



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

2 10:30 a.m.

3 CHAIRPERSON ANDERSON: Good morning, we  
4 are on the record. Good morning, as Chairperson  
5 of the Alcoholic Beverage and Cannabis Board for  
6 the District of Columbia, and in accordance with  
7 D.C. Code Section 2571, et seq. of the Open  
8 Meetings Act, OMA, I am welcoming you to the  
9 regularly scheduled meeting of the Alcoholic  
10 Beverage and Cannabis Board.

11 This meeting is being conducted  
12 pursuant to guidance made available by the  
13 District of Columbia's Office of Open Government  
14 regarding electronic meetings held by public  
15 bodies. Electronic Meetings by the ABC Board are  
16 authorized pursuant to Section 2577B of the Open  
17 Meetings Act. 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 includes the time, date, agenda, and call-  
22 in or log-in information for public  
23 participation. This electronic meeting is being  
24 hosted by a Web-Ex account provided by the  
25 District of Columbia. Please address any

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

3 My name is Donovan Anderson. I am  
4 Chairperson of the Board. I would like to  
5 introduce the other members of the ABC Board who  
6 are also participating electronically. Please  
7 respond when I announce your name. Mr. James  
8 Short.

9 MEMBER SHORT: Mr. James Short,  
10 present.

11 CHAIRPERSON ANDERSON: Mr. Silas Grant.

12 MEMBER GRANT: Mr. Silas Grant,  
13 present.

14 CHAIRPERSON ANDERSON: The Board has  
15 three members in attendance for the conduct of  
16 business today, and that constitutes a quorum.  
17 Before we get underway with today's hearing  
18 calendar, I need to make a few instructions very  
19 clear so that the conduct of these hearings is  
20 understood by everyone. There are seven cases  
21 scheduled for today. Once your case is called I  
22 will take a moment for our IT specialist to  
23 elevate the right for each party to enable their  
24 camera and microphone. Then and only then will  
25 you have the ability to enable your equipment.

1 If your case has not been heard you will remain  
2 mute, and your camera will be disabled. At the  
3 conclusion of each case the parties will have the  
4 option to leave. If a party chooses to stay all  
5 cameras and microphones for the concluded case  
6 will be disabled. Should you have any questions  
7 or require technical assistance throughout the  
8 hearing, please submit them using the question  
9 and answer feature.

10 Our first case this morning on our  
11 protest hearing status calendar is Case Number  
12 24-PRO-00004, New Smoke Shop, License Number  
13 126727. Good morning, Mr. Orellana. Can you  
14 please elevate the rights of the parties in this  
15 case?

16 MR. ORELLANA: Good morning. Issa  
17 Bannourah, your access has been elevated. Drew  
18 Courtney, your access has been elevated, and that  
19 appears to be all, Chairman.

20 CHAIRPERSON ANDERSON: Thank you.  
21 Could I have the parties turn their camera on.  
22 All right.

23 (Simultaneous speaking.)

24 CHAIRPERSON ANDERSON: Hold on, sir.  
25 Hold on. Hold on one minute.

1 MR. BANNOURAH: Of course.

2 CHAIRPERSON ANDERSON: All right. This  
3 is actually the first protest hearing status that  
4 we are having for a cannabis, so it is just a  
5 little bit different from this morning. So let  
6 me have the Licensee. Can you spell and state  
7 your name for the record?

8 MR. BANNOURAH: Of course. My name is  
9 Issa Bannourah, I-S-S-A, last name is Bannourah,  
10 B-A-N-N-O-U-R-A-H, representing New Leaf Smoke  
11 Shop.

12 CHAIRPERSON ANDERSON: Good morning,  
13 sir, are you -- what -- you said you are  
14 representing, are you -- what is your  
15 relationship to the establishment?

16 MR. BANNOURAH: I am the owner. I am  
17 the owner of the establishment.

18 CHAIRPERSON ANDERSON: All right.  
19 Thank you. We have a court reporter. So one of  
20 the reasons why I ask everyone to spell and state  
21 their name we have a court reporter so you will  
22 have a transcript of this hearing, okay?

23 MR. BANNOURAH: Wonderful.

24 CHAIRPERSON ANDERSON: Ms. Courtney,  
25 good morning. Can you spell and state your name

1 for the record?

2 MR. COURTNEY: Sure. My name is Drew  
3 Courtney.

4 CHAIRPERSON ANDERSON: Sorry, Mr.  
5 Courtney, I apologize.

6 MR. COURTNEY: Does not bother me. My  
7 name is Drew Courtney, D-R-E-W, C-O-U-R-T-N-E-Y,  
8 and I am the designated representative from ANC  
9 6C.

10 CHAIRPERSON ANDERSON: Good morning,  
11 sir. All right. All right. This is, as I  
12 stated before, the first medical cannabis protest  
13 hearing status that we have had, so I am not sure  
14 if the parties are familiar with this process.  
15 So at this juncture I will ask are there any  
16 preliminary matters, meaning that not  
17 substantively what is going on, but are there any  
18 preliminary matters that you want to bring to the  
19 attention of the Board. Let's start first with  
20 the Licensee. Well, not substantive, like, okay,  
21 do you have, like, okay, I am having trouble  
22 getting in contact with the ANC, or just those  
23 type of issues.

24 MR. BANNOURAH: I mean, we have been in  
25 touch. Drew was supposed to send me the draft

1 voluntary agreement no later than Monday. I have  
2 not gotten it yet, but looks like he is  
3 traveling, looks like he is in a hotel room so he  
4 might be busy traveling.

5 MR. COURTNEY: You do have it, but you  
6 have not had it for very long.

7 MR. BANNOURAH: Oh, I just got it.  
8 Okay. Thank you. That is all. So I just --  
9 yes, but we have been in touch and it looks like  
10 we are -- the wheels are in motion for us to come  
11 up with an agreement.

12 CHAIRPERSON ANDERSON: Mr. Courtney,  
13 anything you want to bring to the attention of  
14 the Board?

15 MR. COURTNEY: No, just that I am very  
16 optimistic that we will be able to reach a  
17 settlement agreement, so we want to avoid going  
18 through the rigamarole of a entire protest  
19 hearing. I think we are very close.

20 CHAIRPERSON ANDERSON: All right. As  
21 a placeholder this matter is scheduled for a  
22 protest hearing on March 20th, 2024 at 1:30. So  
23 if the parties believe that this matter will be  
24 settled you can let the Board know as soon as  
25 possible that you believe that this case is going

1 to be settled so we can take this off the  
2 calendar, but just in case it is not settled and  
3 if it is going to go to a protest hearing so let  
4 me give you the instructions, just for the  
5 record, if it is going to a protest hearing what  
6 needs to be done. Now that we have scheduled  
7 this matter for a protest hearing there are a few  
8 things that I would like to instruct the  
9 Applicant and the protest about so that the  
10 protest hearing is focused and addresses only  
11 those issues that are being protested. The Board  
12 does not intend to hear testimony on matters that  
13 are not relevant to this case. You should have  
14 received by electronic or regular mail a letter  
15 explaining the protest process, a copy of the  
16 protest information form, and a copy of the  
17 exhibit form. If you do not have these documents  
18 please contact our legal office following the  
19 hearing. It is imperative that you review the  
20 rules closely and adhere to them before and  
21 during the protest hearing. You are also  
22 required to complete and submit the protest  
23 information form, which is the PIP and the  
24 exhibit form seven days before the date of the  
25 hearing. These two forms and accompanying



1 documents need to be submitted to ABCA's legal  
2 division and all opposing parties in this matter.  
3 So basically if this matter goes to the hearing  
4 you will get a PIP. You have to complete the PIP  
5 seven days before, and it needs to be served on  
6 the other party and it needs to be served on our  
7 legal office. The PIP, the form itself,  
8 explanatory, but you would have to list the  
9 witnesses you are going to call and the documents  
10 they are going to rely upon. So it is very  
11 important that if this matter goes to a protest  
12 hearing seven days before the hearing these  
13 documents are provided to us, okay?

14 MR. BANNOURAH: Are those provided by  
15 email or through --

16 CHAIRPERSON ANDERSON: Email it. Email  
17 is fine. All right. If we do not receive a copy  
18 of your PIP your application or your protest,  
19 whichever side you are representing, may be  
20 subject to dismissal. Likewise, if we do not  
21 receive a copy of the exhibit form and the  
22 exhibits themselves your exhibits may be excluded  
23 from the record upon a finding that the opposing  
24 party has been prejudiced or no good cause for  
25 failure to submit has been shown. Likewise,

1 witnesses other than a party may also be  
2 subjected to exclusion if not identified on the  
3 PIP. Accordingly, these forms are very  
4 important. They greatly assist the Board in  
5 narrowing the protest issues, facilitating the  
6 process and keeping the parties on point during  
7 the hearing. They likewise provide notice to the  
8 opposing parties enabling them to better prepare  
9 for the hearing. As you are aware, all of our  
10 hearings are now conducted virtually. You will  
11 have one hour to present your case, and you will  
12 be only allowed to call five witnesses. If you  
13 require more time, and if you require more  
14 witnesses, you need to file a motion with our  
15 agency. As I said before, since we have never  
16 done a protest hearing for a cannabis license,  
17 and I am not sure if the parties are aware of  
18 that. The way the process works, if it goes to  
19 the hearing, is that the Board will provide an  
20 investigator who will contact you at some point  
21 to find out what the protest issues are. The  
22 investigator will write a report. If we go to  
23 the hearing the way the hearing operates is that  
24 the burden is on the Licensee to show us that the  
25 license is appropriate for the location selected.

1 So the Licensee will go first. They would do  
2 their opening statement, then the Protestant  
3 would do their opening statement, then the Board  
4 would call the investigator as a witness, and the  
5 investigator would share the report with the  
6 Board. The Board will ask the requestance of its  
7 investigator. Once the Board has asked the  
8 requestance of his investigator then the licensee  
9 will have an opportunity to ask the investigator  
10 requestance of the report that is written. The  
11 protestant would also have an opportunity to ask  
12 the investigator of their report, and once that  
13 is done then the Licensee would call its first  
14 witness and put its case on. So basically it's  
15 that we are going through a hearing as you see in  
16 court. It is less formal, but that is the  
17 process that we would follow. So once the  
18 Licensee has presented its case then the  
19 Protestant would have an opportunity to present  
20 its case and cross examination of witnesses, and  
21 then you will do closing. So that is how it is  
22 if we were to go to a hearing, but as you stated  
23 before it appears that this case might be  
24 settled. The Agency and the Board we support  
25 settlements, because at least if there is

1 settlement agreement we know that both parties  
2 have mutually agreed what is in the best interest  
3 of the community. So we do support that, but if  
4 this matter cannot be settled then the Board will  
5 make a decision whether or not we will grant the  
6 license -- or whether or not we will grant the  
7 license, whether or not we will deny the license,  
8 or we will grant the license with conditions as  
9 requested by the community. So that is the  
10 process that is followed. Any questions, sir?

11 MR. BANNOURAH: None for me, no.

12 CHAIRPERSON ANDERSON: Any questions?

13 All right.

14 MEMBER SHORT: Mr. Chairman.

15 CHAIRPERSON ANDERSON: Yes, Mr. Short.

16 MEMBER SHORT: Thank you. For the  
17 owner we have on the screen under his picture is  
18 Issa, but he spelled his last name but I did not  
19 get it, so I wish the next time, sir, you would  
20 put your full name in the screen with you. How  
21 do you spell your last name?

22 MR. BANNOURAH: Sure, I can spell it  
23 for you. B-A-N-N-O-U-R-A-H, Bannourah, B-A-N-N-  
24 O-U-R-A-H.

25 MEMBER SHORT: Thank you. Thank you

1 very much.

2 MR. BANNOURAH: Of course.

3 CHAIRPERSON ANDERSON: All right. Good  
4 luck with your negotiations. As I stated before,  
5 the Board supports the parties settling the  
6 matter if it can be settled, so good luck with  
7 your negotiations. If there is anything that the  
8 Agency can do in the sense of scheduling another  
9 mediation we are here to help you. If you do not  
10 understand the process of this hearing you can  
11 reach out to the Agency. We are here to help  
12 both parties, so any questions that you have  
13 about the process please reach out to the legal  
14 office. We will provide you with whatever  
15 guidance you need to move forward in this  
16 process, okay?

17 MR. BANNOURAH: Thank you ever so  
18 kindly. I appreciate you.

19 CHAIRPERSON ANDERSON: You're welcome.

20 MR. COURTNEY: Thank you.

21 CHAIRPERSON ANDERSON: Have a great  
22 day. Thank you very much. All right. Bye, bye.

23 (Whereupon, the above-entitled matter  
24 went off the record at 10:44 a.m.)

25

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This is to certify that the foregoing transcript

In the matter of: New Smoke Shop

Before: DC ABCA

Date: 02-14-24

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.



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Court Reporter

**NEAL R. GROSS**

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