-BAPTISTE: Yeah, it's what  
9 you quoted the prior, Mr. Chairperson, is that it  
10 must occur if a timely request is made. And I  
11 also want to add that Supervisory Investigator  
12 Peru says that he called him the day of, and he  
13 said that he was coming, and never came, during  
14 the closure. I just want to add that on the  
15 record.

16 CHAIRPERSON ANDERSON: I'm sorry,  
17 what? Explain that to me, sir, I don't  
18 understand.

19 MR. JEAN-BAPTISTE: Supervisory  
20 Investigator Peru did contact the owner the day  
21 of the closure, which was January 16th, 2025, and  
22 the owner stated that he was on his way to come,  
23 and he never came during that day, and I believe  
24 they were there for several hours.

25 MR. NAWASH: Mr. Anderson, if I may.

1 CHAIRPERSON ANDERSON: Yes Mr. Nawash?

2 MR. NAWASH: So I was just looking at  
3 the dates, I mean, I know in regular litigations  
4 in D.C. you have to personally serve an  
5 individual, under limited circumstances with an  
6 order from a judge, you can send it, otherwise  
7 like maybe posting or by email and so on, but in  
8 this case, I think it would be considered timely.  
9 I mean, if they sent it by email, and I haven't  
10 heard anything from Mr. Baptiste that they  
11 attempted to serve him personally or that they  
12 served him personally, I mean he said he found it  
13 in his email and then his spam folder three days  
14 later, which would make it really timely. I  
15 mean, you know, he just put on the record that  
16 supposedly Mr. Peru called him, but you know, I  
17 don't know if that's true or not, I never heard  
18 that before, but nevertheless, it seems to me on  
19 such a drastic action like taking away someone's  
20 property right, which is the license, to do that  
21 by just a simple email, it just seems to me that  
22 something this important, you should at least  
23 attempt to send it to him in writing by mail to  
24 make sure he gets it.

25 And the reason this is a particular

1 issue for me, I've had the same email fro like 23  
2 years, and most of my emails, when I send them to  
3 people, go to spam, and everything I do to try to  
4 correct that, I couldn't, it's just an old email.  
5 And so it's just a common thing, and to say that  
6 I just sent it to an email, to try to deny him of  
7 a hearing on something that's so important, that  
8 he spent all his life savings on, because Mr.  
9 Baptiste sent him an email and didn't send him  
10 anything in writing, it just seems to me that  
11 would be incredibly unfair and hurtful to do  
12 something like that.

13 CHAIRPERSON ANDERSON: All right Mr.  
14 Nawash. Mr. Baptiste, if we were to accept the  
15 Government's position, what's the next step? I  
16 mean, padlock forever? I mean, this is a  
17 closure, and there would have to be some  
18 remediation, so I'm just asking if we were to  
19 accept your position and not have the hearing  
20 today, what, does this business remain closed  
21 forever, or would there have to be some mechanism  
22 to allow the individual to operate?

23 MR. JEAN-BAPTISTE: Mr. Chairperson,  
24 I want to also -- I will answer your question,  
25 but I want to also add that they also received

1 notice when the Supervisory Investigator Peru  
2 delivered it to an employee present at the time  
3 of closure. So the argument that there was no  
4 notice given, I believe it's fatal, because the  
5 employee did receive the notice when the closure  
6 occurred on the 16th. And also, the Government  
7 is here today asking to uphold summary suspension  
8 and summary revocation of District Cure's  
9 license.

10 MR. NAWASH: And which employee is  
11 that?

12 CHAIRPERSON ANDERSON: We have a court  
13 reporter, Mr. Nawash, so I need to make sure that  
14 everyone identifies themselves when they speak,  
15 so if I call you at least the Court Reporter will  
16 know who was speaking. So you can ask your  
17 question, Mr. Nawash.

18 MR. NAWASH: Yeah, we received nothing  
19 from any employee, and we have five employees,  
20 and so I wonder, which employee did you give it  
21 to? The only thing we received is what I said, I  
22 represented here, which is an email. Which  
23 employee did you send it?

24 CHAIRPERSON ANDERSON: Mr.  
25 Jean-Baptiste, you're making some allegations

1 regarding Mr. Peru, maybe we can call Mr. Peru to  
2 provide some background, this is a novel area.  
3 Cannabis is actually new for us, in the sense of  
4 having these closures, so we have not had this  
5 issue before, so this is a novel area for the  
6 Board, so if you're able to have some testimony  
7 by Mr. Peru on this issue for the Board's  
8 consideration, for us to figure out whether or  
9 not we can grant this motion or take it under  
10 advisement or deny it, because I'm not sure. So,  
11 is that, can we, is that a route the Government  
12 can take? We can have some testimony by Mr. Peru  
13 on service, or we just leave it to argument?

14 MR. JEAN-BAPTISTE: Mr. Chairperson,  
15 we can call Supervisory Investigator Peru to  
16 establish the notice being delivered, and to  
17 which employee, if that is what the Board would  
18 like. And as far as for next steps, Mr.  
19 Chairperson, if you want me to answer that?

20 CHAIRPERSON ANDERSON: Yes please.

21 MR. JEAN-BAPTISTE: Yeah, so, and as  
22 far as the next steps if you do uphold our  
23 motion, the Board writes an order upholding the  
24 summary revocation and summary closure, and the  
25 Board in its order identifies the condition under

1 which the establishment can reopen. The landlord  
2 can get back into the business, can get back into  
3 the establishment, however the business would  
4 remain closed in perpetuity.

5 CHAIRPERSON ANDERSON: All right.  
6 Hold on, please. So let's have testimony, I need  
7 to look at the -- let's have some testimony on  
8 the service issue. I need to have -- and I do  
9 have the law regarding service. So let's take  
10 some testimony regarding the service issue, all  
11 right? So why don't we call Mr. Peru? Mr. Peru,  
12 can you raise your right hand, please? Do you  
13 swear or affirm to tell the truth and nothing but  
14 the truth? All right, Mr. Jean-Baptiste, this  
15 inquiry is basically on service, so if we decide  
16 to move forward, you're not precluded from  
17 calling Mr. Peru during regular order, okay? All  
18 right, sir.

19 MR. JEAN-BAPTISTE: Thank you, Mr.  
20 Chairperson. Mr. Chairperson, would you like me  
21 to continue, move forward with asking  
22 Investigator Peru?

23 CHAIRPERSON ANDERSON: Yes sir, that's  
24 right. So it's your witness, I apologize, and  
25 then Mr. Nawash, you'll have an opportunity to



1 cross-examine him, and the Board will have  
2 opportunities too. Okay, go ahead, sir.

3 MR. JEAN-BAPTISTE: All right, thank  
4 you. Supervisory Investigator Peru, can you  
5 please state and spell your first and last name  
6 for the record?

7 INVESTIGATOR PERU: Supervisory  
8 Investigator Jason Peru, J-A-S-O-N, P-E-R-U.

9 DIRECT EXAMINATION

10 BY MR. JEAN-BAPTISTE:

11 Q Thank you. And investigator Peru, is  
12 it okay if I call you Investigator Peru instead  
13 of Supervisory? It's a mouthful.

14 A That's fine.

15 Q Thank you. So Investigator Peru, on  
16 -- are you aware of an establishment named  
17 District Cure Dispensary?

18 A I am.

19 Q Thank you, and in regard to District  
20 Cure Dispensary, and respect to our proceeding  
21 today, the summary closure and summary  
22 revocation, did you conduct a closure operation  
23 on District Cure?

24 A I did.

25 Q Okay, and on what date did you conduct

1 that operation.

2 A I believe it was January 16th, if I'm  
3 not mistaken. I'd have to go back to records,  
4 there's been a lot of closures since then. I  
5 think it was January 16th.

6 Q Thank you, that was the date. And  
7 Investigator Peru, on January 16th, can you  
8 describe to the Board briefly what took place,  
9 that led up to the closure?

10 A You want me to describe the events  
11 that led to the closure, or the closure itself  
12 and what happened while we were there, inside?

13 Q I would like for you to describe in  
14 respect to if you had a conversation with the  
15 owner.

16 A Yes, okay, so upon, once MPD and  
17 myself entered the premises, there were employees  
18 inside, some were customers, and then there was  
19 one individual who identified himself as the  
20 manager. He didn't have his ID on him, but he  
21 said he -- he had his, I believe it was Afram  
22 Ashami but once again, he didn't have his ID with  
23 him, but he described himself as the manager  
24 working, and he had access to, he had the keys to  
25 the downstairs, the actual dispensary located in

1 the basement level. He had the buzzer control,  
2 which is access control, mag locks for  
3 downstairs, and the key to get in, from  
4 downstairs, from the actual dispensary, because  
5 he told me he worked in the dispensary and  
6 upstairs.

7 Now, mind you, I called the owner  
8 several times, he didn't pick up my phone call,  
9 but he picked up the phone call of the employees  
10 when he called from his phone. The employee gave  
11 me the phone, and I spoke to the owner, who I  
12 have met multiple times, because they do have a  
13 license for downstairs, and he told me he was  
14 about 20-30 minutes away. We were there for over  
15 four hours with MPD, and the reason why we were  
16 there for so long was because there was an  
17 amendment made to the warrant based on the second  
18 floor of the premises, just to make sure that we  
19 were doing things properly. With that being  
20 said, the owner never showed up. And I tried  
21 calling him, he never answered my calls after  
22 that.

23 So when I spoke with him, you know, I  
24 advised him like I do most, that my previous  
25 visits and our past conversations when I was

1 there and he was operating the unlicensed second  
2 floor, and I reminded him of that, and told him  
3 that we were there to do the closure. And I  
4 gave a copy of that notice, obviously, to his  
5 employee, I told him to take pictures of it and  
6 send it to the owner, and then once the property  
7 was secured, the employee actually, I made sure  
8 he went back downstairs, because like I said, I  
9 know he had access because he let me back into  
10 the dispensary to make sure the dispensary  
11 product, per statute, that all the legal cannabis  
12 downstairs was secured back into the vault before  
13 we left that night. And that was my last  
14 conversations.

15 Q Thank you, Investigator Peru. And so  
16 I just want to be clear for the record, you  
17 stated that you served the notice to the  
18 employee, Afram Ashami?

19 A Correct, the employee that was working  
20 as the manager, he was read the notice, provided  
21 a copy of the notice as well as verbally over the  
22 phone, I told the owner what was occurring.

23 Q Thank you. And in your line of work  
24 or your experience, do you believe that that  
25 notice was sufficiently served on District Cure

1 Dispensary?

2 A Yes, I do.

3 Q Thank you, Investigator Peru, I don't  
4 have any further question.

5 CHAIRPERSON ANDERSON: Thank you. Mr.  
6 Nawash, do you have any questions of the  
7 investigator? You need to unmute yourself, sir.

8 MR. NAWASH: I mean, it seems like Mr.  
9 Peru actually talked about substance more than it  
10 was the service, I thought that's what he was  
11 going to be asked about, but what I've heard is  
12 him say is that he spoke to some manager who is  
13 unknown, he doesn't --

14 CHAIRPERSON ANDERSON: Mr. Nawash,  
15 this is not arguments, this is you asking  
16 questions of Mr. Peru.

17 MR. NAWASH: Yeah, I apologize.

18 CHAIRPERSON ANDERSON: All right, you  
19 can make arguments later on, but now you are  
20 asking questions.

21 MR. NAWASH: I know, that's right.  
22 You said you were there on January 16th, correct,  
23 sir, Mr. Peru?

24 INVESTIGATOR PERU: Yes, the day of  
25 the closure, yes sir.

## 1 CROSS EXAMINATION

2 BY MR. NAWASH:

3 Q Yes, and you said you talked to a  
4 manager, it was an unknown manager, he didn't  
5 have his ID on him, correct?

6 A Correct, he did not.

7 Q And you say you think he may have been  
8 someone called Ashami?9 A I believe that's what he identified  
10 himself as, correct.

11 Q But you're not really sure, right?

12 A Sure, he didn't give me his ID, so I  
13 couldn't for certain tell you, but based on ABCA  
14 records, because he was an employee of the  
15 licensed area of the business, that he had to be  
16 registered with ABCA. So upon return, I looked  
17 up the managers that were on file for District  
18 Cure Dispensary, and that's the persons that I  
19 believe was there. And like I said, he claimed  
20 he had no ID, so per statute, you're required to  
21 even, working in the dispensary, to have your  
22 ABCA license on your persons. But he was working  
23 upstairs, he was working both, he had control  
24 over the second floor and access to the  
25 dispensary downstairs.

1           Q       So you said I believe, you used the  
2 words 'I believe' that this is his identity, you  
3 said I believe that this was the manager, and  
4 when you went to your office you said I believe,  
5 I mean, when I hear 'I believe,' so, there's a  
6 certain level of guessing here, is that correct,  
7 sir?

8           A       Well, number one, I've met him before,  
9 when the owner was there, Abel and I have had  
10 multiple conversations, so there's that.  
11 Secondly, you know, if a person in a dispensary  
12 or any business identifies themselves as the  
13 manager and then shows that they're the sole  
14 person there that has access and control of the  
15 building and premises, that leads me to believe  
16 that they are an employee, at least, and at best,  
17 take their word for the fact that they are a  
18 manager because they were given access control to  
19 over 50,000 dollars' worth of product that is in  
20 the dispensary downstairs, and access control  
21 over the second floor, which was selling illegal  
22 product.

23           Q       Do you have the spelling of his name,  
24 sir? You said you went to the office and checked  
25 your records, do you have the spelling of his

1 name?

2 A I can look for that for you.

3 Q I mean, you said, is he listed as a  
4 manger in your records?

5 A Correct, correct.

6 Q What's his name, full name?

7 CHAIRPERSON ANDERSON: Mr. Peru, do  
8 you have an answer, are you looking?

9 INVESTIGATOR PERU: Mr. Chairman, I'm  
10 sorry, I have to look this up, I don't have this  
11 in front of me. Afram Ashami is what I wrote,  
12 the correct spelling of his name and the record,  
13 what the record lists his name as, I would have  
14 to research that to get that information, sir.

15 MR. NAWASH: But, I mean, you knew we  
16 had a hearing today and you said that, I mean the  
17 way you're trying to take my client's license,  
18 it's a major thing that you're doing here, and  
19 you're speaking as if it's for sure someone named  
20 Afram, we don't have a manager by the name you're  
21 giving, and that's why I'm wondering, do your  
22 records indicate that there is a manger by that  
23 name, and if you records do indicate that, give  
24 me the spelling of his name so I can check it  
25 with our employees.



1 CHAIRPERSON ANDERSON: All right, I  
2 believe that Mr. Peru, he does not have that  
3 information available, so let's move on from  
4 there.

5 MR. NAWASH: I'll move on, I'll move  
6 on. And you said that also you met the owner,  
7 you said a person that you believe was the owner,  
8 you didn't give a name to the owner. I mean, did  
9 you go back and see who's the owner name in your  
10 records?

11 INVESTIGATOR PERU: The gentleman  
12 sitting behind you, who you represented as the  
13 owner, that's the individual who I shook his hand  
14 and we've had multiple conversations. He knows  
15 who I am, I know who he is.

16 BY MR. NAWASH:

17 Q But that's not what you testified  
18 earlier. Okay, so you're saying you gave -- the  
19 purpose of these questions, sir, is just to  
20 determine how you served process. Did you mail  
21 this first class mail, or by process server, or  
22 by anything? Did you mail this notice of summary  
23 revocation, summary action, to the dispensary?

24 A The records division did.

25 Q You sent it in the mail?

1           A       All notifications are sent via email  
2 and via certified mail to the address that's on  
3 file.

4           Q       Do you have the return receipt for  
5 certified mail?

6           A       I don't have that personally on my  
7 persons at the moment, sir.

8           Q       And who did you send that certified  
9 mail to?

10          A       I did not send it myself, like I  
11 stated, records sent that.

12          Q       Do you know when they sent it, and  
13 whether it was received?

14          A       I don't have any of that information  
15 on hand, sir.

16                   MR NAWASH: Your Honor, I don't have  
17 any further questions for him. I really believe  
18 --

19                   CHAIRPERSON ANDERSON: Hold on, we're  
20 still in the questions, so I'm going to give an  
21 opportunity for the arguments to be -- so, just  
22 hold on. So the Board has an opportunity to ask  
23 questions, so I'm going to ask some questions,  
24 and once the Board asks questions, then the  
25 parties will have an opportunity to ask further

1 questions. And I guess, Mr. Peru, specifically,  
2 who did you leave the notice with, sir? Describe  
3 the individual that you left the notice with.

4 INVESTIGATOR PERU: An African  
5 American male, adult, who identified himself as  
6 the manager of the business, who I have seen  
7 working at the business previously, and who had  
8 access to and had control of the building and had  
9 keys to both levels.

10 CHAIRPERSON ANDERSON: Now you said  
11 you had seen working at the building before,  
12 explain that, what do you mean you have seen  
13 working at the building?

14 INVESTIGATOR PERU: I have been to  
15 this location before, during my past inspections  
16 of the facility getting licensed, I've been  
17 there, and then on my visit the day that I met  
18 the owner, who is sitting behind his attorney, I  
19 went up there to the second floor where the  
20 illegal activity was taking place, and the worker  
21 was working that same day as well. So you know,  
22 I shook his hand, I shook the owner's hand, he  
23 was excited to show me his renovations of the  
24 space and we did a walk-through of the space,  
25 showing me what he had done to the second and

1 third floor, and that's when I -- at that point  
2 in time, that's when I -- at that point in time I  
3 notified him and told him, asked him what he was  
4 doing and why he was operating the second floor  
5 when he had the dispensary license downstairs.  
6 And I don't want to get into the report, Mr.  
7 Chair, unless you'd like me to, but --

8 CHAIRPERSON ANDERSON: It's not about  
9 the report, all I care about at this juncture is  
10 the person who you met, that's what it's about,  
11 yeah.

12 INVESTIGATOR PERU: And unfortunately  
13 he didn't have his identification, so that's  
14 where we're at, at a front, but I do know, with  
15 my experience and with these closures, that if a  
16 person has the keys to the facility and access to  
17 the spaces, that they are given some kind of  
18 control and they are an employee of the business,  
19 therefore leaving notification with them in  
20 person is common. Whether it's a cease and  
21 desist order or any other order, that happens.  
22 And in this case, you know, the owner, who is  
23 once again on camera, was notified over the phone  
24 by myself about the actions being taken. So  
25 that's all I have, sir.

1 CHAIRPERSON ANDERSON: Mr. Nawash,  
2 you'll get an opportunity to --

3 MR. NAWASH: Oh no, I'm sorry, I hit  
4 the button, I'm sorry.

5 CHAIRPERSON ANDERSON: Okay, but  
6 you're still going to --

7 MR. NAWASH: But I do want to follow  
8 up.

9 CHAIRPERSON ANDERSON: No, you're  
10 going to get an opportunity to ask questions,  
11 sir, don't worry about that. Mr. Peru, you said  
12 that he has the keys and he has access, explain  
13 that in detail, what do you mean he has the keys  
14 and he has access, sir?

15 INVESTIGATOR PERU: So, right, this is  
16 a unique case, because they have a license for, a  
17 medical cannabis retail license for the basement,  
18 right, the lower-level basement, it's tricky how  
19 it looks, but it's the lower level, that's been  
20 approved, the license issued, purchased licensed  
21 legal product, and that's where their dispensary  
22 is located. The second and third floors was  
23 previously vacant, and in fact, there were  
24 after-hour alcohol parties being held there, and  
25 early on, through my multiple walk-throughs

1 helping them with construction and giving them  
2 consultation and advice to make the facility  
3 available per statute, they had mentioned, talked  
4 about, I had talked about what's happening  
5 upstairs. And they were excited when they  
6 obtained the lease for the second and third  
7 floor.

8           So the second and third floor is the,  
9 now, where they decided to continue to operate,  
10 unlicensed on the second and third floor, after  
11 receiving his medical license for the basement.  
12 The individual that was working the day of the  
13 closure and the warrant executed by MPD was on  
14 the second floor. He had a camera set up and an  
15 iPad set up to watch the door of the downstairs,  
16 of the actual dispensary, and then after having  
17 conversations, we were there like I said for a  
18 long time, you know, I was concerned that, making  
19 sure that downstairs was secured, and he said it  
20 was not, that the product was still out on the  
21 shelves.

22           So I went with him downstairs and he  
23 had the access control buzzer and the keys to the  
24 dispensary, which is the legal dispensary, which  
25 only limited access for employees that are

1 registered with ABCA could have. So that  
2 employee, this person, obviously was someone of a  
3 responsible party, and had the ability to control  
4 the licensed dispensary as a trusted party, and  
5 was operating the second floor as well at the  
6 same time. For those reasons, sir, I believe  
7 that he was a suitable person to leave a notice  
8 with.

9 CHAIRPERSON ANDERSON: All right,  
10 thank you. Are there any other questions by any  
11 other Board members? Okay, Mr. Nawash, any  
12 questions of the witness based on the questions I  
13 asked, sir?

14 MR. NAWASH: Yes, Your Honor. Did  
15 you, Mr. Peru, sir, did you talk to the landlord  
16 to ask about the business that's located in his  
17 building?

18 INVESTIGATOR PERU: The landlord  
19 received notice and contacted me.

20 BY MR. NAWASH:

21 Q Okay, did you ask him about the names  
22 of the businesses in the building?

23 A I'm kind of confused by your question,  
24 the landlord --

25 Q Let me rephrase it, let me rephrase.

1 Do you know -- are you saying, is it your  
2 statement here today, are you saying that the  
3 business that my client owns, which is on the  
4 basement level and the businesses on the second  
5 and third floor, or first and second floor, are  
6 you saying they're all the same corporation, the  
7 same business?

8 A I didn't say any of that, what I'm  
9 saying is that --

10 MR. JEAN-BAPTISTE: I object.

11 CHAIRPERSON ANDERSON: Hold on, what's  
12 the nature of your objection, sir?

13 MR. JEAN-BAPTISTE: Relevance. This  
14 is beyond the scope of questioning. We're at  
15 this moment discussing notice.

16 CHAIRPERSON ANDERSON: That's a  
17 question, that's -- well, I'm going to overrule  
18 the objection. I think what Mr. Peru -- I'm  
19 going to overrule the objection at this juncture.  
20 You can answer the question, Mr. Peru, if you  
21 can.

22 INVESTIGATOR PERU: Yeah, I didn't  
23 mention anything about LLCs or anything else.  
24 What I'm saying is, the individual sir, sitting  
25 behind you, Mr. Gebre, we had a conversation, he



1       toured me through the space, showed me what he  
2       renovated, and I know that he is the true and  
3       actual owner of the medical retail license and  
4       then told me and showed me that he had taken on  
5       the second and third floor, was renovating the  
6       second floor to possibly move the dispensary  
7       there and possibly the third floor to open up a  
8       safe treatment facility, which is on premise for  
9       a dispensary. So that's what he presented to me,  
10      and that's the knowledge that I have of the  
11      situation.

12               MR. NAWASH: Are you -- you're not  
13      mentioning, are you referring to the date that  
14      you all went there to close the store, or are you  
15      talking about some other time?

16               INVESTIGATOR PERU: No, I'm referring  
17      to the time in my report, listed in my report  
18      citing my conversations and interactions with the  
19      owner.

20               MR. NAWASH: No, okay, but I want to  
21      be clear, when you're talking about you talked to  
22      the owner and all that, because I don't see that  
23      anywhere, are you talking about the same day,  
24      which is, let me see, what day did you all go  
25      there? January 15, are you talking about January

1 15, or are you talking about some other timeline?

2 CHAIRPERSON ANDERSON: I believe it's  
3 January 16th is the date in the directorate, sir.

4 MR. NAWASH: The 16th, you're saying  
5 you talked to the owner and all this stuff,  
6 because earlier you told us you called the owner  
7 and he said he wasn't there, and he never showed  
8 up, now you're telling us you talked to the owner  
9 and you had all these conversations with him, so  
10 are we talking about different days here?

11 INVESTIGATOR PERU: Yes, I am. The  
12 day of the closure, I stated on record that I  
13 spoke to him on the phone, he said he was coming,  
14 he never showed up. After four and a half hours,  
15 he never came. I even texted him, I'll look  
16 through my phone, just as we're speaking, because  
17 all these questions are coming up about -- I  
18 texted him at 3:36 p.m. on that day and said call  
19 me please, and he never responded, because we  
20 waited there for him to come.

21 MR. NAWASH: Did you see the lease for  
22 the dispensary?

23 CHAIRPERSON ANDERSON: Mr. Nawash, I  
24 think we're going --

25 MR. NAWASH: Well, Your Honor, if I

1 may, I mean what I'm hearing from Mr. Peru is he  
2 is saying -- there are multiple businesses here,  
3 he's looking at it as it's one business, I'm  
4 wondering if he saw the lease.

5 CHAIRPERSON ANDERSON: I think we're  
6 getting away from the issue, the issue is that he  
7 tried to identify the person who he left the  
8 notice with, this is where all of this came  
9 about. What he has stated, I don't know, I think  
10 it's not relevant at this juncture what lease we  
11 had for the second floor, third floor, or  
12 basement, all that witness is testifying to is  
13 the individual that he left the document with.  
14 That person was on the second floor, and that  
15 person also had access to the medical dispensary  
16 on the basement. I think that's all that -- so,  
17 so, that's just, to answer your question, sir, I  
18 don't think asking about the lease, I don't  
19 think, it's not relevant at this juncture. I  
20 think he was just identifying who the person is,  
21 who he left the document with.

22 MR NAWASH: Well he also said that,  
23 Your Honor, in all fairness to me, someone's got  
24 to be fair to me, that he said he was upstairs,  
25 my client said that he leased this place, he

1 owned this place, so he opened the door for me to  
2 say that, because I know it's not true, that's  
3 why I wanted to try to get into it.

4 CHAIRPERSON ANDERSON: But I'm saying,  
5 though, that portion of it is not --

6 MR. NAWASH: I agree with you, Your  
7 Honor, I agree.

8 CHAIRPERSON ANDERSON: All we're  
9 talking about right now is the person, so you'll  
10 have, if we do move forward with this hearing,  
11 Mr. Peru will be called as a witness to testify  
12 and you will have an opportunity to cross examine  
13 him on all these other issues. The only issue  
14 right now is service, okay?

15 MR. NAWASH: Okay.

16 CHAIRPERSON ANDERSON: All right, do  
17 you have any other questions on service, sir?

18 MR. NAWASH: No, Your Honor.

19 CHAIRPERSON ANDERSON: You don't have  
20 to call me Your Honor, Mr. Chairperson is fine,  
21 okay, as far as that title. All right, thank you  
22 sir. But Mr. Jean-Baptiste, any re-direct of the  
23 witness? You're on mute, sir.

24 MR. JEAN-BAPTISTE: Briefly. I just  
25 want to clarify, Investigator Peru, so you stated

1 that you know that this person, or the employee,  
2 the individual that you came in contact with, and  
3 you're stating is an employee, you know that  
4 they're an employee because you've been in  
5 contact with them many times, is that correct?

6 INVESTIGATOR PERU: Because I've seen  
7 them working, yes, and he verbally stated he was,  
8 and he had control of the premises.

9 REDIRECT EXAMINATION

10 BY MR. JEAN-BAPTISTE:

11 Q And were you, at any time when you  
12 visited District Cure, was the owner and that  
13 individual there together?

14 A On the day that I referred to that I  
15 went in there and discovered the unlicensed  
16 operation, he gave me a tour.

17 CHAIRPERSON ANDERSON: All right, I  
18 don't think you have answered the question, Mr.  
19 Peru, maybe the attorney needs to ask the  
20 question again.

21 MR. JEAN-BAPTISTE: Yeah, so I stated,  
22 whether or not you've seen the employee and the  
23 owner at District Cure at any moment in time  
24 together?

25 INVESTIGATOR PERU: Yes, on the second

1 floor, yes.

2 BY MR. JEAN-BAPTISTE:

3 Q And this same employee, you stated  
4 that this same employee had the manager or the  
5 owner's telephone number and contacted him?

6 A He did. When the owner wouldn't pick  
7 up my phone calls, I had him call him, and he  
8 picked up.

9 Q I have no further questions.

10 CHAIRPERSON ANDERSON: All right,  
11 thank you.

12 MR. NAWASH: Can I put my witness on,  
13 on the same issue?

14 CHAIRPERSON ANDERSON: No sir, not on  
15 -- no sir, we don't need to. Just give me one  
16 minute, please. We're going off record for one  
17 minute, just one minute, please.

18 (Whereupon, the above-entitled matter  
19 went off the record at 11:20 a.m. and returned at  
20 11:21 a.m.)

21 CHAIRPERSON ANDERSON: Okay, we're  
22 back on the record. The Board is going to go  
23 into executive session to discuss the legal  
24 issues that were raised and to make a  
25 determination. I mean, just to discuss with

1 their lawyers. So, as Chairperson of the  
2 Alcoholic Beverage and Cannabis Board for the  
3 District of Columbia and in accordance with D.C.  
4 Code Section 2575 of the Open Meetings Act, I  
5 move that ABC Board hold a closed meeting for the  
6 purpose of seeking legal advice from our counsel  
7 on case number 24 ULC, 00056, District Cure  
8 Dispensary. Pursuant to D.C. Official Code  
9 Section 2575 b4a of the Open Meetings Act, is  
10 there a second?

11 MEMBER GRANT: Motion.

12 CHAIRPERSON ANDERSON: Mr. Grant has  
13 seconded the motion, we'll have a roll call vote.  
14 Mr. Grant?

15 MEMBER GRANT: Mr. Grant, I agree.

16 CHAIRPERSON ANDERSON: Mr. Meadows?

17 MEMBER MEADOWS: Mr. Meadows, I agree.

18 CHAIRPERSON ANDERSON: Mr. Jones? I'm  
19 Mr. Anderson, I agree. The motion has passed,  
20 and I give notice that ABC Board will recess this  
21 proceeding to hold a closed meeting pursuant to  
22 section 2575 of the Open Meetings Act. I'll ask  
23 that all the -- the parties can stay live, all  
24 the Board members log off and return to execute  
25 session and we will be back, thank you.

1                   (Whereupon, the above-entitled matter  
2 went off the record at 11:22 a.m. and resumed at  
3 11:31 a.m.)

4                   CHAIRPERSON ANDERSON: All right. The  
5 Board went into executive session to discuss with  
6 our lawyer the legal issue that was raised. The  
7 issue is whether or not the Government had made a  
8 motion to deny for the petitioner not to move  
9 forward because they did not comply with the  
10 statute to contest this matter within five days.  
11 There were concerns regarding service.

12                   It's the Board's position that  
13 pursuant to regarding Service 9707.5 that it  
14 says, service upon a party shall be completed  
15 upon any of the following acts, personal service  
16 or leaving the paper at the license premises with  
17 the owner, manager or other employee of the  
18 establishment. And I think that B was met in the  
19 sense that the service was left with an  
20 individual based on previous interactions that  
21 Mr. Peru believe was an employee. So I believe  
22 that service was proper.

23                   The owner has also testified that he  
24 did find the notice in his spam, so therefore he  
25 did not contest the service. And also there was



1 also testimony that the initial attorney who the  
2 owner had retained could not effectively  
3 represent him in this matter. So the owner went  
4 and retained the services of another attorney who  
5 promptly filed this complaint.

6 The Board, however, is not of the  
7 opinion that the failure to comply to file this  
8 complaint within five days should prevent us from  
9 moving forward with a hearing on the merits of  
10 this case. And so for that I make a motion that  
11 we deny the motion and allow this matter to move  
12 forward on the merits. Is there a second?

13 MEMBER MEADOWS: Second.

14 CHAIRPERSON ANDERSON: Mr. Meadows has  
15 seconded the motion. We'll have a roll call  
16 vote. Mr. Grant?

17 MEMBER GRANT: Mr. Grant, I agree.

18 CHAIRPERSON ANDERSON: Mr. Meadows?

19 MEMBER MEADOWS: Mr. Meadows, I agree.

20 CHAIRPERSON ANDERSON: Mr. Jones?

21 MEMBER JONES: Agree.

22 CHAIRPERSON ANDERSON: And Mr.  
23 Anderson, I agree. And so therefore we deny the  
24 motion. And so we'll move forward with this  
25 matter on the merits. Okay. All right.

1 MR. NAWASH: Thank you.

2 CHAIRPERSON ANDERSON: All right.

3 Does the Government want to make opening  
4 statement?

5 MR. JEAN-BAPTISTE: Yes, Mr.  
6 Chairperson.

7 CHAIRPERSON ANDERSON: Okay.

8 MR. JEAN-BAPTISTE: Good morning,  
9 Board Members. We're here today in a summary  
10 action matter concerning District Cure  
11 Dispensary, a licensed medical cannabis  
12 dispensary located at 2626 Georgia Avenue  
13 Northwest, Washington, DC.

14 Despite being granted a medical  
15 cannabis license on June 14, 2024, the evidence  
16 will show that District Cure Dispensary continued  
17 to operate as an unlicensed cannabis retailer on  
18 the second floor of the premises. The District's  
19 evidence would show that the establishment  
20 ignored District regulations, sold unlicensed  
21 cannabis and posed an imminent threat to public's  
22 health and safety. The evidence will show that  
23 the establishment had a licensed operation and  
24 then expanded its sales to include unlicensed  
25 cannabis.

1           The establishment's owner explicitly  
2 told Supervisory Investigator Peru that the  
3 reason he was expanding to unlicensed operations  
4 was because sales of licensed products were low,  
5 which is a fact later confirmed by Supervisory  
6 Investigator Peru, who reviewed the  
7 establishment's licensed sale records and  
8 confirmed that they were not substantial.

9           You will hear that on December 16,  
10 2024, ABCA Supervisory Investigator Jason Peru  
11 conducted an inspection of the establishment and  
12 observed unlicensed cannabis and cannabis  
13 products to sell on the second floor of the  
14 premises. These products were unlabeled, lacking  
15 the necessary District compliance information.

16           The evidence would show that on  
17 January 8, 2025, a Metropolitan Police Department  
18 undercover officer conducted a controlled buy on  
19 the second floor of the establishment, purchasing  
20 cannabis flower for \$50. Field tests conducted  
21 by MPD confirmed the presence of THC in the  
22 cannabis flower.

23           At the conclusion of this hearing, we  
24 will ask the Board to uphold the summary closure  
25 of the unlicensed operation and summary

1 revocation of District Cure Dispensary's license  
2 based on substantial evidence showing the  
3 establishment sold unlicensed and unlabeled  
4 cannabis products, violating District laws and  
5 regulations, admitted to knowingly engaging in  
6 these unlawful activities, poses an imminent  
7 danger to the health and safety of the public.  
8 So I'll disclose that the witness testimony  
9 presented today will make it clear that District  
10 Cure's operations blatantly disregarded District  
11 law and endangered the community.

12 I also want the Board to note that how  
13 the stories have also changed here this morning.  
14 First, it was that they had no idea about the  
15 notice or the hearing or the closure until the  
16 owner checked his email days later. But then we  
17 hear from Supervisory Investigator Peru who  
18 testified that he spoke with him on the phone and  
19 also delivered it to an employee of the  
20 establishment

21 And we also want to note that personal  
22 service to an employee is sufficient, as you  
23 noted earlier, Mr. Chairperson. Thank you.

24 CHAIRPERSON ANDERSON: Thank you, Mr.  
25 Nawash, do you wish to make an opening now or do

1 you want to defer to your presentation?

2 MR. NAWASH: Yes, your Honor. Yes,  
3 your Honor. And you have to forgive me. I'm so  
4 used to saying, your Honor, you're going to have  
5 to deal with the problem.

6 CHAIRPERSON ANDERSON: That is fine,  
7 sir. I'm not -- go ahead.

8 MR. NAWASH: The evidence will show,  
9 your Honor, that my client only owns one  
10 business, and that's on the lower level of, is it  
11 50 Florida Avenue?

12 UNIDENTIFIED MALE: 2626.

13 MR. NAWASH: 2626 Georgia Avenue.  
14 That this is a building with three stories. That  
15 he only has one of the floors. That in the above  
16 buildings there are different businesses  
17 incorporated differently in the City with  
18 different owners. The record will show that we  
19 discussed this matter with the landlord,  
20 retrieved the leases and other documents for the  
21 above businesses. These are completely unrelated  
22 to my client. And the evidence will show that it  
23 appears that Mr. Peru may have been confused in  
24 this case in the sense that my client has been  
25 for the last few months, negotiating to lease, to

1 lease the above floors. Not that they have a  
2 least, to lease the above floors, negotiating  
3 with the landlord, because according to the  
4 landlord, the business upstairs or the businesses  
5 upstairs were going out of business, and the  
6 landlord approached my client about leasing those  
7 spaces. It never happened yet. They're still  
8 negotiating. They're still waiting for the other  
9 business to go out of business. I think this is  
10 more of confusion than anything else.

11 And the record will show that  
12 everything that Officer Peru said is really, if  
13 you listen to the words that he used in his  
14 testimony, and he always prefaced every statement  
15 with I believe, I think. He wasn't sure of  
16 anything that he said to us here. And he didn't  
17 have the necessary document, didn't have the name  
18 of the person who he supposedly gave the papers  
19 to. I think he jumped the gun in this case, as  
20 the evidence will show, assumed that my client  
21 owned a business above.

22 One thing we all agree on, the record  
23 will show that my client was not there, that he  
24 didn't deal with the actual owner. He dealt with  
25 an unknown person, according to what's written in

1 the summary revocation, that he dealt with some  
2 person who's unidentified.

3 And the evidence will show that based  
4 on this unclear conclusions as to what happened  
5 on that day, the Government cannot meet its  
6 burden to show that my client did anything wrong.  
7 And certainly the documentary evidence that I  
8 retrieved from the landlord would clearly show  
9 these are completely different businesses. And  
10 I'll wait for the testimony of my client to  
11 clarify it more.

12 CHAIRPERSON ANDERSON: All right,  
13 thank you. Mr. Jean-Baptiste, do you have a  
14 witness you wish to call?

15 MR. JEAN-BAPTISTE: Yes, Mr.  
16 Chairperson. At this moment, the Government  
17 would like to call Supervisory Investigator Jason  
18 Peru.

19 CHAIRPERSON ANDERSON: Mr. Peru,  
20 you're still under oath, so I don't need to swear  
21 you in again. So go ahead, your witness.

22 MR. JEAN-BAPTISTE: Thank you.  
23 Investigator Peru, could you please state and  
24 spell your first and last name for the record?

25 INVESTIGATOR PERU: I'm Jason Peru

1 J-A-S-O-N P-E-R-U.

2 MR. JEAN-BAPTISTE: Thank you. And  
3 where do you work?

4 INVESTIGATOR PERU: At the District of  
5 Columbia Alcoholic Beverage and Cannabis  
6 Administration, ABCA.

7 MR. JEAN-BAPTISTE: What is your  
8 position at ABCA?

9 INVESTIGATOR PERU: Supervisory  
10 investigator in charge of cannabis enforcement.

11 MR. JEAN-BAPTISTE: And what are your  
12 duties and responsibilities as an investigator?

13 INVESTIGATOR PERU: I conduct  
14 inspections and investigations at licensed and  
15 unlicensed establishments in the District of  
16 Columbia.

17 MR. JEAN-BAPTISTE: And how long have  
18 you been involved in cannabis enforcement?

19 INVESTIGATOR PERU: Since October of  
20 2020.

21 MR. JEAN-BAPTISTE: Thank you. And  
22 you mentioned licensed cannabis establishments.  
23 Did you also mention that your work also involves  
24 establishments that sell cannabis without a  
25 license?



1                   INVESTIGATOR PERU: Correct. Licensed  
2 and unlicensed locations, cannabis businesses.

3                   MR. JEAN-BAPTISTE: Thank you for  
4 clarifying that. What is ABCA's process when it  
5 becomes aware of an establishment selling  
6 cannabis without a license?

7                   INVESTIGATOR PERU: Once I learn of a  
8 location or a complaint comes in, I'll then look  
9 into it via typical Google searching social media  
10 accounts, and then decide if the location is in  
11 fact appears to be selling unlicensed cannabis  
12 products. I will then, depending on what the  
13 investigation entails, possibly do a joint  
14 inspection with multi-agency partners or visit  
15 the location myself, depending on the  
16 circumstances.

17                  MR. JEAN-BAPTISTE: Did you  
18 participate in an investigation of establishment  
19 named District Cure Dispensary?

20                  INVESTIGATOR PERU: I did.

21                  MR. JEAN-BAPTISTE: And did you create  
22 a case report for your investigation?

23                  INVESTIGATOR PERU: I did.

24                  MR. JEAN-BAPTISTE: At this moment,  
25 Mr. Chairperson, I would ask the Board to allow

1 me to show Investigator Peru Exhibit 1.

2 CHAIRPERSON ANDERSON: Mr. Orellana,  
3 can you please allow Mr. John-Baptiste to share  
4 his screen? Thank you.

5 MR. ORELLANA: Thank you.

6 MR. JEAN-BAPTISTE: I want to direct  
7 you to a document marked as Government Exhibit 1  
8 for identification. And Mr. Chairperson, I want  
9 to acknowledge that Exhibit 1 is already entered  
10 into evidence as it is this case report.

11 CHAIRPERSON ANDERSON: Yes, as per the  
12 regulation, the case report is part of the  
13 Agency's record so it is in our records. Go  
14 ahead. Thanks.

15 MR. JEAN-BAPTISTE: Please take a  
16 moment to review Exhibit 1, Investigator Peru.

17 INVESTIGATOR PERU: Sir.

18 MR. JEAN-BAPTISTE: Do you recognize  
19 this exhibit?

20 INVESTIGATOR PERU: I do. It's the  
21 case report that I drafted.

22 MR. JEAN-BAPTISTE: And why did you  
23 create this report?

24 INVESTIGATOR PERU: Based on the  
25 investigation, when I determined that the

1 licensed operator had moved unlicensed operation  
2 to the second floor of his business.

3 MR. JEAN-BAPTISTE: And when did you  
4 generate this report?

5 INVESTIGATOR PERU: On or around after  
6 the undercover purchase was made by MPD NEU.

7 MR. JEAN-BAPTISTE: And is this a fair  
8 and accurate representation of the case report  
9 that you generated during your investigation of  
10 District Cure?

11 INVESTIGATOR PERU: It is.

12 MR. JEAN-BAPTISTE: Investigator Peru.  
13 Did you visit District Cure on December 16, 2024?

14 INVESTIGATOR PERU: I did.

15 MR. JEAN-BAPTISTE: And prior to your  
16 visit of District Cure on December 16, 2024, did  
17 you review the sales records of the licensed  
18 establishment?

19 INVESTIGATOR PERU: I did.

20 MR. JEAN-BAPTISTE: And what did you  
21 find?

22 INVESTIGATOR PERU: That the numbers  
23 were low and that there wasn't any recent orders  
24 that were placed.

25 MR. JEAN-BAPTISTE: When you visited

1 District Cure on December 16, 2024, did you speak  
2 with the owner?

3 INVESTIGATOR PERU: I did. He greeted  
4 me at the door. Well, let's be clear. The  
5 dispensary is downstairs. I went straight up to  
6 the second floor and that's where the owner  
7 greeted me.

8 MR. JEAN-BAPTISTE: Okay. And what  
9 did the owner tell you in regards to the reason  
10 why, let me scale back. When the owner greeted  
11 you, what happened after that?

12 INVESTIGATOR PERU: Well, when I  
13 arrived at the business, I saw the lights on the  
14 second floor and the second floor also had  
15 wrapping window treatment that had the District  
16 Cure symbol showing as an extension of the  
17 dispensary.

18 So I walked up the stairs, the lights  
19 were on. And then the owner, obviously he knows  
20 who I am. He greeted me and shook my hand. He  
21 was excited to show me around and the renovations  
22 that he had made and the work that he had done to  
23 the property.

24 MR. JEAN-BAPTISTE: Investigator Peru,  
25 what did the owner tell you in regards to the

1 reason why the establishment was operating on the  
2 second floor?

3 INVESTIGATOR PERU: Well, reference to  
4 the unlicensed activity, when I saw the product  
5 that was behind the display case and on the  
6 shelves, he stated that it was the medical  
7 dispensary downstairs was slow because of other  
8 illegal shops around him and that he wasn't  
9 making as much money as he hoped from the  
10 dispensary. So the only way to pay the rent  
11 because he took on the other levels was to sell  
12 unlicensed product.

13 MR. JEAN-BAPTISTE: And did the owner  
14 say anything about if the product that was on the  
15 second floor came from the licensed dispensary?

16 INVESTIGATOR PERU: Well, of course  
17 that was my concern and my question. And he said  
18 it was not. He just labeled it that way with a  
19 familiar quote unquote familiar names of known  
20 cannabis product.

21 MR. JEAN-BAPTISTE: And can you please  
22 describe to us, did the owner lead you down to  
23 the licensed establishment?

24 INVESTIGATOR PERU: Yeah, the day of  
25 my visit, of course I had a question about the

1 dispensary downstairs and if it was still  
2 operating. He gave me a tour of the second and  
3 third floors. The third floor he was renovating  
4 and working on ventilation to possibly do a safe  
5 treatment facility.

6 MR. JEAN-BAPTISTE: And what did you  
7 see on the first floor and also the second floor?

8 INVESTIGATOR PERU: Well, the  
9 dispensary was fully operational and was stocked  
10 with legal product, thankfully. The dispensary  
11 downstairs was available for customers or  
12 patrons. He did have product. But the second  
13 floor, in the quote unquote sales area of the  
14 second floor there was different product which  
15 was unlicensed product not obtained from a DC  
16 cultivator or manufacturer.

17 MR. JEAN-BAPTISTE: Thank you. And at  
18 this time I'd like to ask the Board's permission  
19 to show Exhibits 2 through 6 to Investigator  
20 Peru.

21 CHAIRPERSON ANDERSON: You have the  
22 ability, sir, to share your screen.

23 MR. JEAN-BAPTISTE: Investigator Peru,  
24 can you please let us know how you can tell the  
25 difference between licensed and unlicensed

1 product?

2 CHAIRPERSON ANDERSON: Can you have  
3 him identify the document that he's reading  
4 first?

5 MR. JEAN-BAPTISTE: Yes. Please.  
6 Investigator Peru, do you recognize this  
7 document?

8 INVESTIGATOR PERU: That's the photo  
9 I took that day when I was with the owner.

10 MR. JEAN-BAPTISTE: And what is this  
11 document that I'm showing you currently?

12 INVESTIGATOR PERU: That's the photo  
13 of the second floor of their retail area and the  
14 shelves that contained cannabis products. And  
15 you can see the jars filled with cannabis flower.  
16 And that's the jars that I asked the owner about  
17 when I saw the names questioning that it wasn't  
18 from the dispensary downstairs. And his response  
19 was no, no, no. Just the names are familiar, so  
20 we just put those on there.

21 MR. JEAN-BAPTISTE: Okay. And can you  
22 explain the contents in Exhibit 3, please?

23 INVESTIGATOR PERU: This is another  
24 picture of different products. If you look at  
25 the shelf, you see the jar on top, and then you

1 look below, then you see other vape cartridges  
2 and product that is not from DC licensed  
3 dispensaries. The Backpackboyz Gelato stands out  
4 in the picture. The Friendly Farms stands out in  
5 the picture. That's not product that currently  
6 is on the DC licensed market. So those products  
7 could not be sold in a licensed dispensary.

8 MR. JEAN-BAPTISTE: What am I  
9 currently showing you as Exhibit 4?

10 INVESTIGATOR PERU: More unlicensed  
11 product. That's gummies that contain THC. Also  
12 not allowed to be sold in a licensed DC  
13 dispensary.

14 MR. JEAN-BAPTISTE: And was this also  
15 taken on the second floor of District Cure?

16 INVESTIGATOR PERU: Yep. That's  
17 another picture of the shelf. And that is  
18 mushrooms in that small jar that's clear.

19 MR. JEAN-BAPTISTE: And are you able  
20 to see this document, Investigator Peru?

21 INVESTIGATOR PERU: I am.

22 MR. JEAN-BAPTISTE: And what is this  
23 document?

24 INVESTIGATOR PERU: It's hard to tell,  
25 but yeah, I think that's the undercover purchase



1 that MPD made. I would have to reference the  
2 report to confirm Exhibit 6, but I believe that's  
3 the product that MPD purchased doing an  
4 undercover buy.

5 MR. JEAN-BAPTISTE: Thank you,  
6 Investigator Peru. And are these photos that I  
7 showed you a fair and accurate representation of  
8 what you observed at District Cure on December  
9 16, 2024?

10 INVESTIGATOR PERU: Correct.

11 MR. JEAN-BAPTISTE: And Investigator  
12 Peru, I want to go back to my question that I  
13 asked earlier. How can you tell the difference  
14 between licensed and unlicensed product?

15 INVESTIGATOR PERU: Well, there's a  
16 couple things. The licensed product in DC has to  
17 be packaged in a certain way, has to describe  
18 where it came from, the manufacturer or  
19 cultivator it came from, has certain languages  
20 that it's required to have, it has to state that  
21 the THC content on the packaging that it's from  
22 and the ultimate way is, like my report stated,  
23 the seed to sell system metrics is a system that  
24 we have access to and that the licensed retailers  
25 and cultivators use to transfer product between

1 one another and that all the product and  
2 inventory must be recorded and kept on file. And  
3 therefore I can determine how much stock of a  
4 product they have and also when the product was  
5 sold.

6 MR. JEAN-BAPTISTE: Investigator Peru,  
7 are there labeling requirements under District  
8 law?

9 INVESTIGATOR PERU: Correct. Those  
10 are some of the requirements.

11 MR. JEAN-BAPTISTE: Can you please  
12 describe to the Board what the labeling  
13 requirements are?

14 INVESTIGATOR PERU: The packaging  
15 can't contain imaging that appeals to children.  
16 It must say keep out of reach of children, it  
17 contains cannabis, the contents of the  
18 percentages of the THC of the cannabis or if it  
19 contains other things besides just THC, where it  
20 was manufactured and produced. Yeah, that's the  
21 basic of it.

22 MR. JEAN-BAPTISTE: When you visited  
23 District Cure on December 16, 2024, were the  
24 labeling requirements met at the licensed  
25 establishment?

1                   INVESTIGATOR PERU: The licensed  
2 establishment downstairs on the first floor only  
3 had licensed product from DC, yes.

4                   MR. JEAN-BAPTISTE: Were the labeling  
5 requirements met at the unlicensed establishment?

6                   INVESTIGATOR PERU: No. You saw  
7 pictures of the packaging that you showed.

8                   MR. JEAN-BAPTISTE: When did the  
9 licensed establishment acquire their license?

10                  INVESTIGATOR PERU: You mean the  
11 issuance of District Cure's license?

12                  MR. JEAN-BAPTISTE: That is correct,  
13 yes.

14                  INVESTIGATOR PERU: I cannot recall  
15 the exact date. I just recall I was involved  
16 heavily his partner, contractor, employee. I did  
17 a lot of visits at that location to give them  
18 guidance on making sure the facility met the  
19 statute requirements. I cannot remember exactly  
20 when it was issued in hand. I'm not sure if my  
21 report reflects that or not, if we can reference  
22 my report.

23                  MR. JEAN-BAPTISTE: Yes, I will move  
24 on to a different question, Investigator Peru.  
25 Thank you. Investigator Peru, what is required

1 for licensed establishments when they sell  
2 medical marijuana?

3 INVESTIGATOR PERU: I'm not sure that  
4 I understand the question, sir. I'm sorry.

5 MR. JEAN-BAPTISTE: So when licensed  
6 establishments sell to customers, I'm asking what  
7 are the requirements?

8 INVESTIGATOR PERU: Oh, so because DC  
9 only has a medical program, you're required to  
10 register the customers and DC's allowances to  
11 self-certify if you don't have a current medical  
12 card. But you have to register and obtain a  
13 medical card and an IEA number as a registered  
14 person before you're allowed to purchase  
15 cannabis.

16 MR. JEAN-BAPTISTE: And is that part  
17 of the checks that licensed establishment need to  
18 do for customers? Are there any checks that they  
19 have to do?

20 INVESTIGATOR PERU: Yeah, if a  
21 customer walks into a dispensary and they say  
22 they want to purchase cannabis, the establishment  
23 should then say, well, hey, are you a DC  
24 resident, non-resident? Do you have a medical  
25 card from another jurisdiction? Do you have a

1 current medical registration number? And if they  
2 do not, then they have to register them, getting  
3 a photo of their ID, answering some questions  
4 before they obtain a card slash number and then  
5 they have access to purchase the medical cannabis  
6 product.

7 MR. JEAN-BAPTISTE: And did District  
8 Cure, well, can you answer how do licensed  
9 establishment get their cannabis?

10 INVESTIGATOR PERU: They purchase it  
11 from a licensed cultivator or manufacturer.

12 MR. JEAN-BAPTISTE: And did District  
13 Cure acquire the cannabis products on the second  
14 floor in that manner?

15 INVESTIGATOR PERU: They did not.

16 MR. JEAN-BAPTISTE: Do you believe  
17 that the licensed establishment is the same  
18 establishment that operated an unlicensed  
19 cannabis retail on the second floor?

20 INVESTIGATOR PERU: Absolutely.

21 MR. JEAN-BAPTISTE: And did you  
22 organize a controlled buy at District Cure?

23 INVESTIGATOR PERU: I did.

24 MR. JEAN-BAPTISTE: And I actually  
25 want you to explain why you think it's the same

1 establishment, to my previous question.

2 INVESTIGATOR PERU: Well, I mean from  
3 initial observations, my whole purpose of going  
4 there was to check on them. I was surprised and  
5 disappointed at the same time. I used that word  
6 loosely because I had spoken with the  
7 establishment several times prior to them  
8 opening.

9 And from the outside, doing my visit,  
10 the District Cure, which is his new name,  
11 District Smoke Shop was the original name and  
12 there's a signage outside still reflects some of  
13 Different Tobacco Shop DTS.

14 But District Cure was his new logo,  
15 his new name that he had showed me prior to  
16 registering it. I advised them how they had to  
17 do that to even get the trade name change with  
18 ABCA. And that logo was plastered all over the  
19 second floor as well using the perforated  
20 advertising mesh.

21 So when I pulled up and I was watching  
22 from the outside that's what I observed. And so  
23 I was like, okay, they're making moves to move  
24 upstairs. So that's why I went straight to the  
25 second floor because that's where I saw activity.

1 So that's number one, the signage.

2 Number two, I was greeted when I the  
3 door opened, by the owner. Friendly, smiling  
4 face, shook my hand and was happy to see me and  
5 it was professional and excited to show me around  
6 what he was doing renovations of the location and  
7 explained to me what his plans were and how he  
8 was trying to figure out what the best options  
9 were.

10 And as we started walking through the  
11 areas, of course, is when I saw the customer  
12 counter and the shelves and the exhibits  
13 containing cannabis product. And that's when I  
14 started to realize that he was operating an  
15 unlicensed business on this level.

16 MR. JEAN-BAPTISTE: And I do want to  
17 go back to my organized buy District Cure  
18 question. Can you take us through step by step  
19 how you came about to organize this controlled  
20 buy District Cure and what took place?

21 INVESTIGATOR PERU: Yeah. So a place  
22 like this who has a unique situation of having a  
23 license downstairs and an unlicensed dispensary  
24 upstairs, you can see there's a notable time  
25 lapse between my visit there in December and with

1 everything going on, the holidays, that I was  
2 able to circle back with MPD. So there was a  
3 chance by the time January came that the  
4 unlicensed operations would have been shut down.  
5 However, I still coordinated with my partners at  
6 NEU and asked them to conduct an undercover  
7 investigation and to attempt to do a buy which  
8 obviously they did.

9 MR. JEAN-BAPTISTE: Investigator Peru,  
10 what happened after the control buy was  
11 completed?

12 INVESTIGATOR PERU: MPD notified me  
13 that they got a positive buy, that they tested  
14 the product for, it was positive for THC. And  
15 then I drafted the case report that you showed  
16 earlier and submitted it for actions.

17 MR. JEAN-BAPTISTE: And was there a  
18 summary closure operation for District Cure?

19 INVESTIGATOR PERU: Correct. Once the  
20 summary closure was issued, MPD obtained a  
21 warrant based on the purchase that they made and  
22 we executed the summary closure and the warrant  
23 at the same time.

24 MR. JEAN-BAPTISTE: And Investigator  
25 Peru, can you describe what happened at the



1 closure in respect to the padlocking and if there  
2 was a padlocking?

3 INVESTIGATOR PERU: Correct. On the  
4 closure notice, suspended the license in the  
5 basement and allowed for padlocking enclosure of  
6 the second floor. Padlocking being the language  
7 of the law. But what we have a locksmith on  
8 standby that then replaces and changes the locks  
9 of the exterior doors and secures the premises.  
10 And that's what we did that day.

11 MR. JEAN-BAPTISTE: On January 16th  
12 during the closure, what, if any conversation did  
13 you have with an employee there?

14 INVESTIGATOR PERU: Well, there's only  
15 one employee remained that he basically said he  
16 wasn't going to leave till the owner came. And I  
17 tried calling the owner and was unsuccessful. And  
18 he called the owner and then handed me his phone  
19 and the owner, we spoke, I told him what was  
20 going on. I told him what would happen if things  
21 continued, which they did. And I advised him  
22 that we were closing the business. He stated he  
23 would be there in about 30 minutes. We were  
24 there for about four and a half hours and he  
25 never showed up. At some point in time, I texted

1 him and said, hey, we're still here or can you  
2 call me? And he never called me. And I haven't  
3 heard from him since that day.

4 MR. JEAN-BAPTISTE: Did you see any  
5 unlabeled product when the search warrant was  
6 executed?

7 INVESTIGATOR PERU: Yes. There was  
8 several pounds that was in a closet that was not  
9 yet packaged. And then there was other products  
10 that were packaged as well.

11 MR. JEAN-BAPTISTE: Okay. And you  
12 stated that in a, not sure if you stated were the  
13 product tested on that day?

14 INVESTIGATOR PERU: Yeah. NEU  
15 conducts every time they come across product  
16 doing a warrant, doing a seizure, field tested  
17 the products to confirm that it was in fact THC  
18 cannabis.

19 MR. JEAN-BAPTISTE: Can you explain  
20 what it means for cannabis to be tested by a  
21 testing laboratory?

22 INVESTIGATOR PERU: Yes. Product  
23 makes sure that it does not contain any kind of,  
24 there's a list of technical terms that I'm not  
25 going to lie and try and list them all, but

1 contaminants that are not safe for public  
2 consumption. So the cultivators will submit  
3 batches of product for testing to the laboratory  
4 and then confirm that the product is safe for the  
5 medical market and for consumption by patients.

6 MR. JEAN-BAPTISTE: And how can you  
7 tell that's the case for a licensed  
8 establishment, that it was tested?

9 INVESTIGATOR PERU: Well, the testing  
10 requirement went into effect, I believe, November  
11 18th of last year. So because the lab was  
12 established in August -- now, based on the same  
13 system, the seed to sell system metrics, I'm able  
14 to see product going to the lab, coming out of  
15 the lab, and then the lab results. And I can  
16 always contact the lab to seek further  
17 information regarding any kind of tested product.

18 MR. JEAN-BAPTISTE: Thank you,  
19 Investigator Peru. I want to just clarify. We  
20 did touch base with this, but did you serve the  
21 Notice of Summary Closure and revocation of  
22 District Cure's license to the employee that was  
23 there on that date in question?

24 INVESTIGATOR PERU: I did.

25 MR. JEAN-BAPTISTE: And just one last

1 question, Investigator Peru. What were the  
2 results of your investigation into the  
3 establishment's licensing status?

4 INVESTIGATOR PERU: They had an active  
5 license for the basement, first floor.

6 MR. JEAN-BAPTISTE: I have no further  
7 questions.

8 CHAIRPERSON ANDERSON: All right. Mr.  
9 Nawash, do you have any questions for this  
10 witness?

11 INVESTIGATOR PERU: You're on mute,  
12 sir. I cannot hear you.

13 MR. NAWASH: Thank you, Supervisor  
14 Peru. Is that the right name? Did you check with  
15 DCRA or the landlord to see who the upstairs  
16 business was registered in? Whose name it was  
17 registered in or what name was it?

18 INVESTIGATOR PERU: No, I did not.

19 MR. NAWASH: So standing here today,  
20 you don't know the name of the business upstairs?

21 INVESTIGATOR PERU: I do not.

22 MR. NAWASH: Okay. And have you seen  
23 any documents that indicate whether it's from  
24 DCRA or Department of Buildings or any other  
25 agency in Washington DC. Did you see any

1 official documentation that says that my client  
2 is the owner of the upstairs second floor  
3 location?

4 INVESTIGATOR PERU: I didn't see any  
5 documents from the City that says that that space  
6 could be occupied, period, or has a business  
7 license.

8 MR. NAWASH: Thank you. Did you  
9 question the landlord at all about the businesses  
10 in his building?

11 INVESTIGATOR PERU: Question the  
12 landlord? No.

13 MR. NAWASH: Okay. You said in your  
14 testimony that when you entered the lower level,  
15 it was full of merchandise, full of products.  
16 Correct?

17 INVESTIGATOR PERU: The actual medical  
18 license dispensary was stocked with medical  
19 product. Yes.

20 MR. NAWASH: Yes. And could you  
21 approximate how much that would cost to put that  
22 much inventory in the store?

23 INVESTIGATOR PERU: I think the  
24 employee had mentioned that the owner had bought  
25 like \$50,000 worth when he first opened. That

1 can be confirmed, but no, I did not. Yes, that's  
2 what I was told.

3 MR. NAWASH: Yeah. And you also  
4 mentioned that you checked the records with the  
5 merchandise that was being purchased by my client  
6 and you said it didn't appear there were much  
7 activity going on. Correct?

8 INVESTIGATOR PERU: Correct.

9 MR. NAWASH: And is it possible that  
10 the reason there wasn't much activity is because  
11 the place was fully stocked?

12 INVESTIGATOR PERU: Yes. From  
13 purchasing new product? Yes. Sales, if it's  
14 fully stocked, sales were down as well.

15 MR. NAWASH: Do you know the official  
16 name of my client's business?

17 INVESTIGATOR PERU: Well, the --

18 MR. NAWASH: The licensed dispensary.

19 INVESTIGATOR PERU: Yeah, the trade  
20 name. He changed the trade name to District  
21 Cure. That is the name now on record with ABCA.

22 MR. NAWASH: And what is the official  
23 name with DCRA? Do you know?

24 INVESTIGATOR PERU: I don't know what  
25 we use when you say official name. I'm calling

1 the official name would be District Cure. Now,  
2 as a trade name that established by ABCA. If  
3 you're talking about the LLC, I would have to  
4 refer back to the case report in the reference to  
5 the LLC name.

6 MR. NAWASH: Are you familiar with  
7 District Cure Dispensary?

8 INVESTIGATOR PERU: Yeah, that's, the  
9 name I'm referring to. That's the licensed  
10 dispensary. Correct.

11 MR. NAWASH: Yes. And what about  
12 District Smoke Shop? What is that?

13 INVESTIGATOR PERU: That was his old  
14 name.

15 MR. NAWASH: Okay. Now, in order to  
16 share a document, I guess I hit the share button  
17 and just it comes up?

18 CHAIRPERSON ANDERSON: You need to ask  
19 for permission first, I will instruct our IT  
20 person to give you permission and then you can  
21 hit your share button.

22 MR. NAWASH: Okay. I just want to  
23 know physically how it's done. I know --

24 CHAIRPERSON ANDERSON: So you ask for  
25 permission first and then I'll have the IT person

1 give you permission. And then I believe you  
2 press the share button and I think you should be  
3 able to share. I believe that's how it's done,  
4 sir.

5 MR. NAWASH: Your Honor, I requested  
6 the ownership information for the second floor  
7 from the landlord, and I'd like to share it with  
8 you if that's possible.

9 CHAIRPERSON ANDERSON: Mr. Orellana,  
10 can you allow Mr. Nawash to share his screen,  
11 please.

12 MR. ORELLANA: Granted. Once you  
13 click share, you want to select screen on the  
14 left hand side.

15 MR. NAWASH: Screen or application?

16 MR. ORELLANA: Screen or application,  
17 whatever your preference is.

18 MR. NAWASH: Okay. And then?

19 MR. ORELLANA: And then you just click  
20 on it. Oh, and then you click Share once you've  
21 selected the screen or content.

22 CHAIRPERSON ANDERSON: Mr. Nawash,  
23 have you provided the Government with a copy of  
24 these documents? And can you also send a copy of  
25 the documents to legal our legal office too?



1 MR. NAWASH: Yes, if I can figure out  
2 how it's done, I will do that. Let's see.

3 CHAIRPERSON ANDERSON: All right,  
4 you're sharing your documents, but I'm saying can  
5 you also -- I guess we have a whole lot of  
6 documents I guess you need to highlight the  
7 document.

8 MR. NAWASH: I still haven't gotten  
9 the document. I'm still going in there to --

10 CHAIRPERSON ANDERSON: But I'm saying  
11 I'm looking at your screen, so I'm seeing you  
12 looking through the document, sir. So we're  
13 seeing all of that.

14 MR. NAWASH: Okay. All right, let's  
15 see. Okay, there we are. Did the document show  
16 up that says Lease Agreement?

17 CHAIRPERSON ANDERSON: Yes, sir.  
18 That's on the screen.

19 MR. NAWASH: Yes. Mr. Peru?

20 INVESTIGATOR PERU: Yes, sir.

21 MR. NAWASH: Did you see this document  
22 before? This is the lease for the bottom floor.  
23 Have you seen this document before?

24 INVESTIGATOR PERU: I can't recall if  
25 I have or not in the file. I'm not sure.

1 MR. NAWASH: Okay. I'd like this to  
2 be Exhibit 1, your Honor. This is the lease for  
3 the actual dispensary.

4 CHAIRPERSON ANDERSON: Any objection  
5 by the Government? Mr. Baptiste?

6 MR. JEAN-BAPTISTE: We do object, Mr.  
7 Chairperson.

8 CHAIRPERSON ANDERSON: What's the  
9 basis of the objection?

10 MR. JEAN-BAPTISTE: As to this on  
11 authentication grounds. This is a Word doc, and  
12 don't believe he can explain it.

13 MR. NAWASH: We just said it was the  
14 lease for the dispensary. Now I'm going to show  
15 you the lease for the other place.

16 CHAIRPERSON ANDERSON: I guess the  
17 bottom line is that, what's the document? And I  
18 think that the Government has questioned the  
19 authenticity of the document.

20 MR. NAWASH: You know what, I withdraw  
21 it for now. I'll try to introduce it when I put  
22 it on directly exam of my client.

23 CHAIRPERSON ANDERSON: All right.  
24 That's fine.

25 MR. NAWASH: If that's the argument

1 you're making, I'll put those up with my client's  
2 turn.

3 CHAIRPERSON ANDERSON: I believe so.  
4 What I'd ask you to do also, sir, if you have  
5 exhibits that you wish to utilize, can you send a  
6 copy? I don't know if you have done that before,  
7 but can you send a copy of the exhibits to the  
8 Government and also to ABCA Legal so we'll all  
9 have the documents.

10 MR. NAWASH: Is this by email? By  
11 email?

12 CHAIRPERSON ANDERSON: Yes. By email.  
13 You can email the Government and send off a copy  
14 to ABCA. Can someone please put the email  
15 address up?

16 MR. NAWASH: Yeah, someone give me  
17 both emails and maybe we'll, after the direct  
18 exam, my clients will take a two-minute break and  
19 I'll send all of them at once.

20 CHAIRPERSON ANDERSON: Yeah, we're  
21 going to take a break at some point because we've  
22 been going for over two hours. So we're going to  
23 take a break.

24 MR. NAWASH: Okay, sounds good. Am I  
25 back in the meeting here or am I off.

1 CHAIRPERSON ANDERSON: You're always  
2 back in the meeting, sir. What you need to do,  
3 if you want to close your screen, you can now  
4 close your screen if you're done sharing  
5 documents. So close the screen where the  
6 document has been shared. Yes. Okay. Do you  
7 have any other question for the witness, sir?

8 MR. NAWASH: Okay. When you checked,  
9 you said you went to the lower floor to look at  
10 the dispensary, the legal dispensary, and you did  
11 not find any violations, correct?

12 INVESTIGATOR PERU: Correct.

13 MR. NAWASH: Okay, I want to bring  
14 your attention to the report you filed that you  
15 submitted, that you prepared. I'm sorry, the  
16 Notice of Summary Action. On page three of that,  
17 if you can look at it.

18 INVESTIGATOR PERU: Sir, just to be  
19 clear, I do not prepare that Summary Action  
20 Notice. That is prepared by the OAG.

21 MR. NAWASH: Okay, that's fine. Do  
22 you have it in front of you?

23 INVESTIGATOR PERU: I do not. If you  
24 can share it with me on your screen, I can look  
25 at it.

1 MR. NAWASH: Okay, well, there's one  
2 sentence I actually want to read for you from  
3 this.

4 CHAIRPERSON ANDERSON: I believe I  
5 remember that the witness stated that he did not  
6 prepare this document, sir.

7 MR. NAWASH: He submitted it into  
8 evidence.

9 CHAIRPERSON ANDERSON: All right, but  
10 -- okay, all right, go ahead.

11 MR. NAWASH: On page three. And I'm  
12 gonna post this once we take a little break.

13 MR. JEAN-BAPTISTE: We object.

14 CHAIRPERSON ANDERSON: What's the  
15 nature of the objection, Mr. John-Baptiste?

16 MR. JEAN-BAPTISTE: If the attorney is  
17 trying to testify and he needs to have a question  
18 for the witness. I'm not sure why he, yeah, so  
19 the objection.

20 MR. NAWASH: I am going to ask a  
21 question. I'm asking him about a sentence in the  
22 report that he relied on.

23 CHAIRPERSON ANDERSON: All right, I'm  
24 gonna overrule the objection. And Mr. Nawash, if  
25 you have a question to ask, please ask the

1 question. Why don't you share your screen? Put  
2 the document and point the witness to the page  
3 and the paragraph that you want him to look at,  
4 sir.

5 MR. JEAN-BAPTISTE: Objection.

6 MR. NAWASH: This one I'm going to  
7 have to scan. This is from the Notice of Summary  
8 Action, and I don't have that yet on my computer.  
9 Once we take a little break, I'll scan it. I  
10 just want to ask him from one sentence in there.  
11 Since he put this into evidence, he relied on it.  
12 And on the second paragraph of page --

13 CHAIRPERSON ANDERSON: Hold on a  
14 minute. Is the Summary Action Notice in evidence  
15 or was it in the case report? The case report is  
16 in evidence. The case report, which is  
17 different. The case report is a report that was  
18 written by Mr. Peru. That's what's in evidence.  
19 The document you're referencing is a summary  
20 action that was drafted by the office of Attorney  
21 General.

22 MR. NAWASH: Okay. All right. When  
23 the police officer went there, are you aware of  
24 who the police officer talked to? You said there  
25 was an undercover police officer who went to the

1 second floor to purchase marijuana. Do you know  
2 who they purchased marijuana from?

3 INVESTIGATOR PERU: It says that the  
4 police officer was taken to the bottom floor and  
5 then asked for their medical ID and when they  
6 said they had no medical ID, they were then  
7 escorted back up to the second floor to make that  
8 purchase. I was not, therefore I do not know who  
9 the purchase was made from.

10 MR. NAWASH: Yes. So we don't know  
11 who that individual is. It's an unidentified  
12 person. Is that your position at this point?

13 INVESTIGATOR PERU: Who had access to  
14 the first and second floor, the dispensary and  
15 the second floor.

16 MR. NAWASH: What you testified  
17 earlier, sir, you said an MPD undercover officer  
18 approached the establishment and was identified  
19 and purchased actual marijuana flower is what you  
20 testified. And the question is, do you know who  
21 it was purchased from? You said it was purchased  
22 on the second floor. And I'm wondering if you  
23 know who it was purchased from.

24 INVESTIGATOR PERU: It was an  
25 unidentified male that the undercover came in

1 contact with who was led to the dispensary first.  
2 After saying they had no medical card, then  
3 basically said, I still got you. Let's go  
4 upstairs.

5 MR. NAWASH: The question --

6 CHAIRPERSON ANDERSON: Let's give him  
7 a chance to finish the answer, answer the  
8 question, sir, before you ask another question.  
9 Were you done answering, Mr. Peru?

10 INVESTIGATOR PERU: Yes, sir.

11 MR. NAWASH: So the agreement is it's  
12 an unidentified person who sold the marijuana?

13 INVESTIGATOR PERU: Yes, sir.

14 MR. NAWASH: Okay. Thank you. For  
15 this witness, I have no further questions, your  
16 Honor.

17 CHAIRPERSON ANDERSON: All right,  
18 thank you. Any questions by any Board member of  
19 Mr. Peru? Yes. Mr. Meadows.

20 MEMBER MEADOWS: You just testified  
21 that the unidentified person, you were not the  
22 undercover purchaser, were you?

23 INVESTIGATOR PERU: No.

24 MEMBER MEADOWS: All right. So the  
25 undercover purchaser would not know the



1 relationship that you previously had with the  
2 gentleman sitting behind Mr. Nawash. Correct?

3 INVESTIGATOR PERU: Correct.

4 MEMBER MEADOWS: Thank you.

5 CHAIRPERSON ANDERSON: That's it?

6 CHAIRPERSON ANDERSON: I guess, Mr.  
7 Peru, the question I want to ask you is that  
8 you'd shown some pictures. There are some  
9 exhibits that you show that there was substances  
10 that were alleged to be cannabis. What floor  
11 were these pictures taken on?

12 INVESTIGATOR PERU: All the photos,  
13 Mr. Chair, were from the second floor during my  
14 first visit.

15 CHAIRPERSON ANDERSON: So it's the  
16 second floor, does the licensee have a license to  
17 have products on the second floor?

18 INVESTIGATOR PERU: They do not.

19 CHAIRPERSON ANDERSON: Now, who showed  
20 you the second floor?

21 INVESTIGATOR PERU: The owner gave me  
22 a tour.

23 CHAIRPERSON ANDERSON: Who is the  
24 owner that gave you a tour?

25 INVESTIGATOR PERU: Mr. Gebre, who's

1 on camera.

2 CHAIRPERSON ANDERSON: And  
3 specifically, what did he tell you about the  
4 second floor?

5 INVESTIGATOR PERU: That he renovated  
6 it, that he was excited about it, that he was  
7 trying to -- pretty much I think I remember him  
8 saying he was going to contact me at some point  
9 to get my advice, to walk through it, because he  
10 thought about moving the dispensary up there and  
11 then making a safe treatment on the third floor.

12 CHAIRPERSON ANDERSON: So did you have  
13 any conversations with him regarding the products  
14 that were on the second floor?

15 INVESTIGATOR PERU: Oh, absolutely.  
16 Absolutely, I did. Absolutely.

17 CHAIRPERSON ANDERSON: So what was the  
18 nature of your conversation with him and the  
19 products that was on the second floor?

20 INVESTIGATOR PERU: Basically, it was  
21 like, what are you doing? You're in violation of  
22 your license. You can lose your license if you  
23 continue to do this. This is an illegal  
24 operation. I gave him a pretty heavy speech and  
25 my disappointment to all the work they put in

1 downstairs to get that license and all the visits  
2 I made to make sure that their facility was  
3 properly built out for the statute that he would  
4 do this and move back in the other direction  
5 because he did apply as an unlicensed operator.  
6 So at District Smoke Shop, they applied and met  
7 the requirements set forth by statute as an  
8 unlicensed operator. So that's important to  
9 mention that prior to getting a license on the  
10 basement floor, he was selling unlicensed  
11 product. And then he got his license, did a full  
12 renovation, and then continued to sell unlicensed  
13 product on the second floor while he's  
14 maintaining his dispensary license in the  
15 basement.

16 CHAIRPERSON ANDERSON: So  
17 specifically, what products were for sale on the  
18 second floor?

19 INVESTIGATOR PERU: As you saw in the  
20 pictures, Mr. Chair, it was flower, loose flower,  
21 gummies, mushrooms, bars, a variety of edibles  
22 and flower.

23 CHAIRPERSON ANDERSON: So you're  
24 saying mushrooms. Can a legal dispensary sell  
25 mushrooms in the District of Columbia?

1 INVESTIGATOR PERU: No, sir.

2 Mushrooms is a Schedule 1 substance and is not  
3 allowed to be sold commercially in the District.

4 CHAIRPERSON ANDERSON: How did you  
5 know that mushroom was available on the second  
6 floor?

7 INVESTIGATOR PERU: Well, you can see  
8 by my picture. I took a picture of the mushroom  
9 intentionally. When I mentioned it to the owner,  
10 I do remember him saying, oh, that's just for  
11 display. That's not for sale. But it was  
12 clearly out and available.

13 CHAIRPERSON ANDERSON: But outside of  
14 the mushroom, was there any other products that  
15 you believe were illegal products available for  
16 sale on the second floor?

17 INVESTIGATOR PERU: All the product in  
18 those pictures were not from DC market.

19 CHAIRPERSON ANDERSON: I'm sorry, I  
20 didn't follow you, sir.

21 INVESTIGATOR PERU: All the products  
22 in the exhibits that I took on those shelves were  
23 not licensed product from the DC licensed market.

24 CHAIRPERSON ANDERSON: But how do you  
25 know that they were not licensed product from the

1 DC market?

2 INVESTIGATOR PERU: Well, one, my  
3 extensive knowledge of what's available in the DC  
4 market and the packaging that's required and the  
5 labeling that's required. And none of those were  
6 as of such labeling or packaging or any kind of  
7 the required markings and packaging that DC has.

8 CHAIRPERSON ANDERSON: All right, I  
9 want to go back to you said that mushrooms were  
10 found and. Why can't he sell mushrooms? What's  
11 wrong with selling mushrooms? I'm not a fan of  
12 mushrooms, but people have mushrooms that they  
13 eat, they go to a restaurant and buy mushrooms.  
14 So what's wrong with him selling mushrooms if  
15 he's selling mushrooms in this establishment?

16 INVESTIGATOR PERU: Mushrooms contain  
17 psilocybin, which is a psychedelic effect, and is  
18 listed as a Schedule 1 substance on the DEA  
19 Federal Schedule. So therefore, DC passed a law  
20 that you can possess it for personal consumption.  
21 However, it cannot be sold commercially.

22 CHAIRPERSON ANDERSON: All right,  
23 thank you. All right, any other questions by any  
24 other Board member? All right. Mr. Nawash, any  
25 questions as a witness based on the questions

1 that I asked?

2 MR. NAWASH: Yeah, just a follow up.  
3 So you did not test to determine that the  
4 mushroom is actually a mushroom with an illegal  
5 substance in it?

6 INVESTIGATOR PERU: Correct. I did  
7 not take anything, no products that day.  
8 Correct.

9 MR. NAWASH: Yeah. You didn't test  
10 any of the products on the second floor, right?

11 INVESTIGATOR PERU: That day, correct.  
12 I did not.

13 MR. NAWASH: Okay. No further  
14 questions. I'd like to put my client on, your  
15 Honor.

16 CHAIRPERSON ANDERSON: That's not your  
17 time yet, sir. The Government has the burden.  
18 The Government has the burden to prove.

19 MR. NAWASH: I just meant I finished  
20 questioning. I just meant I finished  
21 questioning.

22 CHAIRPERSON ANDERSON: All right. So,  
23 Mr. Jean-Baptiste, do you have any redirect of  
24 the witness? And I know you're very excited,  
25 Miss. I do look forward for the presentation.

1 So all right, but okay, go ahead, sir.

2 BY MR. JEAN-BAPTISTE:

3 Q Investigator Peru, I want you to  
4 explain in detail why you believe that the  
5 District Cure Dispensary licensed establishment  
6 is the same establishment that operated an  
7 unlicensed establishment on the second floor for  
8 us.

9 A Well, there's, without a doubt, it's  
10 the same owner. Without a doubt, he gave me a  
11 tour of the facility and described to me what his  
12 plans were. So there's no questions that Mr.  
13 Gebre was operating, planned on operating,  
14 renovating the space to be, to take over that  
15 space. I mean, there's no questions about that.  
16 No doubt in my mind, should I say. I'm sorry.

17 Q Is the location of District Cure  
18 Dispensary's licensed operation and their  
19 unlicensed operation the same?

20 A It's in the same building. It's in  
21 different spaces.

22 Q Thank you. And were the employees the  
23 same?

24 A The employee was the same.

25 Q And did those, or did the employee,

1 have access to the upstairs and downstairs  
2 portion of the property?

3 A He did.

4 Q And could the employees on the second  
5 floor observe what's going on in the first floor,  
6 the basement?

7 A He could.

8 Q And when the controlled buy occurred  
9 on the first floor, or the basement, was it --  
10 not the basement. When the controlled buy  
11 occurred on the unlicensed establishment, was it  
12 the same employee who sold unlicensed product to  
13 the UC after the UC failed to produce a medical  
14 card?

15 A Correct. According to the MPD's  
16 report, the UC was taken downstairs first, let  
17 in, and then asked for a card. Once they said, I  
18 don't have a card, they said okay, I got you  
19 still, and then took them upstairs. And that's  
20 when they sold them the unlicensed product.

21 Q And the product was tested. Is that  
22 correct?

23 A By MPD. Correct.

24 Q And what was the result of that test?

25 A Positive for THC.



1 MR. JEAN-BAPTISTE: No further  
2 questions.

3 CHAIRPERSON ANDERSON: Mr. Peru, thank  
4 you very much for your testimony. You have a  
5 great day.

6 MR. PERU: You too. Thank you.

7 CHAIRPERSON ANDERSON: All right.  
8 Does the Government have another witness?

9 MR. SOUTHCOTT: Yes. At this point in  
10 time, the Government would like to call MPD  
11 Officer Elthson Torres, who should be in  
12 attendance. If he is not, please let me know.

13 CHAIRPERSON ANDERSON: Mr. Orellano?

14 MR. ORELLANA: I do not see him in  
15 attendance.

16 CHAIRPERSON ANDERSON: You say you do  
17 not?

18 MR. ORELLANA: I do not.

19 MR. SOUTHCOTT: Interesting. The  
20 investigator told me that he was -- he says he's  
21 called in. I just received a text from him. He  
22 has a call-in number, 3-1-4-8, is the last four  
23 of his number.

24 CHAIRPERSON ANDERSON: Do you see a  
25 3-1-4-8 calling?

1 MR. ORELLANA: What does it start  
2 with? 5-7-1?

3 MR. SOUTHCOTT: I don't know. I don't  
4 know. Yes, yes. It starts with 5-7-1.

5 MR. ORELLANA: Okay. Let's see if  
6 this is it. I just elevated someone. I'm not  
7 sure who it may be.

8 CHAIRPERSON ANDERSON: Caller, can you  
9 identify yourself for the record, please?

10 MR. SOUTHCOTT: I believe you're  
11 muted.

12 CHAIRPERSON ANDERSON: Caller, can you  
13 identify yourself for the record?

14 MR. TORRES: Can you hear me?

15 CHAIRPERSON ANDERSON: Please identify  
16 yourself for the record, sir?

17 MR. TORRES: Yes, good afternoon.  
18 This is Investigator Torres. Elthson Torres of  
19 the Metropolitan Police Department.

20 CHAIRPERSON ANDERSON: Okay. Hold on,  
21 please, sir. So okay, I can't see you, but can  
22 you raise your right hand, sir?

23 MR. TORRES: Yes.

24 CHAIRPERSON ANDERSON: Okay. Do you  
25 swear or affirm to tell the truth and nothing but

1 the truth?

2 MR. TORRES: Yes.

3 CHAIRPERSON ANDERSON: All right.

4 Your witness.

5 MR. SOUTHCOTT: Thank you.

6 CHAIRPERSON ANDERSON: Thank you.

7 Your witness, Mr. Southcott.

8 MR. SOUTHCOTT: Thank you.

9 DIRECT EXAMINATION

10 BY MR. SOUTHCOTT:

11 Q Could you please spell and state your  
12 name for the record?

13 A Yes. My first name, Elthson,  
14 E-L-T-H-S-O-N. Last name, Torres, T-O-R-R-E-S.

15 Q And what is your occupation?

16 A So I'm a investigator. My title is  
17 Investigator, part of the Narcotic Enforcement  
18 Unit of the Metropolitan Police Department.

19 Q And as an investigator -- or rather,  
20 how long have you been with MPD?

21 A I've been with MPD for six years.

22 Q And how long have you been with the  
23 Narcotics Enforcement Unit?

24 A I've been with the Narcotic  
25 Enforcement Unit for a year.

1           Q       And as part of your duties as an  
2 investigator with the Narcotics Enforcement Unit  
3 -- or actually, could you just explain what your  
4 duties are as an investigator in the NEU?

5           A       So I'm an arrest team member. My unit  
6 is comprised of arrest team members, and  
7 undercovers, and undercover officers. So we  
8 conduct undercover operations to include buying  
9 narcotics, and offering search warrants, and  
10 executing search warrants.

11          Q       And could you explain the difference,  
12 could you explain the difference between an  
13 arresting officer and an undercover officer?

14          A       Yes. So an undercover officer is the  
15 officer that is specifically, during the  
16 operation, buying the narcotics in an undercover  
17 capacity. The arrest team member's role is to be  
18 within a close vicinity of the undercover officer  
19 for officer safety purposes, and monitoring the  
20 radio just for officer safety purposes.

21          Q       And how is the undercover officer in  
22 communication with the arresting officer?

23          A       So there is an undercover officer  
24 usually watching the other, closer to the  
25 undercover officer, while usually able to see the

1 other officer. That second undercover is given  
2 updates, status updates, via the MPD radio.

3 Q Approximately how many buy operations  
4 have you conducted?

5 A In the past year, probably around 50  
6 or more.

7 Q And are there multiple types of buy  
8 operations?

9 A Yes.

10 Q Could you explain what those types  
11 are?

12 A Yeah. So we have buy-bust operations.  
13 So what that means is we send an undercover in to  
14 buy narcotics, or to attempt to buy narcotics.  
15 And then once the buy is -- if and when the buy's  
16 successful, they broadcast the lookout for the  
17 subject, and then the rescue members, which  
18 include myself, go in and apprehend the suspect  
19 matching the lookout.

20 We also conduct buy-walk operations.  
21 So the buy-busts are short term. The buy-walks  
22 are typically longer term. And what the buy-walk  
23 is, is the narcotic's officer -- or the  
24 undercover officer goes in, attempts to buy  
25 narcotics, and if and when it's a successful

1 purchase then they'll come back and give an  
2 arrestee member the information. The relevant  
3 information. Well, all the information from the  
4 undercover report from that operation.

5 So then the arresting member could  
6 then author a, some kind of warrant. So that  
7 we'll do a buy-walk if either we're planning on  
8 doing more buys and doing an arrest warrant  
9 eventually, or some kind of search warrant. But  
10 it's usually for warrant purposes. So --

11 Q What's the --

12 A -- yes.

13 Q What's the purpose of having an  
14 undercover officer perform the buy in a buy-walk  
15 operation?

16 A The purpose is so we can confirm  
17 within -- so the warrants need to be completed  
18 within 72 hours of this operation. So when the  
19 undercover goes and does the buy, they are  
20 confirming that within 72 hours, there is illegal  
21 narcotics being sold. And who's selling it.

22 Q And during these operations, what is  
23 the importance of the undercover officer  
24 remaining undercover while they're conducting the  
25 operation?

1           A       Well the importance would be that if  
2 a regular police officer or a uniformed police  
3 officer, they wouldn't be sold illegal narcotics.

4           Q       Are there any safety concerns about  
5 the undercover officer not having their identity  
6 be revealed?

7           A       Yes. I'm sorry. Can you rephrase the  
8 question?

9           Q       Sorry. Are there any safety concerns  
10 about the undercover officer not having it be  
11 revealed that they are working for MPD?

12          A       Oh yes, yes. Absolutely. I mean,  
13 yes, anytime the undercovers step out on any kind  
14 of operation, there's more so risk involved,  
15 rather than being having a uniform on. And  
16 ultimately, I mean the undercover could go  
17 somewhere that none of us from our unit have eyes  
18 on and they don't have, they can't carry a radio  
19 to keep their undercover status. So in a worst  
20 case scenario, the undercover may not have backup  
21 for too long of a period of time, to increase,  
22 you know, it's increased risk.

23          Q       When an undercover officer is  
24 performing, a buy-walk operation, is it standard  
25 procedure for the undercover to ask for the name

1 of the person that they're purchasing illegal  
2 drugs from?

3 A No. Absolutely not.

4 Q Why not?

5 A No. They try to do everything they  
6 can to not draw any attention, like any weird  
7 attention. Like their goal is to be, to remain,  
8 like forgettable. Like almost as a person like  
9 not even notice or forget that the undercover  
10 officer even was there.

11 Q So if the undercover officer is not  
12 trying to investigate who employees are, or who  
13 these people are --

14 MR. NAWASH: Objection, your Honor.  
15 Objection.

16 CHAIRPERSON ANDERSON: Hold on. Hold  
17 on. Let him finish the question, and then I'll  
18 address the objection. So what's the question?

19 MR. SOUTHCOTT: Is it the duty of an  
20 undercover officer to attempt to ascertain the  
21 identity of the person who is selling them  
22 illegal materials?

23 CHAIRPERSON ANDERSON: All right.  
24 Hold on. Hold on, sir. What's the nature of  
25 your objection?



1 MR. NAWASH: Well he changed his  
2 question a little bit, but he's leading him. I  
3 mean, I stayed quiet about it. I mean, that's  
4 not how you ask questions. You can't -- your  
5 question cannot indicate the answer you want.

6 CHAIRPERSON ANDERSON: All right.

7 MR. NAWASH: Ask the objective  
8 question. Then moreover, your Honor, I mean,  
9 none of these questions have anything to do with  
10 this case. He's asking him general questions,  
11 and so how is that relevant to us?

12 MR. SOUTHCOTT: If I may respond.  
13 First, it's not a leading question. If it's not  
14 within their responsibilities, it's not within  
15 their responsibilities. He's free to answer yes  
16 or no. Second, this is, I am establishing  
17 background for the officer's knowledge before I  
18 move on to the particulars of the buy operation  
19 that occurred. And so I will get to that, in  
20 detail, once it's appropriate. Third, the  
21 implication has been, from opposing counsel, that  
22 there was absolutely no connection between the  
23 licensed and the unlicensed establishment.

24 And the implication was that when  
25 Investigator Peru was testifying, that he did not

1 know who was the identity of the individual who  
2 conducted, who sold product on January 8th. And  
3 I am attempting to establish that it is not  
4 standard procedure for undercover officers to  
5 figure out the identity of those individuals,  
6 because doing so would put them at risk, which is  
7 an issue that counsel has raised as a potential  
8 defense. And so it's more than appropriate to  
9 ask questions related to that.

10 CHAIRPERSON ANDERSON: All right. I'm  
11 going to overrule the objection. I'll allow the  
12 witness to answer the question. All right, let's  
13 move on.

14 BY MR. SOUTHCOTT:

15 Q So I'll rephrase my question. Is it  
16 typically the responsibility of an undercover  
17 officer when conducting a buy-walk operation to  
18 try to figure out the identity of the person who  
19 is selling them illegal drugs?

20 A No, it is not.

21 Q Okay. I'll move on. In the course of  
22 your duties, have you conducted buy-walk  
23 operations at unlicensed cannabis establishments?

24 A Yes, I have.

25 Q Approximately how many buy-walk

1 operations at unlicensed cannabis establishments  
2 have you conducted?

3 A Approximately five.

4 Q And how long have you been doing those  
5 undercover buy-walks at cannabis establishments?

6 A I believe our first one -- I believe  
7 we started consistently doing the ABCA Operations  
8 around September.

9 Q September of?

10 A Of 2024.

11 Q Thank you. And in the course of those  
12 operations, did you coordinate with anybody at  
13 ABCA?

14 A Yes. Yes, sir.

15 Q Who did you coordinate with?

16 A We coordinate with Investigator Jason  
17 Peru.

18 Q And how is MPD, sort of -- well I  
19 mean, from MPD's side, what is the information  
20 that ABCA is bringing to MPD that is leading MPD  
21 to then conduct these buy-walk operations?

22 A We receive locations and the court  
23 documents from Peru stating his process for  
24 issuing warnings and cease and desist orders to  
25 the location.

1 Q Are you familiar with a dispensary  
2 located at 2626 Georgia Ave., Northwest?

3 A Yes, sir.

4 Q Is that dispensary named District  
5 Cure?

6 A Yes, sir.

7 Q How did you first become aware of  
8 District Cure?

9 A So I was assigned this location, given  
10 the information we received from ABCA  
11 Investigator Jason Peru.

12 Q And --

13 A But no particular other reason.

14 Q -- what information did you receive  
15 from Investigator Peru?

16 A I received the location address. Yes.  
17 And there was a court document filed, I believe.  
18 I would have to check my email for it, but I  
19 can't recall exactly.

20 Q That's fine. Did MPD conduct a  
21 buy-walk operation at District Cure?

22 A Yes, sir.

23 Q When did that operation take place?

24 A The operation took place on January  
25 8th, 2025.

1 Q And what was your role in the buy-walk  
2 operation?

3 A My role in the buy-walk operation is  
4 an arrest team member, as I was discussing the  
5 roles earlier. So I was in the general vicinity  
6 during the buy for officer safety purposes.

7 Q And did the undercover officer  
8 complete a buy at that location?

9 A Yes, sir.

10 Q What did the undercover officer tell  
11 you about what occurred when he completed the  
12 buy?

13 A The undercover officer told me that  
14 they went into the bottom floor, first, of the  
15 location at 2626 Georgia Avenue. And they met  
16 with, they were greeted by an employee at that  
17 location, and they were asked for a medical  
18 marijuana license. And then when the undercover  
19 officer stated that they did not have a medical  
20 marijuana license, they were escorted outside of  
21 the bottom level and up the steps, up the  
22 exterior steps to the second floor of the  
23 location at 2626 Georgia Avenue. And they were  
24 served narcotics at the second level.

25 Q Was the person who the undercover

1 officer purchased product from the same person  
2 who was present on the first floor of the  
3 establishment?

4 A Yes. Yes, sir.

5 Q And what was the product that was  
6 purchased?

7 A It was -- just a second. It was a  
8 green leaf substance that was placed inside a  
9 mylar bag.

10 Q And what happened after the UC officer  
11 left the establishment?

12 A After they left the establishment,  
13 they came back to our headquarters building,  
14 where the undercovers, where my whole unit  
15 operates out of. And they met with me, and I  
16 spoke directly with the UC after the operation.  
17 For the -- I'm sorry, the undercover officer  
18 after the operation, and they debriefed me on  
19 what had happened. And they completed a report  
20 and sent me the report, as well.

21 Q And did the undercover officer have  
22 the product on him that he had purchased?

23 A Yes.

24 Q Did MPD test the product?

25 A Yes.

1 MR. SOUTHCOTT: At this time, I would  
2 like to be able to share my screen, and I'd like  
3 to pull up what's been marked as Government's  
4 Exhibit 6.

5 CHAIRPERSON ANDERSON: Mr. Orellana,  
6 can you please allow Mr. Southcott to share his  
7 screen? I guess you have that ability.

8 MR. SOUTHCOTT: Can folks see this?

9 CHAIRPERSON ANDERSON: Yes.

10 MR. SOUTHCOTT: Investigator Torres,  
11 do you recognize this photograph?

12 MR. TORRES: Sorry. I can't see the  
13 screen. I'm just calling in.

14 CHAIRPERSON ANDERSON: It's a call-in,  
15 so he cannot identify documents, sir.

16 MR. SOUTHCOTT: Is there any way you  
17 could get onto something where, on your computer,  
18 where you would be able to identify the document?

19 MR. TORRES: Yes. Give me a brief  
20 moment.

21 MR. ORELLANA: -- information in the  
22 chat. But I guess he can't see it.

23 MR. TORRES: Okay. Okay. I just  
24 joined.

25 CHAIRPERSON ANDERSON: So can you

1       elevate him, please, Mr. Orellana? Why don't  
2       close your screen there. So at least we can see  
3       him. And then once he comes on screen, then he  
4       can share your screen.

5                   MR. TORRES: Okay. I can see the  
6       screen.

7                   CHAIRPERSON ANDERSON: Oh well, we  
8       can't see you. But anyway, you can elevate. You  
9       can now share the information.

10                   MR. TORRES: Sorry I don't have a good  
11       video.

12                   BY MR. SOUTHCOTT:

13               Q       Investigator Torres, can you see this  
14       image?

15               A       Yes.

16               Q       Do you recognize this image?

17               A       Yes.

18               Q       What is this a picture of?

19               A       That's the picture that the undercover  
20       officer took of the product that they purchased  
21       during that buy-walk operation and sent to me.

22               Q       I'm going to scroll down to a  
23       different photograph. Do you recognize this  
24       image?

25               A       Yes, sir.



1 Q What is this a picture of?

2 A It's another picture that the  
3 undercover officer provided me with the day of  
4 the buy-walk operation at 2626 Georgia.

5 Q And what is the product on top of?

6 A The product's on top of a scale.

7 Q And finally, this is what's been  
8 marked as Government's Exhibit 8.

9 All right. Give me a second. Won't  
10 be really persnickety. Can you identify what  
11 this image is?

12 A Yes. Yes, it's the product that the  
13 undercover reported purchased that day during the  
14 buy-walk operation at 2626 Georgia, next to one  
15 of our field test kits.

16 Q I --

17 A And it's marking a positive color  
18 reaction to THC.

19 MR. SOUTHCOTT: At this point, I -- so  
20 Exhibit 6 is already in evidence, as it's  
21 contained in the case report. But I move to have  
22 Exhibit 7 and 8 entered into evidence.

23 MR. NAWASH: I'm going to object to  
24 that, your Honor.

25 CHAIRPERSON ANDERSON: So, what are

1 Exhibits 8 and 7? What are 8 and 7?

2 MR. SOUTHCOTT: 7 and 8 are the images  
3 that the officer just identified as being the  
4 same item as posed in Exhibit 6, which is the  
5 site product that was purchased by the undercover  
6 officer on January 8th.

7 CHAIRPERSON ANDERSON: And what's the  
8 nature of your objection, sir?

9 MR. NAWASH: Your Honor, this witness  
10 is not the person who has personal information.  
11 His whole testimony is hearsay. He's talking  
12 about, he's receiving it from an undercover  
13 officer.

14 The only person who has personal  
15 information about this and about the chain of  
16 events is how we led to having this bag, here in  
17 front of us, is the undercover officer. He's the  
18 witness they should have brought here.

19 This officer, with all due respect,  
20 doesn't have any, zero -- I've listened to every  
21 word he said. He has zero personal information.  
22 When asked what is this? Oh, that's the  
23 undercover officer gave me this. What's the  
24 other? That's what the undercover -- everything  
25 he's telling us is based on second hand

1 information. This is not reliable, and it's  
2 prejudicial to my client.

3 And moreover, it's not self  
4 identifying. I mean, yes, we see a bag there.  
5 That's all we see, and by a person who didn't  
6 retrieve it. This is hearsay. This is not  
7 admissible. If they want to get the officer who  
8 received it, then that would be a different  
9 story. But not a person who got it from someone  
10 else. It doesn't work that way.

11 MR. SOUTHCOTT: Several responses.

12 CHAIRPERSON ANDERSON: Yes. Go ahead,  
13 sir.

14 MR. SOUTHCOTT: First, per ABCA rules,  
15 hearsay is admissible in this tribunal. So if  
16 anything that goes to the weight of the evidence,  
17 not to the admissibility, adhere, hearsay is  
18 particularly necessary when we are dealing with  
19 an undercover officer.

20 You heard the Investigator Torres  
21 explain that undercover officers need to protect  
22 their identity for safety reasons. Having them  
23 testify at a public hearing that is currently  
24 being broadcast on YouTube would not protect the  
25 safety of an undercover officer.

1           It is standard procedure both in this  
2 tribunal, and even in criminal court, to protect  
3 the identities of undercover officers and to  
4 allow for arresting officers to testify as to the  
5 information gained by undercover officers, so as  
6 to protect the identity of those officers.

7           MR. NAWASH: Your Honor, if I may  
8 respond?

9           CHAIRPERSON ANDERSON: Yes.

10          MR. NAWASH: This is not an accurate  
11 summary that we just heard. There are ways to  
12 protect the unidentified officer, or the  
13 undercover officer. He could testify without  
14 even giving us his name, or without showing us  
15 his picture.

16          This picture over here is being  
17 introduced by a person who knows nothing about  
18 it, tells us nothing about where did he receive  
19 it from. Who was there? He doesn't know any of  
20 this. This could only be brought in, or  
21 testified to, by the undercover officer. And it  
22 can easily be done without. You can call him  
23 John Doe Officer, without showing us his name.

24          So this is so unfair to my client,  
25 because I can't question the officer about where

1 did he get this from? Who was there? I'm asking  
2 an officer, if I want to question this officer  
3 about this, like when Attorney General asked him  
4 earlier about something, he said well, let me  
5 look at my notes. He sat there and looked at his  
6 notes, which someone else wrote. I can't  
7 question him about anything he's testifying.  
8 This cannot come in.

9 MR. SOUTHCOTT: May I?

10 CHAIRPERSON ANDERSON: Yes, Sir. Go  
11 ahead.

12 MR. SOUTHCOTT: Again, as I said,  
13 hearsay objections go to weight, not to  
14 admissibility. Hearsay is admissible in this  
15 tribunal. And hearsay is particularly  
16 admissible, whereas here, there exists public  
17 safety justifications for protecting the identity  
18 of an officer.

19 Investigator Torres knows all about  
20 the operation because he testified that he was in  
21 communication with the undercover officer. Those  
22 are his duties as an arresting officer. He met  
23 up with the undercover officer, and was debriefed  
24 by the undercover officer immediately after the  
25 events took place.

1           He can verify that these are, and has  
2 verified, what these documents, what these  
3 pictures show. That they show that this is the  
4 product that was purchased by the undercover  
5 officer, as part of his investigation. He  
6 doesn't need to have personal knowledge of the  
7 exact events in order to testify.

8           He can testify as to what his role is  
9 in conducting this buy operation, and in the  
10 standard procedures that MPD utilizes when  
11 conducting these buys, so as to maintain the  
12 safety of officers.

13           CHAIRPERSON ANDERSON: All right. I'm  
14 going to overrule the objection. It's an  
15 administrative hearing, and hearsay is -- and we  
16 do not strictly abide by the rules of evidence in  
17 administrative hearings, but however, in the  
18 administrative hearings, hearsay is admissible.

19           Secondly, Officer Torres is also  
20 testifying to his personal knowledge of the  
21 evidence revealed to him. So that's the basis  
22 for the board to overrule the objection. So the  
23 officer can -- so I'm over the objections of the  
24 -- over your, the petition is -- I'm going to  
25 allow the document into evidence.

1 BY MR. SOUTHCOTT:

2 Q Investigator Torres, could you  
3 describe what a field drug test for cannabis is?

4 A Yes. So it's a small tube that has a  
5 cap that opens up, and it has fluid within the  
6 tube. There's usually one or two capsules that  
7 are broken after a small portion of the product  
8 is placed inside the tube. And so the -- sorry,  
9 let me rephrase.

10 So there's a tube with a top, and you  
11 take off the top to test the product, and you  
12 take a small portion of the product, place it in  
13 the tube, and then you break a capsule. You put  
14 the top back on, and you break the capsule in the  
15 tube with the chemicals.

16 Then you shake up the tube, and then  
17 there will be a color reaction, depending on the  
18 test kit. Depending what the testing kit is  
19 testing for.

20 Q Was there a drug field test that was  
21 conducted on the product that was purchased from  
22 District Cure on January of 2025?

23 A Yes, sir.

24 Q What was the result of that test?

25 A The testing kit tested positive for a

1 color reaction for THC.

2 Q And can you see that test reflected in  
3 Exhibit No. 8?

4 A Yes, sir.

5 Q Could you explain how the vial  
6 underneath the mylar bag indicates a positive  
7 test for, or lets you know that the product has  
8 tested positive for THC?

9 A Yes. It shows the color purple.

10 Q And the color purple means that a  
11 product has tested positive for THC?

12 A Yes, sir.

13 Q What color would it be if it hadn't  
14 tested positive for THC?

15 A I would have to double check the  
16 testing kit. Yes, I don't know that particular  
17 off the top of my head.

18 Q Okay. Looking at this image, does  
19 this product appear to contain a label  
20 identifying where the cannabis product was  
21 manufactured?

22 A No. No, sir.

23 Q Okay. Based on the buy-walk  
24 operation, did you conduct a search warrant? Or  
25 rather, did you draft a -- the buy-walk operation



1 which occurred on January of 2025, did you draft  
2 a search warrant?

3 A Yes, sir.

4 Q Would you recognize that search  
5 warrant if you were to see it?

6 A Yes, sir.

7 Q At this time, I'm pulling up what's  
8 been marked as Government's Exhibit No. 9.

9 One sec. I'm not sure why this isn't  
10 letting me see this too clearly. Can you see  
11 this document?

12 A Yes, sir.

13 Q Okay. What is this document?

14 A That document is the search warrant  
15 that I authored, based on the information  
16 received during the buy-walk operation at 2626  
17 Georgia --

18 Q And what was the --

19 A -- avenue.

20 Q -- what was the date that you drafted  
21 this document?

22 A Let me make sure. It was January 8th,  
23 2025.

24 Q And when was this search warrant  
25 signed by a judge?

1           A       It was signed January 10th, 2025.

2           Q       And when was the search warrant  
3 executed?

4           A       It was executed on January 16th, 2025.

5           MR. SOUTHCOTT: At this point I move  
6 to have Exhibit 9 entered into evidence.

7           CHAIRPERSON ANDERSON: Any objections,  
8 sir?

9           MR. NAWASH: No.

10          CHAIRPERSON ANDERSON: Without  
11 objection.

12          MR. SOUTHCOTT: Okay.

13          BY MR. SOUTHCOTT:

14          Q       Investigator Torres, can you tell me  
15 about the execution? What occurred during the  
16 execution of the search warrant on January 16th,  
17 2025, starting with what occurred when you first  
18 arrived at the establishment?

19          A       Yes. So, we came up to the door, and  
20 an employee opened the door of that second floor  
21 that the warrant, the search warrant, is for.  
22 And he was very compliant and verbally identified  
23 himself. And the rest of my team, part of my  
24 team, detained him temporarily, and the rest of  
25 my team went in and cleared that second floor.

1           The team noticed a door that was open  
2 that led to a landing that had a flight of steps  
3 going up to a third floor. So because the door  
4 was open, we went up those steps to the third  
5 floor, and we cleared the third floor. And while  
6 clearing the third floor, MPD officers noticed  
7 narcotics in plain view. So we -- well I. I  
8 authored an amendment to this search warrant to  
9 include the third floor.

10           Q       I'm going to stop you.

11           A       And --

12           Q       I'm going to stop you --

13           A       Okay.

14           Q       -- right there.

15           A       Okay.

16           Q       I'm scrolling down to what has been  
17 marked as Government's Exhibit 10.

18                   Do you recognize this document?

19           A       Yes.

20           Q       What is this document?

21           A       I'm sorry. Is there a way to zoom in  
22 a little bit more? Or if not?

23           Q       Yes, I will. For some reason, when  
24 I'm zooming in, it's -- oh, no, that's a  
25 different page. Can you -- Is this clear?

1 A Yes, yes.

2 Q What is this document?

3 A So that's the amendment I was speaking  
4 of before, which was submitted as pretty much  
5 another search warrant for the third floor.

6 Q And when was this document drafted?

7 A That document was drafted the day of  
8 the execution of the search warrant, which was  
9 January 16th, 2025.

10 Q And what was the purpose of drafting  
11 this document?

12 A The purpose was to make sure, or to  
13 confirm, that we were legally searching the third  
14 floor premises.

15 MR. SOUTHCOTT: At this point I move  
16 to have Exhibit 10 entered into evidence.

17 CHAIRPERSON ANDERSON: Any objections?

18 MR. NAWASH: No, your Honor.

19 CHAIRPERSON ANDERSON: Without  
20 objection.

21 BY MR. SOUTHCOTT:

22 Q Investigator Torres, how many officers  
23 participated in the execution of the search  
24 warrant on January 16th?

25 A Approximately 10 to 12 MPD officers.

1 Q And was there anybody, apart from MPD  
2 officers, who were involved in the execution of  
3 the search warrant?

4 A Yes, sir. The Investigator Jason Peru  
5 was also present.

6 Q What was his role?

7 A His role is to come in after the  
8 warrant is executed and serve the closure notice  
9 and change the locks of the establishment.

10 Q And how long did it take to execute  
11 the search warrant at the establishment?

12 A So it took longer than usual due to  
13 the amendment emergency search warrant that was  
14 needed. So I would say it took approximately  
15 five hours. Approximately five hours to execute.

16 Q And what is the ordinary procedure for  
17 MPD executing a search warrant for an unlicensed  
18 cannabis establishment?

19 A The standard procedure is to, after it  
20 is safe to do so, we seize evidence to include  
21 narcotics that have THC in them, and that  
22 specifically say that they have THC in them, and  
23 any other controlled substance. For instance,  
24 mushrooms. And any variation of, like, edibles  
25 that contain THC or the psilocybin found in the

1 narcotic mushroom.

2 Q Did MPD follow that procedure in its  
3 execution of the search warrant against District  
4 Cure?

5 A Yes, sir.

6 Q Was a police report generated as a  
7 result of the execution of the search warrant?

8 A Yes, sir.

9 Q Would you recognize that document if  
10 you saw it?

11 A Yes, sir.

12 Q I am scrolling down to what has been  
13 marked as Government's Exhibit No. 11.

14 I can scroll through this whole thing,  
15 but I just want to take a second, and have you  
16 just look over this document, and make sure that  
17 this is a copy of the police report. So I'm just  
18 going to scroll through.

19 A Yes, sir.

20 Q Is this a copy of your -- a complete  
21 copy of the police report that was generated?

22 A Yes, sir.

23 MR. SOUTHCOTT: Okay. At this time,  
24 I move to have Government's Exhibit 11 entered  
25 into evidence.

1 CHAIRPERSON ANDERSON: Any objection?

2 MR. NAWASH: No.

3 CHAIRPERSON ANDERSON: Without  
4 objection.

5 MR. SOUTHCOTT: Okay.

6 BY MR. SOUTHCOTT:

7 Q So on this first page here, there is  
8 a public narrative section. Could you read what  
9 that public narrative is?

10 A Yes. On the listed date and time,  
11 members of the Metropolitan Police Department  
12 executed a DC Superior Court search warrant at  
13 2626 Georgia Avenue, Northwest, District Tobacco  
14 Shop for operating without a medical cannabis  
15 retail license. Recovered from the listed  
16 location was loose, green, leaf-like substance,  
17 pre-roll papers with loose, green, leaf-like  
18 substance, and THC edibles.

19 An ABCA representative was on scene  
20 and posted a notice of summary closure for the  
21 establishment. A portion of the loose, green,  
22 leafy substance and pre-rolled papers with loose,  
23 green, leaf-like substance had a positive color  
24 reaction for THC.

25 Q Okay.

1           A       And then, does the police report  
2 describe a list of items that were recovered and  
3 seized during the execution of the search  
4 warrant?

5           A       Yes, sir.

6           Q       Is that list contained in the internal  
7 narrative?

8           A       Yes, sir.

9           Q       Could you read the items that were  
10 seized?

11          A       Yes, sir. 46 pre-rolled papers with  
12 green leaf substance, weighing 52.6 grams. 13  
13 THC hashish, weighing 41.6 grams. 119 THC gummy,  
14 weighing 12.25 grams. Two jars of marijuana,  
15 weighing 32.4 grams. THC hookah filling,  
16 weighing 105.9 grams. 77 THC lollipops, weighing  
17 739.2 grams. One mylar bag containing green leaf  
18 substance, weighing 12.5 grams. Six large bags  
19 containing green leaf substance, weighing 2,137  
20 grams, and lastly, two cartridges containing THC  
21 oil, weighing 2 grams.

22          Q       Thank you. And then was a portion of  
23 these seized materials field tested?

24          A       Yes, sir.

25          Q       And what was the result of that field



1 test?

2 A The positive color reaction for THC.

3 Q Okay. I'm going to scroll down to  
4 Page 2 here. Could you read the first sentence  
5 on the top of Page 2?

6 A The subject in -- the sentence that  
7 starts with the subject, sir?

8 Q Yes, that's correct.

9 A The subject inside the establishment  
10 was stopped and identified and was not the owner  
11 of the business, and stated they were an  
12 employee.

13 Q Okay. I am now going to direct your  
14 attention further down this document to some of  
15 the images. What is this image of?

16 A That image contains some pre-rolled  
17 papers containing a green leaf-like substance.  
18 And the jars are hard to see from this picture  
19 what exactly is in them. Just due to the  
20 variations that we find in these shops. There's  
21 a variety of THC products that come in small jars  
22 like that.

23 Q And where was this photograph taken?

24 A This photograph was taken at 2850 New  
25 York Avenue, Northeast. That's MPD Headquarters

1 building.

2 Q And when was this photograph taken?

3 A That photograph was taken on January  
4 16, 2025.

5 Q And is this a photograph of products  
6 that were seized in the execution of the search  
7 warrant?

8 A Yes, sir.

9 Q I'm scrolling down. Can you identify  
10 what is contained in this image?

11 A Yes, sir. There's more pre-rolled  
12 papers, containing green leaf-like product.  
13 There's some in plastic tubes and some in mylar  
14 bags.

15 Q And where was this photograph taken?

16 A 2850 New York Avenue, Northeast.

17 Q When was it taken?

18 A It was taken on January 16th, 2025.

19 Q And what is the -- does the photograph  
20 depict products that were seized during the  
21 execution of the search warrant?

22 A Yes, sir.

23 Q What is this image?

24 A They are THC edibles.

25 Q And where is this photograph taken?

1           A       It was taking at 2850 New York Avenue,  
2 Northeast.

3           Q       When was it taken?

4           A       January 16, 2025.

5           Q       Does this photograph represent  
6 products that were seized during the execution of  
7 the search warrant?

8           A       Yes, sir.

9           Q       Same set of questions for this. What  
10 is this product? Or rather, what is this image?

11          A       The image is more THC edibles.

12          Q       Where is this photograph taken?

13          A       2850 New York Avenue, Northeast.

14          Q       When was it taken?

15          A       January 16, 2025.

16          Q       Does this photograph depict products  
17 that were seized during the execution of the  
18 search warrant?

19          A       Yes, sir.

20          Q       I'm not going to bother with this next  
21 one. What is this image?

22          A       Those are bags that are containing  
23 green leaf-like substances.

24          Q       And where was    sorry, what state were  
25 the -- sorry. Where was this image taken?

1 A 2850 New York Avenue, Northeast.

2 Q When was this image taken?

3 A January 16, 2025.

4 Q Was this image taken of products that  
5 were seized during the execution of the search  
6 warrant?

7 A Yes, sir.

8 Q Were the products that are depicted on  
9 this, were they seized in the form in which they  
10 are represented in this image?

11 A Yes, sir.

12 Q Does this packaging have labeling  
13 identifying what the product is?

14 A No, sir.

15 Q And I will skip this. And one last  
16 one. What is this image?

17 A That's an image of a jar of marijuana.

18 Q And when was this photograph taken?

19 A January 16, 2025.

20 Q Where was this photograph taken?

21 A 2850 New York Avenue, Northeast.

22 Q And was this image taken of a product  
23 that was seized during the execution of the  
24 search warrant?

25 A Yes, sir. It was.

1           Q       I'd like to focus your attention on  
2 this photograph. There's a label on this  
3 photograph, and I was wondering if you could read  
4 that for me?

5           A       I can't make out the wording on it.

6           Q       I can zoom in.

7           A       Okay.

8           Q       Can you read that?

9           A       Yes, sir.

10          Q       What does it say?

11          A       It says Jack Herrer.

12          Q       And at this time, I would like to  
13 direct your attention to what has been marked as  
14 Government's Exhibit 3, which is already in  
15 evidence. In particular, I'm focusing on this  
16 portion of the photograph on the bottom left.  
17 Can you identify what the label is here?

18          A       Yes, it says Jack Herrer.

19          Q       So is the, in the police report, is  
20 that the same photograph -- or rather, is that  
21 the same container as is contained in Exhibit 3?

22          A       Yes, sir.

23          Q       Does this container have a label that  
24 identifies the source of the cannabis?

25          A       No, sir.

1           Q       Does it say where the product is  
2 manufactured?

3           A       Not to my knowledge, sir.

4           Q       Does it say the product's ingredients?

5           A       Not to my knowledge, sir.

6           Q       Does it identify the product's THC  
7 content?

8           A       Not to my knowledge.

9                   MR. SOUTHCOTT: I have no further  
10 questions.

11                   CHAIRPERSON ANDERSON: All right, Mr.  
12 Nawash. Now we need to take a break at some  
13 point, so I'll probably take a break after this  
14 witness. Do you have any questions for this  
15 witness? You're on mute, sir.

16                                   CROSS-EXAMINATION

17                                   BY MR. NAWASH:

18           Q       Officer Torres, thank you for being  
19 here. Did you all apprehend anyone from the  
20 second floor?

21           A       No, sir. We temporarily detained the  
22 subject that was inside, but we did not arrest  
23 him.

24           Q       And who was the subject inside?

25           A       The subject inside identified himself

1 to be Mr. Afram Ashami.

2 Q And so if he -- and this person, he  
3 was on the second floor, right?

4 A Yes, sir.

5 Q Yes. Now I'm curious, why wouldn't he  
6 have been arrested if he was selling illegal  
7 substance -- marijuana upstairs?

8 A So he wasn't the person that our  
9 undercover officer identified having sold to him,  
10 or having sold our undercover officers.

11 Q And who is the person who sold to the  
12 undercover officer?

13 A We don't have the identification of  
14 that person.

15 Q So why wouldn't you have that  
16 information? So I guess, are you saying that  
17 when you bought the merchandise from the  
18 unidentified person, even after you purchased it,  
19 y'all never told him that you were the police,  
20 right?

21 A That's correct.

22 Q And so when you went up to the second  
23 floor -- so the information you received about  
24 what's in the location, would you agree that most  
25 of this information came from Supervisor Peru?

1           A       No.    I didn't receive any information  
2           about, like, the specifics about what was inside  
3           the store from Investigator Peru.

4           Q       What did Peru tell you?  Officer Peru.  
5           I mean, Officer Peru.

6           A       So Supervisor Peru, he gave my unit,  
7           like my supervisors, the location of this  
8           establishment that we're talking about today and  
9           the court documents between the court and the  
10          establishment.

11          Q       So when you, in the report that was  
12          prepared, the notice of summary action where it  
13          says that an unidentified person took --

14                   MR. SOUTHCOTT:  I'm going to object to  
15          this question.  This officer had nothing to do  
16          with the summary action drafting.  That was  
17          drafted by OAG.  This was not something that he  
18          was asked to speak to.  It has not been entered  
19          into evidence.

20                   CHAIRPERSON ANDERSON:  Mr. Nawash,  
21          yes.  Why you asking the officer about a legal  
22          document, sir?  If you want to go back to the  
23          case report, that's in evidence.  But this is  
24          the document that's drafted by the Government.

25                   MR. NAWASH:  I understand.  So this



1 officer gave us a name, a little while ago, as to  
2 who they purchased marijuana from, and in the --

3 CHAIRPERSON ANDERSON: No, that's not  
4 -- he said -- all right. Okay. I'm sorry, go  
5 ahead, sir.

6 MR. NAWASH: And in the report that  
7 was done by the Attorney General, it says the  
8 person who was unidentified. Unless I'm missing  
9 something here, so I'm just trying to figure out  
10 why there's one says it's an unidentified person.

11 CHAIRPERSON ANDERSON: So I -- but I  
12 think that's what the officer testified. You ask  
13 was anyone arrested, and the officer says no.  
14 The identified person was not arrested, because  
15 that was not the person the undercover purchased  
16 the drugs from.

17 BY MR. NAWASH:

18 Q All right. Then how do you know --  
19 going back to off sales, and how do you know this  
20 was not the person that the undercover officer  
21 bought the drug from if the other person was  
22 unidentified?

23 A So, after we detained the subject, I  
24 was inside the location during the execution of  
25 the search warrant. We conducted a show up. So

1 we showed the undercover -- the undercover  
2 officer was able to see who we had detained, and  
3 the undercover officer did not ID that subject as  
4 a subject that sold to the undercover officer  
5 originally.

6 Q And did the person, when you went up  
7 there, when you went to the second floor to do  
8 the raid, did the person you detained  
9 temporarily, did that person tell you that he  
10 works for the first floor, for the dispensary  
11 downstairs on the basement level?

12 A No, sir. Yes, I did not speak with  
13 him too much, sir. So I don't believe he said  
14 that, sir.

15 MR. NAWASH: Okay. Yes. Just one  
16 minute. I just want to see if I have any other  
17 questions. No further question for this witness.

18 CHAIRPERSON ANDERSON: All right,  
19 thanks. Are there any questions by any board  
20 members? All right, hearing no questions,  
21 Officer Torres, thank you for your testimony  
22 today. Have a great day. Does the --

23 MR. TORRES: Thank you, as well.

24 CHAIRPERSON ANDERSON: All right.  
25 Thank you, sir. Be well. Does the Government

1 have any other witnesses?

2 MR. SOUTHCOTT: No further witnesses  
3 from the Government.

4 CHAIRPERSON ANDERSON: Does the  
5 Government rest?

6 MR. SOUTHCOTT: The Government rests.

7 CHAIRPERSON ANDERSON: All right. Mr.  
8 Nawash, how many witnesses do you have, sir?

9 MR. NAWASH: Two.

10 CHAIRPERSON ANDERSON: Two witnesses?  
11 All right, we're going to take a 20 minute break.  
12 Can I ask that you, during the break, email  
13 whatever documents that you have to the  
14 Government and to ABCA Legals or, all right?

15 MR. NAWASH: Did they send me the  
16 email that I'm sending this to?

17 CHAIRPERSON ANDERSON: I thought it  
18 was in the chat, but I'll ask that the email  
19 address be placed in the chat. And so we are off  
20 the record for 20 minutes. It is 1:35. So,  
21 1:50. So we'll be back on the record at 1:56.  
22 I'll ask everyone to come back on the record at  
23 1:56, okay?

24 MR. NAWASH: All right, your Honor.  
25 Thank you.

1 CHAIRPERSON ANDERSON: All right.

2 Thank you.

3 (Whereupon, the above-entitled matter  
4 went off the record at 1:35 p.m. and resumed at  
5 1:56 p.m.)

6 CHAIRPERSON ANDERSON: We're back on  
7 the record. I need the Government back so we can  
8 resume the hearing. I thought I saw Mr. Nawash,  
9 but now he's gone.

10 Mr. Nawash, where are you, sir? I saw  
11 you earlier.

12 All right. We have a -- one, two --  
13 we have a quorum of Board members. Do you have a  
14 witness you wish to call, sir?

15 MR. NAWASH: Yeah. I just want to  
16 make sure they got the exhibits first. I sent it  
17 to -- because I didn't get an email, so I sent it  
18 to the Attorney General. And I want to make sure  
19 they received it.

20 MR. SOUTHCOTT: Yes. I have received  
21 a copy. I just want to make sure that we're  
22 operating off of the same documents. And so what  
23 you sent over was four documents. One was  
24 labeled "Second Floor Lease" and is five pages in  
25 length. One was labeled "Lease Agreement:

1 Client" and is five pages in length. One was  
2 labeled "Basic Business License" and is one page  
3 in length. And one is labeled "Filing  
4 Certificate Upstairs" and is one page in length.

5 MR. NAWASH: Yes.

6 MR. SOUTHCOTT: Okay. Then, yes, I  
7 have received those documents.

8 MR. NAWASH: Okay. Thank you.

9 Yeah, we're trying to get the landlord  
10 to call in now. He was just waiting for you all  
11 to come, just --

12 CHAIRPERSON ANDERSON: So who is -- is  
13 that your first witness, sir?

14 MR. NAWASH: That's my first witness,  
15 the landlord.

16 CHAIRPERSON ANDERSON: All right. So  
17 -- all right. He's going to call in --

18 MR. NAWASH: He -- yeah. Yeah. We're  
19 getting --

20 CHAIRPERSON ANDERSON: Can he --  
21 rather than calling, can he come on video?

22 MR. NAWASH: Meeting ID -- I'll --  
23 I'll ask him.

24 Yeah, he's on his phone, Your Honor,  
25 his cell phone. So this is the access ID number.

1 CHAIRPERSON ANDERSON: You can put  
2 yourself on mute, sir. I know your client is  
3 speaking to you, so. I don't necessarily need to  
4 hear what your client is -

5 MR. NAWASH: Okay. Just two minutes.  
6 He should be calling now.

7 CHAIRPERSON ANDERSON: No, that's not  
8 what I'm saying, sir. I'm saying when your  
9 client is speaking to you, put -- you need to  
10 mute yourself because we're on YouTube, so  
11 everyone is hearing whatever conversation that  
12 you're having with your client.

13 MR. NAWASH: Thank you very much, Your  
14 Honor. Thank you very much.

15 CHAIRPERSON ANDERSON: You're welcome.  
16 I would ask that -- the purpose of the  
17 chat is -- I would ask that parties please do not  
18 place any information in the chat. And if there  
19 continues to be information placed in the chat,  
20 I'm going to ask that folks be prevented from --  
21 I'm going to ask that the chat be disabled, okay?  
22 So I'm just putting folks on notice that I do not  
23 want information to be placed in the chat that's  
24 not relevant to the case at hand. And if this  
25 continues, I will ask our IT specialist to

1       disable that function.  Okay?

2                   All right.  Can you let me know when  
3       the call-in user -- so we can elevate that  
4       person, sir?  So find out when the person has  
5       called in so we'll know -- excuse me -- portion  
6       of the -- excuse me -- the cell phone so we can  
7       elevate that call-in.

8                   MR. NAWASH:  Thank you.  He says he's  
9       trying to call now, so we're working with him.  
10      Let me find out.

11                  CHAIRPERSON ANDERSON:  And I know that  
12      our afternoon has now -- is going to be off  
13      because our hearing from this morning -- so we're  
14      still doing our -- our hearing, so all our  
15      afternoon hearings -- all our hearings are -- are  
16      off.  But we will pick up as soon as this hearing  
17      is over, and we will pick up and move on.

18                  MR. NAWASH:  We might as well put the  
19      other -- he -- the landlord is having trouble  
20      logging in.  He's asking can we call him, but I  
21      guess -- I don't think we can.

22                  CHAIRPERSON ANDERSON:  No, we cannot  
23      call him, sir.  You can call him.  You can call  
24      him and do a conference call with him.  So you  
25      can call him --

1 (Simultaneous speaking.)

2 CHAIRPERSON ANDERSON: Yes, sir, I  
3 believe that --

4 MR. NAWASH: Yeah, he's on the phone  
5 if that works. I mean --

6 CHAIRPERSON ANDERSON: As long as we  
7 can hear him, then that's fine.

8 MR. NAWASH: Let me see. Speak, Mr.  
9 Molla. See if we can hear you.

10 MR. MOLLA: Yes, sir.

11 MR. NAWASH: Can you all hear?  
12 You've got to speak loud so I can --  
13 so the Court can hear you.

14 CHAIRPERSON ANDERSON: We can hear  
15 him.

16 MR. MOLLA: Yeah. This is Derhanu  
17 Molla.

18 MR. NAWASH: Okay.

19 MR. SOUTHCOTT: I'm -- I'm having  
20 difficulty hearing him. I'll be honest.

21 CHAIRPERSON ANDERSON: Well, I -- I --  
22 I can hear him, so -- but I'll ask that you  
23 elevate --

24 (Simultaneous speaking.)

25 MR. MOLA: Derhanu Molla.



1 CHAIRPERSON ANDERSON: Hold on. Hold  
2 on. Hold on a minute, sir. All right. I can  
3 hear him. I will just ask that he elevates his  
4 voice when he's speaking if he's having any  
5 issues. If there's -- if Counsel is unable to  
6 hear, please point that out to my attention.

7 We can ask him to repeat, or I -- if  
8 he has some legitimate issue that he cannot get  
9 through using the chat feature -- I'm setting up  
10 the chat -- the login feature. I'm not sure why  
11 he would have that issue, but if it -- if we can  
12 hear him on the -- on the conference call, then  
13 we can try. If not, we will figure it out -- try  
14 to figure out how to have him log in.

15 MR. NAWASH: Sir, I'm only going to  
16 ask you five, six questions, but speak as loud as  
17 you can. Scream if you have to, okay?

18 MR. MOLLA: Okay.

19 CHAIRPERSON ANDERSON: All right.  
20 What -- I'm sorry. What's his name?

21 MR. NAWASH: Can you give us your name  
22 for the record, please?

23 MR. MOLLA: Derhanu Molla.

24 MR. NAWASH: Spell it.

25 MR. MOLLA: D-E-R --

1 MR. NAWASH: Slowly.

2 MR. MOLLA -- H-A-N-U, and last name  
3 M-O-L-L-A.

4 CHAIRPERSON ANDERSON: Okay. Mr.  
5 Molla, can you raise your right hand, please?

6 MR. NAWASH: Raise your right hand.  
7 WHEREUPON,

8 DERHANU MOLLA  
9 was called as a witness by Counsel for the  
10 Licensee and, having been first duly sworn,  
11 assumed the witness stand, was examined, and  
12 testified as follows:

13 CHAIRPERSON ANDERSON: All right.  
14 It's your witness, sir. Mr. Molla. Okay.

15 DIRECT EXAMINATION

16 BY MR. NAWASH:

17 Q Sir, are you -- what is the relation  
18 -- what is your relationship to Abel Gebre?

19 A Abel is my tenant since 2021 or  
20 something, about five years.

21 Q And what

22 A He's the tenant, the one in basement.

23 Q Okay. And what's the address of the  
24 space that he rents from you?

25 A 2626 Georgia Avenue NW, Washington,

1 D.C.

2 Q And how long has he been a tenant, you  
3 said?

4 A About five years.

5 Q Five years. How many -- how many  
6 tenants do you have in the building?

7 A Two.

8 Q Two. And when did you -- who is the  
9 second tenant?

10 A The second tenant is the one upstairs,  
11 Mestawesha Keddar, she is there since June --  
12 yes, about six, seven years -- I mean six, seven  
13 months. I'm sorry.

14 Q Do you know if the owner of the  
15 basement has anything to do with the owner of the  
16 upstairs?

17 A No. It's a separate business.

18 Q Did Mr. Abel Gebre ever tell you that  
19 he owns the upstairs location?

20 A No.

21 Q Did the owner of the upstairs location  
22 ever tell you that she owns the bottom -- the --  
23 the basement location?

24 A No.

25 Q Do you know if -- if Mr. Gebre has any

1 ownership interest in the upstairs location?

2 A No.

3 MR. NAWASH: I have no further  
4 questions.

5 THE WITNESS: Okay.

6 MR. NAWASH: Wait. They might want to  
7 ask you something. Just wait.

8 CHAIRPERSON ANDERSON: Is that you,  
9 Ms. Southcott, or is that you, Mr. --

10 MR. SOUTHCOTT: Yes. Yes.

11 CHAIRPERSON ANDERSON: Okay. Go  
12 ahead, sir.

13 CROSS EXAMINATION

14 BY MR. SOUTHCOTT:

15 Q So, Mr. Molla, could you -- you said  
16 your relationship between yourself and Mr. Gebre  
17 is that you are -- he is your tenant and you're  
18 his landlord; is that correct?

19 A Yes, sir.

20 Q Do you know him in any other capacity?

21 A Say it again. I'm sorry.

22 Q Do you know him in any context other  
23 than him being your tenant?

24 A No. No.

25 Q How many times have you spoken with

1 Mr. Gebre?

2 A I mean --

3 MR. NAWASH: Objection. Tell him  
4 when, like, well, what's the timeline? Over five  
5 years or today?

6 MR. SOUTHCOTT: Over -- over his  
7 entire life.

8 BY MR. SOUTHCOTT:

9 Q How many times have you spoken with  
10 Mr. Gebre?

11 A And I sent him a lease last week.  
12 About the upstairs lease I sent him. I think he  
13 have a problem with a court case, something -- I  
14 don't -- but I received a letter about that,  
15 that he have a problem, and I sent him a lease,  
16 the one upstairs.

17 Q You sent him a lease for the lease  
18 upstairs?

19 A Yeah. Yeah. I gave it -- I gave it  
20 to him, yeah, the one upstairs, because he was  
21 asking me about the separate business that we  
22 have, the one upstairs. I gave it to him, the  
23 lease.

24 Q So how long have you owned the  
25 property located at 2626 Georgia Ave.?

1 A Since 2003.

2 Q And do you own any other properties?

3 A In Washington, D.C., no.

4 Q Do you have any other properties  
5 elsewhere?

6 A Virginia.

7 Q How many properties do you own in  
8 total?

9 A Two.

10 Q And what has your relationship been as  
11 Mr. Gebre's landlord?

12 A Just tenant and landlord.

13 Q I'm sorry. I -- so have you visited  
14 Mr. Gebre at his -- at the property?

15 A I visit him before I went to -- back  
16 home. Last time was maybe about four -- three,  
17 four months. Yeah. Three months ago.

18 Q So you haven't been to the property in  
19 three, four months; is that correct?

20 A Yeah.

21 Q Since he started leasing the property  
22 from you, how many times have you been to the  
23 property?

24 A Not very often. You know, if I have  
25 something to do, I will go there, but not -- not

1 very often.

2 Q Would you say it's less than once a  
3 month?

4 A At least once a month, yeah.

5 Q Okay. And what is your relationship  
6 to the upstairs tenant?

7 A Just landlord and tenant.

8 Q And what is the name of the person  
9 who's on the lease on the second floor?

10 A Mestawesha Keddar.

11 Q Can you spell that for me?

12 A M-E-S-T-A-W-E-S-H-A, and Keddar,  
13 K-E-D-I-R -- or with a D, I think. K, E, double  
14 D, I, R.

15 Q And how many times have you been -- so  
16 you said that Mr. Keddar leased the second-floor  
17 property from you in June of 2024; is that  
18 correct?

19 A Yes, sir.

20 Q And how many times have you spoken  
21 with him since you leased the property?

22 A I think I spoke with her last week,  
23 and before that, before I went to -- home, I  
24 spoke with them -- with her because maybe once a  
25 month, the same time, yeah. I think once a month

1 or something. If I have something to do with  
2 her, you know, I would call her anytime.

3 Q And are you familiar with the nature  
4 of the business that Ms. Keddar was running out  
5 of the -- out of that space that you were letting  
6 to her?

7 A No. At the -- when we signed the  
8 lease, she's going to do a retail -- I mean, the  
9 business, like a retail -- retail store or  
10 something. That's what she told me. And she  
11 sent me the license that I think she had.

12 Q Were you aware of any cannabis  
13 operations that were taking place on the  
14 premises?

15 A No.

16 Q Were you aware of any cannabis  
17 operations that were taking place on the first  
18 floor?

19 A Yeah. Yeah, I knew that.

20 Q But you were unaware of anything that  
21 was taking place on the higher-up floors?

22 A The upstairs one?

23 Q Yes.

24 A No. No.

25 Q So, your Counsel provided us --



1 MR. NAWASH: I'm not his Counsel.

2 Sorry.

3 MR. SOUTHCOTT: -- with a copy of a  
4 lease agreement between you and Ms. Keddar. And  
5 where does Ms. Keddar -- on this lease agreement,  
6 where does it say that Ms. Keddar resides?

7 THE WITNESS: Oh, he reside --  
8 Northeast Washington -- I think 50 Florida or  
9 something -- I don't have the lease right now.  
10 But I remember it's in Northeast Washington, D.C.

11 BY MR. SOUTHCOTT:

12 Q So, if they -- if they reside in  
13 Northeast D.C., then why does the lease agreement  
14 say that they live at 1485 Saint Paul Avenue,  
15 Apartment Number 12, in Saint Paul, Minnesota?

16 A Oh, that's for upstairs, Mestawesha  
17 Keddar.

18 Q Right. I'm -- I'm talking about the  
19 -- the -- the person who's upstairs.

20 A Oh. Oh, I thought you're talking  
21 about the downstairs. Yeah, she came from  
22 Minnesota. And her ID on that time -- the  
23 address is a Minnesota ID. That's what I get. I  
24 don't know this time if she had the D.C. ID or  
25 not. She --

1 Q So, to your knowledge -- or -- so,  
2 prior to this hearing, you did not have any idea  
3 that there was unlicensed cannabis that was being  
4 sold out of your property?

5 A No, I don't know. I know -- I know  
6 nothing.

7 MR. SOUTHCOTT: Okay. I have no  
8 further questions.

9 CHAIRPERSON ANDERSON: So, Mr. Molla  
10 -- so who -- this is Donovan Anderson, the -- the  
11 Chairman of the Board. So who -- who owns or  
12 operates on the second floor, sir?

13 THE WITNESS: Mestawesha Keddar.

14 CHAIRPERSON ANDERSON: And so you  
15 state you don't know what type of business she  
16 operates on the second floor; is that correct?

17 THE WITNESS: Yeah. Yeah. I've never  
18 been there since, you know, when I signed the  
19 lease. When she renewed it, I was there some --  
20 couple of times. And I went home for -- for the  
21 last two and a half months, I think, and I just  
22 came back like three weeks ago. And when I came,  
23 you know, something happened in the property, and  
24 I received a letter from you guys, I think. And  
25 because of -- because of that, I just called

1       them, and then I talked to them about the problem  
2       they had.

3                   CHAIRPERSON ANDERSON:   So -- okay.   So  
4       you said, because of this, you received a letter.  
5       What letter did you receive, sir, regarding the  
6       second floor, if any?

7                   THE WITNESS:   Yeah.   I received a  
8       letter.   It says they did illegal -- I think some  
9       illegal activities, like a business about  
10      cannabis, something.

11                  CHAIRPERSON ANDERSON:   Right.

12                  THE WITNESS:   I received, and I -- I  
13      called the guy, the one who sent me the letter.  
14      I called him, and he was asking me about the  
15      lease.   I sent the lease to him, and same time, I  
16      think, to some about what happened.

17                  CHAIRPERSON ANDERSON:   All right.   So  
18      -- so you received a letter just saying that  
19      there was -- that someone is illegally selling  
20      cannabis --

21                  THE WITNESS:   Yeah.

22                  CHAIRPERSON ANDERSON:   -- on your  
23      property.   So what action, if any, have you taken  
24      regarding this tenant?

25                  THE WITNESS:   I talked to her, and --

1 I mean, I talked to Abel, too. And he said that  
2 he had an appointment with the court, and after  
3 that, you know, he's going to let me know about  
4 -- you know. I didn't take any action. But this  
5 -- anyway, I didn't take any action.

6 CHAIRPERSON ANDERSON: No, I'm -- I'm  
7 confused, sir. Did you talk to her or -- you're  
8 saying he or she. Okay. Maybe -- okay. Is it a  
9 male or female who rents the second floor?

10 THE WITNESS: Female.

11 CHAIRPERSON ANDERSON: A female. All  
12 right.

13 THE WITNESS: Yeah.

14 CHAIRPERSON ANDERSON: So you receive  
15 a letter saying that your tenant on the second  
16 floor is selling -- allegedly selling illegal  
17 cannabis. What action, if any, have you taken  
18 regarding the tenant on your second floor who  
19 you're told is selling illegal cannabis, sir?

20 THE WITNESS: Oh. I don't take any  
21 action, but I just told her, you know, I don't  
22 need any illegal business in the property. And I  
23 talked to Mr. Gebre, the one in basement, too.  
24 And he was telling me he had an appointment with  
25 this case in the courts. I think this is the

1 appointment, I think.

2 CHAIRPERSON ANDERSON: All right. So  
3 you're saying that this tenant has been there for  
4 -- since June of '24. So how does she pay her  
5 rent, and has she been paying her rent?

6 THE WITNESS: Yeah. She paid me cash,  
7 \$3,000.

8 CHAIRPERSON ANDERSON: So she pays you  
9 -- every month, she pays you cash?

10 THE WITNESS: Yes, sir.

11 CHAIRPERSON ANDERSON: So how does she  
12 pay you cash?

13 THE WITNESS: Just to -- cash.  
14 Sometimes she came to Virginia, and sometimes I  
15 would go there and pick it up.

16 CHAIRPERSON ANDERSON: You'd go there  
17 where?

18 THE WITNESS: Onto the property,  
19 sometimes in the caf, or something. It's  
20 different there.

21 CHAIRPERSON ANDERSON: Okay. So your  
22 -- when was the last -- so when was the last time  
23 you've been to the property, sir, the second  
24 floor?

25 THE WITNESS: The second floor? It's

1 -- it's -- the second floor is closed. I was  
2 trying to get in, but it's closed. And I make --  
3 I make an appointment nearby, and I got the money  
4 from her, the one like, something, close by.

5 CHAIRPERSON ANDERSON: What do you  
6 mean, the second floor was closed?

7 THE WITNESS: I think -- she -- she  
8 told me it's so no one could come get it, I  
9 think.

10 CHAIRPERSON ANDERSON: All right. So,  
11 prior to this last time when she told you the  
12 second floor was closed, when was the last time  
13 you have been in the property on the second  
14 floor, sir?

15 THE WITNESS: It's before three months  
16 because -- you remember I was telling you I was  
17 back home --

18 CHAIRPERSON ANDERSON: All right.

19 THE WITNESS: -- about two and a half  
20 months. I just come back home three weeks ago,  
21 you know. All those important things, you know,  
22 I never get that.

23 CHAIRPERSON ANDERSON: So about what  
24 month do you think that was, sir? About when is  
25 it that you believe that you have been to the

1 second floor of your property?

2 THE WITNESS: November, because I left  
3 in November. I left in November 15 or 14.  
4 Before that, I think a week before, something,  
5 yeah.

6 CHAIRPERSON ANDERSON: So what  
7 merchandise was being sold in November on the  
8 second floor?

9 THE WITNESS: I haven't seen anything  
10 on that time. She was doing some restock.

11 CHAIRPERSON ANDERSON: All right. All  
12 right. Any other questions by any other Board  
13 members?

14 All right. Mr. Southcott, any  
15 questions of the witness based on the questions  
16 that I asked?

17 MR. SOUTHCOTT: Nothing for me.

18 CHAIRPERSON ANDERSON: Any redirect,  
19 Mr. Nawash?

20 MR. NAWASH: No, Your Honor.

21 CHAIRPERSON ANDERSON: All right.

22 Mr. Molla, thank you very much for  
23 your testimony. Have a great day, sir.

24 THE WITNESS: Okay. Thank you, sir.

25 MR. NAWASH: Thank you.

1 CHAIRPERSON ANDERSON: All right. All  
2 right. Do you have another witness you wish to  
3 call?

4 MR. NAWASH: Yes, Your Honor. I want  
5 to call my main witness, Mr. Abel Gebre. Let me  
6 point the computer to him.

7 CHAIRPERSON ANDERSON: All right. Mr.  
8 Gebre, can you raise your right hand, please?  
9 WHEREUPON,

10 ABEL GEBRE  
11 was called as a witness by Counsel for the  
12 Licensee and, having been first duly sworn,  
13 assumed the witness stand, was examined, and  
14 testified as follows:

15 CHAIRPERSON ANDERSON: All right.  
16 Okay. Your witness, sir.

17 DIRECT EXAMINATION

18 BY MR. NAWASH:

19 Q Give us your name for the record,  
20 please.

21 A Abel Gebre.

22 CHAIRPERSON ANDERSON: Can you -- can  
23 you have him spell his name for the record, sir?

24 BY MR. NAWASH:

25 Q Spell your name, please.



1 A A-B-E-L, G-E-B-R-E.

2 Q All right. And what is your  
3 relationship to District -- District -- District  
4 Cure Dispensary?

5 A This is licensed dispensary --  
6 (Simultaneous speaking.)

7 MR. SOUTHCOTT: Sorry. I couldn't  
8 hear that.

9 BY MR. NAWASH:

10 Q I said, what is your relationship to  
11 -- to the District Cure Dispensary?

12 A This is a lawful dispensary that is  
13 under a D.C. law.

14 Q And what is the address for this  
15 dispensary?

16 A 2626 Georgia Avenue Northwest, the  
17 basement.

18 Q Basement?

19 A Lower level. The basement.

20 Q And how many floors is this building?

21 A Three floors.

22 Q And how many businesses are in this  
23 building?

24 A Two business.

25 Q Two business? How many do you own?

1 A One.

2 Q One? And do you rent any of the other  
3 levels, any of the other floors?

4 A No.

5 Q Do you partner with anyone --

6 A No.

7 Q -- in renting the other floors?

8 A No.

9 Q And are there other businesses in the  
10 -- in the building?

11 A Yes.

12 Q How many, to your knowledge?

13 A I don't know how many is -- it's the  
14 one business up there.

15 Q Speak up.

16 A I don't know how many businesses are  
17 in the upstairs, but I know there is one business  
18 in the upstairs.

19 Q Do you know the name of the other  
20 business that's upstairs?

21 A Yes.

22 Q What is it?

23 A Herbal --

24 Q Herbal?

25 A Yeah. Herbal? Herbal. Herbal,

1 that's just -- Herbal is --

2 Q You don't know --

3 (Simultaneous speaking.)

4 MR. NAWASH: I'm sorry?

5 MR. SOUTHCOTT: I couldn't hear that  
6 answer.

7 BY MR. NAWASH:

8 Q Yeah, speak up, please. Do you know  
9 the name of the business upstairs?

10 A Healing Herbal. Healing Herbal.

11 Q Healing Herbal. Okay. How do you  
12 know this?

13 A Just got the lease paper and the  
14 license from the landlord.

15 Q And what documents -- okay. So I'm  
16 going to actually, on a -- this is where I want  
17 to introduce Exhibit 1, but I'll do it all at the  
18 end. Or maybe I should do it now. I want to  
19 introduce the lease that he secured from the  
20 landlord for

21 CHAIRPERSON ANDERSON: You can have  
22 him -- you can have him identify the document,  
23 and then you can have him testify on the  
24 document.

25 MR. NAWASH: Okay.

1 CHAIRPERSON ANDERSON: If you need to  
2 -- if you need to put that in evidence, then you  
3 can ask that question, and then we'll see where  
4 the Government is. But you can have him -- you  
5 can have him identify the document and have him  
6 testify from the document, sir.

7 BY MR. NAWASH:

8 Q I'm showing you a lease agreement --  
9 (Simultaneous speaking.)

10 CHAIRPERSON ANDERSON: I'm -- why  
11 don't you -- no, sir. No, sir. No. Why don't  
12 you show us the document online --

13 MR. NAWASH: Yeah, that's what

14 CHAIRPERSON ANDERSON: -- have him  
15 identify -- yeah, but you're showing him  
16 something. I don't know what you're showing him.  
17 So you need to put the document -- I believe you  
18 should still have the -- the ability to share  
19 your screen. So you need to share your screen,  
20 let us all see, and then have him identify the  
21 document, sir, on the screen.

22 MR. NAWASH: Let's see.

23 CHAIRPERSON ANDERSON: You did it  
24 earlier, so -- yes.

25 MR. NAWASH: Yeah.

1 CHAIRPERSON ANDERSON: All right.

2 MR. NAWASH: Just see here what's  
3 coming up. Nothing's coming up. Shoot.

4 CHAIRPERSON ANDERSON: You need to  
5 open the document. I see your screen, but you  
6 have to identify the document that you want to be  
7 open.

8 MR. NAWASH: I know. I'm still trying  
9 to open it. Let's see here. The screen is  
10 coming so small that I can barely see. Let me  
11 see here.

12 CHAIRPERSON ANDERSON: It is your  
13 screen, sir, so you need to know where your  
14 documents are, sir.

15 MR. NAWASH: No, I know, but I -- it's  
16 not working. I'll get back to it. I'll finish  
17 with the questions. I'm having trouble. I'll --  
18 I'll get back to it.

19 CHAIRPERSON ANDERSON: So close your  
20 -- okay. Fine. Go ahead, sir.

21 MR. NAWASH: Yeah. Okay. You said  
22 that the business up there is called Healing  
23 Herbs.

24 MR. SOUTHCOTT: Objection. That is  
25 not the name that Mr. Gebre provided for the

1 business. This is leading the witness.

2 MR. NAWASH: Well, he said healing  
3 something, so I --

4 MR. SOUTHCOTT: He said herbal  
5 something.

6 MR. NAWASH: Healing, herbal -- all  
7 right. All right. I'll -- let's move on, okay?  
8 Yeah.

9 So you said the business up there is  
10 Healing Herbal. And how do you know --

11 CHAIRPERSON ANDERSON: Well, I can't  
12 -- all right.

13 MR. SOUTHCOTT: Objection. This is  
14 leading the witness --

15 CHAIRPERSON ANDERSON: I -- yes.

16 MR. SOUTHCOTT: -- not what the  
17 witness testified.

18 CHAIRPERSON ANDERSON: Right. If you  
19 need to -- if -- sir, either let the witness tell  
20 you what the name of the business is, and let's  
21 all agree please do not -- just ask him -- he  
22 answered the question, but if you need more  
23 clarification, then you need to ask him again,  
24 what's the name of the business?

25 BY MR. NAWASH:

1           Q       How do you know the name of this --  
2           what the name of this business is?

3           A       Because the landlord gave me the --  
4           the license and the list.

5           Q       When did you ask the landlord this?

6           A       After having a problem with the ABCA.

7           Q       Speak up.

8           A       I'm speaking up.

9           Q       Louder. I don't think everyone can  
10          hear you. Speak up.

11          A       Okay.

12          Q       How did you -- I said, how do you know  
13          the name of the business upstairs?

14          A       After I get the document from the  
15          landlord.

16          Q       Okay. And what documents did you  
17          secure from the landlord?

18          A       The lease and the licenses there.

19          Q       Okay. And I want to focus your  
20          attention on January 15, 2025. On January 15,  
21          did you know the kind of business that was on the  
22          second floor?

23          A       Did I know what they do?

24          Q       Did you know what kind of business  
25          they did? What did they do?

1 A Yes, I know.

2 Q What did they do?

3 A It was doing -- selling like herbals  
4 and CBD products.

5 MR. SOUTHCOTT: Sorry, I couldn't hear  
6 that answer.

7 BY MR. NAWASH:

8 Q Speak up.

9 A They sell herbals and CBD product.

10 Q And have you visited the second floor?

11 A Yes.

12 Q Why did you visit the second floor?

13 A I was thinking to -- to have the --  
14 the upstairs, too, because I have a license. The  
15 upstairs business is going down. I'm trying to  
16 get it to larger my business.

17 Q Are you saying you're trying to lease  
18 the upstairs?

19 A I'm trying to lease the upstairs.

20 Q Have you leased it yet?

21 A No.

22 Q Are you trying to lease it before the  
23 tenant leaves or after the tenant leaves?

24 A I just heard the -- the upstairs  
25 business going down, so if there's a chance, I



1 want to have the upstairs to own. I need that  
2 just to make my business bigger.

3 Q And who were you negotiating with  
4 there to buy the business, the tenant upstairs or  
5 the landlord?

6 A I was talking to the landlord.

7 Q And do you have any relationship with  
8 the second-floor business in the building?

9 A No.

10 Q Do you have any ownership interest in  
11 the upstairs business?

12 A No.

13 Q Have you ever worked for the business  
14 upstairs?

15 A No.

16 Q Do you know if any of your employees  
17 work for the second-floor business?

18 A No, I have no idea about that.

19 Q Have you ever escorted any of your  
20 customers to the second floor?

21 A No.

22 Q On January 15, 2025, were you at your  
23 business that day?

24 A Yes.

25 Q What time?

1 A 8:00.

2 Q 8:00 until what time?

3 A 11:00 p.m.

4 Q Were you -- 8:00 in the morning or  
5 8:00 at night?

6 A 8:00 in the morning, 8:00 in a.m.,  
7 8:00 a.m. in the morning till 11:00 a.m. in the  
8 morning.

9 Q Okay. So about three hours?

10 A Three hours. Yeah.

11 MR. SOUTHCOTT: I'm sorry. I'm going  
12 to ask what the relevancy is of asking about  
13 January 15th. The search warrant was executed on  
14 January 16th.

15 MR. NAWASH: Oh, I meant 16. Did I  
16 say 15? I apologize.

17 MR. SOUTHCOTT: Yes. Yes. For this  
18 -- for this line of questioning, you've been  
19 saying 15.

20 MR. NAWASH: Okay. I don't know where  
21 I got -- why it's -- I apologize. I don't know  
22 where I got that from.

23 BY MR. NAWASH:

24 Q All right. I want to focus your  
25 attention on January 16, 2025. Were you at the

1 business that day?

2 A Yes.

3 Q And what -- from what time to what  
4 time were you at the business?

5 A 8:00 a.m. in the morning until 11:00  
6 a.m. in the morning.

7 Q Okay. So about three hours?

8 A Three hours.

9 Q And where were you after 11:00 a.m.?

10 A I go home.

11 Q Why did you go home early?

12 A I was feeling sick. I was having a  
13 little fever.

14 Q Were you at the business when ABCA  
15 visited your business on that day?

16 A No.

17 Q Do you have any employees?

18 A Yes.

19 Q How many employees do you have?

20 A Four.

21 Q On January 16, how many employees did  
22 you have working in the store?

23 A I was having two employees working in  
24 the store. There was a time coming change,  
25 another one, probably three.

1 Q Three? So --

2 A Different timing.

3 Q So is it different shifts?

4 A Different shifts.

5 Q And the three employees, is that  
6 including you or other than you?

7 A Other than me.

8 Q Do any of your employees work for the  
9 second-floor business?

10 A Not that I know of.

11 Q Have you asked your employees if they  
12 work for the second-floor business?

13 A Yes.

14 Q And what did they say?

15 A They all deny.

16 Q And when did you ask them if they  
17 worked for the upstairs business?

18 A After the incident happened, I  
19 received the email from ABCA about asking them.

20 Q So tell -- so, after -- when you --  
21 when you talked to your employees after -- after  
22 ABCA came on January 16, what did you tell your  
23 employees or what did you ask them exactly?

24 A I asked them exactly what I put on the  
25 paper. Did they take customer? And they said

1 no.

2 Q What paper are you talking about?

3 A The ABCA emails. In that time I asked  
4 them about the allegation. They say -- they  
5 deny. They don't know nothing about that.

6 Q You said that you never took any  
7 customers to the second floor. And why would you  
8 not do that?

9 A I can't take my customers upstairs.  
10 I've been working hard, too hard. The business  
11 working for me -- I put all my saving, my time,  
12 everything there. So I want my business to be  
13 successful.

14 Q Have you ever told Officer Peru that  
15 you owned the business on the second floor?

16 A No.

17 Q Have you ever told him that you lease  
18 the second floor?

19 A No.

20 Q What did you tell him? What did you  
21 tell officer Peru, if anything?

22 A At the time I met Officer Peru --

23 Q Speak up. Speak up.

24 A The time I met Officer Peru, I'm just  
25 telling him I want to own the upstairs and expand

1 my business. That's what I tell.

2 Q All right. You told him you want to  
3 own the second floor and expand your business.  
4 What did Mr. Peru say to that? Did he say  
5 anything or

6 A He was saying that he can send the  
7 downstairs product to upstairs, but he didn't  
8 send anything. You can do -- you can put the  
9 paperwork, so he said.

10 Q He told you you can put the paperwork  
11 to do what?

12 A Do lease the dispensary in the  
13 upstairs.

14 Q As of today, have you -- has the  
15 tenant on the second floor leave, or is -- are  
16 they still there?

17 A I think they are still there.

18 Q As of today, did you lease the second  
19 floor?

20 A No.

21 Q Is English your first language?

22 A No.

23 Q What's your first language?

24 A Amharic.

25 Q Do you have a copy of your lease?

1 A Yes.

2 Q Do you have the certificate of  
3 organization for the business upstairs?

4 A Yes.

5 Q How did you get it?

6 A I got it from the landlord.

7 Q You heard earlier Officer Peru, or  
8 Supervisor Peru, say there was not much  
9 transaction, selling and buying, in your  
10 business. Could -- do you have anything to say  
11 about that?

12 A Yes.

13 Q What?

14 A The time I opened the dispensary, I  
15 bought a lot of products. So I wouldn't even say  
16 like five percent of them were about the product  
17 I own. I have full of stock product in the  
18 store.

19 Q How much did you -- when you first --  
20 when you opened the store, how much merchandise  
21 did you buy?

22 A Fifty-five to \$60,000.

23 Q I know you said you didn't tell  
24 Officer Peru that you owned the second-floor  
25 business. Have you ever told anyone that you own

1 the second-floor business?

2 A No.

3 Q Did you ever go to the second-floor  
4 business to work for any reason?

5 A No.

6 Q You saw in the picture, in the  
7 evidence that was submitted by the officer who  
8 testified earlier, he showed gummies and  
9 lollipops and suckers. Do you sell any of this  
10 in your store? Do you sell gummies?

11 A Downstairs?

12 Q Yeah, downstairs.

13 A Of course, we do sell gummies.

14 Q You do sell gummies downstairs?

15 A Yes.

16 Q What about lollipops or suckers?

17 A We don't sell that.

18 Q Have you ever sold lollipops?

19 A No.

20 Q I'm talking about the dispensary.

21 Have you ever sold --

22 A No.

23 Q Did you ever talk to the officer who  
24 testified earlier, Jason -- I'm sorry. What's  
25 his name? Officer Elthson Torres -- did you ever



1 talk to him?

2 A You mean say Peru?

3 Q No, not Peru. There was an officer  
4 who testified. We couldn't see his face.

5 A No. No.

6 Q No. Did you talk to any -- did any  
7 officer question you or interrogate you after the  
8 16th?

9 A No.

10 MR. NAWASH: I have no further  
11 questions, Your Honor, at this moment. And I'm  
12 going to try to figure out -- I might ask the  
13 Attorney General if he -- if he could be so kind  
14 as to submit my exhibits. I'm really having  
15 trouble.

16 CHAIRPERSON ANDERSON: All right.  
17 Well, we will -- if you want to admit the  
18 evidence, we'll ask the Government if, out of  
19 courtesy, they can do that. But let's do --  
20 let's finish the cross examination.

21 MR. NAWASH: Yes.

22 MR. SOUTHCOTT: I will say that I'm --  
23 I will be objecting to the admission of some of  
24 the documents into evidence --

25 (Simultaneous speaking.)

1 MR. SOUTHCOTT: -- to pull them up.

2 CHAIRPERSON ANDERSON: He has --  
3 right. He has to present them first, and then --

4 MR. SOUTHCOTT: Yes.

5 CHAIRPERSON ANDERSON: Okay.

6 CROSS EXAMINATION

7 BY MR. SOUTHCOTT:

8 Q Good afternoon, Mr. Gebre. So you are  
9 the owner of District Cure Dispensary, correct?

10 A Yes.

11 Q And how long have you been the owner  
12 of District Cure?

13 A Probably like six months.

14 Q Six months?

15 A Yeah.

16 Q And how long have you been leasing the  
17 property at 2626 Georgia Ave.?

18 A I've been there five years.

19 (Simultaneous speaking.)

20 CHAIRPERSON ANDERSON: Hold on a  
21 minute. Hold on a minute, please. Hold on. All  
22 right. Mr. Gebre, I need you not to look at your  
23 attorney, and I need you to testify by -- from  
24 your own memory, sir.

25 THE WITNESS: Okay, but I was confused

1 when he asked me, like --

2 CHAIRPERSON ANDERSON: All right.  
3 Then, if you -- if you're confused, sir, you need  
4 to let the person who's asking you the question  
5 -- you let them know that --

6 THE WITNESS: Okay.

7 CHAIRPERSON ANDERSON: -- you're  
8 confused, that you need them to clarify the  
9 question because you do not understand, sir. So,  
10 if anyone asks you a question, if you do not  
11 understand, you can answer to say, I do not  
12 understand; can you rephrase the question, sir?  
13 Okay?

14 THE WITNESS: Thank you.

15 CHAIRPERSON ANDERSON: Thank you. All  
16 right.

17 BY MR. SOUTHCOTT:

18 Q So you said that you've owned District  
19 Cure Dispensary for six months, correct?

20 A Yes.

21 Q And -- but you've been leasing the  
22 property for about five years, correct?

23 A Yeah. I've been having a smoke shop  
24 before on that property.

25 Q So what was the property before six

1 months ago? What were you doing out of the  
2 property?

3 A It used to be a smoke shop. So I  
4 applied for the -- the license for a dispensary;  
5 then it's become a dispensary. It used to be a  
6 smoke shop --

7 (Simultaneous speaking.)

8 Q What things did you sell at the smoke  
9 shop?

10 A I mean, everything a smoke shop sells.

11 Q I don't know what a smoke shop sells.  
12 Can you explain, like, what you sold from the  
13 smoke shop?

14 A The cigarette, hookah, pipe, paper.

15 Q Okay. And you said that you -- or you  
16 then, for the past six months, have been  
17 operating at this location. So when did --

18 A I got the license, exactly.

19 Q Yes.

20 A I don't know the date -- six months,  
21 five months, four months. I don't know, but  
22 since I got the dispensary license, I've been  
23 running the dispensary license at the place.

24 Q Sure. And you testified that you have  
25 four employees who work for you; is that correct?

1 A Yes.

2 Q What are their names?

3 A Sendeyo.

4 Q First name and last name.

5 A Sendeyo -- I do make mistake with the  
6 name. I just know the first names.

7 Q Okay. So give me the first names of  
8 your four employees.

9 A Sendeyo.

10 Q Okay.

11 (Simultaneous speaking.)

12 A Brooke, and myself.

13 CHAIRPERSON ANDERSON: Can you ask him  
14 to spell those names?

15 (Simultaneous speaking.)

16 MR. SOUTHCOTT: Yeah.

17 BY MR. SOUTHCOTT:

18 Q Could you spell those names for me?

19 A I don't know how to spell them. I  
20 might have made a mistake, but I --

21 Q Do your best. Do your best.

22 A Sendeyo is S-E-N-D-E-Y. The second  
23 one, Brooke, B-R-K-E. And Beza, B-E-Z-A, and  
24 myself, Abel, A-B-E-L.

25 Q And so you said you only know the

1 first names of your employees, correct?

2 A Yeah.

3 Q How do you pay your employees if you  
4 don't know their last names?

5 A Accountant pay them. They send them  
6 a check.

7 Q So how often do you pay them?

8 A It depends how often they work.

9 Q How are you tracking their hours?

10 A I will write it down.

11 Q But how do you know that they're at --  
12 that they're at work?

13 A I'm -- I'm always there.

14 Q You said you're always there?

15 A Yeah.

16 Q Oh. What's your establishment's  
17 licensed hours of operation?

18 A The license of operation -- from 9:00  
19 to 9:00.

20 Q Is that 9:00 a.m. to 9:00 p.m.?

21 A Yeah.

22 Q But you just testified that on the day  
23 of the 16th, that you were only there from 8:00  
24 a.m. to 11:00 a.m., correct?

25 A Yeah.

1 Q So you're not always there.

2 A So what -- if I want to go, I'm going  
3 to leave. I mean, if I want to come back, I come  
4 back and work.

5 Q So do you create sort of any tax forms  
6 for your employees for purposes of determining,  
7 you know, how much they're being paid?

8 A What was that?

9 Q Do you create any tax forms for your  
10 employees for purposes of tracking how much  
11 they're being paid?

12 A Not really, but most of the time, I  
13 work by myself because the business is slow. We  
14 don't have anything to sell, so I'm going to be  
15 there by myself.

16 Q So I'd like to talk about the  
17 second-floor establishment. What is the name of  
18 that establishment?

19 A It's Herbal -- no. It's a herbal  
20 store.

21 Q It's a herbal store?

22 A Healing Herbal. Healing Herbal.

23 Q Healing Herbal. Okay. And how do you  
24 know the name of that establishment?

25 A I got the document from the landlord.

1           Q       So how long has the establishment been  
2 there?

3           A       What was that?

4           Q       How long has the establishment been on  
5 the second floor? How long has Healing Herbal  
6 been on the -- on the second floor?

7           A       I'm not sure for how long it's been  
8 there.

9           Q       Has it been -- when did you first  
10 become aware of them?

11          A       I have no idea. I mean, I have no  
12 idea about that, the first and second floor.

13          Q       So you've been residing at the  
14 property since 2021. You've been leasing the  
15 property, but you didn't become aware -- you  
16 don't have any idea of when somebody moved into  
17 the second floor? Is that what your testimony  
18 is?

19          A       I have nothing to do. I go into my  
20 shop and do my thing and then get back, and I  
21 don't know what's going on in the first and  
22 second floor. That's somebody's property. I  
23 cannot get in it and find out what's going on.

24          Q       So you couldn't even give a month of  
25 when a second -- when this -- when Healing Herbal



1 opened up?

2 A What was that? What kind of -- I  
3 don't --

4 Q You can't even provide a month when  
5 they opened up, could you?

6 A I don't understand the question.  
7 Sorry.

8 Q Your -- your testimony is -- is that  
9 you're incapable, that you cannot say at all when  
10 they opened; is that correct?

11 A I don't understand this question  
12 again. I don't know.

13 Q Do you know when they opened? A  
14 month? Can you give me a month when they opened?

15 A I don't know when they opened.

16 Q You don't know. Okay. But you said  
17 that you have been onto the second floor,  
18 correct, when they were open?

19 A When -- oh, it's not when they're  
20 open. I mean, I've been there.

21 Q But you haven't been there when they  
22 were open?

23 A I don't know.

24 Q Have you been there when they were  
25 open? Yes or no?

1 A Oh, yes.

2 Q Okay. So, when they were open, what  
3 did you know that they were selling as a retail  
4 establishment?

5 A Oh, there was some product.

6 Q What kind of product?

7 A They have CBD products and, like, a  
8 hookah, all those things.

9 Q Did you see any cannabis product when  
10 you were up there?

11 A I don't know.

12 Q You don't know?

13 A Yes.

14 Q But you're saying they did, you did  
15 see them with CBD product, yes?

16 A I didn't know if it was a CBD or a  
17 cannabis product.

18 Q Okay. So do you have any concern  
19 about a -- So your establishment also sells  
20 cannabis products, correct?

21 A Yes.

22 Q Does it sell CBD products?

23 A Do I sell CBD products?

24 Q Yes.

25 A Yes.

1 Q Did you have any concern about a  
2 establishment opening directly on top of your  
3 store that sells cannabis products and CBD  
4 products?

5 A Do I have, this is, do I have a  
6 concern when they open?

7 Q Yes.

8 A I have no idea what they want to sell.  
9 I mean, I don't have a clue for upstairs.

10 Q Wouldn't an establishment selling CBD  
11 products directly on top of your store impede,  
12 like make it harder for you to sell products out  
13 of your store because of the competition?

14 A I didn't think it that way.

15 Q So that establishment, you said that  
16 you only became aware, when did you become aware  
17 of the -- Sorry. You testified that you only  
18 became aware of the name of the establishment  
19 when you received a document from the landlord,  
20 correct?

21 A Yes.

22 Q When did you receive that document  
23 from the landlord?

24 A Since the incident happened.

25 Q Could you give me a, which incident

1 are you referring to?

2 A About January 16.

3 Q After January 16th?

4 A Yes.

5 Q Okay. And so prior to that date you  
6 did not know the name of this establishment that  
7 was situated directly on top of you?

8 A Yes. I didn't know about that, all  
9 that.

10 Q Was there any advertising that this  
11 establishment that was on top of you had that was  
12 obvious to the public what they were selling?

13 A I don't think they, I don't see any  
14 advertisement on outside.

15 Q Okay. So you were present for  
16 Investigator Peru's testimony, correct?

17 A Yes.

18 Q And so you heard him testify that he  
19 spoke with you on December 16th when he was  
20 conducting a regulatory inspection, correct?

21 A Yes.

22 Q Do you recall that conversation with  
23 him?

24 A Over the phone?

25 Q Was it over the phone, or did you

1 speak in person?

2 A No. I speak with him over the phone.

3 Q You did not speak to him in person?

4 A No.

5 Q So you did not, you were not present  
6 on the second floor when he visited the  
7 establishment?

8 A No.

9 Q So your testimony is that he was lying  
10 about him talking to you?

11 A I'm not saying that. I didn't see, I  
12 never saw him that day over there.

13 Q So his testimony on, I'm talking about  
14 December 16th when he was conducting a regulatory  
15 inspection now, not January 16th and the  
16 execution.

17 A Okay. Okay. I understand that.

18 Q I'm talking about in December.

19 A No, no. I met him upstairs, yes.

20 Q You met him upstairs. Why were you  
21 upstairs?

22 A I was going upstairs to look around  
23 the shop.

24 Q Why were you looking around the shop?

25 A I mean, I heard the first floor

1 business is going to be out of business. So I'm  
2 just trying to take over. Then at the same time  
3 I met Peru right there. I just show him around,  
4 and trying to bring all my business on this  
5 building. That's why we was having a  
6 conversation.

7 Q And so you saw the photographs that  
8 Investigator Peru took from that December visit,  
9 correct?

10 A Yes.

11 Q Those photographs were of the inside  
12 of the second floor establishment, correct?

13 A Yes.

14 Q And those photographs showed cannabis  
15 product for sale, correct?

16 A I don't know.

17 Q You don't know? You can't determine  
18 based on examining those photographs whether  
19 there was cannabis product for sale?

20 A I have no idea whether it's the  
21 cannabis or CBD, whatever it is. I don't know  
22 what it is. Okay.

23 Q You sell cannabis as a living,  
24 correct?

25 A Yes.

1 Q And you're telling me that you  
2 couldn't identify cannabis?

3 A I mean, if I see the cannabis I can.  
4 I didn't find it. I'm not sure if it's the CBD  
5 or cannabis.

6 Q Okay. And you also heard Investigator  
7 Peru testify about him being able to see that you  
8 could monitor the first floor, correct?

9 A Yes.

10 Q So if you were on the second floor why  
11 were you, if you were working on the first floor  
12 why would you need to be monitoring the  
13 establishment, the licensed portion of the  
14 establishment on the second floor?

15 A I don't know about that.

16 Q Investigator Peru also testified that  
17 you toured him around the second and third  
18 floors. Why did you tour him around those  
19 floors?

20 A Because I was just telling him I'm  
21 when I'm allowed to get that property to make it  
22 the whole building to be a dispensary.

23 Q Do you recall Investigator Peru  
24 telling you about the, or rather informing you  
25 that you were risking your license as a result of

1 the operations that were taking place on the  
2 second floor?

3 A No.

4 Q Do you believe, did he not tell you  
5 that?

6 A No. The time we build the basement,  
7 the dispensary, Investigator Peru, he then help  
8 me how to do things. That's why when I sent him  
9 upstairs. Accidentally I was there. Then I just  
10 show him I'm trying to get this place to make my  
11 dispensary bigger.

12 Q So you testified that, or rather, did  
13 you hear Officer Torres' testimony detailing how  
14 when the undercover purchase happened on January  
15 8th, how the undercover officer initially went  
16 down into the basement establishment? Do you  
17 remember that?

18 A I have no clue about that.

19 Q I'm just asking whether you remember  
20 the testimony.

21 A I don't, you talking about, I hear.  
22 I didn't know what I was hear.

23 Q Okay. And do you remember his  
24 testimony that the, after being denied on the  
25 first floor owing to the UC officer's lack of a



1 medical card, that the individual who was working  
2 on the first floor took the UCF to the second  
3 floor and sold him cannabis product? Do you  
4 recall that testimony?

5 A I heard that.

6 Q Okay. If there is no connection  
7 between the businesses why would an individual  
8 working at your establishment sell someone  
9 cannabis on the second floor?

10 A I don't know.

11 Q You have no idea?

12 A I have no idea.

13 Q How closely are you monitoring your  
14 employees?

15 A How close I monitor my employees?

16 Q Yes.

17 A If I'm around I'll be monitoring right  
18 there.

19 Q So can you say for sure that your  
20 employees were not selling unlicensed cannabis  
21 product out of the second floor?

22 A I don't know.

23 You don't know?

24 A Yes.

25 Q Do you recall Officer Torres' and

1 Investigator Peru's testimony about the execution  
2 of the search warrant on January 16th? Do you  
3 recall them testifying about that?

4 A Come again? I don't understand that  
5 question.

6 Q Do you remember the officers  
7 testifying about the execution of the search  
8 warrant on January 16th?

9 A That question, but can you just  
10 explain for me simple way? Like --

11 Q Did you hear the officers testify  
12 about the raid on January 16th?

13 A Yes.

14 Q And did you hear Investigator Peru  
15 testify about the employee who is on the second  
16 floor? Do you recall that?

17 A No.

18 Q You don't remember him talking about  
19 there being an employee who was working on the  
20 second floor?

21 A I don't remember that.

22 Q Officer Peru's testimony indicated  
23 that the employee on the second floor let him  
24 into the licensed establishment on the first  
25 floor. Do, why would somebody who works on the

1 second floor have access to the first floor?

2 A I don't know what happened that day.  
3 That was my employee downstairs. And after that  
4 I have no idea what's happening.

5 Q Who has access to the establishment on  
6 the first floor?

7 A Who have access to establishment for  
8 downstairs?

9 Q Yes, downstairs.

10 A I do have access.

11 Q Does anybody else have access?

12 A It depend when somebody's open they  
13 have access to open the store.

14 Q So who are the other people that would  
15 have the ability to unlock the downstairs  
16 portion?

17 A I don't know that day who was opening  
18 the store. But I just left early. So there was,  
19 somebody was there.

20 Q Was it one of your employees?

21 A I'm not sure about that, what  
22 happened.

23 Q You don't, so your testimony is that  
24 you don't know who had access to the licensed  
25 portion of the dispensary?

1           A       Of course it's going to be my  
2 employees. But I don't know who was there. I  
3 mean, there was two, three people working at the  
4 same time. So --

5           Q       So your testimony is that you don't  
6 know exactly the name of the person who was  
7 there. But that whoever it was, was an employee  
8 of yours? Is that correct?

9           MR. NAWASH: Objection. I mean, you,  
10 that's not what he said.

11          MR. SOUTHCOTT: I'm trying to  
12 understand here.

13          MR. NAWASH: But you, I mean, you're  
14 putting words in his mouth. Just ask him a  
15 question.

16          MR. SOUTHCOTT: And he can say yes or  
17 no. And then I can ask further clarifying  
18 questions.

19          CHAIRPERSON ANDERSON: All right.  
20 Well, all right. I just think that the witness,  
21 and I think he stated English is not his first  
22 language. And so I will just ask to, for us to  
23 bear with him. If he says he doesn't understand  
24 then we rephrase the question to ask him. All  
25 right? So, all right. If you need to rephrase

1 the question, Mr. Southcott, please do.

2 BY MR. SOUTHCOTT:

3 Q Mr. Gebre, is there anybody other than  
4 you or one of your employees who has access to  
5 the licensed portion of your store?

6 A Yes, my employees they have access to  
7 the, my store.

8 Q Does anybody else apart from you or  
9 your employees have access to that portion of the  
10 store?

11 A Nobody have access but me.

12 Q Nobody else?

13 A No.

14 Q Okay. I'm just checking my notes. I  
15 have no further questions at this time.

16 CHAIRPERSON ANDERSON: Any questions  
17 by any Board Members? All right, Mr. Gebre,  
18 thank you very much. Oh, I'm sorry. Mr.  
19 Meadows, you have a question you want to ask?

20 MEMBER MEADOWS: Yes. Good afternoon,  
21 Mr. Gebre. I just want to understand if I'm  
22 hearing you correctly. You mentioned earlier you  
23 had four employees. And then you listed the  
24 employees. But you listed one of them as  
25 yourself, correct?

1 THE WITNESS: Yes.

2 MEMBER MEADOWS: And then you list,  
3 you spoke their first names. But you were unable  
4 to provide the last name of the employees.

5 THE WITNESS: Yes.

6 MEMBER MEADOWS: So I'm supposed to  
7 understand that your employees have been working  
8 for you I assume for at least months. But you  
9 don't understand their last name?

10 THE WITNESS: I'm having hard time to  
11 catch peoples' names.

12 MEMBER MEADOWS: Okay. I find that --

13 CHAIRPERSON ANDERSON: Mister --

14 MEMBER MEADOWS: -- interesting.

15 CHAIRPERSON ANDERSON: Mr. Meadows.

16 MEMBER MEADOWS: Yes. Thank you,  
17 Chairman. Let me see here. These, is there a  
18 passageway, is there a stairwell between the  
19 basement and the upper level?

20 THE WITNESS: Oh, there's a passage,  
21 yes.

22 MEMBER MEADOWS: On the inside of the

23 --

24 THE WITNESS: Yes.

25 MEMBER MEADOWS: -- building?

1 THE WITNESS: Yes.

2 MEMBER MEADOWS: Does the woman that  
3 has the lease for the upper two levels, does she  
4 have access to the basement level?

5 THE WITNESS: Yes.

6 MEMBER MEADOWS: She does?

7 THE WITNESS: Yes.

8 MEMBER MEADOWS: Okay. But earlier  
9 you said no one else except the employees and  
10 yourself have access to the basement level.

11 THE WITNESS: I mean, you talking  
12 about the door? I mean this, it's like a D.C.  
13 house. The backs, all the building have access,  
14 all I'm trying to explain.

15 MEMBER MEADOWS: Okay. All right.  
16 All right. Thank you, Chairman.

17 CHAIRPERSON ANDERSON: Well, Mr.  
18 Southcott -- Any other questions by any other  
19 Board Members? All right. Mr. Southcott, any  
20 questions of the witness based on the questions  
21 that were asked by the Board?

22 MR. SOUTHCOTT: Nothing for me.

23 CHAIRPERSON ANDERSON: Any redirect,  
24 Mr. Nawash?

25 REDIRECT EXAMINATION

1 MR. NAWASH: Yes, Your honor. Just a  
2 couple to clarify the questions that he may have  
3 been confused on. Do you have any reason to  
4 believe that any of your employees work upstairs?

5 THE WITNESS: No.

6 BY MR. NAWASH:

7 Q Do you have any reason to believe that  
8 any of your employees sold marijuana from  
9 upstairs?

10 A No.

11 Q I know you said you don't remember the  
12 first names in your, last names in your mind  
13 here. But you do have their names in the store?

14 A Yes.

15 Q Speak up.

16 A Yes.

17 Q So you have their names? You just  
18 don't have it memorized?

19 A I don't have, yes, of course. I have  
20 their names. But I don't know, I don't remember.

21 Q And where would their names be, like  
22 in full? Where would you have their names?

23 A I just call their names. I know their  
24 names. But I don't know their last name.

25 Q Like, when you pay them the checks,



1 you obviously put their last names, correct?

2 A Yes.

3 Q And so who writes the checks?

4 A Accountant.

5 Q Accountant. And you were just asked  
6 questions about access. And I think you may have  
7 confused people. You said, yes, you have access  
8 upstairs and upstairs have access downstairs.  
9 Tell us what you mean by access.

10 A I mean, if they have a door in the  
11 back. That's what I'm trying to say. But they,  
12 nobody have access to gain my store or upstairs  
13 store. But there's a door upstairs and  
14 downstairs. That's what I was trying to explain.

15 Q All right. So when you, so is it like  
16 a fire stairs? Is that what it is, it's stairs?

17 A Just a door, I mean. I have a door.  
18 My store have a door. The upstairs have a door.  
19 They don't, that's what I'm trying to say.

20 Q Okay. So if you went upstairs by  
21 yourself, let's say during after hours, would you  
22 be able to enter the stores upstairs if it's not  
23 open?

24 A No. Somebody have to open for you.

25 Q Someone has to open. Can someone come

1 from upstairs to your place without it being  
2 opened?

3 A No. Somebody have to open for to come  
4 in.

5 Q Someone has to open. Okay. That's  
6 it. No further questions.

7 CHAIRPERSON ANDERSON: All right.  
8 Thank you, Mr. Gebre, for your testimony. Have a  
9 great day. All right. Do you rest, sir?

10 MR. NAWASH: Yes, Your Honor.

11 CHAIRPERSON ANDERSON: All right.  
12 Before, since you might have forgotten such,  
13 since I remember. Are there any documents that  
14 you're trying to --

15 MR. NAWASH: Oh yes. I forgot. Thank  
16 you. Thank you, Your Honor. And so the only two  
17 documents I want to submit is just the two  
18 leases.

19 CHAIRPERSON ANDERSON: All right. So  
20 what are the, so --

21 MR. NAWASH: The lease to the upstairs  
22 and the downstairs.

23 CHAIRPERSON ANDERSON: And does the  
24 Government have an objection?

25 MR. SOUTHCOTT: No objection to the

1 submission of those two documents.

2 CHAIRPERSON ANDERSON: All right. So  
3 moved. All right. Fine. Thank you. All right.

4 MR. NAWASH: Would you mind doing them  
5 for me, please?

6 CHAIRPERSON ANDERSON: They're, the  
7 documents are, what -- So they're the two leases,  
8 which is, which will be Respondent, I guess 1 and  
9 2 are introduced into evidence.

10 All right. Okay. Now it's time for  
11 closing. What I need specifically, for the  
12 parties to specifically instruct the Board what  
13 it is that they want the Board to do.

14 Okay. So, let's start with the  
15 Government. All right. All right, does, do the  
16 parties, do they want a five minute break, or  
17 they want to go directly to closing?

18 MR. SOUTHCOTT: I'm happy to go  
19 directly into close.

20 CHAIRPERSON ANDERSON: Okay, fine.  
21 Okay. Go ahead, sir.

22 CHAIRPERSON ANDERSON: I'd also just  
23 like to save a little time for rebuttal if  
24 necessary.

25 CHAIRPERSON ANDERSON: Since you have

1 the burden, so yes, I'll give you the last word,  
2 sir.

3 MR. SOUTHCOTT: Thank you. May it  
4 please the Board, the evidence is clear that in  
5 spite of the representations to the contrary that  
6 District Cure operates as one entity, which  
7 started as a licensed operation on the first  
8 floor, and then expanded to performing unlicensed  
9 operations on the second and third floors of 2626  
10 Georgia Avenue Northwest.

11 Because it expanded into unlicensed  
12 operations, District Cure justifiably was  
13 summarily closed and had its license summarily  
14 revoked. The justifications for the summary  
15 closure provisions were apparent.

16 As you heard, District Cure was  
17 operating as an unlicensed cannabis establishment  
18 that poses an imminent danger to the health and  
19 safety of the public.

20 In particular the unlicensed  
21 establishment distributed and made available for  
22 sale or exchange cannabis that was untested by a  
23 testing laboratory, and that failed to contain  
24 any label identifying the source of the cannabis,  
25 including where it was manufactured, the contents

1 of the package, and the cannabis or cannabis  
2 products' ingredients, and THC content.

3 Those two justifications independently  
4 mean that District Cure posed an imminent danger  
5 to the health and safety of the public,  
6 justifying summary closure under DC Code Section  
7 7-1671.08(g)(2)(c) and (2)(d).

8 Now, you heard Investigator Peru  
9 testify how licensed product is labeled and  
10 tested, such that he confirmed whether cannabis  
11 has been properly tested and labeled. And the  
12 differences between properly tested cannabis and  
13 labeled cannabis are stark.

14 You heard Investigator Peru testify  
15 that when cannabis product located on the first  
16 floor, what that looks like, how it provides  
17 information about the THC content, where it was  
18 manufactured.

19 And you heard him talk about the  
20 metric system that is put in place from seed to  
21 sale that tracks when cannabis is first  
22 cultivated, and then tested, and finally sold.  
23 And that bears no resemblance to the unlicensed  
24 cannabis product that found on the second floor  
25 of District Cure.

1                   Now you saw images from SI Peru's  
2                   December 16th, 2024 visit of that unlicensed  
3                   portion of the establishment on District Cure's  
4                   shelves. And you saw that the same cannabis in  
5                   the same unlabeled packaging in MPD's police  
6                   report on the summary closure which occurred on  
7                   January 16th, 2025.

8                   Now, it does not appear to be  
9                   contested at this hearing that the establishment  
10                  that was operating out of the second and third  
11                  floors was an unlicensed cannabis establishment  
12                  that had unlabeled cannabis, and was operating in  
13                  violation of District law.

14                  It appears that the establishment's  
15                  only defense is that these two entities were  
16                  legally distinct and factually distinct from one  
17                  another, and therefore while the summary closure  
18                  of the second and third floors may be  
19                  justifiable, the summary revocation was not.

20                  But the summary revocation is  
21                  appropriate here. DC Code Section  
22                  7-1671.06(b)(1) makes clear that this Board can  
23                  revoke the license of a business who violates  
24                  provisions of District law regarding licensed  
25                  medical cannabis.

1                   And Section 7-1671.06(b)(c)(2) states  
2                   that a retailer shall cease any unlicensed  
3                   activity once it's license is issued by ABCA.  
4                   And because District Cure was engaging in sales  
5                   of unlicensed cannabis products summary  
6                   revocation is appropriate.

7                   Now the establishment argues that  
8                   there were separate leases, and that these were  
9                   separate business entities. And that the  
10                  unlicensed activities on the second and third  
11                  floor bore no connection to the licensed  
12                  activities on the first floor.

13                  This argument is simply too  
14                  implausible for this Board to accept. The  
15                  landlord testified that there were separate  
16                  leases for the first and second floor. But he  
17                  appeared to have no knowledge of any of the  
18                  operations that were taking place.

19                  The landlord testified that he had no  
20                  idea that unlicensed cannabis was being sold out  
21                  of his property. And only upon the closure of  
22                  the establishment did he learn of the illegal  
23                  cannabis operations.

24                  Even then did he take any action  
25                  against the tenant? No. But District Cure wants

1 us to believe that this individual can credibly  
2 testify that there were two separate legal  
3 entities that were unrelated, despite the fact  
4 that he can't identify any merchandise, those  
5 being legally sold, and despite the fact that he  
6 had not been to the property since November at  
7 the earliest.

8 Now the evidence also shows that the  
9 unlicensed and licensed operations were two parts  
10 of the same organization. Now, Investigator Peru  
11 testified that both had the same owner, based on  
12 his repeated interactions with Mr. Gebre on, when  
13 Mr. Gebre was in the process of receiving his  
14 license, and then when he was operating on the  
15 second floor.

16 On Investigator Peru's visit in  
17 December he testified that Mr. Gebre welcomed  
18 into the establishment, and was showing him  
19 around as to the renovations that he was  
20 performing, and about how he expanded.

21 SI Peru testified that there was the  
22 same signage and logo which existed on the first  
23 floor of the licensed portion, as well as on the  
24 second floor of the unlicensed portion.

25 This testimony was then corroborated



1 by the testimony of Mr. Gebre, who testified that  
2 there was never any different logo or advertising  
3 that was put up by the name of the operation that  
4 was supposedly operating as a distinct entity on  
5 the second and third floors.

6 Mr. Gebre struggled to provide even a  
7 name of the establishment. And he was unable to,  
8 or rather testified that he only became aware of  
9 the establishment's name after the summary  
10 closure occurred, when he reached out to the  
11 landlord for documentation relating to this.

12 This is true also when, and this, it  
13 strains credulity to believe that Mr. Gebre was  
14 aware of there being an entirely separate legal  
15 entity that was operating, that was not  
16 advertising to the public, that was selling  
17 substantially the same product, which was  
18 apparently un-concerning to Mr. Gebre, in spite  
19 of the fact that you had competition from walk  
20 ins for the exact same materials. But he was  
21 unconcerned.

22 And you also heard testimony from both  
23 SI Peru and Officer Torres about the lack of  
24 signage that occurred between the, that would  
25 differentiate between the establishments.

1                   You heard Investigator Peru testify  
2                   that the owner, after showing him around the  
3                   unlicensed portion, led him down to the licensed  
4                   portion, and took out his keys so the inspection,  
5                   so that an inspection could occur.

6                   You heard Officer Torres testify that  
7                   when the uncover buy occurred a District Cure  
8                   employee initially led the undercover officer  
9                   into the licensed portion and produced keys to  
10                  unlock it.

11                  But when the undercover officer said  
12                  that he didn't have a medical cannabis card that  
13                  employee then led the UC upstairs into the  
14                  unlicensed portion of the store. That same  
15                  employee sold the UC a \$50 dollar bag of  
16                  unlabeled cannabis product which later tested  
17                  positive for THC.

18                  Now this in conjunction with Mr.  
19                  Gebre's testimony where he said that the only  
20                  people who had keys, who had, could provide  
21                  access to the downstairs licensed portion were  
22                  people who were in his employment.

23                  So it strains belief that he was  
24                  letting other individuals who were from an  
25                  entirely, you know, unconnected commercial

1 establishment that just so happened to be  
2 operating out of the same physical location, with  
3 the same advertising, and the same employees.  
4 But we're supposed to believe that these are  
5 distinct entities.

6 Now there are tests for determining  
7 whether particular entities are the same business  
8 entity. 9-DCMR Section 158 identifies ways that  
9 you can tell whether multiple entities are in  
10 fact actually the same entity.

11 And there are four provisions that are  
12 contained within it in terms of determining  
13 whether multiple entities are in fact actually  
14 the same entity.

15 One of those is the unitary business  
16 presumption, which says that a unitary business  
17 can be presumptively shown by the presence of  
18 business activities in the same general line of  
19 business.

20 Here we had the exact same line of  
21 business. Both products, or both establishments  
22 were selling CBD and cannabis products.

23 The next factor relates to functional  
24 integration, and determines whether business  
25 segments are part of a unitary business,

1 depending on the facts and circumstances of the  
2 case. And a functionally integrating such as  
3 shared management, operations, or resources may  
4 indicate the unitary business.

5 Here we had shared operations, based  
6 on the fact that you heard Investigator Peru  
7 testify that you had employees who were on the  
8 second floor who were observing what was going  
9 down on the first floor, based on the fact that  
10 when the undercover buy occurred you had a  
11 individual who worked on the first floor who then  
12 went up to the second floor.

13 The third factor is common control in  
14 operations. Evidence of common control and  
15 shared operations can support the arguments that  
16 both were part of the same business. If you have  
17 sharing of corporate operations, such as legal,  
18 advertising, and maintenance and repairs.

19 Here we have the same landlord. We  
20 have the same advertising. And intermingling of  
21 affairs and shared resources can indicate that  
22 these separate entities are not actually  
23 independent.

24 And finally, you have intertwined  
25 business transactions. And that's the existence

1 of contacts and business transactions that  
2 closely linked these different entities.

3 So we had the same landlord here. We  
4 had the same property. We had the same  
5 advertising. All of those things point in the  
6 direction that these were not two separate  
7 entities, but one.

8 Even perhaps though more damning than  
9 any of that analysis, we have the owner's own  
10 statements. During SI Peru's regulatory  
11 inspection in December the owner told SI Peru  
12 that he had to expand into unlicensed operations  
13 on the second and third floors, because his  
14 licensed sales were too low, a fact corroborated  
15 by SI Peru's review of the metric seed to sale  
16 program.

17 And so, the conclusion is inescapable.  
18 District Cure is one entity that operates on the  
19 first floor, and the second and third floors of  
20 2626 Georgia Avenue Northwest.

21 And the licensed entity was engaging  
22 in unlicensed cannabis operations that pose an  
23 imminent risk to the health and safety of the  
24 public.

25 Therefore, the Board should uphold the

1 summary closure of District Cure, and the summary  
2 revocation of its license. Thank you.

3 MR. NAWASH: Thank you, Your Honor.

4 CHAIRPERSON ANDERSON: Hold on,  
5 please.

6 MR. NAWASH: Yes.

7 CHAIRPERSON ANDERSON: Go ahead, sir.

8 MR. NAWASH: This closing statement  
9 that was just made by opposing counsel really  
10 shows the weakness of the Government's case.  
11 Their entire case, every word they said is based  
12 on assumption that these two businesses are one.

13 They made this giant leap. And then  
14 everything else they said was based on that  
15 assumption. We, they could have done this  
16 without assuming.

17 They were there at the business. I  
18 asked Officer Peru, did you talk to the landlord?  
19 Do you know who owns the upstairs business? Did  
20 you check the lease, the articles of  
21 incorporation? Did you check any of this? And  
22 Peru said, no, no, no. He didn't. But he just  
23 assumed it was the same business.

24 We brought two land -- We brought  
25 people with actual personal information. They

1 brought nothing from anyone that has personal  
2 knowledge.

3 We brought the landlord, granted at  
4 the last minute, who spontaneously answered you  
5 that these are two separate business. One has  
6 been there for five years. Another one has been  
7 there since June, or something along those lines.

8 This is significant. It can't be  
9 brushed aside. You had an opportunity to cross  
10 examine the landlord. There was an opportunity.  
11 And he did. And the landlord kept repeating,  
12 these are two separate business. One came five  
13 years before the other.

14 Their, I guess the most difficult  
15 thing or, is that their main witness, or the  
16 person that they're accusing of being an employee  
17 of my client, who supposedly went upstairs, they  
18 said it's an unidentified individual.

19 And they just brushed that aside as if  
20 it doesn't mean anything. They have the burden,  
21 not us. Their, the only burden they met is to  
22 tell us that some unidentified person. Well, why  
23 is this person unidentified?

24 You were there. You could have asked  
25 him, what's your name? They raided this store.

1 They went upstairs. I asked them, did you  
2 apprehend this person? Did you ask him if he  
3 owned the business below? They didn't ask any of  
4 that.

5 And yet they expect to terminate a  
6 dispensary that costs hundreds of thousands of  
7 dollars based on an assumption, when we don't  
8 have to assume, when you could have asked direct  
9 questions.

10 You could have asked on the day that  
11 you were there, who are you, sir? What's your  
12 name that you're taking me upstairs? Do you work  
13 for the business downstairs? They didn't ask any  
14 of this.

15 They assume. The only thing my client  
16 is guilty of, and I think that's probably why,  
17 that causes the biggest problem is his English is  
18 terrible. And he's unable to articulate his  
19 views. We saw that here today.

20 You ask him one question, he says one  
21 thing. And a few minutes later he says something  
22 else. Not because he's changing his story,  
23 because he genuinely doesn't understand.

24 A perfect example of when we were  
25 talking about the back access. He said, yes, we



1 can go upstairs. And later, we can come  
2 downstairs.

3 At first the Government got excited,  
4 thinking wow this is an admission. Until I came  
5 and caught, and redirected him. I told him, what  
6 do you mean by access? They thought he was  
7 talking about a common stair area that doesn't  
8 allow you in each other's stores.

9 I think he shot himself in the foot  
10 with his language. We can't ignore the fact that  
11 the landlord came here, who is unattached to any  
12 of us. And the Government tried to question the  
13 landlord. Sorry about that. I have dry mouth.

14 The land, the Government attorney  
15 tried to question the landlord to see what his  
16 relationship is with my client. Presumably to  
17 show that there's entrenched relations between  
18 these people, that this person will come testify  
19 a self serving testimony. No.

20 There was no relations. We called  
21 this person at the last minute after we saw the  
22 evidence that came in, with no preparation. I  
23 asked him four or five questions. And you  
24 repeatedly asked him numerous other questions.  
25 And he was consistent. These are two separate

1 businesses.

2 Every piece of evidence, I realize in  
3 administrative procedure, under Administrative  
4 Procedures Act the rules of evidence are more  
5 lax. I realize that.

6 But at the same time the rules of  
7 evidence are not thrown out the window. Every  
8 piece of evidence, every iota, every word that  
9 was presented by the Government was hearsay.

10 Nothing was based on direct  
11 information. Nothing. Nothing. Not one thing  
12 was based on personal information. This is  
13 significant. It can't be ignored. We're talking  
14 about taking a person's livelihood based on  
15 assumptions.

16 He himself testified that yes, I went  
17 there. He didn't deny it. He could have said,  
18 no, I never went up there. He said, I did go up  
19 there. I went there more than once. Why did you  
20 go up there? He says, I'm trying to buy the  
21 place.

22 The landlord said that he approached  
23 him trying to buy the place. Trying to lease it.  
24 I'm sorry. Because he's in the basement level,  
25 and he wants to be upstairs. He testified that

1 he heard that the upstairs business was going out  
2 of business, and he's trying to take it.

3 There's nothing that he said that was  
4 contradictory or inconsistent. It may have  
5 sounded that way. But once we clarified the  
6 language, once we explained to him what was being  
7 asked of him, he answered appropriately and  
8 consistently.

9 These are consistent arguments that  
10 are being made. I don't own the above business.  
11 I never worked in the above business. I have no  
12 interests in the above business. I have a lawful  
13 license. I'm a dispensary. I'm selling legal  
14 products.

15 And contrary to what the Government  
16 said right now, even the closing statement, even  
17 the closing statement, I had to sit here and  
18 cringe.

19 He said that my client said something  
20 that was never said. It's all based on  
21 assumption. Everything you're, the Government's  
22 entire case is based on assumption.

23 They said that my client admitted to  
24 owning this place, to going up there and selling.  
25 He denied that. He denied that.

1           We had Officer Peru, I still don't  
2 know what was the significance, I'm sorry, not  
3 Officer Peru, the Officer Torres. I still don't  
4 know what was the significance of his testimony.

5           He was reading off a piece of paper  
6 that someone else wrote. This would not be  
7 accepted -- I realize this is administrative  
8 court. This would not be accepted in another  
9 court.

10           When you could bring the person who  
11 actually did this, the other officer, supposedly  
12 the unidentified officer. I did criminal law in  
13 the past. And in situation like this there are  
14 ways to do it.

15           He could come and testify behind a  
16 screen. We don't have to show his name. He  
17 could say, I'm John Doe officer. I'm the one who  
18 went there. But he would be speaking under  
19 personal information.

20           This prejudiced me. I could not  
21 question, I could not ask one -- This is why I  
22 only asked one or two questions to Officer  
23 Torres. He doesn't know anything. He didn't see  
24 anything.

25           All he showed us was weed, marijuana

1 presumably that came from the second floor.

2 Okay. So the second floor sells weed that may be  
3 unlicensed. You all didn't arrest him. But you  
4 still haven't tied that weed to my client.

5 When I asked Mr. Peru, I told him, is  
6 the dispensary violating any rules? He said, no.  
7 The dispensary is following every rule. He never  
8 found one violation with the dispensary.

9 He found violations with the upstairs.  
10 But we don't own the upstairs. They have their  
11 own owner that they didn't arrest. Why wouldn't  
12 they arrest, or at least interrogate the owner?  
13 Why wouldn't they interrogate the above owner and  
14 ask him these questions that are being told or  
15 testified to here?

16 Well, he owns the upstairs. Okay.  
17 You were there. You detained the owner of the  
18 upstairs. Why wouldn't you ask him, do you own  
19 this? Do you have part ownership downstairs?  
20 Does the downstairs have part ownership upstairs?

21 Unbelievable. Unbelievable that they  
22 had this person in their hands and they don't ask  
23 him. Not one question. And put me in an  
24 uncomfortable, prejudicial position that I have  
25 to sit here and listen to an Officer Torres, who

1 didn't go there, who didn't see anything. And to  
2 testify as if it's all true. I can't cross  
3 examine him. He doesn't know anything.

4 He showed us pictures of marijuana  
5 bags. What does that tell us? He showed us  
6 gummies and lollipops. What does that show us?  
7 Nothing. He said, I got it from upstairs. Well  
8 okay. That's only significant if you tied the  
9 downstairs to the upstairs.

10 The entire testimony of Officer Torres  
11 is irrelevant. Because it only makes sense if we  
12 establish beyond a, you know, 100 percent that  
13 downstairs and upstairs is one business. It was  
14 never established.

15 It may not sound right. It may smell  
16 bad. It may look suspicious. But we can't, we  
17 in the law, we can't go based on, well I have a  
18 hunch this is not right. There has to be actual  
19 evidence.

20 There has to be actual evidence.  
21 There was none presented in this case. I know it  
22 may seem like it. But if you really look at it  
23 there was nothing presented. There was nothing  
24 presented.

25 Everything that's presented is from

1 upstairs. But they never made the initial link.  
2 The initial link is important. And that's where  
3 their failure happened.

4 And it's inexplicable. And the thing  
5 is again, we don't have to be in this position.  
6 We don't have to be my word versus Officer Jason  
7 Peru's word. It doesn't have to be my, or my  
8 client's word against Officer Torres' word.

9 We don't have to be in this position.  
10 You could have asked the land -- the second floor  
11 owner to come here today. You could have  
12 subpoenaed him. I don't know if you have the  
13 power of subpoena. But you could have at least  
14 asked him.

15 He was detained. Most people are  
16 scared to death when they're being detained by  
17 police officers. And they would answer anything.  
18 They didn't ask him.

19 And yet you didn't, you had an  
20 opportunity. You blew it. You didn't ask. And  
21 now you're saying, oh no, they have to be the  
22 same.

23 And so we're closing your license.  
24 And tough. Tough. I don't care if you spend  
25 your entire livelihood on this thing if we have a

1 hunch that this is the same business.

2 Look at the closing argument. All we  
3 heard was summary legal conclusions. No facts.  
4 I listened to every word opposing counsel said.  
5 Not one iota of evidence. All he gave us was  
6 conclusions of law.

7 I presume he was reading from a  
8 statute. That's not how it works. That's not  
9 how it works. Certainly it was prepared before  
10 today. Oh, did I lose you all? No.

11 Certainly it was prepared before today  
12 because he was reading from it. I know when  
13 someone's reading from a piece of paper. The  
14 Government did not meet its burden. Did not meet  
15 its burden.

16 My client, his testimony is stronger  
17 than anyone that the Government brought, because  
18 he actually has personal knowledge. The landlord  
19 actually has personal knowledge. They testified  
20 based on personal knowledge.

21 It's much stronger than certainly  
22 Torres, who knew, who saw nothing, didn't go over  
23 there. He was just reading from piece of paper.  
24 Of Officer Peru, why wouldn't you, you know, I'm  
25 not going to cast, I'm not going to say that he's



1 lying.

2 But when I looked at the interaction  
3 between opposing counsel and my client right now,  
4 and before that with the Honorable Mr. Anderson,  
5 when I saw the questions, and similarly the  
6 questions with Mr. Meadows, Supervisor Meadows.

7 In every interaction between all three  
8 of you and my client there was an instant  
9 misunderstanding, where the questions has to be  
10 repeated a few times before my client understood  
11 what was going on.

12 So why wouldn't this happen with  
13 Officer Peru? This is why I wanted him to come  
14 and testify today without an interpreter.  
15 Because he didn't have an interpreter today.

16 CHAIRPERSON ANDERSON: Hold on, sir.

17 (Simultaneous speaking)

18 CHAIRPERSON ANDERSON: Hold on. Hold  
19 on. But he never, one was never requested. I  
20 just want the record to reflect that your client  
21 never requested an interpreter --

22 MR. NAWASH: Well, that's my point.

23 CHAIRPERSON ANDERSON: -- be  
24 available. Okay. I just want to make sure that  
25 you're not saying that he needed one --

1 MR. NAWASH: No, no.

2 CHAIRPERSON ANDERSON: -- and one was  
3 not provided.

4 MR. NAWASH: No.

5 CHAIRPERSON ANDERSON: Okay. Okay.  
6 I apologize.

7 MR. NAWASH: What I'm saying is, even  
8 if I could get one I didn't want one. Because  
9 even though I knew his English at best, if we're  
10 talking about one being, or zero being no English  
11 to ten being fluent, I would give him three at  
12 best.

13 The reason I wanted him to testify,  
14 because even in my own talks with him, every  
15 other sentence became misunderstood. And I saw  
16 the same thing happen with all three of the  
17 people who asked him questions here. Everyone.

18 I mean, to the point that Mr. Meadows  
19 at some point, it seemed to me got frustrated and  
20 said, I have trouble believing this. And I had  
21 to redirect him to get it clear. And I had to  
22 use, you know --

23 Maybe it's a little bit easier for me  
24 because my parents are immigrants from a  
25 different part of the world. And I understand

1       how to talk to people who barely speak English.  
2       You have to use very simple language. And  
3       sometimes you have to repeat it using a different  
4       set of words.

5                   I think this is all a  
6       misunderstanding. And here ABCA, which I really  
7       believe is sincere. I really believe Mr. Peru  
8       really believes that my client owns the upstairs.  
9       I really believe that Mr. Torres probably  
10      believes.

11                   You know, I don't believe anyone's  
12      lying here. I don't believe that, you know, Mr.  
13      Southcott lied when he gave anything. I don't  
14      believe that.

15                   But I really believe it's one  
16      misunderstanding over the other, based on  
17      assumptions over assumptions. And we got into a  
18      disaster.

19                   This is a simple case. You can't  
20      ignore my client's testimony, who is the only one  
21      who has direct knowledge. You can't ignore the  
22      landlord's testimony, who has actual direct  
23      knowledge, and give more weight to people who  
24      don't know anything, who have no personal  
25      information. It doesn't work that way.

1                   And I don't want to say any more. I  
2 think I'm getting, I got dry mouth. So I want to  
3 cut it so I can let you all go home early.

4                   CHAIRPERSON ANDERSON: No. We still  
5 have a full calendar. Because this is the first  
6 case that we had, that started at 10:30 a.m.,  
7 sir. We have --

8                   MR. NAWASH: It's 3:30 p.m., so that's  
9 your day.

10                  CHAIRPERSON ANDERSON: You took my  
11 entire day. And we have maybe about --

12                  MR. NAWASH: Sorry.

13                  CHAIRPERSON ANDERSON: We have maybe  
14 like five --

15                  MR. NAWASH: It's his fault.

16                  CHAIRPERSON ANDERSON: -- more cases.  
17 Well, it is the operation of justice. So we  
18 still have our full calendar to move forward  
19 with. But I want to thank -- All right, Mr.  
20 Southcott, do you, you have the last word. So  
21 I'll give you --

22                  MR. SOUTHCOTT: Yes.

23                  CHAIRPERSON ANDERSON: -- four  
24 minutes, sir.

25                  MR. SOUTHCOTT: I'll make a brief

1 rebuttal. There are several points in opposing  
2 counsel's close I'd like to address.

3 One of them is the fact that opposing  
4 counsel makes much hay of the fact there was an  
5 unidentified individual who in the summary, or in  
6 the undercover buy who took the UC officer from  
7 the first floor to the second floor, and sold  
8 them unlicensed product.

9 For reasons that Officer Torres  
10 explained, an officer conducting a UC buy isn't  
11 going to ask the identity of people who are  
12 engaged in that type of operations.

13 Because they didn't want to appear  
14 suspicious and give away that they are engaged in  
15 police activity. They are trying to appear to  
16 be, blend in and be forgettable.

17 So those individuals are not going to  
18 be asking those questions. It's completely  
19 unsurprising that this person is unidentified.

20 But what we do know is that based on  
21 Mr. Gebre's testimony that the only people who  
22 had access to the first floor were employees of  
23 his.

24 And so, when opposing counsel comes  
25 and says that our entire case was based on

1 hearsay and based on assumptions, and based on  
2 conclusions, that's not true.

3 Because we have the testimony of SI  
4 Peru, who testified as to his direct  
5 interactions, not hearsay, with Mr. Gebre on  
6 December.

7 We have both Investigators Torres and  
8 Peru who testified as to their participation in  
9 the raid which occurred, the execution of the  
10 search warrant which occurred on January 16th of  
11 this year.

12 That is direct testimony based on  
13 experience that both of those individuals had  
14 from being present in the establishment. Both of  
15 them could describe the layout of the  
16 establishment.

17 Both of them, SI Peru talked about how  
18 the establishment did not, shared rather, not  
19 just didn't have different, but shared  
20 advertising between the first and second floors.  
21 That is unrebutted testimony.

22 And so, the District is willing to  
23 concede that there were separate leases that were  
24 signed between the first floor and the second  
25 floor. Although the District will note that

1 those leases are signed on the exact same day.

2           Regardless of that there, the evidence  
3 shows in spite of the fact that they may have  
4 created a legal fiction to try and preserve the  
5 argument that they were separate entities, there  
6 was such a commingling of the entities based on  
7 unrefuted direct testimony that supports the  
8 conclusion that in fact these were not separate  
9 legal entities, but were in fact the same  
10 business entity.

11           They were sharing employees. And  
12 individuals who were on the second floor could  
13 look at operations that were happening on the  
14 first floor. The owner of the first floor was  
15 present on the second floor.

16           The, and most damningly, the owner, on  
17 the second floor when Investigator Peru came,  
18 confessed and stated that the reason why he was  
19 expanding into the second and third floors was  
20 because of the low sales of licensed product.  
21 And that's why he had to expand into unlicensed  
22 product.

23           This is direct testimony that Officer,  
24 that Investigator Peru provided, which is  
25 contained in the case report.

1           So the suggestion that the District is  
2 basing its entire case on hearsay and inference,  
3 and has no substantial facts and direct testimony  
4 to back it up simply isn't supported by the  
5 facts. There is ample evidence showing that  
6 these operations that they try to say are  
7 distinct are in fact the same.

8           There is, the landlord could not  
9 testify as to what operations was taking place on  
10 the second floor. He could not testify at all as  
11 to what product was, what was being sold. So his  
12 argument that oh well he said that they are  
13 separate entities, that carries no water, because  
14 he wouldn't know.

15           Contrast that with SI Peru, who  
16 visited both establishments on multiple occasions  
17 and saw that they were substantially the same,  
18 being run by substantially the same people.

19           You heard SI Peru say that he is  
20 convinced that the same person who was operating  
21 the first establishment, the establishment on the  
22 first floor, is operating the establishment on  
23 the second floor. And the evidence bears that  
24 out.

25           When the undercover officer went down



1 to the first floor to try to buy unlicensed,  
2 rather to try to buy licensed product he was  
3 directed by the same employee up to the second  
4 floor so that that employee could sell him  
5 unlicensed product.

6 You have this commingling that is  
7 unrefuted that those events took place. That  
8 there was unrefuted testimony that you had this  
9 transfer of an overlap in terms of ownership, in  
10 terms of employees, in terms of location, in  
11 terms of advertising.

12 Mr. Gebre himself testified that he  
13 had no idea what even the name of the  
14 establishment was until after it had been closed.

15 And yet we're supposed to believe that  
16 these are totally legally separate entities, and  
17 that he would have no objection whatsoever to the  
18 fact that, in spite of the fact that his business  
19 was predicated on the sale of legal cannabis,  
20 that he was unaware of unlicensed cannabis being  
21 sold, in spite of the fact that he was present in  
22 the establishment and saw the same jars that we  
23 saw, saw the same gummies that we saw.

24 And yet his testimony is, oh, I didn't  
25 know that that was cannabis, even though that is

1 his line of business. It strains credulity.

2 And so the logical conclusion here is  
3 that, not that these are separate entities, but  
4 rather a legal conclusion can and should be drawn  
5 that these are the same business entity.

6 And as such it is appropriate for this  
7 Board to uphold both the summary closure and the  
8 summary revocation.

9 Now, I will say in the event that the  
10 Board decides that, you know, in spite of all the  
11 evidence to the contrary, somehow the Board  
12 decides that these are separate legal entities,  
13 the summary closure of the second and third floor  
14 should still be upheld.

15 Because there's been no testimony that  
16 has been provided by any party to refute the fact  
17 that there was unlicensed cannabis sales that  
18 were happening on the second and third floors  
19 that was resulting in the sale of unlabeled  
20 cannabis.

21 And that on its own provides an  
22 independent judgment for summary closure of that  
23 establishment, based on the labeling provisions,  
24 meaning that that establishment was a threat to  
25 the health and safety of the public.

1 Both the summary revocation and the  
2 summary closure are appropriate. But in the  
3 alternative the District wants to make clear that  
4 at the very minimum the summary closure should be  
5 upheld. Thank you.

6 MR. NAWASH: Your Honor, if I might  
7 just say --

8 CHAIRPERSON ANDERSON: No, no, sir.

9 MR. NAWASH: No, not in rebuttal.

10 CHAIRPERSON ANDERSON: No.

11 MR. NAWASH: Because I forgot to --

12 CHAIRPERSON ANDERSON: You forgot to  
13 what, sir?

14 MR. NAWASH: You told me to say what  
15 we wanted. And I forgot to tell you. That's  
16 all. You know, in terms of this summary. We  
17 don't object to them closing the upstairs. It's  
18 not ours.

19 CHAIRPERSON ANDERSON: All right.  
20 Okay. All right. I know I was supposed to have  
21 asked you that at the beginning when you  
22 presented your case. How are you going to --

23 But I guess it's clear to the Board  
24 that you're providing two leases. So it's your  
25 assertion it's two separate business. And as

1 stated by Counsel, that's a legal fiction.

2 But that's up to the Board to  
3 determine whether or not it's two separate  
4 businesses, or whether or not that's a legal  
5 fiction as the Government is claiming, pursuant  
6 to 9-DCMR 158. Okay?

7 All right. So thank you for your  
8 presentation today. Let me close this case. I  
9 mean, the Board -- All right. So as Chairperson  
10 of the Alcoholic Beverage and Cannabis Board for  
11 the District of Columbia, in accordance with DC  
12 Official Code Section 2575 of the Open Meetings  
13 Act, I move that ABC Board hold a closed meeting  
14 for the purpose of seeking legal advice from our  
15 Counsel on Case number 24-ULC-00056, District  
16 Cure Dispensary, pursuant to DC Official Code  
17 Section 2575(b)(4)(a) of the Open Meetings Act,  
18 and deliberate upon Case number 24-ULC-00056,  
19 District Cure Dispensary, for the reasons cited  
20 in DC Official Code Section 2575(b)(13) of the  
21 Open Meetings Act. Is there a second?

22 MEMBER GRANT: Mr. Grant. I second  
23 the motion.

24 CHAIRPERSON ANDERSON: Mr. Grant has  
25 second the motion. We'll now have a roll call

1 vote. Mr. Grant.

2 MEMBER GRANT: Mr. Grant. I agree.

3 CHAIRPERSON ANDERSON: Mr. Meadows.

4 MEMBER MEADOWS: Mr. Meadows. I  
5 agree.

6 CHAIRPERSON ANDERSON: Mr. Jones. Mr.  
7 Jones.

8 MEMBER JONES: Mr. Jones. I agree.

9 CHAIRPERSON ANDERSON: And Mr.  
10 Anderson. I agree. As it appears that the  
11 motion has passed four zero I hereby give notice  
12 that ABC Board will recess these proceedings to  
13 hold a closed meeting pursuant to Section 2575 of  
14 the Open Meetings Act.

15 The Board will issue its decision, it  
16 says within five days if it must within -- The  
17 Board will issue its decision within five days.  
18 I think that with the, within that, this matter  
19 was appealed timely, maybe by impact, or  
20 timeline.

21 But I think, the regulation says that  
22 we have five days from the date of the hearing to  
23 issue our decision. And we will comply to issue  
24 our decision. Thank you very much. Have a great  
25 day.

1 MR. NAWASH: Thank you very much.

2 Thank you.

3 CHAIRPERSON ANDERSON: All right.

4 MR. SOUTHCOTT: Thank you.

5 CHAIRPERSON ANDERSON: All right.

6 (Whereupon, the above-entitled matter

7 went off the record at 3:45 p.m.)

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**A**  
**A-B-E-L** 8:13 153:1  
 173:24  
**a.m** 3:2 38:19,20 40:2,3  
 162:6,7,7 163:5,6,9  
 174:20,24,24 220:6  
**ABC** 3:14 4:5 9:1 39:5  
 39:20 228:13 229:12  
**ABCA** 1:21,23 9:6  
 22:13,16,22 31:1  
 43:10 48:6,8 62:18  
 70:21 71:2 75:8,14  
 99:7,13,20 100:10  
 107:14 119:19 131:14  
 159:6 163:14 164:19  
 164:22 165:3 199:3  
 219:6  
**ABCA's** 3:19 49:4  
**Abel** 1:21 2:6 8:9 9:21  
 23:9 138:18,19  
 139:18 148:1 152:5  
 152:10,21 173:24  
**abide** 110:16  
**ability** 5:3 31:3 54:22  
 103:7 156:18 187:15  
**able** 15:6 56:19 64:2  
 67:13 72:3 92:25  
 103:2,18 130:2 183:7  
 193:22  
**above-entitled** 38:18  
 40:1 132:3 230:6  
**absolutely** 61:20 82:15  
 82:16,16 95:12 96:3  
 97:22  
**accept** 13:14,19 199:14  
**accepted** 212:7,8  
**access** 5:19,20,21,22  
 18:24 19:2 20:9 22:24  
 23:14,18,20 27:8  
 28:16 29:12,14 30:23  
 30:25 35:15 57:24  
 61:5 79:13 88:1  
 133:25 187:1,5,7,10  
 187:11,13,24 189:4,6  
 189:9,11 191:4,10,13  
 193:6,7,8,9,12 202:21  
 208:25 209:6 221:22  
**Accidentally** 184:9  
**account** 3:24  
**Accountant** 174:5  
 193:4,5  
**accounts** 49:10  
**accurate** 51:8 57:7  
 108:10  
**accusing** 207:16  
**acknowledge** 50:9  
**acquire** 59:9 61:13  
**Act** 3:8 39:4,9,22 210:4

228:13,17,21 229:14  
**action** 1:8 5:14 12:19  
 25:23 42:10 76:16,19  
 78:8,14,20 128:12,16  
 147:23 148:4,5,17,21  
 199:24  
**actions** 28:24 64:16  
**active** 68:4  
**activities** 44:6 147:9  
 199:10,12 203:18  
**activity** 27:20 53:4  
 62:25 70:7,10 199:3  
 221:15  
**acts** 40:15  
**actual** 18:25 19:4 30:16  
 33:3 46:24 69:17 74:3  
 79:19 206:25 214:18  
 214:20 219:22  
**add** 11:11,14 13:25  
**address** 3:25 26:2  
 75:15 96:18 100:16  
 131:19 138:23 145:23  
 153:14 221:2  
**adhere** 107:17  
**Administration** 48:6  
**administrative** 110:15  
 110:17,18 210:3,3  
 212:7  
**admissibility** 107:17  
 109:14  
**admissible** 107:7,15  
 109:14,16 110:18  
**admission** 169:23  
 209:4  
**admit** 169:17  
**admitted** 44:5 211:23  
**adult** 27:5  
**advance** 3:19  
**advertisement** 180:14  
**advertising** 62:20  
 180:10 201:2,16  
 203:3 204:18,20  
 205:5 222:20 225:11  
**advice** 30:2 39:6 82:9  
 228:14  
**advised** 19:24 62:16  
 65:21  
**advisement** 15:10  
**affairs** 204:21  
**affirm** 16:13 90:25  
**Afram** 18:21 20:18  
 24:11,20 127:1  
**African** 27:4  
**after-hour** 29:24  
**afternoon** 90:17 135:12  
 135:15 170:8 189:20  
**agency** 68:25  
**Agency's** 50:13

**agenda** 3:21  
**ago** 129:1 142:17  
 146:22 150:20 172:1  
**agree** 36:6,7 39:15,17  
 39:19 41:17,19,21,23  
 46:22 127:24 158:21  
 229:2,5,8,10  
**agreement** 73:16 80:11  
 132:25 145:4,5,13  
 156:8  
**ahead** 17:2 45:7 47:21  
 50:14 77:10 87:1  
 107:12 109:11 129:5  
 140:12 157:20 195:21  
 206:7  
**alcohol** 29:24  
**Alcoholic** 1:2,13 3:5,9  
 39:2 48:5 228:10  
**allegation** 165:4  
**allegations** 14:25  
**alleged** 81:10  
**allegedly** 148:16  
**allow** 13:22 41:11 49:25  
 50:3 72:10 98:11  
 103:6 108:4 110:25  
 209:8  
**allowances** 60:10  
**allowed** 10:22 56:12  
 60:14 65:5 84:3  
 183:21  
**allowing** 9:8  
**allows** 6:9  
**alternative** 227:3  
**amendment** 19:17  
 115:8 116:3 117:13  
**American** 27:5  
**Amharic** 166:24  
**ample** 224:5  
**analysis** 205:9  
**Anderson** 1:14,17 3:3  
 4:3,11,15,17 5:25 6:6  
 6:10,24 7:8,14,21,25  
 8:6,11,14 9:10,20  
 10:2,11,24 11:16,25  
 12:1 13:13 14:12,24  
 15:20 16:5,23 21:5,14  
 21:18 24:7 25:1 26:19  
 27:10 28:8 29:1,5,9  
 31:9 32:11,16 34:2,23  
 35:5 36:4,8,16,19  
 37:17 38:10,14,21  
 39:12,16,18,19 40:4  
 41:14,18,20,22,23  
 42:2,7 44:24 45:6  
 47:12,19 50:2,11  
 54:21 55:2 68:8 71:18  
 71:24 72:9,22 73:3,10  
 73:17 74:4,8,16,23

75:3,12,20 76:1 77:4  
 77:9,14,23 78:13 80:6  
 80:17 81:5,6,15,19,23  
 82:2,12,17 83:16,23  
 84:4,13,19,24 85:8,22  
 86:16,22 89:3,7,13,16  
 89:24 90:8,12,15,20  
 90:24 91:3,6 96:16,23  
 97:6 98:10 103:5,9,14  
 103:25 104:7 105:25  
 106:7 107:12 108:9  
 109:10 110:13 114:7  
 114:10 116:17,19  
 119:1,3 126:11  
 128:20 129:3,11  
 130:18,24 131:4,7,10  
 131:17 132:1,6  
 133:12,16,20 134:1,7  
 134:15 135:11,22  
 136:2,6,14,21 137:1  
 137:19 138:4,13  
 140:8,11 146:9,10,14  
 147:3,11,17,22 148:6  
 148:11,14 149:2,8,11  
 149:16,21 150:5,10  
 150:18,23 151:6,11  
 151:18,21 152:1,7,15  
 152:22 155:21 156:1  
 156:10,14,23 157:1,4  
 157:12,19 158:11,15  
 158:18 169:16 170:2  
 170:5,20 171:2,7,15  
 173:13 188:19 189:16  
 190:13,15 191:17,23  
 194:7,11,19,23 195:2  
 195:6,20,22,25 206:4  
 206:7 217:4,16,18,23  
 218:2,5 220:4,10,13  
 220:16,23 227:8,10  
 227:12,19 228:24  
 229:3,6,9,10 230:3,5  
**announce** 4:7  
**answer** 5:12 13:24  
 15:19 24:8 32:20  
 35:17 61:8 80:7,7  
 97:5,15 98:12 155:6  
 160:6 171:11 215:17  
**answered** 19:21 37:18  
 158:22 207:4 211:7  
**answering** 61:3 80:9  
**anybody** 99:12 117:1  
 187:11 189:3,8  
**anyone's** 219:11  
**anytime** 95:13 144:2  
**anyway** 104:8 148:5  
**apart** 117:1 189:8  
**Apartment** 145:15  
**apologize** 16:24 21:17

162:16,21 218:6  
**apparent** 196:15  
**apparently** 201:18  
**appealed** 229:19  
**appeals** 58:15  
**appear** 70:6 112:19  
 198:8 221:13,15  
**appeared** 199:17  
**appears** 5:23 9:15  
 45:23 49:11 198:14  
 229:10  
**application** 72:15,16  
**applied** 83:6 172:4  
**apply** 83:5  
**appointment** 148:2,24  
 149:1 150:3  
**apprehend** 93:18  
 126:19 208:2  
**approached** 46:6 79:18  
 210:22  
**appropriate** 97:20 98:8  
 198:21 199:6 226:6  
 227:2  
**appropriately** 211:7  
**approved** 29:20  
**approximate** 69:21  
**approximately** 93:3  
 98:25 99:3 116:25  
 117:14,15  
**area** 15:2,5 22:15 54:13  
 55:13 209:7  
**areas** 63:11  
**argues** 199:7  
**argument** 14:3 15:13  
 74:25 199:13 216:2  
 223:5 224:12  
**arguments** 21:15,19  
 26:21 204:15 211:9  
**arrest** 92:5,6,17 94:8  
 101:4 126:22 213:3  
 213:11,12  
**arrested** 127:6 129:13  
 129:14  
**arrestee** 94:2  
**arresting** 92:13,22 94:5  
 108:4 109:22  
**arrived** 52:13 114:18  
**articles** 206:20  
**articulate** 208:18  
**ascertain** 96:20  
**Ashami** 18:22 20:18  
 22:8 24:11 127:1  
**aside** 207:9,19  
**asked** 21:11 28:3 31:13  
 55:16 57:13 64:6 79:5  
 86:1 88:17 101:17  
 106:22 109:3 128:18  
 151:16 164:11,24

165:3 171:1 191:21  
 193:5 206:18 207:24  
 208:1,8,10 209:23,24  
 211:7 212:22 213:5  
 215:10,14 218:17  
 227:21  
**asking** 6:1 11:1,2,2  
 13:18 14:7 16:21  
 21:15,20 35:18 60:6  
 77:21 97:10 109:1  
 128:21 135:20 141:21  
 147:14 162:12 164:19  
 171:4 184:19 221:18  
**asks** 26:24 171:10  
**assertion** 227:25  
**assigned** 100:9  
**assistance** 5:10  
**Assistant** 7:6  
**assume** 190:8 208:8,15  
**assumed** 46:20 138:11  
 152:13 206:23  
**assuming** 206:16  
**assumption** 206:12,15  
 208:7 211:21,22  
**assumptions** 210:15  
 219:17,17 222:1  
**attempt** 12:23 64:7  
 93:14 96:20  
**attempted** 12:11  
**attempting** 98:3  
**attempts** 93:24  
**attendance** 4:18 89:12  
 89:15  
**attention** 76:14 96:6,7  
 121:14 125:1,13  
 137:6 159:20 162:25  
**attorney** 7:6,12 27:18  
 37:19 41:1,4 77:16  
 78:20 109:3 129:7  
 132:18 169:13 170:23  
 209:14  
**August** 67:12  
**authentication** 74:11  
**authenticity** 74:19  
**author** 94:6  
**authored** 113:15 115:8  
**authorized** 3:15  
**available** 3:11 25:3 30:3  
 54:11 84:5,12,15 85:3  
 196:21 217:24  
**Ave** 100:2 141:25  
 170:17  
**avenue** 1:8 42:12 45:11  
 45:13 101:15,23  
 113:19 119:13 121:25  
 122:16 123:1,13  
 124:1,21 138:25  
 145:14 153:16 196:10

205:20  
**aware** 17:16 49:5 78:23  
 100:7 144:12,16  
 176:10,15 179:16,16  
 179:18 201:8,14

---

**B**


---

**B** 40:18  
**B-A-P-T-I-S-T-E** 7:20  
**B-E-Z-A** 173:23  
**B-R-K-E** 173:23  
**b4a** 39:9  
**back** 6:22 16:2,2 18:3  
 20:8,9,12 25:9 38:22  
 39:25 52:10 57:12  
 63:17 64:2 71:4 75:25  
 76:2 79:7 83:4 85:9  
 94:1 102:13 111:14  
 128:22 129:19 131:21  
 131:22 132:6,7  
 142:15 146:22 150:17  
 150:20 157:16,18  
 175:3,4 176:20  
 193:11 208:25 224:4  
**background** 15:2 97:17  
**Backpackboyz** 56:3  
**backs** 191:13  
**backup** 95:20  
**bad** 214:16  
**bag** 102:9 106:16 107:4  
 112:6 120:17 202:15  
**bags** 120:18 122:14  
 123:22 214:5  
**Baptiste** 12:10 13:9,14  
 74:5  
**barely** 157:10 219:1  
**bars** 83:21  
**base** 67:20  
**based** 19:17 22:13  
 31:12 40:20 44:2 47:3  
 50:24 64:21 67:12  
 85:25 106:25 112:23  
 113:15 151:15 182:18  
 191:20 200:11 204:5  
 204:9 206:11,14  
 208:7 210:10,12,14  
 211:20,22 214:17  
 216:20 219:16 221:20  
 221:25 222:1,1,12  
 223:6 226:23  
**basement** 19:1 29:17  
 29:18 30:11 32:4  
 35:12,16 65:5 68:5  
 83:10,15 88:6,9,10  
 130:11 138:22 139:15  
 139:23 148:23 153:17  
 153:18,19 184:6,16  
 190:19 191:4,10  
 210:24  
**basic** 58:21 133:2  
**basically** 16:15 65:15  
 80:3 82:20  
**basing** 224:2  
**basis** 74:9 110:21  
**batches** 67:3  
**bear** 188:23  
**bears** 197:23 224:23  
**beginning** 227:21  
**behalf** 7:6 8:3  
**belief** 202:23  
**believe** 11:23 14:4 18:2  
 18:21 20:24 22:9,19  
 23:1,3,4,15 25:2,7  
 26:17 31:6 34:2 40:21  
 40:21 46:15 57:2  
 61:16 67:10 72:1,3  
 74:12 75:3 77:4 84:15  
 87:4 90:10 99:6,6  
 100:17 130:13 136:3  
 150:25 156:17 184:4  
 192:4,7 200:1 201:13  
 203:4 219:7,7,9,11,12  
 219:14,15 225:15  
**believe'** 23:2  
**believe,'** 23:5  
**believes** 219:8,10  
**believing** 218:20  
**best** 23:16 63:8 173:21  
 173:21 218:9,12  
**Beverage** 1:2,13 3:5  
 39:2 48:5 228:10  
**Beverages** 3:9  
**beyond** 32:14 214:12  
**Beza** 173:23  
**bigger** 161:2 184:11  
**biggest** 208:17  
**binding** 10:15  
**bit** 97:2 115:22 218:23  
**blatantly** 44:10  
**blend** 221:16  
**blew** 215:20  
**board** 1:2,14 3:5,10,14  
 4:4,5,17 7:5,11 8:20  
 9:1 10:15,20 15:6,17  
 15:23,25 17:1 18:8  
 26:22,24 31:11 38:22  
 39:2,5,20,24 40:5  
 41:6 42:9 43:24 44:12  
 49:25 58:12 80:18  
 85:24 110:22 130:19  
 132:13 146:11 151:12  
 189:17 191:19,21  
 195:12,13 196:4  
 198:22 199:14 205:25  
 226:7,10,11 227:23  
 228:2,9,10,13 229:12



229:15,17  
**Board's** 15:7 40:12  
 54:18  
**bodies** 3:14  
**bore** 199:11  
**bother** 123:20  
**bottom** 73:22 74:17  
 79:4 101:14,21  
 125:16 139:22  
**bought** 69:24 127:17  
 129:21 167:15  
**box** 6:14,19  
**break** 75:18,21,23  
 77:12 78:9 111:13,14  
 126:12,13 131:11,12  
 195:16  
**brief** 103:19 220:25  
**briefly** 18:8 36:24  
**bring** 8:18 76:13 182:4  
 212:10  
**bringing** 99:20  
**broadcast** 93:16 107:24  
**broken** 111:7  
**Brooke** 173:12,23  
**brought** 106:18 108:20  
 206:24,24 207:1,3  
 216:17  
**browser** 6:16  
**brushed** 207:9,19  
**build** 184:6  
**building** 23:15 27:8,11  
 27:13 31:17,22 45:14  
 69:10 87:20 102:13  
 122:1 139:6 153:20  
 153:23 154:10 161:8  
 182:5 183:22 190:25  
 191:13  
**buildings** 45:16 68:24  
**built** 83:3  
**burden** 47:6 86:17,18  
 196:1 207:20,21  
 216:14,15  
**business** 4:19 8:24 9:2  
 9:5 13:20 16:2,3  
 22:15 23:12 27:6,7  
 28:18 31:16 32:3,7  
 35:3 45:10 46:4,5,9,9  
 46:21 51:2 52:13  
 63:15 65:22 68:16,20  
 69:6 70:16 121:11  
 133:2 139:17 141:21  
 144:4,9 146:15 147:9  
 148:22 153:24,25  
 154:14,17,20 155:9  
 157:22 158:1,9,20,24  
 159:2,13,21,24  
 160:15,16,25 161:2,4  
 161:8,11,13,17,23

163:1,4,14,15 164:9  
 164:12,17 165:10,12  
 165:15 166:1,3 167:3  
 167:10,25 168:1,4  
 175:13 182:1,1,4  
 198:23 199:9 203:7  
 203:15,16,18,19,21  
 203:24,25 204:4,16  
 204:25 205:1 206:17  
 206:19,23 207:5,12  
 208:3,13 211:1,2,10  
 211:11,12 214:13  
 216:1 223:10 225:18  
 226:1,5 227:25  
**businesses** 31:22 32:4  
 35:2 45:16,21 46:4  
 47:9 49:2 69:9 153:22  
 154:9,16 185:7  
 206:12 210:1 228:4  
**button** 29:4 71:16,21  
 72:2  
**buy** 43:18 57:4 61:22  
 63:17,20 64:7,10,13  
 85:13 88:8,10 93:3,7  
 93:14,14,15,24 94:14  
 94:19 97:18 101:6,8  
 101:12 110:9 161:4  
 167:21 202:7 204:10  
 210:20,23 221:6,10  
 225:1,2  
**buy's** 93:15  
**buy-bust** 93:12  
**buy-busts** 93:21  
**buy-walk** 93:20,22 94:7  
 94:14 95:24 98:17,22  
 98:25 99:21 100:21  
 101:1,3 104:21 105:4  
 105:14 112:23,25  
 113:16  
**buy-walks** 93:21 99:5  
**buying** 92:8,16 167:9  
**buys** 94:8 110:11  
**buzzer** 19:1 30:23

---

**C**

**C-H-R-I-S** 7:24  
**C-O-N-T-E-N-T-S** 2:1  
**caf** 149:19  
**calendar** 3:20 4:21,24  
 220:5,18  
**call** 14:15 15:1,15 16:11  
 17:12 19:8,9 34:18  
 36:20 38:7 39:13  
 41:15 47:14,17 66:2  
 89:10 108:22 132:14  
 133:10,17 135:9,20  
 135:23,23,23,24,25  
 137:12 144:2 152:3,5

192:23 228:25  
**call-in** 3:22 89:22  
 103:14 135:3,7  
**called** 4:24 11:12 12:16  
 19:7,10 22:8 34:6  
 36:11 65:18 66:2  
 89:21 135:5 138:9  
 146:25 147:13,14  
 152:11 157:22 209:20  
**Caller** 90:8,12  
**calling** 16:17 19:21  
 65:17 70:25 89:25  
 103:13 133:21 134:6  
**calls** 19:21 38:7  
**camera** 5:2,5 6:1,2,4,9  
 28:23 30:14 82:1  
**cameras** 5:8  
**cannabis** 1:2,13 3:5,10  
 15:3 20:11 29:17 39:2  
 42:11,15,17,21,25  
 43:12,12,20,22 44:4  
 48:5,10,18,22,24 49:2  
 49:6,11 53:20 55:14  
 55:15 58:17,18 60:15  
 60:22 61:5,9,13,19  
 63:13 66:18,20 81:10  
 98:23 99:1,5 111:3  
 112:20 117:18 119:14  
 125:24 144:12,16  
 146:3 147:10,20  
 148:17,19 178:9,17  
 178:20 179:3 182:14  
 182:19,21,23 183:2,3  
 183:5 185:3,9,20  
 196:17,22,24 197:1,1  
 197:10,12,13,15,21  
 197:24 198:4,11,12  
 198:25 199:5,20,23  
 202:12,16 203:22  
 205:22 225:19,20,25  
 226:17,20 228:10  
**cap** 111:5  
**capacity** 92:17 140:20  
**capsule** 111:13,14  
**capsules** 111:6  
**card** 60:12,13,25 61:4  
 80:2 88:14,17,18  
 185:1 202:12  
**care** 28:9 215:24  
**carries** 224:13  
**carry** 95:18  
**cartridges** 56:1 120:20  
**case** 1:9 4:24 5:4,6,9,13  
 5:14,17 8:16 9:3,14  
 9:15,25 10:20 12:8  
 28:22 29:16 39:7  
 41:10 45:24 46:19  
 49:22 50:10,12,21

51:8 53:5 64:15 67:7  
 71:4 78:15,15,16,17  
 95:20 97:10 105:21  
 128:23 134:24 141:13  
 148:25 204:2 206:10  
 206:11 211:22 214:21  
 219:19 220:6 221:25  
 223:25 224:2 227:22  
 228:8,15,18  
**cases** 4:23 220:16  
**cash** 149:6,9,12,13  
**cast** 216:25  
**catch** 190:11  
**caught** 209:5  
**causes** 208:17  
**CBD** 160:4,9 178:7,15  
 178:16,22,23 179:3  
 179:10 182:21 183:4  
 203:22  
**cease** 28:20 99:24  
 199:2  
**cell** 133:25 135:6  
**central** 3:20  
**certain** 22:13 23:6  
 57:17,19  
**certainly** 47:7 216:9,11  
 216:21  
**certificate** 133:4 167:2  
**certified** 26:2,5,8  
**chain** 106:15  
**Chair** 28:7 81:13 83:20  
**Chairman** 4:14 5:24  
 7:11 24:9 146:11  
 190:17 191:16  
**Chairperson** 1:14,17  
 3:3,4 4:4,11,15,17  
 5:25 6:6,10,24 7:4,8  
 7:14,21,25 8:6,11,14  
 8:18 9:10,20 10:2,11  
 10:24 11:9,16 12:1  
 13:13,23 14:12,24  
 15:14,19,20 16:5,20  
 16:20,23 21:5,14,18  
 24:7 25:1 26:19 27:10  
 28:8 29:1,5,9 31:9  
 32:11,16 34:2,23 35:5  
 36:4,8,16,19,20 37:17  
 38:10,14,21 39:1,12  
 39:16,18 40:4 41:14  
 41:18,20,22 42:2,6,7  
 44:23,24 45:6 47:12  
 47:16,19 49:25 50:2,8  
 50:11 54:21 55:2 68:8  
 71:18,24 72:9,22 73:3  
 73:10,17 74:4,7,8,16  
 74:23 75:3,12,20 76:1  
 77:4,9,14,23 78:13  
 80:6,17 81:5,6,15,19

- 81:23 82:2,12,17  
83:16,23 84:4,13,19  
84:24 85:8,22 86:16  
86:22 89:3,7,13,16,24  
90:8,12,15,20,24 91:3  
91:6 96:16,23 97:6  
98:10 103:5,9,14,25  
104:7 105:25 106:7  
107:12 108:9 109:10  
110:13 114:7,10  
116:17,19 119:1,3  
126:11 128:20 129:3  
129:11 130:18,24  
131:4,7,10,17 132:1,6  
133:12,16,20 134:1,7  
134:15 135:11,22  
136:2,6,14,21 137:1  
137:19 138:4,13  
140:8,11 146:9,14  
147:3,11,17,22 148:6  
148:11,14 149:2,8,11  
149:16,21 150:5,10  
150:18,23 151:6,11  
151:18,21 152:1,7,15  
152:22 155:21 156:1  
156:10,14,23 157:1,4  
157:12,19 158:11,15  
158:18 169:16 170:2  
170:5,20 171:2,7,15  
173:13 188:19 189:16  
190:13,15 191:17,23  
194:7,11,19,23 195:2  
195:6,20,22,25 206:4  
206:7 217:16,18,23  
218:2,5 220:4,10,13  
220:16,23 227:8,10  
227:12,19 228:9,24  
229:3,6,9 230:3,5  
**chance** 64:3 80:7  
160:25  
**change** 62:17 117:9  
163:24  
**changed** 44:13 70:20  
97:1  
**changes** 65:8  
**changing** 208:22  
**charge** 48:10  
**chat** 103:22 131:18,19  
134:17,18,19,21,23  
137:9,10  
**check** 24:24 62:4 68:14  
100:18 112:15 174:6  
206:20,21  
**checked** 23:24 44:16  
70:4 76:8  
**checking** 189:14  
**checks** 60:17,18 192:25  
193:3
- chemicals** 111:15  
**children** 58:15,16  
**chooses** 5:7  
**Chris** 7:12  
**Christopher** 1:23 5:19  
**cigarette** 172:14  
**circle** 64:2  
**circumstances** 12:5  
49:16 204:1  
**cited** 228:19  
**citing** 33:18  
**City** 45:17 69:5  
**claimed** 22:19  
**claiming** 228:5  
**clarification** 158:23  
**clarified** 211:5  
**clarify** 36:25 47:11  
67:19 171:8 192:2  
**clarifying** 49:4 188:17  
**class** 25:21  
**clear** 4:22 20:16 33:21  
44:9 52:4 56:18 76:19  
115:25 196:4 198:22  
218:21 227:3,23  
**cleared** 114:25 115:5  
**clearing** 115:6  
**clearly** 47:8 84:12  
113:10  
**click** 72:13,19,20  
**client** 8:7,7 9:22 32:3  
35:25 45:9,22,24 46:6  
46:20,23 47:6,10 69:1  
70:5 74:22 86:14  
107:2 108:24 133:1  
134:2,4,9,12 207:17  
208:15 209:16 211:19  
211:23 213:4 216:16  
217:3,8,10,20 219:8  
**client's** 24:17 70:16  
75:1 215:8 219:20  
**clients** 75:18  
**close** 33:14 76:3,4,5  
92:18 104:2 150:4  
157:19 185:15 195:19  
221:2 228:8  
**closed** 13:20 16:4 39:5  
39:21 150:1,2,6,12  
196:13 225:14 228:13  
229:13  
**closely** 185:13 205:2  
**closer** 92:24  
**closet** 66:8  
**closing** 2:7 65:22  
195:11,17 206:8  
211:16,17 215:23  
216:2 227:17  
**closure** 9:1,4 11:14,21  
13:17 14:3,5 15:24
- 17:21,22 18:9,11,11  
20:3 21:25 30:13  
34:12 43:24 44:15  
64:18,20,22 65:1,4,12  
67:21 117:8 119:20  
196:15 197:6 198:6  
198:17 199:21 201:10  
206:1 226:7,13,22  
227:2,4  
**closures** 15:4 18:4  
28:15  
**clue** 179:9 184:18  
**Code** 3:7,16 8:22 39:4,8  
197:6 198:21 228:12  
228:16,20  
**color** 105:17 111:17  
112:1,9,10,13 119:23  
121:2  
**Columbia** 1:1 3:6,25  
39:3 48:5,16 83:25  
228:11  
**Columbia's** 3:12  
**come** 11:22 34:20  
66:15 94:1 109:8  
117:7 121:21 131:22  
133:11,21 150:8,20  
175:3,3 186:4 193:25  
194:3 209:1,18  
212:15 215:11 217:13  
**comes** 49:8 71:17  
104:3 221:24  
**coming** 11:13 34:13,17  
67:14 157:3,3,10  
163:24  
**commercial** 202:25  
**commercially** 84:3  
85:21  
**commingling** 223:6  
225:6  
**common** 13:5 28:20  
204:13,14 209:7  
**communication** 92:22  
109:21  
**community** 44:11  
**competition** 179:13  
201:19  
**complaint** 41:5,8 49:8  
**complaints** 4:1  
**complete** 101:8 118:20  
**completed** 40:14 64:11  
94:17 101:11 102:19  
**completely** 45:21 47:9  
221:18  
**compliance** 43:15  
**compliant** 114:22  
**comply** 40:9 41:7  
229:23  
**comprised** 92:6
- computer** 78:8 103:17  
152:6  
**concede** 222:23  
**concern** 53:17 178:18  
179:1,6  
**concerned** 30:18  
**concerning** 42:10  
**concerns** 40:11 95:4,9  
**concluded** 5:9  
**conclusion** 5:6 43:23  
205:17 223:8 226:2,4  
**conclusions** 47:4 216:3  
216:6 222:2  
**conclusion** 15:25  
**conduct** 4:18,22 17:22  
17:25 48:13 64:6 92:8  
93:20 99:21 100:20  
112:24  
**conducted** 3:10 43:11  
43:18,20 93:4 98:2,22  
99:2 111:21 129:25  
**conducting** 94:24  
98:17 110:9,11  
180:20 181:14 221:10  
**conducts** 66:15  
**conference** 135:24  
137:12  
**confessed** 223:18  
**confirm** 57:2 66:17 67:4  
94:16 116:13  
**confirmed** 43:5,8,21  
70:1 197:10  
**confirming** 94:20  
**confused** 31:23 45:23  
148:7 170:25 171:3,8  
192:3 193:7  
**confusion** 46:10  
**conjunction** 202:18  
**connection** 97:22 185:6  
199:11  
**consideration** 15:8  
**considered** 12:8  
**consistent** 209:25  
211:9  
**consistently** 99:7 211:8  
**constitutes** 4:19  
**construction** 30:1  
**consultation** 30:2  
**consumption** 67:2,5  
85:20  
**contact** 11:20 37:2,5  
67:16 80:1 82:8  
**contacted** 31:19 38:5  
**contacts** 205:1  
**contain** 56:11 58:15  
66:23 85:16 112:19  
117:25 196:23  
**contained** 55:14 105:21

120:6 122:10 125:21  
203:12 223:25  
**container** 125:21,23  
**containing** 63:13  
120:17,19,20 121:17  
122:12 123:22  
**contains** 58:17,19  
121:16  
**contaminants** 67:1  
**content** 57:21 72:21  
126:7 197:2,17  
**contents** 55:22 58:17  
196:25  
**contest** 40:10,25  
**contested** 198:9  
**context** 140:22  
**continue** 16:21 30:9  
82:23  
**continued** 42:16 65:21  
83:12  
**continues** 134:19,25  
**contractor** 59:16  
**contradictory** 211:4  
**contrary** 196:5 211:15  
226:11  
**Contrast** 224:15  
**control** 19:1,2 22:23  
23:14,18,20 27:8  
28:18 30:23 31:3 37:8  
64:10 204:13,14  
**controlled** 43:18 61:22  
63:19 88:8,10 117:23  
**conversation** 18:14  
32:25 65:12 82:18  
134:11 180:22 182:6  
**conversations** 19:25  
20:14 23:10 25:14  
30:17 33:18 34:9  
82:13  
**convinced** 224:20  
**coordinate** 99:12,15,16  
**coordinated** 64:5  
**copy** 20:4,21 72:23,24  
75:6,7,13 118:17,20  
118:21 132:21 145:3  
166:25  
**corporate** 204:17  
**corporation** 32:6  
**correct** 13:4 20:19  
21:22 22:5,6,10 23:6  
24:5,5,12 37:5 49:1  
57:10 58:9 59:12  
64:19 65:3 69:16 70:7  
70:8 71:10 76:11,12  
81:2,3 86:6,8,11  
88:15,22,23 121:8  
127:21 140:18 142:19  
143:18 146:16 170:9

171:19,22 172:25  
174:1,24 177:10,18  
178:20 179:20 180:16  
180:20 182:9,12,15  
182:24 183:8 188:8  
189:25 193:1  
**correctly** 189:22  
**corroborated** 200:25  
205:14  
**cost** 69:21  
**costs** 208:6  
**counsel** 1:22 39:6  
97:21 98:7 137:5  
138:9 144:25 145:1  
152:11 206:9 216:4  
217:3 221:4,24 228:1  
228:15  
**counsel's** 221:2  
**counter** 63:12  
**couple** 57:16 146:20  
192:2  
**course** 53:16,25 63:11  
98:21 99:11 168:13  
188:1 192:19  
**court** 14:12,15 99:22  
100:17 108:2 119:12  
128:9,9 136:13  
141:13 148:2 212:8,9  
**courtesy** 169:19  
**courts** 148:25  
**create** 49:21 50:23  
175:5,9  
**created** 223:4  
**credibly** 200:1  
**credulity** 201:13 226:1  
**criminal** 108:2 212:12  
**cringe** 211:18  
**cross** 2:4 22:1 36:12  
140:13 169:20 170:6  
207:9 214:2  
**CROSS-EXAMINATI...**  
126:16  
**cross-examine** 17:1  
**cultivated** 197:22  
**cultivator** 54:16 57:19  
61:11  
**cultivators** 57:25 67:2  
**Cure** 1:7 5:15 8:4,10  
17:17,20,23 20:25  
22:18 37:12,23 39:7  
42:10,16 44:1 49:19  
51:10,13,16 52:1,16  
56:15 57:8 58:23 61:8  
61:13,22 62:10,14  
63:17,20 64:18 70:21  
71:1,7 87:5,17 100:5  
100:8,21 111:22  
118:4 153:4,11 170:9

170:12 171:19 196:6  
196:12,16 197:4,25  
199:4,25 202:7  
205:18 206:1 228:16  
228:19  
**Cure's** 14:8 44:10 59:11  
67:22 198:3  
**curious** 127:5  
**current** 60:11 61:1  
**currently** 55:11 56:5,9  
107:23  
**customer** 60:21 63:11  
164:25  
**customers** 18:18 54:11  
60:6,10,18 161:20  
165:7,9  
**cut** 220:3

---

**D**

---

**d** 143:13,14 197:7  
**D-E-R** 137:25  
**D.C** 3:6,15 8:22 12:4  
39:3,8 139:1 142:3  
145:10,13,24 153:13  
191:12  
**damning** 205:8  
**damningly** 223:16  
**danger** 44:7 196:18  
197:4  
**date** 3:21 17:25 18:6  
33:13 34:3 59:15  
67:23 113:20 119:10  
172:20 180:5 229:22  
**dates** 12:3  
**David** 1:18 4:11,14  
**day** 9:14,18,19 10:5  
11:12,20,23 21:24  
27:17,21 30:12 33:23  
33:24 34:12,18 37:14  
47:5 53:24 55:9 65:10  
66:3,13 86:7,11 89:5  
105:3,13 116:7  
130:22 151:23 161:23  
163:1,15 174:22  
181:12 187:2,17  
194:9 208:10 220:9  
220:11 223:1 229:25  
**days** 8:25 9:3,5 10:6,7,9  
10:16,18 12:13 34:10  
40:10 41:8 44:16  
229:16,17,22  
**DC** 1:21,22,23,23 42:13  
54:15 56:2,6,12 57:16  
59:3 60:8,23 68:25  
84:18,23 85:1,3,7,19  
119:12 197:6 198:21  
228:11,16,20  
**DC's** 60:10

**dc.gov** 4:2  
**DCRA** 68:15,24 70:23  
**DEA** 85:18  
**deal** 45:5 46:24  
**dealing** 107:18  
**dealt** 46:24 47:1  
**death** 215:16  
**debriefed** 102:18  
109:23  
**December** 43:9 51:13  
51:16 52:1 57:8 58:23  
63:25 180:19 181:14  
181:18 182:8 198:2  
200:17 205:11 222:6  
**decide** 16:15 49:10  
**decided** 30:9  
**decides** 226:10,12  
**decision** 229:15,17,23  
229:24  
**defense** 98:8 198:15  
**defer** 45:1  
**definition** 11:3,7  
**deliberate** 228:18  
**delivered** 14:2 15:16  
44:19  
**denied** 184:24 211:25  
211:25  
**deny** 13:6 15:10 40:8  
41:11,23 164:15  
165:5 210:17  
**Department** 43:17  
68:24 90:19 91:18  
119:11  
**depend** 187:12  
**depending** 49:12,15  
111:17,18 204:1  
**depends** 174:8  
**depict** 122:20 123:16  
**depicted** 124:8  
**Derhanu** 1:24 2:5  
136:16,25 137:23  
138:8  
**describe** 18:8,10,13  
27:2 53:22 57:17  
58:12 64:25 111:3  
120:2 222:15  
**described** 18:23 87:11  
**desist** 28:21 99:24  
**despite** 42:14 200:3,5  
**detail** 29:13 87:4 97:20  
**detailing** 184:13  
**detained** 114:24 126:21  
129:23 130:2,8  
213:17 215:15,16  
**determination** 38:25  
**determine** 25:20 58:3  
86:3 182:17 228:3  
**determined** 50:25

- determines** 203:24  
**determining** 175:6  
 203:6,12  
**difference** 54:25 57:13  
 92:11,12  
**differences** 197:12  
**different** 34:10 45:16  
 45:18 47:9 54:14  
 55:24 59:24 62:13  
 78:17 87:21 104:23  
 107:8 115:25 149:20  
 164:2,3,4 201:2 205:2  
 218:25 219:3 222:19  
**differently** 201:25  
**differently** 45:17  
**difficult** 207:14  
**difficulty** 136:20  
**direct** 2:4 17:9 50:6  
 75:17 91:9 121:13  
 125:13 138:15 152:17  
 208:8 210:10 219:21  
 219:22 222:4,12  
 223:7,23 224:3  
**directed** 225:3  
**direction** 83:4 205:6  
**directly** 74:22 102:16  
 179:2,11 180:7  
 195:17,19  
**director** 34:3  
**disable** 135:1  
**disabled** 5:5,9 134:21  
**disappointed** 62:5  
**disappointment** 82:25  
**disaster** 219:18  
**disclose** 44:8  
**discovered** 37:15  
**discuss** 38:23,25 40:5  
**discussed** 45:19  
**discussing** 32:15 101:4  
**dispensaries** 56:3  
**dispensary** 1:7 5:15 8:4  
 8:10 17:17,20 18:25  
 19:4,5 20:10,10 21:1  
 22:18,21,25 23:11,20  
 25:23 28:5 29:21  
 30:16,24,24 31:4 33:6  
 33:9 34:22 35:15 39:8  
 42:11,12,16 49:19  
 52:5,17 53:7,10,15  
 54:1,9,10 55:18 56:7  
 56:13 60:21 63:23  
 69:18 70:18 71:7,10  
 74:3,14 76:10,10  
 79:14 80:1 82:10  
 83:14,24 87:5 100:1,4  
 130:10 153:4,5,11,12  
 153:15 166:12 167:14  
 168:20 170:9 171:19  
 172:4,5,22,23 183:22  
 184:7,11 187:25  
 208:6 211:13 213:6,7  
 213:8 228:16,19  
**Dispensary's** 44:1  
 87:18  
**display** 53:5 84:11  
**disregarded** 44:10  
**distinct** 198:16,16  
 201:4 203:5 224:7  
**distributed** 196:21  
**district** 1:1,6 3:6,12,25  
 5:15 7:7,13 8:4,18  
 14:8 17:17,19,23  
 20:25 22:17 37:12,23  
 39:3,7 42:10,16,20  
 43:15 44:1,4,9,10  
 48:4,15 49:19 51:10  
 51:13,16 52:1,15  
 56:15 57:8 58:7,23  
 59:11 61:7,12,22  
 62:10,11,14 63:17,20  
 64:18 67:22 70:20  
 71:1,7,12 83:6,25  
 84:3 87:5,17 100:4,8  
 100:21 111:22 118:3  
 119:13 153:3,3,11  
 170:9,12 171:18  
 196:6,12,16 197:4,25  
 198:3,13,24 199:4,25  
 202:7 205:18 206:1  
 222:22,25 224:1  
 227:3 228:11,15,19  
**District's** 3:20 42:18  
**division** 25:24  
**doc** 74:11  
**document** 35:13,21  
 46:17 50:7 55:3,7,11  
 56:20,23 71:16 73:7,9  
 73:12,15,21,23 74:17  
 74:19 76:6 77:6 78:2  
 78:19 100:17 103:18  
 110:25 113:11,13,14  
 113:21 115:18,20  
 116:2,6,7,11 118:9,16  
 121:14 128:22,24  
 155:22,24 156:5,6,12  
 156:17,21 157:5,6  
 159:14 175:25 179:19  
 179:22  
**documentary** 47:7  
**documentation** 69:1  
 201:11  
**documents** 10:4 45:20  
 68:23 69:5 72:24,25  
 73:4,6 75:9 76:5  
 99:23 103:15 110:2  
 128:9 131:13 132:22  
 132:23 133:7 155:15  
 157:14 159:16 169:24  
 194:13,17 195:1,7  
**Doe** 108:23 212:17  
**doing** 19:19 24:18 28:4  
 57:3 62:9 63:6 66:16  
 66:16 82:21 94:8,8  
 98:6 99:4,7 135:14  
 151:10 160:3 172:1  
 195:4  
**dollar** 202:15  
**dollars** 208:7  
**dollars'** 23:19  
**Donovan** 1:14,17 4:3  
 146:10  
**door** 30:15 36:1 52:4  
 63:3 114:19,20 115:1  
 115:3 191:12 193:10  
 193:13,17,17,18,18  
**doors** 65:9  
**double** 112:15 143:13  
**doubt** 87:9,10,16  
**downstairs** 18:25 19:3  
 19:4,13 20:8,12 22:25  
 23:20 28:5 30:15,19  
 30:22 52:5 53:7 54:1  
 54:11 55:18 59:2  
 63:23 83:1 88:1,16  
 130:11 145:21 166:7  
 168:11,12,14 187:3,8  
 187:9,15 193:8,14  
 194:22 202:21 208:13  
 209:2 213:19,20  
 214:9,13  
**draft** 112:25 113:1  
**drafted** 50:21 64:15  
 78:20 113:20 116:6,7  
 128:17,24  
**drafting** 116:10 128:16  
**drastic** 12:19  
**draw** 96:6  
**drawn** 226:4  
**drug** 111:3,20 129:21  
**drugs** 96:2 98:19  
 129:16  
**dry** 209:13 220:2  
**DTS** 62:13  
**due** 8:21 106:19 117:12  
 121:19  
**duly** 138:10 152:12  
**duties** 48:12 92:1,4  
 98:22 109:22  
**duty** 96:19
- 
- E**
- 
- E** 143:13  
**E-L-T-H-S-O-N** 91:14  
**earlier** 25:18 34:6 44:23  
 57:13 64:16 79:17  
 101:5 109:4 132:11  
 156:24 167:7 168:8  
 168:24 189:22 191:8  
**earliest** 200:7  
**early** 29:25 163:11  
 187:18 220:3  
**easier** 218:23  
**easily** 108:22  
**eat** 85:13  
**edibles** 83:21 117:24  
 119:18 122:24 123:11  
**effect** 67:10 85:17  
**effectively** 41:2  
**either** 94:7 158:19  
**electronic** 3:13,14,23  
**electronically** 4:6  
**elevate** 5:1,16 104:1,8  
 135:3,7 136:23  
**elevated** 5:19,20,21,23  
 90:6  
**elevates** 137:3  
**Eithson** 1:24 2:6 89:11  
 90:18 91:13 168:25  
**email** 9:24,25 12:7,9,13  
 12:21 13:1,4,6,9  
 14:22 26:1 44:16  
 75:10,11,12,13,14  
 100:18 131:12,16,18  
 132:17 164:19  
**emails** 13:2 75:17 165:3  
**emergency** 117:13  
**employee** 14:2,5,10,19  
 14:20,23 15:17 19:10  
 20:5,7,18,19 22:14  
 23:16 28:18 31:2 37:1  
 37:3,4,22 38:3,4  
 40:17,21 44:19,22  
 59:16 65:13,15 67:22  
 69:24 87:24,25 88:12  
 101:16 114:20 121:12  
 186:15,19,23 187:3  
 188:7 202:8,13,15  
 207:16 225:3,4  
**employees** 14:19 18:17  
 19:9 24:25 30:25  
 87:22 88:4 96:12  
 161:16 163:17,19,21  
 163:23 164:5,8,11,21  
 164:23 172:25 173:8  
 174:1,3 175:6,10  
 185:14,15,20 187:20  
 188:2 189:4,6,9,23,24  
 190:4,7 191:9 192:4,8  
 203:3 204:7 221:22  
 223:11 225:10  
**employment** 202:22  
**enable** 5:1,3

**enclosure** 65:5  
**endangered** 44:11  
**enforcement** 48:10,18  
 91:17,23,25 92:2  
**engaged** 221:12,14  
**engaging** 44:5 199:4  
 205:21  
**English** 166:21 188:21  
 208:17 218:9,10  
 219:1  
**entails** 49:13  
**enter** 193:22  
**entered** 18:17 50:9  
 69:14 105:22 114:6  
 116:16 118:24 128:18  
**entire** 141:7 206:11  
 211:22 214:10 215:25  
 220:11 221:25 224:2  
**entirely** 201:14 202:25  
**entities** 198:15 199:9  
 200:3 203:5,7,9,13  
 204:22 205:2,7 223:5  
 223:6,9 224:13  
 225:16 226:3,12  
**entity** 196:6 201:4,15  
 203:8,10,14 205:18  
 205:21 223:10 226:5  
**entrenched** 209:17  
**equipment** 5:3  
**escorted** 79:7 101:20  
 161:19  
**establish** 15:16 98:3  
 214:12  
**established** 67:12 71:2  
 214:14  
**establishing** 97:16  
**establishment** 8:24  
 16:1,3 17:16 40:18  
 42:19,23 43:11,19  
 44:3,20 49:5,18 51:18  
 53:1,23 58:25 59:2,5  
 59:9 60:17,22 61:9,17  
 61:18 62:1,7 67:8  
 79:18 85:15 87:5,6,7  
 88:11 97:23 102:3,11  
 102:12 114:18 117:9  
 117:11,18 119:21  
 121:9 128:8,10  
 175:17,18,24 176:1,4  
 178:4,19 179:2,10,15  
 179:18 180:6,11  
 181:7 182:12 183:13  
 183:14 184:16 185:8  
 186:24 187:5,7  
 196:17,21 198:3,9,11  
 199:7,22 200:18  
 201:7 203:1 222:14  
 222:16,18 224:21,21

224:22 225:14,22  
 226:23,24  
**establishment's** 8:21  
 43:1,7 68:3 174:16  
 198:14 201:9  
**establishments** 48:15  
 48:22,24 60:1,6 98:23  
 99:1,5 201:25 203:21  
 224:16  
**et** 3:7  
**event** 226:9  
**events** 18:10 106:16  
 109:25 110:7 225:7  
**eventually** 94:9  
**evidence** 42:15,19,22  
 43:16 44:2 45:8,22  
 46:20 47:3,7 50:10  
 77:8 78:11,14,16,18  
 105:20,22 107:16  
 110:16,21,25 114:6  
 116:16 117:20 118:25  
 125:15 128:19,23  
 156:2 168:7 169:18  
 169:24 195:9 196:4  
 200:8 204:14 209:22  
 210:2,4,7,8 214:19,20  
 216:5 223:2 224:5,23  
 226:11  
**exact** 59:15 110:7  
 201:20 203:20 223:1  
**exactly** 59:19 100:19  
 121:19 164:23,24  
 172:18 188:6  
**exam** 74:22 75:18  
**examination** 17:9 22:1  
 37:9 91:9 138:15  
 140:13 152:17 169:20  
 170:6 191:25  
**examine** 36:12 207:10  
 214:3  
**examined** 138:11  
 152:13  
**examining** 182:18  
**example** 208:24  
**exchange** 196:22  
**excited** 27:23 30:5  
 52:21 63:5 82:6 86:24  
 209:3  
**excuse** 135:5,6  
**execute** 39:24 117:10  
 117:15  
**executed** 30:13 64:22  
 66:6 114:3,4 117:8  
 119:12 162:13  
**executing** 92:10 117:17  
**execution** 114:15,16  
 116:8,23 117:2 118:3  
 118:7 120:3 122:6,21

123:6,17 124:5,23  
 129:24 181:16 186:1  
 186:7 222:9  
**executive** 38:23 40:5  
**exhibit** 50:1,7,9,16,19  
 55:22 56:9 57:2 74:2  
 103:4 105:8,20,22  
 106:4 112:3 113:8  
 114:6 115:17 116:16  
 118:13,24 125:14,21  
 155:17  
**exhibits** 54:19 63:12  
 75:5,7 81:9 84:22  
 106:1 132:16 169:14  
**existed** 200:22  
**existence** 204:25  
**exists** 109:16  
**expand** 165:25 166:3  
 205:12 223:21  
**expanded** 42:24 196:8  
 196:11 200:20  
**expanding** 43:3 223:19  
**expect** 208:5  
**experience** 20:24 28:15  
 222:13  
**explain** 11:17 27:12  
 29:12 55:22 61:25  
 66:19 74:12 87:4 92:3  
 92:11,12 93:10  
 107:21 112:5 172:12  
 186:10 191:14 193:14  
**explained** 63:7 211:6  
 221:10  
**explicitly** 43:1  
**extension** 52:16  
**extensive** 85:3  
**exterior** 65:9 101:22  
**eyes** 95:17

---

**F**


---

**face** 63:4 169:4  
**facility** 27:16 28:16  
 30:2 33:8 54:5 59:18  
 83:2 87:11  
**fact** 23:17 29:23 43:5  
 49:11 66:17 200:3,5  
 201:19 203:10,13  
 204:6,9 205:14  
 209:10 221:3,4 223:3  
 223:8,9 224:7 225:18  
 225:18,21 226:16  
**factor** 203:23 204:13  
**facts** 204:1 216:3 224:3  
 224:5  
**factually** 198:16  
**failed** 88:13 196:23  
**failure** 41:7 215:3  
**fair** 35:24 51:7 57:7

**fairness** 35:23  
**familiar** 53:19,19 55:19  
 71:6 100:1 144:3  
**fan** 85:11  
**far** 15:18,22 36:21  
**Farms** 56:4  
**fatal** 14:4  
**fault** 220:15  
**feature** 5:12 137:9,10  
**February** 1:12  
**Federal** 85:19  
**feeling** 163:12  
**female** 148:9,10,11  
**fever** 163:13  
**fiction** 223:4 228:1,5  
**field** 43:20 66:16  
 105:15 111:3,20  
 120:23,25  
**Fifty-five** 167:22  
**figure** 15:8 63:8 73:1  
 98:5,18 129:9 137:13  
 137:14 169:12  
**file** 22:17 26:3 41:7 58:2  
 73:25  
**filed** 9:13,19 41:5 76:14  
 100:17  
**Filing** 133:3  
**filled** 55:15  
**filling** 120:15  
**finally** 105:7 197:22  
 204:24  
**find** 40:24 51:21 76:11  
 121:20 135:4,10  
 176:23 183:4 190:12  
**fine** 17:14 36:20 45:6  
 74:24 76:21 100:20  
 136:7 157:20 195:3  
 195:20  
**finish** 80:7 96:17  
 157:16 169:20  
**finished** 86:19,20  
**fire** 193:16  
**first** 5:13 7:18 17:5  
 25:21 32:5 44:14  
 47:24 54:7 55:4 59:2  
 68:5 69:25 71:19,25  
 79:14 80:1 81:14 88:5  
 88:9,16 91:13 97:13  
 99:6 100:7 101:14  
 102:2 107:14 114:17  
 119:7 121:4 130:10  
 132:16 133:13,14  
 138:10 144:17 152:12  
 166:21,23 167:19  
 170:3 173:4,6,7 174:1  
 176:9,12,21 181:25  
 183:8,11 184:25  
 185:2 186:24 187:1,6

188:21 190:3 192:12  
 196:7 197:15,21  
 199:12,16 200:22  
 204:9,11 205:19  
 209:3 220:5 221:7,22  
 222:20,24 223:14,14  
 224:21,22 225:1  
**fist** 8:4  
**five** 8:24 9:2,4 10:16  
 14:19 40:10 41:8 99:3  
 117:15,15 132:24  
 133:1 137:16 138:20  
 139:4,5 141:4 167:16  
 170:18 171:22 172:21  
 195:16 207:6,12  
 209:23 220:14 229:16  
 229:17,22  
**flight** 115:2  
**floor** 19:18 20:2 22:24  
 23:21 27:19 28:1,4  
 30:7,8,10,14 31:5  
 32:5,5 33:5,6,7 35:11  
 35:11,14 38:1 42:18  
 43:13,19 51:2 52:6,14  
 52:14 53:2,15 54:3,7  
 54:7,13,14 55:13  
 56:15 59:2 61:14,19  
 62:19,25 65:6 68:5  
 69:2 72:6 73:22 76:9  
 79:1,4,7,14,15,22  
 81:10,13,16,17,20  
 82:4,11,14,19 83:10  
 83:13,18 84:6,16  
 86:10 87:7 88:5,5,9  
 101:14,22 102:2  
 114:20,25 115:3,5,5,6  
 115:9 116:5,14  
 126:20 127:3,23  
 130:7,10 132:24  
 143:9 144:18 146:12  
 146:16 147:6 148:9  
 148:16,18 149:24,25  
 150:1,6,12,14 151:1,8  
 159:22 160:10,12  
 161:20 165:7,15,18  
 166:3,15,19 176:5,6  
 176:12,17,22 177:17  
 181:6,25 182:12  
 183:8,10,11,14 184:2  
 184:25 185:2,3,9,21  
 186:16,20,23,25  
 187:1,1,6 196:8  
 197:16,24 199:11,12  
 199:16 200:15,23,24  
 204:8,9,11,12 205:19  
 213:1,2 215:10 221:7  
 221:7,22 222:24,25  
 223:12,14,14,15,17

224:10,22,23 225:1,4  
 226:13  
**floors** 29:22 45:15 46:1  
 46:2 54:3 144:21  
 153:20,21 154:3,7  
 183:18,19 196:9  
 198:11,18 201:5  
 205:13,19 222:20  
 223:19 226:18  
**Florida** 45:11 145:8  
**flower** 43:20,22 55:15  
 79:19 83:20,20,22  
**fluent** 218:11  
**fluid** 111:5  
**focus** 125:1 159:19  
 162:24  
**focusing** 125:15  
**folder** 10:10 12:13  
**folks** 103:8 134:20,22  
**follow** 29:7 84:20 86:2  
 118:2  
**following** 40:15 213:7  
**follows** 138:12 152:14  
**foot** 209:9  
**forever** 13:16,21  
**forget** 96:9  
**forgettable** 96:8 221:16  
**forgive** 45:3  
**forgot** 194:15 227:11  
 227:12,15  
**forgotten** 194:12  
**form** 124:9  
**forms** 175:5,9  
**forth** 83:7  
**forward** 8:20 16:16,21  
 36:10 40:9 41:9,12,24  
 86:25 220:18  
**found** 10:4 12:12 85:10  
 117:25 197:24 213:8  
 213:9  
**four** 4:18 19:15 34:14  
 65:24 89:22 132:23  
 142:16,17,19 163:20  
 172:21,25 173:8  
 189:23 203:11 209:23  
 220:23 229:11  
**free** 97:15  
**Friendly** 56:4 63:3  
**fro** 13:1  
**front** 24:11 28:14 76:22  
 106:17  
**frustrated** 218:19  
**full** 24:6 69:15,15 83:11  
 167:17 192:22 220:5  
 220:18  
**fully** 54:9 70:11,14  
**function** 135:1  
**functional** 203:23

**functionally** 204:2  
**further** 21:4 26:17,25  
 38:9 67:16 68:6 80:15  
 86:13 89:1 121:14  
 126:9 130:17 131:2  
 140:3 146:8 169:10  
 188:17 189:15 194:6

## G

**G-E-B-R-E** 8:13 153:1  
**gain** 193:12  
**gained** 108:5  
**Gebre** 1:21 2:6 8:9,9,13  
 10:7 32:25 81:25  
 87:13 138:18 139:18  
 139:25 140:16 141:1  
 141:10 142:14 148:23  
 152:5,8,10,21 157:25  
 170:8,22 189:3,17,21  
 194:8 200:12,13,17  
 201:1,6,13,18 222:5  
 225:12  
**Gebre's** 142:11 202:19  
 221:21  
**Gelato** 56:3  
**general** 7:6,13 78:21  
 97:10 101:5 109:3  
 129:7 132:18 169:13  
 203:18  
**generate** 51:4  
**generated** 51:9 118:6  
 118:21  
**gentleman** 25:11 81:2  
**genuinely** 208:23  
**Georgia** 1:8 42:12  
 45:13 100:2 101:15  
 101:23 105:4,14  
 113:17 119:13 138:25  
 141:25 153:16 170:17  
 196:10 205:20  
**getting** 27:16 35:6 61:2  
 83:9 133:19 220:2  
**giant** 206:13  
**give** 14:20 22:12 24:23  
 25:8 26:20 38:15  
 39:20 59:17 71:20  
 72:1 75:16 80:6 94:1  
 103:19 105:9 137:21  
 152:19 173:7 176:24  
 177:14 179:25 196:1  
 218:11 219:23 220:21  
 221:14 229:11  
**given** 14:4 23:18 28:17  
 93:1 100:9  
**giving** 24:21 30:1  
 108:14  
**go** 8:20 13:3 17:2 18:3  
 25:9 33:24 38:22 45:7  
 46:9 47:21 50:13  
 57:12 63:17 77:10  
 80:3 85:9,13 87:1  
 93:18 95:16 107:12  
 109:10,13 128:22  
 129:4 140:11 142:25  
 149:15,16 157:20  
 163:10,11 168:3  
 175:2 176:19 195:17  
 195:18,21 206:7  
 209:1 210:18,20  
 214:1,17 216:22  
 220:3  
**goal** 96:7  
**goes** 93:24 94:19  
 107:16  
**going** 21:11 26:20,23  
 29:6,10 32:17,19  
 34:24 38:16,22 45:4  
 46:5 62:3 64:1 65:16  
 65:20 66:25 67:14  
 70:7 73:9 74:14 75:21  
 75:22,22 77:20 78:6  
 82:8 88:5 98:11  
 104:22 105:23 110:14  
 110:24 115:3,10,12  
 118:18 121:3,13  
 123:20 128:14 129:19  
 131:11 133:17 134:20  
 134:21 135:12 137:15  
 144:8 148:3 155:16  
 160:15,25 162:11  
 169:12 175:2,14  
 176:21,23 181:22  
 182:1 188:1 204:8  
 211:1,24 216:25,25  
 217:11 221:11,17  
 227:22  
**gonna** 77:12,24  
**good** 3:3 4:13 5:15 6:24  
 6:25 7:8,10,14 8:14  
 42:8 75:24 90:17  
 104:10 170:8 189:20  
**Google** 49:9  
**gotten** 73:8  
**Government** 2:2,8 3:12  
 3:25 7:3 8:19 11:6  
 14:6 15:11 40:7 42:3  
 47:5,16 50:7 72:23  
 74:5,18 75:8,13 86:17  
 86:18 89:8,10 128:24  
 130:25 131:3,5,6,14  
 132:7 156:4 169:18  
 194:24 195:15 209:3  
 209:12,14 210:9  
 211:15 216:14,17  
 228:5  
**Government's** 13:15

103:3 105:8 113:8  
 115:17 118:13,24  
 125:14 206:10 211:21  
**grams** 120:12,13,14,15  
 120:16,17,18,20,21  
**grant** 1:17 4:8,9,9 15:9  
 39:11,12,14,15,15  
 41:16,17,17 228:22  
 228:22,24 229:1,2,2  
**granted** 42:14 72:12  
 207:3  
**great** 89:5 130:22  
 151:23 194:9 229:24  
**green** 102:8 119:16,17  
 119:21,23 120:12,17  
 120:19 121:17 122:12  
 123:23  
**greeted** 52:3,7,10,20  
 63:2 101:16  
**grounds** 74:11  
**guess** 27:1 71:16 73:5  
 73:6 74:16 81:6 103:7  
 103:22 127:16 135:21  
 195:8 207:14 227:23  
**guessing** 23:6  
**guidance** 3:11 11:5  
 59:18  
**guilty** 208:16  
**gummies** 56:11 83:21  
 168:8,10,13,14 214:6  
 225:23  
**gummy** 120:13  
**gun** 46:19  
**guy** 147:13  
**guys** 146:24

---

**H**


---

**H-A-N-U** 138:2  
**half** 34:14 65:24 146:21  
 150:19  
**hand** 16:12 25:13 26:15  
 27:22,22 52:20 59:20  
 63:4 72:14 90:22  
 106:25 134:24 138:5  
 138:6 152:8  
**handed** 65:18  
**hands** 213:22  
**happen** 65:20 217:12  
 218:16  
**happened** 18:12 46:7  
 47:4 52:11 64:10,25  
 102:10,19 146:23  
 147:16 164:18 179:24  
 184:14 187:2,22  
 203:1 215:3  
**happening** 30:4 187:4  
 223:13 226:18  
**happens** 28:21

**happy** 63:4 195:18  
**hard** 56:24 121:18  
 165:10,10 190:10  
**harder** 179:12  
**hashish** 120:13  
**hay** 221:4  
**head** 112:17  
**headquarters** 102:13  
 121:25  
**healing** 155:10,10,11  
 157:22 158:2,6,10  
 175:22,22,23 176:5  
 176:25  
**health** 42:22 44:7  
 196:18 197:5 205:23  
 226:25  
**hear** 6:5,7 23:5 43:9  
 44:17 68:12 90:14  
 134:4 136:7,9,11,13  
 136:14,22 137:3,6,12  
 153:8 155:5 159:10  
 160:5 184:13,21,22  
 186:11,14  
**heard** 5:4 12:10,17  
 21:11 66:3 107:20  
 108:11 160:24 167:7  
 180:18 181:25 183:6  
 185:5 196:16 197:8  
 197:14,19 201:22  
 202:1,6 204:6 211:1  
 216:3 224:19  
**hearing** 1:8,10 4:20  
 5:11 8:19,21,22 9:1,2  
 9:6,8 10:16,16,17,18  
 10:18,21 13:7,19  
 24:16 35:1 36:10 41:9  
 43:23 44:15 107:23  
 110:15 130:20 132:8  
 134:11 135:13,14,16  
 136:20 146:2 189:22  
 198:9 229:22  
**hearings** 4:22 110:17  
 110:18 135:15,15  
**hearsay** 106:11 107:6  
 107:15,17 109:13,14  
 109:15 110:15,18  
 210:9 222:1,5 224:2  
**heavily** 59:16  
**heavy** 82:24  
**held** 3:13 29:24  
**Hello** 6:5  
**help** 184:7  
**helping** 30:1  
**herbal** 154:23,24,25,25  
 154:25 155:1,10,10  
 155:11 158:4,6,10  
 175:19,19,21,22,22  
 175:23 176:5,25

**herbals** 160:3,9  
**Herbs** 157:23  
**Herrer** 125:11,18  
**hey** 60:23 66:1  
**Hi** 8:9  
**higher-up** 144:21  
**highlight** 73:6  
**hit** 29:3 71:16,21  
**hold** 9:2 10:16,18 16:6  
 26:19,22 32:11 39:5  
 39:21 78:13 90:20  
 96:16,16,24,24 137:1  
 137:1,2 170:20,21,21  
 206:4 217:16,18,18  
 228:13 229:13  
**holidays** 64:1  
**home** 142:16 143:23  
 146:20 150:17,20  
 163:10,11 220:3  
**honest** 136:20  
**honor** 9:13 26:16 31:14  
 34:25 35:23 36:7,18  
 36:20 45:2,3,4,9 72:5  
 74:2 80:16 86:15  
 96:14 97:8 105:24  
 106:9 108:7 116:18  
 131:24 133:24 134:14  
 151:20 152:4 169:11  
 192:1 194:10,16  
 206:3 227:6  
**Honorable** 217:4  
**hookah** 120:15 172:14  
 178:8  
**hoped** 53:9  
**hosted** 3:24  
**hours** 3:18 11:24 19:15  
 34:14 65:24 75:22  
 94:18,20 117:15,15  
 162:9,10 163:7,8  
 174:9,17 193:21  
**house** 191:13  
**hunch** 214:18 216:1  
**hundreds** 208:6  
**hurtful** 13:11  
**hyphen** 7:19

---

**I**


---

**icon** 6:9  
**ID** 18:20,22 22:5,12,20  
 61:3 79:5,6 130:3  
 133:22,25 145:22,23  
 145:24  
**idea** 44:14 146:2 161:18  
 176:11,12,16 179:8  
 182:20 185:11,12  
 187:4 199:20 225:13  
**identification** 28:13  
 50:8 127:13

**identified** 18:19 22:9  
 27:5 79:18 106:3  
 114:22 121:10 126:25  
 127:9 129:14  
**identifies** 14:14 15:25  
 23:12 125:24 203:8  
**identify** 7:1 8:1 35:7  
 55:3 90:9,13,15  
 103:15,18 105:10  
 122:9 125:17 126:6  
 155:22 156:5,15,20  
 157:6 183:2 200:4  
**identifying** 35:20 107:4  
 112:20 124:13 196:24  
**identities** 108:3  
**identity** 23:2 95:5 96:21  
 98:1,5,18 107:22  
 108:6 109:17 221:11  
**IEA** 60:13  
**ignore** 209:10 219:20  
 219:21  
**ignored** 42:20 210:13  
**Il** 1:6  
**illegal** 23:21 27:20 53:8  
 82:23 84:15 86:4  
 94:20 95:3 96:1,22  
 98:19 127:6 147:8,9  
 148:16,19,22 199:22  
**illegally** 147:19  
**image** 104:14,16,24  
 105:11 112:18 121:15  
 121:16 122:10,23  
 123:10,11,21,25  
 124:2,4,10,16,17,22  
**images** 106:2 121:15  
 198:1  
**imaging** 58:15  
**immediately** 109:24  
**immigrants** 218:24  
**imminent** 42:21 44:6  
 196:18 197:4 205:23  
**impact** 229:19  
**impede** 179:11  
**implausible** 199:14  
**implication** 97:21,24  
**importance** 94:23 95:1  
**important** 12:22 13:7  
 83:8 150:21 215:2  
**incapable** 177:9  
**incident** 164:18 179:24  
 179:25  
**include** 42:24 92:8  
 93:18 115:9 117:20  
**included** 3:21  
**including** 164:6 196:25  
**inconsistent** 211:4  
**incorporated** 45:17  
**incorporation** 206:21

**increase** 95:21  
**increased** 95:22  
**incredibly** 13:11  
**independent** 204:23  
 226:22  
**independently** 197:3  
**indicate** 24:22,23 68:23  
 97:5 204:4,21  
**indicated** 186:22  
**indicates** 112:6  
**individual** 12:5 13:22  
 18:19 25:13 27:3  
 30:12 32:24 35:13  
 37:2,13 40:20 79:11  
 98:1 185:1,7 200:1  
 204:11 207:18 221:5  
**individuals** 98:5 202:24  
 221:17 222:13 223:12  
**inescapable** 205:17  
**inexplicable** 215:4  
**inference** 224:2  
**information** 3:22 24:14  
 25:3 26:14 43:15  
 67:17 72:6 94:2,3,3  
 99:19 100:10,14  
 103:21 104:9 106:10  
 106:15,21 107:1  
 108:5 113:15 127:16  
 127:23,25 128:1  
 134:18,19,23 197:17  
 206:25 210:11,12  
 212:19 219:25  
**informing** 183:24  
**ingredients** 126:4  
 197:2  
**initial** 41:1 62:3 215:1,2  
**initially** 184:15 202:8  
**inquiry** 16:15  
**ins** 201:20  
**inside** 18:12,18 102:8  
 111:8 121:9 126:22  
 126:24,25 128:2  
 129:24 182:11 190:22  
**inspection** 43:11 49:14  
 180:20 181:15 202:4  
 202:5 205:11  
**inspections** 27:15  
 48:14  
**instance** 117:23  
**instant** 217:8  
**instruct** 71:19 195:12  
**instructions** 4:21  
**integrating** 204:2  
**integration** 203:24  
**intentionally** 84:9  
**interaction** 217:2,7  
**interactions** 33:18  
 40:20 200:12 222:5

**interest** 140:1 161:10  
**interesting** 89:19  
 190:14  
**interests** 211:12  
**intermingling** 204:20  
**internal** 120:6  
**interpretation** 10:13  
**interpreter** 217:14,15  
 217:21  
**interrogate** 169:7  
 213:12,13  
**intertwined** 204:24  
**introduce** 4:5 74:21  
 155:17,19  
**introduced** 108:17  
 195:9  
**inventory** 58:2 69:22  
**investigate** 96:12  
**investigation** 49:13,18  
 49:22 50:25 51:9 64:7  
 68:2 110:5  
**investigations** 48:14  
**investigator** 1:23 5:22  
 11:11,20 14:1 15:15  
 16:22 17:4,7,8,11,12  
 17:15 18:7 20:15 21:3  
 21:7,24 24:9 25:11  
 27:4,14 28:12 29:15  
 31:18 32:22 33:16  
 34:11 36:25 37:6,25  
 43:2,6,10 44:17 47:17  
 47:23,25 48:4,9,10,12  
 48:13,19 49:1,7,20,23  
 50:1,16,17,20,24 51:5  
 51:11,12,14,19,22  
 52:3,12,24 53:3,16,24  
 54:8,19,23 55:6,8,12  
 55:23 56:10,16,20,21  
 56:24 57:6,10,11,15  
 58:6,9,14 59:1,6,10  
 59:14,24,25 60:3,8,20  
 61:10,15,20,23 62:2  
 63:21 64:9,12,19,24  
 65:3,14 66:7,14,22  
 67:9,19,24 68:1,4,11  
 68:18,21 69:4,11,17  
 69:23 70:8,12,17,19  
 70:24 71:8,13 73:20  
 73:24 76:12,18,23  
 79:3,13,24 80:10,13  
 80:23 81:3,12,18,21  
 81:25 82:5,15,20  
 83:19 84:1,7,17,21  
 85:2,16 86:6,11 87:3  
 89:20 90:18 91:16,17  
 91:19 92:2,4 97:25  
 99:16 100:11,15  
 103:10 104:13 107:20

109:19 111:2 114:14  
 116:22 117:4 128:3  
 180:16 182:8 183:6  
 183:16,23 184:7  
 186:1,14 197:8,14  
 200:10,16 202:1  
 204:6 223:17,24  
**Investigators** 222:7  
**involved** 48:18 59:15  
 95:14 117:2  
**involves** 48:23  
**iota** 210:8 216:5  
**iPad** 30:15  
**irrelevant** 214:11  
**issue** 59:11  
**issue** 13:1 15:5,7 16:8  
 16:10 35:6,6 36:13  
 38:13 40:6,7 98:7  
 137:8,11 229:15,17  
 229:23,23  
**issued** 29:20 59:20  
 64:20 199:3  
**issues** 36:13 38:24  
 137:5  
**issuing** 99:24  
**item** 106:4  
**items** 120:2,9

---

**J**


---

**J-A-S-O-N** 17:8 48:1  
**J-E-A-N** 7:19  
**J-O-S-E** 7:19  
**Jack** 125:11,18  
**January** 9:4,5,6 11:21  
 18:2,5,7 21:22 33:25  
 33:25 34:3 43:17 64:3  
 65:11 98:2 100:24  
 106:6 111:22 113:1  
 113:22 114:1,4,16  
 116:9,24 122:3,18  
 123:4,15 124:3,19  
 159:20,20 161:22  
 162:13,14,25 163:21  
 164:22 180:2,3  
 181:15 184:14 186:2  
 186:8,12 198:7  
 222:10  
**jar** 55:25 56:18 124:17  
**jars** 55:15,16 120:14  
 121:18,21 225:22  
**Jason** 1:23 2:5 5:22  
 17:8 43:10 47:17,25  
 99:16 100:11 117:4  
 168:24 215:6  
**Jean-Baptiste** 1:22  
 5:21 7:4,5,9,16,18  
 8:15,17 10:12,14 11:8  
 11:19 13:23 14:25

15:14,21 16:14,19  
 17:3,10 32:10,13  
 36:22,24 37:10,21  
 38:2 42:5,8 47:13,15  
 47:22 48:2,7,11,17,21  
 49:3,17,21,24 50:6,15  
 50:18,22 51:3,7,12,15  
 51:20,25 52:8,24  
 53:13,21 54:6,17,23  
 55:5,10,21 56:8,14,19  
 56:22 57:5,11 58:6,11  
 58:22 59:4,8,12,23  
 60:5,16 61:7,12,16,21  
 61:24 63:16 64:9,17  
 64:24 65:11 66:4,11  
 66:19 67:6,18,25 68:6  
 74:6,10 77:13,16 78:5  
 86:23 87:2 89:1  
**John** 108:23 212:17  
**John-Baptiste** 50:3  
 77:15  
**joined** 6:15 103:24  
**joint** 49:13  
**Jones** 1:18 4:15,16,16  
 39:18 41:20,21 229:6  
 229:7,8,8  
**Jose** 1:21,22 5:20 7:5  
**JR** 1:17  
**judge** 12:6 113:25  
**judgment** 226:22  
**jumped** 46:19  
**junction** 28:9 32:19  
 35:10,19  
**June** 42:15 139:11  
 143:17 149:4 207:7  
**jurisdiction** 60:25  
**justice** 220:17  
**justifiable** 198:19  
**justifiably** 196:12  
**justifications** 109:17  
 196:14 197:3  
**justifying** 197:6

---

**K**


---

**K** 143:13  
**K-A-M-A-L** 8:5  
**K-E-D-I-R** 143:13  
**Kamal** 1:22 5:18  
**Keddir** 139:11 143:10  
 143:12,16 144:4  
 145:4,5,6,17 146:13  
**keep** 58:16 95:19  
**kept** 58:2 207:11  
**key** 19:3  
**keys** 18:24 27:9 28:16  
 29:12,13 30:23 202:4  
 202:9,20  
**kind** 28:17 31:23 66:23



67:17 85:6 94:6,9  
 95:13 159:21,24  
 169:13 177:2 178:6  
**kit** 111:18,18,25 112:16  
**kits** 105:15  
**knew** 24:15 144:19  
 216:22 218:9  
**know** 12:3,15,16,17  
 14:16 19:23 20:9  
 21:21 23:11 25:15  
 26:12 27:21 28:14,22  
 30:18 32:1 33:2 35:9  
 36:2 37:1,3 54:24  
 68:20 70:15,23,24  
 71:23,23 74:20 75:6  
 79:1,8,10,20,23 80:25  
 84:5,25 86:24 89:12  
 90:3,4 95:22 98:1  
 108:19 112:7,16  
 129:18,19 134:2  
 135:2,5,11 139:14,25  
 140:20,22 142:24  
 144:2 145:24 146:5,5  
 146:5,15,18,23 148:3  
 148:3,4,21 150:21,21  
 154:13,16,17,19  
 155:2,8,12 156:16  
 157:8,13,15 158:10  
 159:1,12,21,23,24  
 160:1 161:16 162:20  
 162:21 164:10 165:5  
 167:23 171:5 172:11  
 172:20,21 173:6,19  
 173:25 174:4,11  
 175:7,24 176:21  
 177:12,13,15,16,23  
 178:3,11,12,16 180:6  
 180:8 182:16,17,21  
 183:15 184:22 185:10  
 185:22,23 187:2,17  
 187:24 188:2,6  
 192:11,20,23,24  
 202:25 206:19 212:2  
 212:4,23 214:3,12,21  
 215:12 216:12,24  
 218:22 219:11,12,24  
 221:20 224:14 225:25  
 226:10 227:16,20  
**knowingly** 44:5  
**knowledge** 33:10 85:3  
 97:17 110:6,20 126:3  
 126:5,8 146:1 154:12  
 199:17 207:2 216:18  
 216:19,20 219:21,23  
**known** 53:19  
**knows** 25:14 52:19  
 108:17 109:19

## L

**lab** 67:11,14,15,15,16  
**label** 112:19 125:2,17  
 125:23 196:24  
**labeled** 53:18 132:24  
 132:25 133:2,3 197:9  
 197:11,13  
**labeling** 58:7,12,24  
 59:4 85:5,6 124:12  
 226:23  
**laboratory** 66:21 67:3  
 196:23  
**lack** 184:25 201:23  
**lacking** 43:14  
**land** 206:24 209:14  
 215:10  
**landing** 115:2  
**landlord** 16:1 31:15,18  
 31:24 45:19 46:3,4,6  
 47:8 68:15 69:9,12  
 72:7 133:9,15 135:19  
 140:18 142:11,12  
 143:7 155:14,20  
 159:3,5,15,17 161:5,6  
 167:6 175:25 179:19  
 179:23 199:15,19  
 201:11 204:19 205:3  
 206:18 207:3,10,11  
 209:11,13,15 210:22  
 216:18 224:8  
**landlord's** 219:22  
**language** 65:6 166:21  
 166:23 188:22 209:10  
 211:6 219:2  
**languages** 57:19  
**lapse** 63:25  
**large** 120:18  
**larger** 160:16  
**lastly** 120:20  
**law** 16:9 44:11 58:8  
 65:7 85:19 153:13  
 198:13,24 212:12  
 214:17 216:6  
**lawful** 153:12 211:12  
**laws** 44:4  
**lawyer** 9:15 40:6  
**lawyers** 39:1  
**lax** 210:5  
**layout** 222:15  
**lead** 53:22  
**leading** 97:2,13 99:20  
 158:1,14  
**leads** 23:15  
**leaf** 102:8 120:12,17,19  
**leaf-like** 119:16,17,23  
 121:17 122:12 123:23  
**leafy** 119:22  
**leap** 206:13

**learn** 49:7 199:22  
**lease** 30:6 34:21 35:4  
 35:10,18 45:25 46:1,2  
 73:16,22 74:2,14,15  
 132:24,25 141:11,12  
 141:15,17,17,23  
 143:9 144:8 145:4,5,9  
 145:13 146:19 147:15  
 147:15 155:13,19  
 156:8 159:18 160:17  
 160:19,22 165:17  
 166:12,18,25 191:3  
 194:21 206:20 210:23  
**leased** 35:25 143:16,21  
 160:20  
**leases** 45:20 194:18  
 195:7 199:8,16  
 222:23 223:1 227:24  
**leasing** 46:6 142:21  
 170:16 171:21 176:14  
**leave** 5:7 15:13 27:2  
 31:7 65:16 166:15  
 175:3  
**leaves** 160:23,23  
**leaving** 28:19 40:16  
**led** 18:9,11 80:1 106:16  
 115:2 202:3,8,13  
**left** 20:13 27:3 35:7,13  
 35:21 40:19 72:14  
 102:11,12 125:16  
 151:2,3 187:18  
**legal** 10:13 11:3,7 20:11  
 29:21 30:24 38:23  
 39:6 40:6 54:10 72:25  
 72:25 75:8 76:10  
 83:24 128:21 200:2  
 201:14 204:17 211:13  
 216:3 223:4,9 225:19  
 226:4,12 228:1,4,14  
**legally** 116:13 198:16  
 200:5 225:16  
**Legals** 131:14  
**legitimate** 137:8  
**length** 132:25 133:1,3,4  
**let's** 7:2 16:6,7,9 25:3  
 52:4 73:2,14 80:3,6  
 90:5 98:12 156:22  
 157:9 158:7,20  
 169:19,20 193:21  
 195:14  
**letter** 141:14 146:24  
 147:4,5,8,13,18  
 148:15  
**letting** 113:10 144:5  
 202:24  
**level** 19:1 23:6 29:19  
 32:4 45:10 63:15  
 69:14 101:21,24  
 130:11 153:19 190:19  
 191:4,10 210:24  
**levels** 27:9 53:11 154:3  
 191:3  
**license** 1:8 12:20 14:9  
 19:13 22:22 24:17  
 28:5 29:16,17,20  
 30:11 33:3 40:16  
 42:15 44:1 48:25 49:6  
 59:9,11 63:23 65:4  
 67:22 68:5 69:7,18  
 81:16 82:22,22 83:1,9  
 83:11,14 101:18,20  
 119:15 133:2 144:11  
 155:14 159:4 160:14  
 172:4,18,22,23  
 174:18 183:25 196:13  
 198:23 199:3 200:14  
 206:2 211:13 215:23  
**licensed** 9:17 22:15  
 27:16 29:20 31:4  
 42:11,23 43:4,7 48:14  
 48:22 49:1 51:1,17  
 53:15,23 54:25 56:2,6  
 56:7,12 57:14,16,24  
 58:24 59:1,3,9 60:1,5  
 60:17 61:8,11,17 67:7  
 70:18 71:9 84:23,23  
 84:25 87:5,18 97:23  
 153:5 174:17 183:13  
 186:24 187:24 189:5  
 196:7 197:9 198:24  
 199:11 200:9,23  
 202:3,9,21 205:14,21  
 223:20 225:2  
**licensee** 1:21,22 2:3,8  
 81:16 138:10 152:12  
**licenses** 159:18  
**licensing** 68:3  
**lie** 66:25  
**lied** 219:13  
**life** 13:8 141:7  
**lights** 52:13,18  
**limited** 12:5 30:25  
**line** 20:23 74:17 162:18  
 203:18,20 226:1  
**lines** 207:7  
**link** 6:17 215:1,2  
**linked** 205:2  
**list** 66:24,25 120:2,6  
 159:4 190:2  
**listed** 24:3 33:17 85:18  
 119:10,15 189:23,24  
**listen** 46:13 213:25  
**listened** 106:20 216:4  
**lists** 24:13  
**litigations** 12:3  
**little** 77:12 78:9 97:2

115:22 129:1 163:13  
 195:23 218:23  
**live** 39:23 145:14  
**livelihood** 210:14  
 215:25  
**living** 182:23  
**LLC** 71:3,5  
**LLCs** 32:23  
**located** 18:25 29:22  
 31:16 42:12 100:2  
 141:25 197:15  
**location** 27:15 49:8,10  
 49:15 59:17 63:6 69:3  
 87:17 99:25 100:9,16  
 101:8,15,17,23  
 119:16 127:24 128:7  
 129:24 139:19,21,23  
 140:1 172:17 203:2  
 225:10  
**locations** 49:2 99:22  
**locks** 19:2 65:8 117:9  
**locksmith** 65:7  
**log** 6:21,22 39:24  
 137:14  
**log-in** 3:22  
**logging** 135:20  
**logical** 226:2  
**login** 137:10  
**logo** 62:14,18 200:22  
 201:2  
**lollipops** 120:16 168:9  
 168:16,18 214:6  
**long** 19:16 30:18 48:17  
 91:20,22 95:21 99:4  
 117:10 136:6 139:2  
 141:24 170:11,16  
 176:1,4,5,7  
**longer** 93:22 117:12  
**look** 16:7 24:2,10 34:15  
 49:8 55:24 56:1 76:9  
 76:17,24 78:3 86:25  
 109:5 118:16 170:22  
 181:22 214:16,22  
 216:2 223:13  
**looked** 22:16 109:5  
 217:2  
**looking** 12:2 24:8 35:3  
 73:11,12 112:18  
 181:24  
**lookout** 93:16,19  
**looks** 29:19 197:16  
**loose** 83:20 119:16,17  
 119:21,22  
**loosely** 62:6  
**lose** 82:22 216:10  
**lot** 18:4 59:17 73:5  
 167:15  
**loud** 136:12 137:16

**Louder** 159:9  
**low** 43:4 51:23 205:14  
 223:20  
**lower** 29:19 45:10  
 69:14 76:9 153:19  
**lower-level** 29:18  
**lying** 181:9 217:1  
 219:12

---

**M**


---

**M-E-S-T-A-W-E-S-H-A**  
 143:12  
**M-O-L-L-A** 138:3  
**ma'am** 6:2  
**mag** 19:2  
**mail** 12:23 25:20,21,22  
 25:25 26:2,5,9  
**main** 152:5 207:15  
**maintain** 110:11  
**maintaining** 83:14  
**maintenance** 204:18  
**major** 24:18  
**making** 9:7 14:25 30:18  
 53:9 59:18 62:23 75:1  
 82:11  
**male** 27:5 45:12 79:25  
 148:9  
**management** 204:3  
**manager** 18:20,23  
 20:20 21:12 22:4,4  
 23:3,13,18 24:20 27:6  
 38:4 40:17  
**managers** 22:17  
**manger** 24:4,22  
**manner** 61:14  
**manufactured** 58:20  
 112:21 126:2 196:25  
 197:18  
**manufacturer** 54:16  
 57:18 61:11  
**marijuana** 60:2 79:1,2  
 79:19 80:12 101:18  
 101:20 120:14 124:17  
 127:7 129:2 192:8  
 212:25 214:4  
**marked** 50:7 103:3  
 105:8 113:8 115:17  
 118:13 125:13  
**market** 56:6 67:5 84:18  
 84:23 85:1,4  
**marking** 105:17  
**markings** 85:7  
**matching** 93:19  
**materials** 96:22 120:23  
 201:20  
**matter** 1:5 5:14 38:18  
 40:1,10 41:3,11,25  
 42:10 45:19 132:3

229:18 230:6  
**matters** 8:16  
**Meadows** 1:18 4:12,13  
 4:14 39:16,17,17  
 41:13,14,18,19,19  
 80:19,20,24 81:4  
 189:19,20 190:2,6,12  
 190:14,15,16,22,25  
 191:2,6,8,15 217:6,6  
 218:18 229:3,4,4  
**mean** 6:18 10:12,12  
 12:3,9,12,15 13:16,16  
 21:8 23:5 24:3,15,16  
 25:8 27:12 29:13 35:1  
 38:25 59:10 62:2  
 87:15 95:12,16 97:3,3  
 97:8 99:19 107:4  
 128:5 136:5 139:12  
 141:2 144:8 148:1  
 150:6 169:2 172:10  
 175:3 176:11 177:20  
 179:9 181:25 183:3  
 188:3,9,13 191:11,12  
 193:9,10,17 197:4  
 207:20 209:6 218:18  
 228:9  
**meaning** 226:24  
**means** 66:20 93:13  
 112:10  
**meant** 86:19,20 162:15  
**mechanism** 13:21  
**media** 49:9  
**medical** 29:17 30:11  
 33:3 35:15 42:11,14  
 53:6 60:2,9,11,13,24  
 61:1,5 67:5 69:17,18  
 79:5,6 80:2 88:13  
 101:17,19 119:14  
 185:1 198:25 202:12  
**meet** 47:5 216:14,14  
**meeting** 1:3 3:9,10,18  
 3:19,20,23 39:5,21  
 75:25 76:2 133:22  
 228:13 229:13  
**meetings** 3:7,13,14  
 39:4,9,22 228:12,17  
 228:21 229:14  
**member** 1:17,18,18 4:9  
 4:13,16 39:11,15,17  
 41:13,17,19,21 80:18  
 80:20,24 81:4 85:24  
 92:5 94:2,5 101:4  
 189:20 190:2,6,12,14  
 190:16,22,25 191:2,6  
 191:8,15 228:22  
 229:2,4,8  
**member's** 92:17  
**members** 4:5,18 7:5,11

31:11 39:24 42:9 92:6  
 93:17 119:11 130:20  
 132:13 151:13 189:17  
 191:19  
**memorized** 192:18  
**memory** 170:24  
**mention** 32:23 48:23  
 83:9  
**mentioned** 30:3 48:22  
 69:24 70:4 84:9  
 189:22  
**mentioning** 33:13  
**merchandise** 69:15  
 70:5 127:17 151:7  
 167:20 200:4  
**merits** 41:9,12,25  
**mesh** 62:20  
**Mestawesha** 139:11  
 143:10 145:16 146:13  
**met** 1:14 19:12 23:8  
 25:6 27:17 28:10  
 40:18 58:24 59:5,18  
 83:6 101:15 102:15  
 109:22 165:22,24  
 181:19,20 182:3  
 207:21  
**metric** 197:20 205:15  
**metrics** 57:23 67:13  
**Metropolitan** 43:17  
 90:19 91:18 119:11  
**microphone** 5:2  
**microphones** 5:8  
**mind** 19:7 87:16 192:12  
 195:4  
**minimum** 227:4  
**Minnesota** 145:15,22  
 145:23  
**minute** 38:16,17,17  
 78:14 130:16 131:11  
 137:2 170:21,21  
 195:16 207:4 209:21  
**minutes** 19:14 65:23  
 131:20 134:5 208:21  
 220:24  
**missing** 129:8  
**mistake** 173:5,20  
**mistaken** 18:3  
**Mister** 190:13  
**misunderstanding**  
 217:9 219:6,16  
**misunderstood** 218:15  
**MOLA** 1:24 136:25  
**Molla** 2:5 136:9,10,16  
 136:17,25 137:18,23  
 137:23,25 138:2,5,8  
 138:14 140:15 146:9  
 151:22  
**moment** 4:25 26:7

32:15 37:23 47:16  
49:24 50:16 103:20  
169:11  
**money** 53:9 150:3  
**monitor** 183:8 185:15  
**monitoring** 92:19  
183:12 185:13,17  
**month** 143:3,4,25,25  
149:9 150:24 176:24  
177:4,14,14  
**months** 45:25 139:13  
142:17,17,19 146:21  
150:15,20 170:13,14  
171:19 172:1,16,20  
172:21,21 190:8  
**morning** 3:3 4:13,24  
5:15 6:25,25 7:8,10  
7:14 8:14 42:8 44:13  
135:13 162:4,6,7,8  
163:5,6  
**motion** 11:6 15:9,23  
39:11,13,19 40:8  
41:10,11,15,24  
228:23,25 229:11  
**mouth** 188:14 209:13  
220:2  
**mouthful** 17:13  
**move** 8:20 16:16,21  
25:3,5,5 33:6 36:10  
39:5 40:8 41:11,24  
59:23 62:23 83:4  
97:18 98:13,21  
105:21 114:5 116:15  
118:24 135:17 158:7  
220:18 228:13  
**moved** 51:1 176:16  
195:3  
**moves** 62:23  
**moving** 41:9 82:10  
**MPD** 18:16 19:15 30:13  
43:21 51:6 57:1,3  
64:2,12,20 79:17  
88:23 89:10 91:20,21  
93:2 95:11 99:18,20  
99:20 100:20 102:24  
110:10 115:6 116:25  
117:1,17 118:2  
121:25  
**MPD's** 88:15 99:19  
198:5  
**multi-agency** 49:14  
**multiple** 19:12 23:10  
25:14 29:25 35:2 93:7  
203:9,13 224:16  
**mushroom** 84:5,8,14  
86:4,4 118:1  
**mushrooms** 56:18  
83:21,24,25 84:2 85:9

85:10,11,12,12,13,14  
85:15,16 117:24  
**mute** 5:5 36:23 68:11  
126:15 134:2,10  
**muted** 90:11  
**mylar** 102:9 112:6  
120:17 122:13

---

**N**


---

**N-A-W-A-S-H** 8:5  
**name** 4:3 6:13,14,19  
7:5,11,16,18,19,23,24  
8:2,4,5,9,12 9:21 17:5  
23:23 24:1,6,6,12,13  
24:20,23,24 25:8,9  
46:17 47:24 62:10,11  
62:15,17 68:14,16,17  
68:20 70:16,20,20,21  
70:23,25 71:1,2,5,9  
71:14 91:12,13,14  
95:25 108:14,23  
129:1 137:20,21  
138:2 143:8 152:19  
152:23,25 154:19  
155:9 157:25 158:20  
158:24 159:1,2,13  
168:25 173:4,4,6  
175:17,24 179:18  
180:6 188:6 190:4,9  
192:24 201:3,7,9  
207:25 208:12 212:16  
225:13  
**named** 17:16 24:19  
49:19 100:4  
**names** 4:7 31:21 53:19  
55:17,19 173:2,6,7,14  
173:18 174:1,4 190:3  
190:11 192:12,12,13  
192:17,20,21,22,23  
192:24 193:1  
**narcotic** 91:17,24 118:1  
**narcotic's** 93:23  
**narcotics** 91:23 92:2,9  
92:16 93:14,14,25  
94:21 95:3 101:24  
115:7 117:21  
**narrative** 119:8,9 120:7  
**Natanem** 1:6  
**nature** 32:12 77:15  
82:18 96:24 106:8  
144:3  
**Nawash** 1:22 5:18 6:1,3  
6:5,8,12,17,23 7:25  
8:3,6 9:10,13,21,23  
10:3,8 11:25 12:1,2  
13:14 14:10,13,17,18  
16:25 21:6,8,14,17,21  
22:2 24:15 25:5,16

26:16 29:1,3,7 31:11  
31:14,20 33:12,20  
34:4,21,23,25 35:22  
36:6,15,18 38:12 42:1  
44:25 45:2,8,13 68:9  
68:13,19,22 69:8,13  
69:20 70:3,9,15,18,22  
71:6,11,15,22 72:5,10  
72:15,18,22 73:1,8,14  
73:19,21 74:1,13,20  
74:25 75:10,16,24  
76:8,13,21 77:1,7,11  
77:20,24 78:6,22  
79:10,16 80:5,11,14  
81:2 85:24 86:2,9,13  
86:19 96:14 97:1,7  
105:23 106:9 108:7  
108:10 114:9 116:18  
119:2 126:12,17  
128:20,25 129:6,17  
130:15 131:8,9,15,24  
132:8,10,15 133:5,8  
133:14,18,22 134:5  
134:13 135:8,18  
136:4,8,11,18 137:15  
137:21,24 138:1,6,16  
140:3,6 141:3 145:1  
151:19,20,25 152:4  
152:18,24 153:9  
155:4,7,25 156:7,13  
156:22,25 157:2,8,15  
157:21 158:2,6,25  
160:7 162:15,20,23  
169:10,21 188:9,13  
191:24 192:1,6  
194:10,15,21 195:4  
206:3,6,8 217:22  
218:1,4,7 220:8,12,15  
227:6,9,11,14 230:1  
**nearby** 150:3  
**necessarily** 134:3  
**necessary** 43:15 46:17  
107:18 195:24  
**need** 4:21 9:11 14:13  
16:6,8 21:7 38:15  
47:20 60:17 71:18  
73:6 76:2 94:17  
107:21 110:6 126:12  
132:7 134:3,9 148:22  
156:1,2,17,19 157:4  
157:13 158:19,22,23  
161:1 170:22,23  
171:3,8 183:12  
188:25 195:11  
**needed** 117:14 217:25  
**needs** 37:19 77:17  
**negotiating** 45:25 46:2  
46:8 161:3

**NEU** 51:6 64:6 66:14  
92:4  
**never** 11:13,23 12:17  
19:20,21 34:7,14,15  
34:19 46:7 65:25 66:2  
127:19 146:17 150:22  
165:6 181:12 201:2  
210:18 211:11,20  
213:7 214:14 215:1  
217:19,19,21  
**nevertheless** 12:18  
**new** 15:3 62:10,14,15  
70:13 121:24 122:16  
123:1,13 124:1,21  
**night** 20:13 162:5  
**non-resident** 60:24  
**Northeast** 121:25  
122:16 123:2,13  
124:1,21 145:8,10,13  
**Northwest** 42:13 100:2  
119:13 153:16 196:10  
205:20  
**notable** 63:24  
**note** 44:12,21 222:25  
**noted** 44:23  
**notes** 109:5,6 189:14  
**Nothing's** 157:3  
**notice** 3:18,21 8:25  
14:1,4,5 15:16 20:4  
20:17,20,21,25 25:22  
27:2,3 31:7,19 32:15  
35:8 39:20 40:24  
44:15 65:4 67:21  
76:16,20 78:7,14 96:9  
117:8 119:20 128:12  
134:22 229:11  
**noticed** 115:1,6  
**notification** 28:19  
**notifications** 26:1  
**notified** 28:3,23 64:12  
**novel** 15:2,5  
**November** 67:10 151:2  
151:3,3,7 200:6  
**number** 5:14 23:8 38:5  
39:7 60:13 61:1,4  
63:1,2 89:22,23  
133:25 145:15 228:15  
228:18  
**numbers** 51:22  
**numerous** 209:24  
**NW** 1:8 138:25

---

**O**

---

**OAG** 1:22,23 76:20  
128:17  
**oath** 47:20  
**object** 32:10 74:6 77:13  
105:23 128:14 227:17

**objecting** 169:23  
**objection** 32:12,18,19  
 74:4,9 77:15,19,24  
 78:5 96:14,15,18,25  
 98:11 106:8 110:14  
 110:22 114:11 116:20  
 119:1,4 141:3 157:24  
 158:13 188:9 194:24  
 194:25 225:17  
**objections** 109:13  
 110:23 114:7 116:17  
**objective** 97:7  
**observations** 62:3  
**observe** 88:5  
**observed** 43:12 57:8  
 62:22  
**observing** 204:8  
**obtain** 60:12 61:4  
**obtained** 30:6 54:15  
 64:20  
**obvious** 180:12  
**obviously** 20:4 31:2  
 52:19 64:8 193:1  
**occasions** 224:16  
**occupation** 91:15  
**occupied** 69:6  
**occur** 11:4,10 202:5  
**occurred** 9:4 14:6 88:8  
 88:11 97:19 101:11  
 113:1 114:15,17  
 198:6 201:10,24  
 202:7 204:10 222:9  
 222:10  
**occurring** 20:22  
**October** 48:19  
**oepngovoffice** 4:2  
**offering** 92:9  
**office** 3:12 7:12 23:4,24  
 72:25 78:20  
**officer** 43:18 46:12  
 78:23,24,25 79:4,17  
 89:11 92:13,13,14,15  
 92:18,19,20,21,22,23  
 92:25 93:1,23,24  
 94:14,23 95:2,3,5,10  
 95:23 96:10,11,20  
 98:17 101:6,7,10,13  
 101:19 102:1,10,17  
 102:21 104:20 105:3  
 106:3,6,13,17,19,23  
 107:7,19,25 108:12  
 108:13,21,23,25  
 109:2,2,18,21,22,23  
 109:24 110:5,19,23  
 126:18 127:9,12  
 128:4,5,15,21 129:1  
 129:12,13,20 130:2,3  
 130:4,21 165:14,21

165:22,24 167:7,24  
 168:7,23,25 169:3,7  
 184:13,15 185:25  
 186:22 201:23 202:6  
 202:8,11 206:18  
 212:1,3,3,11,12,17,22  
 213:25 214:10 215:6  
 215:8 216:24 217:13  
 221:6,9,10 223:23  
 224:25  
**officer's** 97:17 184:25  
**officers** 92:7 98:4  
 107:21 108:3,4,5,6  
 110:12 115:6 116:22  
 116:25 117:2 127:10  
 186:6,11 215:17  
**official** 39:8 69:1 70:15  
 70:22,25 71:1 228:12  
 228:16,20  
**oh** 29:3 60:8 72:20  
 82:15 84:10 95:12  
 104:7 106:22 115:24  
 145:7,16,20,20  
 148:20 162:15 174:16  
 177:19 178:1,5  
 189:18 190:20 194:15  
 215:21 216:10 224:12  
 225:24  
**oil** 120:21  
**okay** 6:23 10:2 11:2  
 16:17 17:2,12,25  
 18:16 25:18 29:5  
 31:11,21 33:20 36:14  
 36:15,21 38:21 41:25  
 42:7 52:8 55:21 62:23  
 66:11 68:22 69:13  
 71:15,22 72:18 73:14  
 73:15 74:1 75:24 76:6  
 76:8,13,21 77:1,10  
 78:22 80:14 86:13  
 87:1 88:18 90:5,20,21  
 90:24 98:21 103:23  
 103:23 104:5 112:18  
 112:23 113:13 114:12  
 115:13,15 118:23  
 119:5,25 121:3,13  
 125:7 129:4 130:15  
 131:23 133:6,8 134:5  
 134:21 135:1 136:18  
 137:17,18 138:4,14  
 138:23 140:5,11  
 143:5 146:7 147:3  
 148:8,8 149:21  
 151:24 152:16 155:11  
 155:15,25 157:20,21  
 158:7 159:11,16,19  
 162:9,20 163:7 170:5  
 170:25 171:6,13

172:15 173:7,10  
 175:23 177:16 178:2  
 178:18 180:5,15  
 181:17,17 182:22  
 183:6 184:23 185:6  
 189:14 190:12 191:8  
 191:15 193:20 194:5  
 195:10,14,20,21  
 213:2,16 214:8  
 217:24 218:5,5  
 227:20 228:6  
**old** 13:4 71:13  
**OMA** 3:8,17  
**once** 4:24 18:16,22  
 20:6 26:24 28:23 49:7  
 64:19 72:12,20 75:19  
 77:12 78:9 88:17  
 93:15 97:20 104:3  
 143:2,4,24,25 199:3  
 210:19 211:5,6  
**online** 156:12  
**OOG** 4:1  
**open** 3:7,12 33:7 39:4,9  
 39:22 115:1,4 157:5,7  
 157:9 177:18,20,22  
 177:25 178:2 179:6  
 187:12,13 193:23,24  
 193:25 194:3,5  
 228:12,17,21 229:14  
**opened** 36:1 63:3 69:25  
 114:20 167:14,20  
 177:1,5,10,13,14,15  
 194:2  
**opening** 2:2 42:3 44:25  
 62:8 179:2 187:17  
**opens** 111:5  
**operate** 13:22 30:9  
 42:17  
**operated** 61:18 87:6  
**operates** 102:15 146:12  
 146:16 196:6 205:18  
**operating** 20:1 28:4  
 31:5 53:1 54:2 63:14  
 87:13,13 119:14  
 132:22 172:17 196:17  
 198:10,12 200:14  
 201:4,15 203:2  
 224:20,22  
**operation** 17:22 18:1  
 37:16 42:23 43:25  
 51:1 64:18 82:24  
 87:18,19 92:16 94:4  
 94:15,18,25 95:14,24  
 97:18 98:17 100:21  
 100:23,24 101:2,3  
 102:16,18 104:21  
 105:4,14 109:20  
 110:9 112:24,25

113:16 174:17,18  
 196:7 201:3 220:17  
**operational** 54:9  
**operations** 43:3 44:10  
 64:4 92:8 93:3,8,12  
 93:20 94:22 98:23  
 99:1,7,12,21 144:13  
 144:17 184:1 196:9  
 196:12 199:18,23  
 200:9 204:3,5,14,15  
 204:17 205:12,22  
 221:12 223:13 224:6  
 224:9  
**operator** 51:1 83:5,8  
**opinion** 41:7  
**opportunities** 17:2  
**opportunity** 16:25  
 26:21,22,25 29:2,10  
 36:12 207:9,10  
 215:20  
**opposing** 97:21 206:9  
 216:4 217:3 221:1,3  
 221:24  
**option** 5:7 6:20  
**options** 63:8  
**order** 12:6 15:23,25  
 16:17 28:21,21 71:15  
 110:7  
**orders** 51:23 99:24  
**ordinary** 117:16  
**Orellana** 1:21 5:16,18  
 6:3,11,15,21 50:2,5  
 72:9,12,16,19 89:14  
 89:18 90:1,5 103:5,21  
 104:1  
**Orellano** 89:13  
**organization** 167:3  
 200:10  
**organize** 61:22 63:19  
**organized** 63:17  
**original** 62:11  
**originally** 130:5  
**other's** 209:8  
**outside** 62:9,12,22  
 84:13 101:20 180:14  
**overlap** 225:9  
**overrule** 32:17,19 77:24  
 98:11 110:14,22  
**owing** 184:25  
**owned** 36:1 46:21  
 141:24 165:15 167:24  
 171:18 208:3  
**owner** 8:23 11:20,22  
 18:15 19:7,11,20 20:6  
 20:22 23:9 25:6,7,8,9  
 25:13 27:18 28:22  
 33:3,19,22 34:5,6,8  
 37:12,23 38:6 40:17

40:23 41:2,3 43:1  
 44:16 46:24 52:2,6,9  
 52:10,19,25 53:13,22  
 55:9,16 63:3 65:16,17  
 65:18,19 69:2,24  
 81:21,24 84:9 87:10  
 121:10 139:14,15,21  
 170:9,11 200:11  
 202:2 205:11 213:11  
 213:12,13,17 215:11  
 223:14,16  
**owner's** 27:22 38:5  
 205:9  
**owners** 45:18  
**ownership** 72:6 140:1  
 161:10 213:19,20  
 225:9  
**owning** 211:24  
**owns** 32:3 45:9 139:19  
 139:22 146:11 206:19  
 213:16 219:8

---

**P**

---

**P-E-R-U** 17:8 48:1  
**P-R-O-C-E-E-D-I-N-G-S**  
 3:1  
**p.m** 34:18 132:4,5  
 162:3 174:20 220:8  
 230:7  
**package** 197:1  
**packaged** 57:17 66:9  
 66:10  
**packaging** 57:21 58:14  
 59:7 85:4,6,7 124:12  
 198:5  
**padlock** 13:16  
**padlocking** 65:1,2,5,6  
**page** 76:16 77:11 78:2  
 78:12 115:25 119:7  
 121:4,5 133:2,4  
**pages** 132:24 133:1  
**paid** 149:6 175:7,11  
**paper** 40:16 155:13  
 164:25 165:2 172:14  
 212:5 216:13,23  
**papers** 46:18 119:17,22  
 120:11 121:17 122:12  
**paperwork** 166:9,10  
**paragraph** 78:3,12  
**parents** 218:24  
**part** 50:12 60:16 91:17  
 92:1 110:5 114:23  
 203:25 204:16 213:19  
 213:20 218:25  
**participate** 49:18  
**participated** 116:23  
**participating** 4:6  
**participation** 3:23

222:8  
**particular** 12:25 100:13  
 112:16 125:15 196:20  
 203:7  
**particularly** 107:18  
 109:15  
**particulars** 97:18  
**parties** 5:6,17 7:1 26:25  
 29:24 39:23 134:17  
 195:12,16  
**partner** 59:16 154:5  
**partners** 49:14 64:5  
**parts** 200:9  
**party** 5:1,7 31:3,4 40:14  
 226:16  
**passage** 190:20  
**passageway** 190:18  
**passed** 39:19 85:19  
 229:11  
**patients** 67:5  
**patrons** 54:12  
**Paul** 145:14,15  
**pay** 53:10 149:4,12  
 174:3,5,7 192:25  
**paying** 149:5  
**pays** 149:8,9  
**people** 13:3 85:12  
 96:13 187:14 188:3  
 193:7 202:20,22  
 206:25 209:18 215:15  
 218:17 219:1,23  
 221:11,21 224:18  
**peoples'** 190:11  
**percent** 167:16 214:12  
**percentages** 58:18  
**perfect** 208:24  
**perforated** 62:19  
**perform** 94:14  
**performing** 95:24 196:8  
 200:20  
**period** 69:6 95:21  
**permission** 54:18 71:19  
 71:20,25 72:1  
**perpetuity** 16:4  
**persnickety** 105:10  
**person** 23:11,14 25:7  
 28:10,16,20 31:2,7  
 35:7,14,15,20 36:9  
 37:1 46:18,25 47:2  
 60:14 71:20,25 79:12  
 80:12,21 96:1,8,21  
 98:18 101:25 102:1  
 106:10,14 107:5,9  
 108:17 127:2,8,11,14  
 127:18 128:13 129:8  
 129:10,14,15,20,21  
 130:6,8,9 135:4,4  
 143:8 145:19 171:4

181:1,3 188:6 207:16  
 207:22,23 208:2  
 209:18,21 212:10  
 213:22 221:19 224:20  
**person's** 210:14  
**personal** 9:24 40:15  
 44:21 85:20 106:10  
 106:14,21 110:6,20  
 206:25 207:1 210:12  
 212:19 216:18,19,20  
 219:24  
**personally** 12:4,11,12  
 26:6  
**persons** 22:18,22 26:7  
**Peru** 1:23 2:5 5:22  
 11:12,20 12:16 14:1  
 15:1,1,7,12,15 16:11  
 16:11,17,22 17:4,7,8  
 17:11,12,15 18:7  
 20:15 21:3,9,16,23,24  
 24:7,9 25:2,11 27:1,4  
 27:14 28:12 29:11,15  
 31:15,18 32:18,20,22  
 33:16 34:11 35:1  
 36:11,25 37:6,19,25  
 40:21 43:2,6,10 44:17  
 45:23 46:12 47:18,19  
 47:23,25,25 48:4,9,13  
 48:19 49:1,7,20,23  
 50:1,16,17,20,24 51:5  
 51:11,12,14,19,22  
 52:3,12,24 53:3,16,24  
 54:8,20,23 55:6,8,12  
 55:23 56:10,16,20,21  
 56:24 57:6,10,12,15  
 58:6,9,14 59:1,6,10  
 59:14,24,25 60:3,8,20  
 61:10,15,20,23 62:2  
 63:21 64:9,12,19,25  
 65:3,14 66:7,14,22  
 67:9,19,24 68:1,4,11  
 68:14,18,21 69:4,11  
 69:17,23 70:8,12,17  
 70:19,24 71:8,13  
 73:19,20,24 76:12,18  
 76:23 78:18 79:3,13  
 79:24 80:9,10,13,19  
 80:23 81:3,7,12,18,21  
 81:25 82:5,15,20  
 83:19 84:1,7,17,21  
 85:2,16 86:6,11 87:3  
 89:3,6 97:25 99:17,23  
 100:11,15 117:4  
 127:25 128:3,4,4,5,6  
 165:14,21,22,24  
 166:4 167:7,8,24  
 169:2,3 182:3,8 183:7  
 183:16,23 184:7

186:14 197:8,14  
 200:10,21 201:23  
 202:1 204:6 205:11  
 206:18,22 212:1,3  
 213:5 216:24 217:13  
 219:7 222:4,8,17  
 223:17,24 224:15,19  
**Peru's** 180:16 186:1,22  
 198:1 200:16 205:10  
 205:15 215:7  
**petition** 110:24  
**petitioner** 40:8  
**phone** 19:8,9,10,11  
 20:22 28:23 34:13,16  
 38:7 44:18 65:18  
 133:24,25 135:6  
 136:4 180:24,25  
 181:2  
**photo** 55:8,12 61:3  
**photograph** 103:11  
 104:23 121:23,24  
 122:2,3,5,15,19,25  
 123:5,12,16 124:18  
 124:20 125:2,3,16,20  
**photographs** 182:7,11  
 182:14,18  
**photos** 57:6 81:12  
**physical** 203:2  
**physically** 71:23  
**pick** 19:8 38:6 135:16  
 135:17 149:15  
**picked** 19:9 38:8  
**picture** 55:24 56:4,5,17  
 84:8,8 104:18,19  
 105:1,2 108:15,16  
 121:18 168:6  
**pictures** 20:5 59:7 81:8  
 81:11 83:20 84:18  
 110:3 214:4  
**piece** 210:2,8 212:5  
 216:13,23  
**pipe** 172:14  
**place** 18:8 27:20 35:25  
 36:1 63:20,21 70:11  
 74:15 100:23,24  
 109:25 111:12 134:18  
 144:13,17,21 172:23  
 184:1,10 194:1  
 197:20 199:18 210:21  
 210:23 211:24 224:9  
 225:7  
**placed** 51:24 102:8  
 111:8 131:19 134:19  
 134:23  
**plain** 115:7  
**planned** 87:13  
**planning** 8:7 94:7  
**plans** 63:7 87:12

- plastered** 62:18  
**plastic** 122:13  
**please** 3:25 4:6 5:11,16  
6:2 7:16 8:1 9:12  
15:20 16:6,12 17:5  
34:19 38:16,17 47:23  
50:3,15 53:21 54:24  
55:5,22 58:11 72:11  
75:14 77:25 89:12  
90:9,15,21 91:11  
103:6 104:1 134:17  
137:6,22 138:5 152:8  
152:20,25 155:8  
158:21 170:21 189:1  
195:5 196:4 206:5  
**point** 28:1,2 65:25  
75:21 78:2 79:12 82:8  
89:9 105:19 114:5  
116:15 126:13 137:6  
152:6 205:5 217:22  
218:18,19  
**points** 221:1  
**police** 43:17 78:23,24  
78:25 79:4 90:19  
91:18 95:2,2 118:6,17  
118:21 119:11 120:1  
125:19 127:19 198:5  
215:17 221:15  
**portion** 36:5 88:2 111:7  
111:12 119:21 120:22  
125:16 135:5 183:13  
187:16,25 189:5,9  
198:3 200:23,24  
202:3,4,9,14,21  
**pose** 205:22  
**posed** 42:21 106:4  
197:4  
**poses** 44:6 196:18  
**position** 13:15,19 40:12  
48:8 79:12 213:24  
215:5,9  
**positive** 64:13,14 88:25  
105:17 111:25 112:6  
112:8,11,14 119:23  
121:2 202:17  
**possess** 85:20  
**possible** 70:9 72:8  
**possibly** 33:6,7 49:13  
54:4  
**post** 77:12  
**posted** 119:20  
**posting** 12:7  
**potential** 98:7  
**potentially** 6:22  
**pounds** 66:8  
**power** 215:13  
**pre-roll** 119:17  
**pre-rolled** 119:22  
120:11 121:16 122:11  
**precluded** 16:16  
**predicated** 225:19  
**prefaced** 46:14  
**preference** 72:17  
**prejudiced** 212:20  
**prejudicial** 107:2  
213:24  
**preliminary** 8:16  
**premise** 33:8  
**premises** 18:17 19:18  
23:15 37:8 40:16  
42:18 43:14 65:9  
116:14 144:14  
**preparation** 209:22  
**prepare** 76:19 77:6  
**prepared** 76:15,20  
128:12 216:9,11  
**presence** 43:21 203:17  
**present** 1:16,20 4:10,14  
14:2 102:2 117:5  
170:3 180:15 181:5  
222:14 223:15 225:21  
**presentation** 45:1  
86:25 228:8  
**presented** 33:9 44:9  
210:9 214:21,23,24  
214:25 227:22  
**preserve** 223:4  
**presiding** 1:14  
**press** 72:2  
**presumably** 209:16  
213:1  
**presume** 216:7  
**presumption** 203:16  
**presumptively** 203:17  
**pretty** 82:7,24 116:4  
**prevent** 41:8  
**prevented** 134:20  
**previous** 19:24 40:20  
62:1  
**previously** 27:7 29:23  
81:1  
**prior** 11:9 51:15 62:7,15  
83:9 146:2 150:11  
180:5  
**probably** 93:5 126:13  
163:25 170:13 208:16  
219:9  
**problem** 45:5 141:13,15  
147:1 159:6 208:17  
**procedure** 95:25 98:4  
108:1 117:16,19  
118:2 210:3  
**procedures** 110:10  
210:4  
**proceed** 9:16,18  
**proceeding** 17:20  
39:21  
**proceedings** 229:12  
**process** 25:20,21 49:4  
99:23 200:13  
**produce** 88:13  
**produced** 58:20 202:9  
**product** 20:11 23:19,22  
29:21 30:20 53:4,12  
53:14,20 54:10,12,14  
54:15 55:1 56:2,5,11  
57:3,14,16,25 58:1,4  
58:4 59:3 61:6 63:13  
64:14 66:5,13,15,22  
67:3,4,14,17 69:19  
70:13 83:11,13 84:17  
84:23,25 88:12,20,21  
98:2 102:1,5,22,24  
104:20 105:5,12  
106:5 110:4 111:7,11  
111:12,21 112:7,11  
112:19,20 122:12  
123:10 124:13,22  
126:1 160:9 166:7  
167:16,17 178:5,6,9  
178:15,17 182:15,19  
185:3,21 197:9,15,24  
201:17 202:16 221:8  
223:20,22 224:11  
225:2,5  
**product's** 105:6 126:4,6  
**products** 43:4,13,14  
44:4 49:12 55:14,24  
56:6 61:13 66:9,17  
69:15 81:17 82:13,19  
83:17 84:14,15,21  
86:7,10 121:21 122:5  
122:20 123:6,16  
124:4,8 160:4 167:15  
178:7,20,22,23 179:3  
179:4,11,12 199:5  
203:21,22 211:14  
**products'** 197:2  
**professional** 63:5  
**program** 60:9 205:16  
**promptly** 41:5  
**proper** 40:22  
**properly** 19:19 83:3  
197:11,12  
**properties** 142:2,4,7  
**property** 12:20 20:6  
52:23 88:2 141:25  
142:14,18,21,23  
143:17,21 146:4,23  
147:23 148:22 149:18  
149:23 150:13 151:1  
170:17 171:22,24,25  
172:2 176:14,15,22  
183:21 199:21 200:6  
205:4  
**protect** 107:21,24 108:2  
108:6,12  
**protecting** 109:17  
**prove** 86:18  
**provide** 15:2 177:4  
190:4 201:6 202:20  
**provided** 3:18,24 20:20  
72:23 105:3 144:25  
157:25 218:3 223:24  
226:16  
**provides** 197:16 226:21  
**providing** 227:24  
**provision** 9:8  
**provisions** 196:15  
198:24 203:11 226:23  
**psilocybin** 85:17  
117:25  
**psychedelic** 85:17  
**public** 3:13,22 44:7  
67:1 107:23 109:16  
119:8,9 180:12  
196:19 197:5 201:16  
205:24 226:25  
**public's** 42:21  
**pull** 103:3 170:1  
**pulled** 62:21  
**pulling** 113:7  
**purchase** 51:6 56:25  
60:14,22 61:5,10  
64:21 79:1,8,9 94:1  
184:14  
**purchased** 29:20 57:3  
70:5 79:2,19,21,21,23  
102:1,6,22 104:20  
105:13 106:5 110:4  
111:21 127:18 129:2  
129:15  
**purchaser** 80:22,25  
**purchasing** 43:19  
70:13 96:1  
**purple** 112:9,10  
**purpose** 25:19 39:6  
62:3 94:13,16 116:10  
116:12 134:16 228:14  
**purposes** 92:19,20  
94:10 101:6 175:6,10  
**pursuant** 3:11,15,17  
39:8,21 40:13 228:5  
228:16 229:13  
**put** 6:17 12:15 38:12  
55:20 69:21 74:21  
75:1,14 78:1,11 82:25  
86:14 98:6 111:13  
134:1,9 135:18 156:2  
156:17 164:24 165:11  
166:8,10 193:1  
197:20 201:3 213:23

**putting** 134:22 188:14

**Q**

**question** 5:12 13:24  
14:17 21:4 31:23  
32:17,20 35:17 37:18  
37:20 53:17,25 57:12  
59:24 60:4 62:1 63:18  
67:23 68:1 69:9,11  
76:7 77:17,21,25 78:1  
79:20 80:5,8,8 81:7  
95:8 96:17,18 97:2,5  
97:8,13 98:12,15  
108:25 109:2,7  
128:15 130:17 156:3  
158:22 169:7 171:4,9  
171:10,12 177:6,11  
186:5,9 188:15,24  
189:1,19 208:20  
209:12,15 212:21  
213:23  
**questioned** 74:18  
**questioning** 32:14  
55:17 86:20,21  
162:18  
**questions** 4:1 5:10 11:2  
11:3 21:6,16,20 25:19  
26:17,20,23,23,24  
27:1 29:10 31:10,12  
31:12 34:17 36:17  
38:9 61:3 68:7,9  
80:15,18 85:23,25,25  
86:14 87:12,15 89:2  
97:4,9,10 98:9 123:9  
126:10,14 130:17,19  
130:20 137:16 140:4  
146:8 151:12,15,15  
157:17 169:11 188:18  
189:15,16 191:18,20  
191:20 192:2 193:6  
194:6 208:9 209:23  
209:24 212:22 213:14  
217:5,6,9 218:17  
221:18  
**quiet** 97:3  
**quorum** 4:19 132:13  
**quote** 53:19 54:13  
**quoted** 10:25 11:9

**R**

**R** 143:14  
**radio** 92:20 93:2 95:18  
**raid** 130:8 186:12 222:9  
**raided** 207:25  
**raise** 16:12 90:22 138:5  
138:6 152:8  
**raised** 38:24 40:6 98:7  
**re-direct** 36:22

**reach** 58:16  
**reached** 201:10  
**reaction** 105:18 111:17  
112:1 119:24 121:2  
**read** 20:20 77:2 119:8  
120:9 121:4 125:3,8  
**reading** 55:3 212:5  
216:7,12,13,23  
**realize** 63:14 210:2,5  
212:7  
**really** 12:14 22:11  
26:17 46:12 105:10  
169:14 175:12 206:9  
214:22 219:6,7,8,9,15  
**reason** 9:16 12:25  
19:15 43:3 52:9 53:1  
70:10 100:13 115:23  
168:4 192:3,7 218:13  
223:18  
**reasons** 31:6 107:22  
221:9 228:19  
**rebuttal** 195:23 221:1  
227:9  
**recall** 59:14,15 73:24  
100:19 180:22 183:23  
185:4,25 186:3,16  
**receipt** 26:4  
**receive** 9:22,24 14:5  
99:22 100:14 108:18  
128:1 147:5 148:14  
179:22  
**received** 9:6,14,23,25  
13:25 14:18,21 26:13  
31:19 89:21 100:10  
100:16 107:8 113:16  
127:23 132:19,20  
133:7 141:14 146:24  
147:4,7,12,18 164:19  
179:19  
**receiving** 30:11 106:12  
200:13  
**recess** 39:20 229:12  
**recognize** 50:18 55:6  
103:11 104:16,23  
113:4 115:18 118:9  
**record** 3:4 7:2,17 8:2  
11:15 12:15 17:6  
20:16 24:12,13 34:12  
38:16,19,22 40:2  
45:18 46:11,22 47:24  
50:13 70:21 90:9,13  
90:16 91:12 131:20  
131:21,22 132:4,7  
137:22 152:19,23  
217:20 230:7  
**recorded** 58:2  
**records** 18:3 22:14  
23:25 24:4,22,23

25:10,24 26:11 43:7  
50:13 51:17 70:4  
**recovered** 119:15 120:2  
**RECROSS** 2:4  
**redirect** 2:4 37:9 86:23  
151:18 191:23,25  
218:21  
**redirected** 209:5  
**refer** 71:4  
**reference** 53:3 57:1  
59:21 71:4  
**referencing** 78:19  
**referred** 37:14  
**referring** 33:13,16 71:9  
180:1  
**reflect** 217:20  
**reflected** 112:2  
**reflects** 59:21 62:12  
**refute** 226:16  
**regard** 17:19  
**regarding** 3:13 15:1  
16:9,10 40:11,13  
67:17 82:13 147:5,24  
148:18 198:24  
**Regardless** 223:2  
**regards** 10:15 52:9,25  
**register** 60:10,12 61:2  
**registered** 22:16 31:1  
60:13 68:16,17  
**registering** 62:16  
**registration** 61:1  
**regular** 12:3 16:17 95:2  
**regularly** 3:8  
**regulation** 10:25 50:12  
229:21  
**regulations** 42:20 44:5  
**regulatory** 180:20  
181:14 205:10  
**related** 98:9  
**relates** 203:23  
**relating** 201:11  
**relation** 138:17  
**relations** 209:17,20  
**relationship** 81:1  
138:18 140:16 142:10  
143:5 153:3,10 161:7  
209:16  
**Relevance** 32:13  
**relevancy** 162:12  
**relevant** 35:10,19 94:2  
97:11 134:24  
**reliable** 107:1  
**relied** 77:22 78:11  
**remain** 5:4 13:20 16:4  
96:7  
**remained** 65:15  
**remaining** 94:24  
**remediation** 13:18

**remember** 59:19 77:5  
82:7 84:10 145:10  
150:16 184:17,19,23  
186:6,18,21 192:11  
192:20 194:13  
**reminded** 20:2  
**renewed** 146:19  
**renovated** 33:2 82:5  
**renovating** 33:5 54:3  
87:14  
**renovation** 83:12  
**renovations** 27:23  
52:21 63:6 200:19  
**rent** 53:10 149:5,5  
154:2  
**renting** 154:7  
**rents** 138:24 148:9  
**reopen** 16:1  
**repairs** 204:18  
**repeat** 137:7 219:3  
**repeated** 200:12 217:10  
**repeatedly** 209:24  
**repeating** 207:11  
**rephrase** 31:25,25 95:7  
98:15 111:9 171:12  
188:24,25  
**replaces** 65:8  
**report** 28:6,9 33:17,17  
49:22 50:10,12,21,23  
51:4,8 57:2,22 59:21  
59:22 64:15 71:4  
76:14 77:22 78:15,15  
78:16,17,17 88:16  
94:4 102:19,20  
105:21 118:6,17,21  
120:1 125:19 128:11  
128:23 129:6 198:6  
223:25  
**reported** 105:13  
**reporter** 14:13,15  
**represent** 41:3 123:5  
**representation** 51:8  
57:7  
**representations** 196:5  
**representative** 119:19  
**represented** 14:22  
25:12 124:10  
**representing** 7:13  
**request** 1:10 8:19,22  
9:1,3,6,7,9 10:16,17  
10:19,22 11:10  
**requested** 72:5 217:19  
217:21  
**require** 5:10  
**required** 22:20 57:20  
59:25 60:9 85:4,5,7  
**requirements** 67:10  
**requirements** 3:17 58:7

58:10,13,24 59:5,19  
60:7 83:7  
**rescue** 93:17  
**research** 24:14  
**resemblance** 197:23  
**reside** 145:7,12  
**resident** 60:24  
**resides** 145:6  
**residing** 176:13  
**resources** 204:3,21  
**respect** 17:20 18:14  
65:1 106:19  
**respond** 4:7 97:12  
108:8  
**responded** 34:19  
**Respondent** 195:8  
**response** 9:11 55:18  
**responses** 107:11  
**responsibilities** 48:12  
97:14,15  
**responsibility** 98:16  
**responsible** 31:3  
**rest** 114:23,24 131:5  
194:9  
**restaurant** 85:13  
**restock** 151:10  
**rests** 131:6  
**result** 88:24 111:24  
118:7 120:25 183:25  
**resulting** 226:19  
**results** 67:15 68:2  
**resume** 132:8  
**resumed** 40:2 132:4  
**retail** 29:17 33:3 55:13  
61:19 119:15 144:8,9  
144:9 178:3  
**retailer** 42:17 199:2  
**retailers** 57:24  
**retained** 41:2,4  
**retrieve** 107:6  
**retrieved** 45:20 47:8  
**return** 22:16 26:4 39:24  
**returned** 38:19  
**revealed** 95:6,11  
110:21  
**review** 50:16 51:17  
205:15  
**reviewed** 43:6  
**revocation** 14:8 15:24  
17:22 25:23 44:1 47:1  
67:21 198:19,20  
199:6 206:2 226:8  
227:1  
**revoke** 198:23  
**revoked** 196:14  
**right** 6:23,24 8:15 12:20  
13:13 16:5,11,12,14  
16:18,24 17:3 21:18

21:21 22:11 25:1  
29:15,18 31:9 36:9,14  
36:16,21 37:17 38:10  
40:4 41:25 42:2 47:12  
68:8,14 73:3,14 74:23  
77:9,10,23 78:22  
80:17,24 85:8,22,23  
85:24 86:10,22 87:1  
89:7 90:22 91:3 96:23  
97:6 98:10,12 105:9  
110:13 115:14 126:11  
127:3,20 129:4,18  
130:18,20,24 131:7  
131:11,14,24 132:1  
132:12 133:16,17  
135:2 137:2,19 138:5  
138:6,13 145:9,18  
147:11,17 148:12  
149:2 150:10,18  
151:11,12,14,21  
152:1,2,7,8,15 153:2  
157:1 158:7,7,12,18  
162:24 166:2 169:16  
170:3,22 171:2,16  
182:3 185:17 188:19  
188:20,25,25 189:17  
191:15,16,19 193:15  
194:7,9,11,19 195:2,3  
195:3,10,15,15  
211:16 214:15,18  
217:3 220:19 227:19  
227:20 228:7,9 230:3  
230:5  
**rights** 5:1,16  
**risk** 95:14,22 98:6  
205:23  
**risking** 183:25  
**role** 92:17 101:1,3  
110:8 117:6,7  
**roles** 101:5  
**roll** 39:13 41:15 228:25  
**route** 15:11  
**rule** 213:7  
**rules** 107:14 110:16  
210:4,6 213:6  
**run** 224:18  
**running** 144:4 172:23  
**Ryan** 1:18 4:15,16

---

**S**

**S-E-N-D-E-Y** 173:22  
**S-O-U-T-H-C-O-T-T**  
7:24  
**safe** 33:8 54:4 67:1,4  
82:11 117:20  
**safety** 42:22 44:7 92:19  
92:20 95:4,9 101:6  
107:22,25 109:17

110:12 196:19 197:5  
205:23 226:25  
**Saint** 145:14,15  
**sale** 43:7 83:17 84:11  
84:16 182:15,19  
196:22 197:21 205:15  
225:19 226:19  
**sales** 42:24 43:4 51:17  
54:13 70:13,14  
129:19 199:4 205:14  
223:20 226:17  
**sat** 109:5  
**save** 195:23  
**saving** 165:11  
**savings** 13:8  
**saw** 35:4 52:13 53:4  
55:17 59:6 62:25  
63:11 83:19 118:10  
132:8,10 168:6  
181:12 182:7 198:1,4  
208:19 209:21 216:22  
217:5 218:15 224:17  
225:22,23,23,23  
**saying** 6:3 25:18 32:1,2  
32:6,9,24 34:4 35:2  
36:4 45:4 73:4,10  
80:2 82:8 83:24 84:10  
127:16 134:8,8  
147:18 148:8,15  
149:3 160:17 162:19  
166:6 178:14 181:11  
215:21 217:25 218:7  
**says** 10:20,21 11:12  
40:14 69:1,5 73:16  
79:3 89:20 125:11,18  
128:13 129:7,10,13  
135:8 147:8 188:23  
203:16 208:20,21  
210:20 221:25 229:16  
229:21  
**scale** 52:10 105:6  
**scan** 78:7,9  
**scared** 215:16  
**scenario** 95:20  
**scene** 119:19  
**Schedule** 84:2 85:18,19  
**scheduled** 3:9  
**scope** 32:14  
**Scream** 137:17  
**screen** 50:4 54:22  
72:10,13,15,16,21  
73:11,18 76:3,4,5,24  
78:1 103:2,7,13 104:2  
104:3,4,6 156:19,19  
156:21 157:5,9,13  
212:16  
**scroll** 104:22 118:14,18  
121:3

**scrolling** 115:16 118:12  
122:9  
**search** 66:5 92:9,10  
94:9 112:24 113:2,4  
113:14,24 114:2,16  
114:21 115:8 116:5,8  
116:23 117:3,11,13  
117:17 118:3,7  
119:12 120:3 122:6  
122:21 123:7,18  
124:5,24 129:25  
162:13 186:2,7  
222:10  
**searching** 49:9 116:13  
**sec** 113:9  
**second** 19:17 20:1  
22:24 23:21 27:19,25  
28:4 29:22 30:6,8,10  
30:14 31:5 32:4,5  
33:5,6 35:11,14 37:25  
39:10 41:12,13 42:18  
43:13,19 51:2 52:6,14  
52:14 53:2,15 54:2,7  
54:12,14 55:13 56:15  
61:13,19 62:19,25  
65:6 69:2 72:6 78:12  
79:1,7,14,15,22 81:13  
81:16,17,20 82:4,14  
82:19 83:13,18 84:5  
84:16 86:10 87:7 88:4  
93:1 97:16 101:22,24  
102:7 105:9 106:25  
114:20,25 118:15  
126:20 127:3,22  
130:7 132:24 139:9  
139:10 143:9 146:12  
146:16 147:6 148:9  
148:15,18 149:23,25  
150:1,6,12,13 151:1,8  
159:22 160:10,12  
161:20 165:7,15,18  
166:3,15,18 173:22  
176:5,6,12,17,22,25  
177:17 181:6 182:12  
183:10,14,17 184:2  
185:2,9,21 186:15,20  
186:23 187:1 196:9  
197:24 198:10,18  
199:10,16 200:15,24  
201:5 204:8,12  
205:13,19 213:1,2  
215:10 221:7 222:20  
222:24 223:12,15,17  
223:19 224:10,23  
225:3 226:13,18  
228:21,22,25  
**second-floor** 143:16  
161:8,17 164:9,12



167:24 168:1,3  
175:17  
**seconded** 39:13 41:15  
**Secondly** 23:11 110:19  
**section** 3:7,15 39:4,9  
39:22 119:8 197:6  
198:21 199:1 203:8  
228:12,17,20 229:13  
**secure** 159:17  
**secured** 20:7,12 30:19  
155:19  
**secures** 65:9  
**see** 6:7,8,11,12,13,18  
6:19,25 25:9 33:22,24  
34:21 54:7 55:15,25  
56:1,20 63:4,24 66:4  
67:14 68:15,25 69:4  
73:2,15,21 84:7 89:14  
89:24 90:5,21 92:25  
103:8,12,22 104:2,5,8  
104:13 107:4,5 112:2  
113:5,10,10 121:18  
130:2,16 136:8,9  
156:3,20,22 157:2,5,9  
157:10,11 169:4  
178:9,15 180:13  
181:11 183:3,7  
190:17 209:15 212:23  
214:1  
**seed** 57:23 67:13  
197:20 205:15  
**seeing** 73:11,13  
**seek** 67:16  
**seeking** 39:6 228:14  
**seen** 27:6,11,12 37:6,22  
68:22 73:23 151:9  
**segments** 203:25  
**seize** 117:20  
**seized** 120:3,10,23  
122:6,20 123:6,17  
124:5,9,23  
**seizure** 66:16  
**select** 72:13  
**selected** 72:21  
**self** 107:3 209:19  
**self-certify** 60:11  
**sell** 43:13 48:24 53:11  
57:23 60:1,6 67:13  
83:12,24 85:10 160:9  
168:9,10,13,14,17  
172:8 175:14 178:22  
178:23 179:8,12  
182:23 185:8 225:4  
**selling** 23:21 49:5,11  
83:10 85:11,14,15  
94:21 96:21 98:19  
127:6 147:19 148:16  
148:16,19 160:3

167:9 178:3 179:10  
180:12 185:20 201:16  
203:22 211:13,24  
**sells** 172:10,11 178:19  
179:3 213:2  
**send** 12:6,23 13:2,9  
14:23 20:6 26:8,10  
72:24 75:5,7,13,19  
93:13 131:15 166:6,8  
174:5  
**Sendeyo** 173:3,5,9,22  
**sending** 131:16  
**sense** 15:3 40:19 45:24  
214:11  
**sent** 6:17 10:9,19,21  
12:9 13:6,9 25:25  
26:1,11,12 102:20  
104:21 132:16,17,23  
141:11,12,15,17  
144:11 147:13,15  
184:8  
**sentence** 77:2,21 78:10  
121:4,6 218:15  
**separate** 139:17 141:21  
199:8,9,15 200:2  
201:14 204:22 205:6  
207:5,12 209:25  
222:23 223:5,8  
224:13 225:16 226:3  
226:12 227:25 228:3  
**September** 99:8,9  
**seq** 3:7  
**serve** 12:4,11 67:20  
117:8  
**served** 12:12 20:17,25  
25:20 101:24  
**server** 25:21  
**service** 8:25 9:22,24  
15:13 16:8,9,10,15  
21:10 36:14,17 40:11  
40:13,14,15,19,22,25  
44:22  
**services** 41:4  
**serving** 209:19  
**session** 38:23 39:25  
40:5  
**set** 30:14,15 83:7 123:9  
219:4  
**setting** 137:9  
**seven** 139:12,12  
**shake** 111:16  
**shall'** 10:12,14  
**share** 50:3 54:22 71:16  
71:16,21 72:2,3,7,10  
72:13,20 76:24 78:1  
103:2,6 104:4,9  
156:18,19  
**shared** 76:6 204:3,5,15

204:21 222:18,19  
**sharing** 73:4 76:4  
204:17 223:11  
**shelf** 55:25 56:17  
**shelves** 30:21 53:6  
55:14 63:12 84:22  
198:4  
**shifts** 164:3,4  
**shook** 25:13 27:22,22  
52:20 63:4  
**Shoot** 157:3  
**shop** 62:11,13 71:12  
83:6 119:14 171:23  
172:3,6,9,10,11,13  
176:20 181:23,24  
**Shop/District** 1:7  
**shops** 53:8 121:20  
**short** 93:21  
**shot** 209:9  
**show** 27:23 42:16,19,22  
43:16 45:8,18,22  
46:11,20,23 47:3,6,8  
50:1 52:21 54:19 63:5  
73:15 74:14 81:9  
110:3,3 129:25  
156:12 182:3 184:10  
209:17 212:16 214:6  
**showed** 19:20 33:1,4  
34:7,14 57:7 59:7  
62:15 64:15 65:25  
81:19 130:1 168:8  
182:14 212:25 214:4  
214:5  
**showing** 27:25 44:2  
52:16 55:11 56:9  
108:14,23 156:8,15  
156:16 200:18 202:2  
224:5  
**shown** 81:8 203:17  
**shows** 23:13 112:9  
200:8 206:10 223:3  
**shut** 64:4  
**SI** 198:1 200:21 201:23  
205:10,11,15 222:3  
222:17 224:15,19  
**sick** 163:12  
**side** 72:14 99:19  
**signage** 62:12 63:1  
200:22 201:24  
**signed** 113:25 114:1  
144:7 146:18 222:24  
223:1  
**significance** 212:2,4  
**significant** 207:8  
210:13 214:8  
**Silas** 1:17 4:7,9  
**similarly** 217:5  
**simple** 12:21 186:10

219:2,19  
**simply** 199:13 224:4  
**Simultaneous** 136:1,24  
153:6 155:3 156:9  
169:25 170:19 172:7  
173:11,15 217:17  
**sincere** 219:7  
**sir** 6:7,25 7:17,21 8:2  
8:12,15 9:11 11:17  
16:18,23 17:2 21:7,23  
21:25 23:7,24 24:14  
25:19 26:7,15 27:2  
28:25 29:11,14 31:6  
31:13,15 32:12,24  
34:3 35:17 36:17,22  
36:23 38:14,15 45:7  
50:17 54:22 60:4  
68:12 72:4 73:12,17  
73:20 75:4 76:2,7,18  
77:6 78:4 79:17 80:8  
80:10,13 84:1,20  
86:17 87:1 90:16,21  
90:22 96:24 99:14  
100:3,6,22 101:9  
102:4 103:15 104:25  
106:8 107:13 109:10  
111:23 112:4,12,22  
113:3,6,12 114:8  
117:4 118:5,8,11,19  
118:22 120:5,8,11,24  
121:7 122:8,11,22  
123:8,19 124:7,11,14  
124:25 125:9,22,25  
126:3,5,15,21 127:4  
128:22 129:5 130:12  
130:13,14,25 131:8  
132:10,14 133:13  
134:2,8 135:4,23  
136:2,10 137:2,15  
138:14,17 140:12,19  
143:19 146:12 147:5  
148:7,19 149:10,23  
150:14,24 151:23,24  
152:16,23 156:6,11  
156:11,21 157:13,14  
157:20 158:19 170:24  
171:3,9,12 194:9  
195:21 196:2 206:7  
208:11 217:16 220:7  
220:24 227:8,13  
**sit** 211:17 213:25  
**site** 106:5  
**sitting** 25:12 27:18  
32:24 81:2  
**situated** 180:7  
**situation** 33:11 63:22  
212:13  
**six** 91:21 120:18 137:16

139:12,12 170:13,14  
171:19,25 172:16,20  
**skip** 124:15  
**slash** 61:4  
**slow** 53:7 175:13  
**Slowly** 138:1  
**small** 56:18 111:4,7,12  
121:21 157:10  
**smell** 214:15  
**smiling** 63:3  
**smoke** 1:6 62:11 71:12  
83:6 171:23 172:3,6,8  
172:10,11,13  
**social** 49:9  
**sold** 42:20 44:3 56:7,12  
58:5 80:12 84:3 85:21  
88:12,20 94:21 95:3  
98:2 127:9,10,11  
130:4 146:4 151:7  
168:18,21 172:12  
185:3 192:8 197:22  
199:20 200:5 202:15  
221:7 224:11 225:21  
**sole** 23:13  
**somebody** 176:16  
186:25 187:19 193:24  
194:3  
**somebody's** 176:22  
187:12  
**someone's** 12:19 35:23  
216:13  
**soon** 135:16  
**sorry** 6:6,12 11:16  
24:10 29:3,4 60:4  
76:15 84:19 87:16  
95:7,9 102:17 103:12  
104:10 111:8 115:21  
123:24,25 129:4  
137:20 139:13 140:21  
142:13 145:2 153:7  
155:4 160:5 162:11  
168:24 177:7 179:17  
189:18 209:13 210:24  
212:2 220:12  
**sort** 99:18 175:5  
**sound** 214:15  
**sounded** 211:5  
**sounds** 75:24  
**source** 125:24 196:24  
**Southcott** 1:23 5:19  
7:10,12,15,22,23 89:9  
89:19 90:3,10 91:5,7  
91:8,10 96:19 97:12  
98:14 103:1,6,8,10,16  
104:12 105:19 106:2  
107:11,14 109:9,12  
111:1 114:5,12,13  
116:15,21 118:23

119:5,6 126:9 128:14  
131:2,6 132:20 133:6  
136:19 140:9,10,14  
141:6,8 145:3,11  
146:7 151:14,17  
153:7 155:5 157:24  
158:4,13,16 160:5  
162:11,17 169:22  
170:1,4,7 171:17  
173:16,17 188:11,16  
189:1,2 191:18,19,22  
194:25 195:18 196:3  
219:13 220:20,22,25  
230:4  
**space** 27:24,24 33:1  
69:5 87:14,15 138:24  
144:5  
**spaces** 28:17 46:7  
87:21  
**spam** 10:4,10 12:13  
13:3 40:24  
**speak** 14:14 52:1  
128:18 130:12 136:8  
136:12 137:16 154:15  
155:8 159:7,10 160:8  
165:23,23 181:1,2,3  
192:15 219:1  
**speaking** 14:16 24:19  
34:16 116:3 134:3,9  
136:1,24 137:4 153:6  
155:3 156:9 159:8  
169:25 170:19 172:7  
173:11,15 212:18  
217:17  
**specialist** 134:25  
**specialists** 4:25  
**specifically** 27:1 82:3  
83:17 92:15 117:22  
195:11,12  
**specifics** 128:2  
**speech** 82:24  
**spell** 7:16 8:1,11 17:5  
47:24 91:11 137:24  
143:11 152:23,25  
173:14,18,19  
**spelled** 7:19,23  
**spelling** 23:23,25 24:12  
24:24  
**spend** 215:24  
**spent** 13:8  
**spite** 196:5 201:18  
223:3 225:18,21  
226:10  
**spoke** 19:11,23 21:12  
34:13 44:18 65:19  
102:16 143:22,24  
180:19 190:3  
**spoken** 62:6 140:25

141:9 143:20  
**spontaneously** 207:4  
**Staff** 1:21  
**stair** 209:7  
**stairs** 52:18 193:16,16  
**stairwell** 190:18  
**stand** 138:11 152:13  
**standard** 95:24 98:4  
108:1 110:10 117:19  
**standby** 65:8  
**standing** 68:19  
**stands** 56:3,4  
**stark** 197:13  
**start** 6:11,13 7:2 90:1  
195:14  
**started** 63:10,14 99:7  
142:21 196:7 220:6  
**starting** 114:17  
**starts** 90:4 121:7  
**state** 8:1 17:5 47:23  
57:20 91:11 123:24  
146:15  
**stated** 10:20 11:22  
20:17 26:11 34:12  
35:9 36:25 37:7,21  
38:3 53:6 57:22 65:22  
66:12,12 77:5 101:19  
121:11 188:21 223:18  
228:1  
**statement** 2:2,7 32:2  
42:4 46:14 206:8  
211:16,17  
**statements** 205:10  
**states** 8:23 199:1  
**stating** 37:3 99:23  
**status** 68:3 93:2 95:19  
**statute** 10:23 20:11  
22:20 30:3 40:10  
59:19 83:3,7 216:8  
**stay** 5:8 39:23  
**stayed** 97:3  
**step** 13:15 63:18,18  
95:13  
**steps** 15:18,22 101:21  
101:22 115:2,4  
**stock** 58:3 167:17  
**stocked** 54:9 69:18  
70:11,14  
**stop** 115:10,12  
**stopped** 121:10  
**store** 33:14 69:22 128:3  
144:9 163:22,24  
167:18,20 168:10  
175:20,21 179:3,11  
179:13 187:13,18  
189:5,7,10 192:13  
193:12,13,18 202:14  
207:25

**stores** 193:22 209:8  
**stories** 44:13 45:14  
**story** 107:9 208:22  
**straight** 52:5 62:24  
**strains** 201:13 202:23  
226:1  
**strictly** 110:16  
**stronger** 216:16,21  
**struggled** 201:6  
**stuff** 34:5  
**subject** 93:17 121:6,7,9  
126:22,24,25 129:23  
130:3,4  
**submission** 195:1  
**submit** 5:11 67:2  
169:14 194:17  
**submitted** 64:16 76:15  
77:7 116:4 168:7  
**subpoena** 215:13  
**subpoenaed** 215:12  
**substance** 21:9 84:2  
85:18 86:5 102:8  
117:23 119:16,18,22  
119:23 120:12,18,19  
121:17 127:7  
**substances** 81:9  
123:23  
**substantial** 43:8 44:2  
224:3  
**substantially** 201:17  
224:17,18  
**successful** 93:16,25  
165:13  
**suckers** 168:9,16  
**sufficient** 44:22  
**sufficiently** 20:25  
**suggestion** 224:1  
**suitable** 31:7  
**summarily** 196:13,13  
**summary** 1:8 5:13 8:25  
9:3 14:7,8 15:24,24  
17:21,21 25:22,23  
42:9 43:24,25 47:1  
64:18,20,22 67:21  
76:16,19 78:7,14,19  
108:11 119:20 128:12  
128:16 196:14 197:6  
198:6,17,19,20 199:5  
201:9 206:1,1 216:3  
221:5 226:7,8,13,22  
227:1,2,4,16  
**Superior** 119:12  
**Supervisor** 68:13  
127:25 128:6 167:8  
217:6  
**supervisors** 128:7  
**Supervisory** 5:22 11:11  
11:19 14:1 15:15 17:4

17:7,13 43:2,5,10  
44:17 47:17 48:9  
**support** 204:15  
**supported** 224:4  
**supports** 223:7  
**supposed** 10:19 190:6  
203:4 225:15 227:20  
**supposedly** 12:16  
46:18 201:4 207:17  
212:11  
**sure** 12:24 14:13 15:10  
19:18 20:7,10 22:11  
22:12 24:19 30:19  
46:15 59:18,20 60:3  
66:12,23 73:25 77:18  
83:2 90:7 113:9,22  
116:12 118:16 132:16  
132:18,21 137:10  
172:24 176:7 183:4  
185:19 187:21 217:24  
**surprised** 62:4  
**suspect** 93:18  
**suspended** 65:4  
**suspension** 14:7  
**suspicious** 214:16  
221:14  
**swear** 16:13 47:20  
90:25  
**sworn** 138:10 152:12  
**symbol** 52:16  
**system** 57:23,23 67:13  
67:13 197:20

## T

**T-O-R-R-E-S** 91:14  
**t/a** 1:6  
**take** 4:25 15:9,12 16:9  
20:5 23:17 24:17  
50:15 63:18 75:18,21  
75:23 77:12 78:9 86:7  
87:14 100:23 111:11  
111:12 117:10 118:15  
126:12,13 131:11  
148:4,5,20 164:25  
165:9 182:2 199:24  
211:2  
**taken** 28:24 33:4 56:15  
79:4 81:11 88:16  
121:23,24 122:2,3,15  
122:17,18,25 123:3  
123:12,14,25 124:2,4  
124:18,20,22 147:23  
148:17  
**talk** 31:15 148:7 168:23  
169:1,6 175:16  
197:19 206:18 219:1  
**talked** 21:9 22:3 30:3,4  
33:21 34:5,8 78:24

147:1,25 148:1,23  
164:21 222:17  
**talking** 33:15,21,23,25  
34:1,10 36:9 71:3  
106:11 128:8 145:18  
145:20 161:6 165:2  
168:20 181:10,13,18  
184:21 186:18 191:11  
208:25 209:7 210:13  
218:10  
**talks** 218:14  
**tax** 175:5,9  
**team** 92:5,6,17 101:4  
114:23,24,25 115:1  
**technical** 5:10 66:24  
**telephone** 38:5  
**tell** 16:13 22:13 52:9,25  
54:24 56:24 57:13  
67:7 82:3 90:25  
101:10 114:14 128:4  
130:9 139:18,22  
141:3 158:19 164:20  
164:22 165:20,21  
166:1 167:23 184:4  
193:9 203:9 207:22  
214:5 227:15  
**telling** 34:8 106:25  
148:24 150:16 165:25  
183:1,20,24  
**tells** 108:18  
**temporarily** 114:24  
126:21 130:9  
**ten** 218:11  
**tenant** 138:19,22 139:2  
139:9,10 140:17,23  
142:12 143:6,7  
147:24 148:15,18  
149:3 160:23,23  
161:4 166:15 199:25  
**tenants** 139:6  
**term** 10:15 93:21,22  
**terminate** 208:5  
**terms** 66:24 203:12  
225:9,10,10,11  
227:16  
**terrible** 208:18  
**test** 86:3,9 88:24  
102:24 105:15 111:3  
111:11,18,20,24  
112:2,7 121:1  
**tested** 64:13 66:13,16  
66:20 67:8,17 88:21  
111:25 112:8,11,14  
120:23 197:10,11,12  
197:22 202:16  
**testified** 25:17 40:23  
44:18 79:16,20 80:20  
108:21 109:20 129:12

138:12 152:14 158:17  
168:8,24 169:4  
172:24 174:22 179:17  
183:16 184:12 199:15  
199:19 200:11,17,21  
201:1,8 210:16,25  
213:15 216:19 222:4  
222:8 225:12  
**testify** 36:11 77:17  
107:23 108:4,13  
110:7,8 155:23 156:6  
170:23 180:18 183:7  
186:11,15 197:9,14  
200:2 202:1,6 204:7  
209:18 212:15 214:2  
217:14 218:13 224:9  
224:10  
**testifying** 35:12 97:25  
109:7 110:20 186:3,7  
**testimony** 15:6,12 16:6  
16:7,10 41:1 44:8  
46:14 47:10 69:14  
89:4 106:11 130:21  
151:23 176:17 177:8  
180:16 181:9,13  
184:13,20,24 185:4  
186:1,22 187:23  
188:5 194:8 200:25  
201:1,22 202:19  
209:19 212:4 214:10  
216:16 219:20,22  
221:21 222:3,12,21  
223:7,23 224:3 225:8  
225:24 226:15  
**testing** 66:21 67:3,9  
111:18,19,25 112:16  
196:23  
**tests** 43:20 203:6  
**text** 89:21  
**texted** 34:15,18 65:25  
**thank** 5:25 7:21 16:19  
17:3,11,15,19 18:6  
20:15,23 21:3,5 31:10  
36:21 38:11 39:25  
42:1 44:23,24 47:13  
47:22 48:2,21 49:3  
50:4,5 54:17 57:5  
59:25 67:18 68:13  
69:8 80:14,18 81:4  
85:23 87:22 89:3,6  
91:5,6,8 99:11 120:22  
126:18 130:21,23,25  
131:25 132:2 133:8  
134:13,14 135:8  
151:22,24,25 171:14  
171:15 189:18 190:16  
191:16 194:8,15,16  
195:3 196:3 206:2,3

220:19 227:5 228:7  
229:24 230:1,2,4  
**thankfully** 54:10  
**thanks** 50:14 130:19  
**THC** 43:21 56:11 57:21  
58:18,19 64:14 66:17  
88:25 105:18 112:1,8  
112:11,14 117:21,22  
117:25 119:18,24  
120:13,13,15,16,20  
121:2,21 122:24  
123:11 126:6 197:2  
197:17 202:17  
**thing** 13:5 14:21 24:18  
46:22 118:14 176:20  
207:15 208:15,21  
210:11 215:4,25  
218:16  
**things** 19:19 57:16  
58:19 65:20 150:21  
172:8 178:8 184:8  
205:5  
**think** 9:16 12:8 18:5  
22:7 32:18 34:24 35:5  
35:9,16,18,19,20  
37:18 40:18 46:9,15  
46:19 56:25 61:25  
69:23 72:2 74:18 82:7  
129:12 135:21 141:12  
143:13,22,25 144:11  
145:8 146:21,24  
147:8,16 148:25  
149:1 150:7,9,24  
151:4 159:9 166:17  
179:14 180:13 188:20  
188:21 193:6 208:16  
209:9 219:5 220:2  
229:18,21  
**thinking** 160:13 209:4  
**third** 28:1 29:22 30:6,8  
30:10 32:5 33:5,7  
35:11 54:3,3 82:11  
97:20 115:3,4,5,6,9  
116:5,13 183:17  
196:9 198:10,18  
199:10 201:5 204:13  
205:13,19 223:19  
226:13,18  
**thought** 21:10 82:10  
131:17 132:8 145:20  
209:6  
**thousands** 208:6  
**threat** 42:21 226:24  
**three** 4:23 10:5,7,9  
12:13 45:14 76:16  
77:11 142:16,17,19  
146:22 150:15,20  
153:21 162:9,10

163:7,8,25 164:1,5  
188:3 217:7 218:11  
218:16  
**thrown** 210:7  
**Thursday** 1:11  
**tied** 213:4 214:8  
**till** 65:16 162:7  
**time** 3:21 14:2 28:2,2  
30:18 31:6 33:15,17  
37:11,23 54:18 62:5  
63:24 64:3,23 65:25  
66:15 86:17 89:10  
95:21 103:1 113:7  
118:23 119:10 125:12  
142:16 143:25 145:22  
145:24 147:15 149:22  
150:11,12 151:10  
161:25 162:2 163:3,4  
163:24 165:3,11,22  
165:24 167:14 175:12  
182:2 184:6 188:4  
189:15 190:10 195:10  
195:23 210:6  
**timeframe** 10:22  
**timeline** 34:1 141:4  
229:20  
**timely** 9:3 10:17 11:10  
12:8,14 229:19  
**times** 19:8,12 37:5 62:7  
140:25 141:9 142:22  
143:15,20 146:20  
217:10  
**timing** 164:2  
**title** 36:21 91:16  
**Tobacco** 62:13 119:13  
**today** 4:19 5:13 13:20  
14:7 17:21 24:16 32:2  
42:9 44:9 68:19 128:8  
130:22 141:5 166:14  
166:18 208:19 215:11  
216:10,11 217:14,15  
228:8  
**today's** 3:18 4:20  
**told** 19:5,13 20:2,5,22  
28:3 33:4 34:6 43:2  
65:19,20 70:2 89:20  
101:13 127:19 144:10  
148:19,21 150:8,11  
165:14,17 166:2,10  
167:25 205:11 209:5  
213:5,14 227:14  
**top** 55:25 105:5,6  
111:10,11,14 112:17  
121:5 179:2,11 180:7  
180:11  
**Torres** 1:24 2:6 89:11  
90:14,17,18,18,23  
91:2,14 103:10,12,19

103:23 104:5,10,13  
107:20 109:19 110:19  
111:2 114:14 116:22  
126:18 130:21,23  
168:25 201:23 202:6  
212:3,23 213:25  
214:10 216:22 219:9  
221:9 222:7  
**Torres'** 184:13 185:25  
215:8  
**total** 142:8  
**totally** 225:16  
**touch** 67:20  
**tough** 215:24,24  
**tour** 37:16 54:2 81:22  
81:24 87:11 183:18  
**toured** 33:1 183:17  
**tracking** 174:9 175:10  
**tracks** 197:21  
**trade** 62:17 70:19,20  
71:2  
**transaction** 167:9  
**transactions** 204:25  
205:1  
**transfer** 57:25 225:9  
**treatment** 33:8 52:15  
54:5 82:11  
**tribunal** 107:15 108:2  
109:15  
**tricky** 29:18  
**tried** 19:20 35:7 65:17  
209:12,15  
**trouble** 135:19 157:17  
169:15 218:20  
**true** 12:17 33:2 36:2  
201:12 214:2 222:2  
**trusted** 31:4  
**truth** 16:13,14 90:25  
91:1  
**try** 6:21 13:3,6 36:3  
66:25 74:21 96:5  
98:18 137:13,13  
169:12 223:4 224:6  
225:1,2  
**trying** 11:5 24:17 63:8  
77:17 82:7 96:12  
129:9 133:9 135:9  
150:2 157:8 160:15  
160:17,19,22 182:2,4  
184:10 188:11 191:14  
193:11,14,19 194:14  
210:20,23,23 211:2  
221:15  
**tube** 111:4,6,8,10,13,15  
111:16  
**tubes** 122:13  
**turn** 6:2,4,9 75:2  
**turned** 9:17

**two** 10:5,7,8 63:2 75:22  
111:6 120:14,20  
131:9,10 132:12  
134:5 139:7,8 142:9  
146:21 150:19 153:24  
153:25 163:23 188:3  
191:3 194:16,17  
195:1,7 197:3 198:15  
200:2,9 205:6 206:12  
206:24 207:5,12  
209:25 212:22 227:24  
227:25 228:3  
**two-minute** 75:18  
**type** 146:15 221:12  
**types** 93:7,10  
**typical** 49:9  
**typically** 93:22 98:16

## U

**UC** 88:13,13,16 102:10  
102:16 184:25 202:13  
202:15 221:6,10  
**UCF** 185:2  
**ULC** 5:14 39:7  
**ultimate** 57:22  
**ultimately** 95:16  
**un-concerning** 201:18  
**unable** 6:3 137:5 190:3  
201:7 208:18  
**unattached** 209:11  
**unaware** 144:20 225:20  
**Unbelievable** 213:21,21  
**unclear** 47:4  
**uncomfortable** 213:24  
**unconcerned** 201:21  
**unconnected** 202:25  
**uncover** 202:7  
**undercover** 43:18 51:6  
56:25 57:4 64:6 78:25  
79:17,25 80:22,25  
92:7,8,13,14,16,18,21  
92:23,25 93:1,13,24  
94:4,14,19,23,24 95:5  
95:10,16,19,20,23,25  
96:9,11,20 98:4,16  
99:5 101:7,10,13,18  
101:25 102:17,21  
104:19 105:3,13  
106:5,12,17,23,24  
107:19,21,25 108:3,5  
108:13,21 109:21,23  
109:24 110:4 127:9  
127:10,12 129:15,20  
130:1,1,3,4 184:14,15  
202:8,11 204:10  
221:6 224:25  
**undercovers** 92:7  
95:13 102:14

**underneath** 112:6  
**understand** 11:18 60:4  
128:25 171:9,11,12  
177:6,11 181:17  
186:4 188:12,23  
189:21 190:7,9  
208:23 218:25  
**understood** 4:23  
217:10  
**underway** 4:20  
**unfair** 13:11 108:24  
**unfortunately** 28:12  
**unidentified** 45:12 47:2  
79:11,25 80:12,21  
108:12 127:18 128:13  
129:8,10,22 207:18  
207:22,23 212:12  
221:5,19  
**uniform** 95:15  
**uniformed** 95:2  
**unique** 29:16 63:22  
**unit** 91:18,23,25 92:2,5  
95:17 102:14 128:6  
**unitary** 203:15,16,25  
204:4  
**unknown** 21:13 22:4  
46:25  
**unlabeled** 43:14 44:3  
66:5 198:5,12 202:16  
226:19  
**unlawful** 44:6  
**unlicensed** 8:24 20:1  
30:10 37:15 42:17,20  
42:24 43:3,12,25 44:3  
48:15 49:2,11 51:1  
53:4,12 54:15,25  
56:10 57:14 59:5  
61:18 63:15,23 64:4  
83:5,8,10,12 87:7,19  
88:11,12,20 97:23  
98:23 99:1 117:17  
146:3 185:20 196:8  
196:11,17,20 197:23  
198:2,11 199:2,5,10  
199:20 200:9,24  
202:3,14 205:12,22  
213:3 221:8 223:21  
225:1,5,20 226:17  
**unlock** 187:15 202:10  
**unmute** 9:11 21:7  
**unquote** 53:19 54:13  
**unrebutted** 222:21  
**unrefuted** 223:7 225:7  
225:8  
**unrelated** 45:21 200:3  
**unsuccessful** 65:17  
**unsurprising** 221:19  
**untested** 196:22

**untimely** 8:19,22 9:7,8  
**updates** 93:2,2  
**upheld** 226:14 227:5  
**uphold** 14:7 15:22  
 43:24 205:25 226:7  
**upholding** 15:23  
**upper** 190:19 191:3  
**upstairs** 19:6 22:23  
 30:5 35:24 46:4,5  
 62:24 63:24 68:15,20  
 69:2 80:4 88:1,19  
 127:7 133:4 139:10  
 139:16,19,21 140:1  
 141:12,16,18,20,22  
 143:6 144:22 145:16  
 145:19 154:17,18,20  
 155:9 159:13 160:14  
 160:15,18,19,24  
 161:1,4,11,14 164:17  
 165:9,25 166:7,13  
 167:3 179:9 181:19  
 181:20,21,22 184:9  
 192:4,9 193:8,8,12,13  
 193:18,20,22 194:1  
 194:21 202:13 206:19  
 207:17 208:1,12  
 209:1 210:25 211:1  
 213:9,10,16,18,20  
 214:7,9,13 215:1  
 219:8 227:17  
**use** 57:25 70:25 218:22  
 219:2  
**user** 135:3  
**usual** 117:12  
**usually** 92:24,25 94:10  
 111:6  
**utilize** 75:5  
**utilizes** 110:10

---

**V**

---

**vacant** 29:23  
**vape** 56:1  
**variation** 117:24  
**variations** 121:20  
**variety** 83:21 121:21  
**vault** 20:12  
**ventilation** 54:4  
**verbally** 20:21 37:7  
 114:22  
**verified** 110:2  
**verify** 110:1  
**versus** 215:6  
**vial** 112:5  
**vicinity** 92:18 101:5  
**video** 6:11,13,20  
 104:11 133:21  
**videoconference** 1:14  
**view** 115:7

**views** 208:19  
**violates** 198:23  
**violating** 44:4 213:6  
**violation** 82:21 198:13  
 213:8  
**violations** 76:11 213:9  
**Virginia** 142:6 149:14  
**visit** 27:17 49:14 51:13  
 51:16 53:25 62:9  
 63:25 81:14 142:15  
 160:12 182:8 198:2  
 200:16  
**visited** 37:12 51:25  
 58:22 142:13 160:10  
 163:15 181:6 224:16  
**visits** 19:25 59:17 83:1  
**voice** 137:4  
**vote** 39:13 41:16 229:1

---

**W**

---

**W** 1:14,17  
**wait** 47:10 140:6,7  
**waited** 34:20  
**waiting** 46:8 133:10  
**walk** 82:9 201:19  
**walk-through** 27:24  
**walk-throughs** 29:25  
**walked** 52:18  
**walking** 63:10  
**walks** 60:21  
**want** 6:21 11:11,14  
 13:24,25 15:19 18:10  
 20:16 28:6 29:7 33:20  
 36:25 42:3 44:12,21  
 45:1 50:6,8 57:12  
 60:22 61:25 63:16  
 67:19 71:22 72:13  
 76:3,13 77:2 78:3,10  
 81:7 85:9 87:3 97:5  
 107:7 109:2 118:15  
 128:22 130:16 132:15  
 132:18,21 134:23  
 140:6 152:4 155:16  
 155:18 157:6 159:19  
 161:1 162:24 165:12  
 165:25 166:2 169:17  
 175:2,3 179:8 189:19  
 189:21 194:17 195:13  
 195:16,17 217:20,24  
 218:8 220:1,2,19  
 221:13  
**wanted** 36:3 217:13  
 218:13 227:15  
**wants** 199:25 210:25  
 227:3  
**warnings** 99:24  
**warrant** 19:17 30:13  
 64:21,22 66:5,16 94:6

94:8,9,10 112:24  
 113:2,5,14,24 114:2  
 114:16,21,21 115:8  
 116:5,8,24 117:3,8,11  
 117:13,17 118:3,7  
 119:12 120:4 122:7  
 122:21 123:7,18  
 124:6,24 129:25  
 162:13 186:2,8  
 222:10  
**warrants** 92:9,10 94:17  
**Washington** 42:13  
 68:25 138:25 142:3  
 145:8,10  
**wasn't** 9:17 34:7 46:15  
 51:23 53:8 55:17  
 65:16 70:10 127:8  
**watch** 30:15  
**watching** 62:21 92:24  
**water** 224:13  
**way** 11:22 24:17 53:10  
 53:18 57:17,22  
 103:16 107:10 115:21  
 179:14 186:10 211:5  
 219:25  
**ways** 108:11 203:8  
 212:14  
**we'll** 39:13 41:15,24  
 75:8,17 94:7 131:21  
 135:5 156:3 169:18  
 228:25  
**we're** 26:19 28:14 32:14  
 34:16,24 35:5 36:8  
 38:16,21 42:9 66:1  
 73:12 75:20,22 94:7  
 128:8 131:11 132:6  
 132:21 133:9,18  
 134:10 135:9,13  
 203:4 210:13 215:23  
 218:9 225:15  
**we've** 25:14 75:21  
**weakness** 206:10  
**web** 6:16  
**WebEx** 1:14 3:24  
**website** 3:19  
**weed** 212:25 213:2,4  
**week** 141:11 143:22  
 151:4  
**weeks** 146:22 150:20  
**weighing** 120:12,13,14  
 120:15,16,16,18,19  
 120:21  
**weight** 107:16 109:13  
 219:23  
**weird** 96:6  
**welcome** 134:15  
**welcomed** 200:17  
**welcoming** 3:8

**went** 20:8 23:4,24 27:19  
 30:22 33:14 37:15  
 38:19 40:2,5 41:3  
 52:5 62:24 67:10 76:9  
 78:23,25 101:14  
 114:25 115:4 127:22  
 130:6,7 132:4 142:15  
 143:23 146:20 184:15  
 193:20 204:12 207:17  
 208:1 210:16,18,19  
 212:18 224:25 230:7  
**whatsoever** 225:17  
**willing** 222:22  
**window** 52:15 210:7  
**wish** 44:25 47:14 75:5  
 132:14 152:2  
**withdraw** 74:20  
**witness** 1:24,24 2:4  
 16:24 31:12 35:12  
 36:11,23 38:12 44:8  
 47:14,21 68:10 76:7  
 77:5,18 78:2 80:15  
 85:25 86:24 89:8 91:4  
 91:7 98:12 106:9,18  
 126:14,15 130:17  
 132:14 133:13,14  
 138:9,11,14 140:5  
 145:7 146:13,17  
 147:7,12,21,25  
 148:10,13,20 149:6  
 149:10,13,18,25  
 150:7,15,19 151:2,9  
 151:15,24 152:2,5,11  
 152:13,16 158:1,14  
 158:17,19 170:25  
 171:6,14 188:20  
 190:1,5,10,20,24  
 191:1,5,7,11,20 192:5  
 207:15  
**witnesses** 131:1,2,8,10  
**woman** 191:2  
**wonder** 14:20  
**wondering** 24:21 35:4  
 79:22 125:3  
**word** 23:17 62:5 74:11  
 106:21 196:1 206:11  
 210:8 215:6,7,8,8  
 216:4 220:20  
**wording** 125:5  
**words** 23:2 46:13  
 188:14 219:4  
**work** 20:23 48:3,23  
 52:22 82:25 107:10  
 161:17 164:8,12  
 168:4 172:25 174:8  
 174:12 175:4,13  
 192:4 208:12 219:25  
**worked** 19:5 161:13

164:17 204:11 211:11  
**worker** 27:20  
**working** 18:24 20:19  
 22:21,22,23 27:7,11  
 27:13,21 30:12 37:7  
 54:4 95:11 135:9  
 157:16 163:22,23  
 165:10,11 183:11  
 185:1,8 186:19 188:3  
 190:7  
**works** 130:10 136:5  
 186:25 216:8,9  
**world** 218:25  
**worry** 29:11  
**worst** 95:19  
**worth** 23:19 69:25  
**wouldn't** 38:6 95:3  
 127:5,15 167:15  
 179:10 213:11,13,18  
 216:24 217:12 224:14  
**wow** 209:4  
**wrapping** 52:15  
**write** 174:10  
**writes** 15:23 193:3  
**writing** 12:23 13:10  
**written** 46:25 78:18  
**wrong** 47:6 85:11,14  
**wrote** 24:11 109:6  
 212:6

---

**X**

---

**Y**

---

**y'all** 127:19  
**yeah** 6:8 11:8 14:18  
 15:21 21:17 28:11  
 32:22 37:21 53:24  
 56:25 58:20 60:20  
 63:21 66:14 70:3,19  
 71:8 75:16,20 77:18  
 86:2,9 93:12 132:15  
 133:9,18,18,24 136:4  
 136:16 141:19,19,20  
 142:17,20 143:4,25  
 144:19,19 145:21  
 146:17,17 147:7,21  
 148:13 149:6 151:5  
 154:25 155:8 156:13  
 156:15,25 157:21  
 158:8 162:10 168:12  
 170:15 171:23 173:16  
 174:2,15,21,25  
**year** 67:11 91:25 93:5  
 222:11  
**years** 13:2 91:21  
 138:20 139:4,5,12  
 141:5 170:18 171:22  
 207:6,13

**Yep** 56:16  
**York** 121:25 122:16  
 123:1,13 124:1,21  
**YouTube** 107:24  
 134:10

---

**Z**

---

**zero** 106:20,21 218:10  
 229:11  
**zoom** 115:21 125:6  
**zooming** 115:24

---

**0**

---

**00056** 5:14 39:7

---

**1**

---

**1** 50:1,7,9,16 74:2 84:2  
 85:18 155:17 195:8  
**1:35** 131:20 132:4  
**1:50** 131:21  
**1:56** 131:21,23 132:5  
**10** 115:17 116:16,25  
**10:30** 220:6  
**10:34** 3:2  
**100** 214:12  
**105.9** 120:16  
**10th** 114:1  
**11** 118:13,24  
**11:00** 162:3,7 163:5,9  
 174:24  
**11:20** 38:19  
**11:21** 38:20  
**11:22** 40:2  
**11:31** 40:3  
**119** 120:13  
**12** 116:25 145:15  
**12.25** 120:14  
**12.5** 120:18  
**126** 2:5  
**127161** 1:8,9  
**13** 1:12 120:12  
**138** 2:6  
**14** 42:15 151:3  
**140** 2:6  
**1485** 145:14  
**15** 33:25 34:1 151:3  
 159:20,20 161:22  
 162:16,19  
**152** 2:6  
**158** 203:8 228:6  
**15th** 162:13  
**16** 43:9 51:13,16 52:1  
 57:9 58:23 122:4  
 123:4,15 124:3,19  
 162:15,25 163:21  
 164:22 180:2  
**16th** 9:4 11:21 14:6  
 18:2,5,7 21:22 34:3,4

65:11 114:4,16 116:9  
 116:24 122:18 162:14  
 169:8 174:23 180:3  
 180:19 181:14,15  
 186:2,8,12 198:2,7  
 222:10

**17** 2:5

**170** 2:6

**18th** 67:11

**192** 2:6

**196** 2:8

---

**2**

---

**2** 54:19 120:21 121:4,5  
 195:9 197:7  
**2,137** 120:19  
**20** 131:11,20  
**20-30** 19:14  
**2003** 142:1  
**2020** 48:20  
**2021** 138:19 176:14  
**2024** 42:15 43:10 51:13  
 51:16 52:1 57:9 58:23  
 99:10 143:17 198:2  
**2025** 1:12 9:4,5,7 11:21  
 43:17 100:25 111:22  
 113:1,23 114:1,4,17  
 116:9 122:4,18 123:4  
 123:15 124:3,19  
 159:20 161:22 162:25  
 198:7  
**206** 2:8  
**22** 2:5  
**23** 13:1  
**23rd** 9:5  
**24** 5:14 39:7 149:4  
**24-ULC-00056** 228:15  
 228:18  
**2571** 3:7  
**2575** 39:4,9,22 228:12  
 229:13  
**2575(b)(13)** 228:20  
**2575(b)(4)(a)** 228:17  
**2577a** 3:15  
**2626** 1:8 42:12 45:12,13  
 100:2 101:15,23  
 105:4,14 113:16  
 119:13 138:25 141:25  
 153:16 170:17 196:9  
 205:20  
**27** 9:6  
**2850** 121:24 122:16  
 123:1,13 124:1,21

---

**3**

---

**3** 55:22 125:14,21  
**3-1-4-8** 89:22,25  
**3,000** 149:7

**3:30** 220:8  
**3:36** 34:18  
**3:45** 230:7  
**30** 65:23  
**32.4** 120:15  
**37** 2:5

---

**4**

---

**4** 56:9  
**41.6** 120:13  
**42** 2:2  
**45** 2:3  
**46** 120:11  
**48** 3:18

---

**5**

---

**5-7-1** 90:2,4  
**50** 43:20 45:11 93:5  
 145:8 202:15  
**50,000** 23:19 69:25  
**52.6** 120:12

---

**6**

---

**6** 54:19 57:2 103:4  
 105:20 106:4  
**60,000** 167:22

---

**7**

---

**7** 105:22 106:1,1,2  
**7-1671.06(b)(1)** 198:22  
**7-1671.06(b)(c)(2)**  
 199:1  
**7-1671.08(g)(2)(c)**  
 197:7  
**7-1671.08g4** 8:23  
**72** 94:18,20  
**739.2** 120:17  
**77** 120:16

---

**8**

---

**8** 43:17 105:8,22 106:1  
 106:1,2 112:3  
**8:00** 162:1,2,4,5,6,6,7  
 163:5 174:23  
**8th** 98:2 100:25 106:6  
 113:22 184:15

---

**9**

---

**9** 113:8 114:6  
**9-DCMR** 203:8 228:6  
**9:00** 174:18,19,20,20  
**91** 2:5  
**9707.5** 40:13

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In the matter of: District Smoke Shop

Before: DC ABCA

Date: 02-13-25

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate complete record of the proceedings.

*Neal R Gross*

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Court Reporter

**NEAL R. GROSS**

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