

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE AND CANNABIS BOARD
+ + + + +
ROLL CALL HEARING

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IN THE MATTER OF: :
 :
UpNSmoke II LLC :
t/a N/A :
427 8th Street SE : Roll Call
Retailer MC - ANC 6B : Hearing
License No. 126850 :
Case #24-PRO-00008 :
 :
(New Medical :
Cannabis Application) :
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Tuesday
February 20, 2024

The Alcoholic Beverage and Cannabis Board met via WebEx videoconference, LaVerne Fletcher, Board's Agent, presiding.

PRESENT:

LAVERNE FLETCHER, ABC Board's Agent

ALSO PRESENT:

ZACK LEARMAN, Licensee
DAVID SOBELSOHN, ANC 6B

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

2 10:09 a.m.

3 MS. FLETCHER: Good morning, everyone.

4 My name is LaVerne Fletcher. I'll be conducting
5 the roll call hearing, as the Board's agent. And
6 thank you for your patience. I actually had some
7 technical difficulty getting started this
8 morning, but now we're ready to get started.

9 There are two cases on the calendar
10 today. The first case is UpNSmoke, Case
11 No. 24-PRO-00008, 428 8th Street, SE, License
12 No. ABRA-126850.

13 This is a retailer Class MC for New
14 Medical Cannabis Application the FERC has issued,
15 that adds to the impact on peace, order, and
16 quiet, residential parking, and vehicular and
17 pedestrian safety, and real property values.

18 My name is LaVerne Fletcher,
19 conducting the roll call hearing as the Board's
20 agent. Is anyone present on behalf of UpNSmoke?
21 Mr. Learman, can you hear me?

22 MR. LEARMAN: Yes, ma'am.

23 MS. FLETCHER: Would you please state
24 your name and spell it for the record, please?

25 MR. LEARMAN: Sure. My name is Zack

1 Learman. That's Z-A-C-K L-E-A-R-M-A-N.

2 MS. FLETCHER: Thank you very much.

3 And on behalf of ANC 6B?

4 MR. SOBELSOHN: David Sobelsohn,
5 ANC 6B Commissioner. That's spelled S as in Sam,
6 O-B as in boy, E-L-S as in Sam, O-H-N as in
7 Nancy, first name David.

8 MS. FLETCHER: Okay, thank you very
9 much. ANC 6B does have standing as a protestant.
10 We need to schedule some dates for a mediation, a
11 status hearing and a protest hearing.

12 I will give you the dates for the
13 status and protest hearing first. The status
14 hearing is scheduled for March 20, 2024, at
15 10:30 a.m., the protest hearing is scheduled for
16 April 10, 2024, at 1:30 p.m.

17 I will give you the next available
18 date for mediation.

19 COURT REPORTER: Excuse me. Sorry to
20 jump in. I'm getting a little bit of feedback.

21 MS. FLETCHER: And if you say
22 anything, if you would state your name for the
23 court reporter? So, who's speaking right now?

24 (Off-mic comments.)

25 MS. FLETCHER: Okay, thank you. So,

1 you heard the court reporter. If you're not
2 speaking, if you would place yourself on mute,
3 that would be very much appreciated.

4 MR. SOBELSOHN: Ms. Fletcher, you said
5 something about giving us the next available date
6 but the static and the feedback prevented me from
7 hearing what you were saying.

8 MS. FLETCHER: Can you hear me now
9 okay?

10 MR. SOBELSOHN: Yeah, I think so.

11 MS. FLETCHER: Okay. I'm going to
12 give you the next available date for mediation,
13 and you can let me know if you're available on
14 that day.

15 MR. SOBELSOHN: Okay, thank you.

16 MS. FLETCHER: You're welcome. The
17 next available day for mediation is Thursday,
18 February 29, any time between 10:30 and 1:30.
19 That's Thursday, February 29, any time between
20 10:30 and 1:30. That's the next available day.

21 MR. SOBELSOHN: Any of those times is
22 fine with me.

23 MS. FLETCHER: And who was speaking?

24 MR. SOBELSOHN: I'm sorry, that was
25 David Sobelsohn, the ANC Commissioner.

1 (Simultaneous speaking.)

2 MS. FLETCHER: So, any time is good
3 for you on the 29th?

4 MR. SOBELSOHN: Yes. I'm sorry, say
5 that again?

6 MS. FLETCHER: I said -- I was
7 repeating what you said, that Thursday,
8 February 29, any time between 10:30 and 1:30 is
9 fine for you?

10 MR. SOBELSOHN: Yes, that would be
11 fine.

12 MR. LEARMAN: At my end it's good.
13 You're saying Friday, February 29th?

14 MS. FLETCHER: That's Thursday,
15 February 29.

16 MR. LEARMAN: Yep, I was looking at
17 March. Yep, I'm totally open that day. So,
18 either time would work.

19 MS. FLETCHER: Okay, Mr. Learman.
20 Thank you for that. Then let's make it 10:30 on
21 Thursday, January 29.

22 MR. SOBELSOHN: Great. And may
23 I -- (audio interference) -- we work out a
24 settlement agreement and got the protest by then.

25 MS. FLETCHER: So, who's speaking,

1 please?

2 MR. SOBELSOHN: I'm sorry, David
3 Sobelsohn. You want me to identify myself
4 whenever I speak, is that right?

5 MS. FLETCHER: Yes, yes.

6 MR. SOBELSOHN: Okay, sorry.

7 MS. FLETCHER: That's okay.

8 MR. SOBELSOHN: David Sobelsohn. I
9 was saying that it's our hope as an ANC that we
10 will have worked out a settlement agreement by
11 then and drop our protest.

12 But that's a hope. We don't know yet
13 for sure, but that's our hope. We have exchanged
14 drafts and we're working on that.

15 MS. FLETCHER: Well, I made a note of
16 that, that the case may settle. If it does, you
17 can let me know and I'll cancel the mediation.
18 Otherwise, I'll see you on the 29th at 10:30.

19 MR. SOBELSOHN: That's correct. Thank
20 you. Oh, David Sobelsohn. That's correct, thank
21 you.

22 MS. FLETCHER: And I will send you the
23 WebEx invitation to attend the mediation.

24 If this matter is going to go forward
25 for a protect or status hearing, that invitation

1 will come from someone else. But for the
2 mediation, I will send out the WebEx invitation.

3 If you have any questions, you can
4 contact me beyond today. You've got my contact
5 information.

6 Okay, any questions before I move to
7 the next case for today?

8 MR. SOBELSOHN: When we move to the
9 next case -- David Sobelsohn asking -- move to
10 the next case, then we can drop off this WebEx.
11 Right?

12 MS. FLETCHER: Yeah, you can drop off.
13 I know Mr. Learman has the next case as well.

14 MR. SOBELSOHN: Oh. Then I'll drop
15 off, because I know it's not in my single-member
16 district.

17 MS. FLETCHER: Exactly.

18 MR. SOBELSOHN: I don't think it's in
19 my ANC at all, is it?

20 MS. FLETCHER: What was that?

21 MR. SOBELSOHN: I don't think the next
22 case is in my Advisory Neighborhood Commission at
23 all, is it?

24 MS. FLETCHER: It is not.

25 MR. SOBELSOHN: Okay, thank you.

1 MS. FLETCHER: Okay.

2 MR. SOBELSOHN: Then I will drop off
3 as soon as finish.

4 MS. FLETCHER: Okay, thank you.

5 MR. SOBELSOHN: Thanks. I'm leaving
6 then. Thanks.

7 MS. FLETCHER: All right, have a great
8 day.

9 MR. LEARMAN: Good seeing you, David,
10 Commissioner.

11 MR. SOBELSOHN: Nice to see you too.

12 MS. FLETCHER: By, Commissioner.

13 MR. LEARMAN: Yes, sir.

14 (Whereupon, the above-entitled matter
15 went off the record at 10:16 a.m.)

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<p style="text-align: center;">A</p> <p>a.m 2:2 3:15 8:15 ABC 1:17 above-entitled 8:14 ABRA-126850 2:12 adds 2:15 Advisory 7:22 agent 1:14,17 2:5,20 agreement 5:24 6:10 Alcoholic 1:2,13 ANC 1:7,19 3:3,5,9 4:25 6:9 7:19 Application 1:10 2:14 appreciated 4:3 April 3:16 asking 7:9 attend 6:23 audio 5:23 available 3:17 4:5,12,13 4:17,20</p> <hr/> <p style="text-align: center;">B</p> <p>behalf 2:20 3:3 Beverage 1:2,13 beyond 7:4 bit 3:20 Board 1:2,14 Board's 1:14,17 2:5,19 boy 3:6</p> <hr/> <p style="text-align: center;">C</p> <p>calendar 2:9 call 1:3,7 2:5,19 cancel 6:17 Cannabis 1:2,10,13 2:14 case 1:8 2:10,10 6:16 7:7,9,10,13,22 cases 2:9 Class 2:13 COLUMBIA 1:1 come 7:1 comments 3:24 Commission 7:22 Commissioner 3:5 4:25 8:10,12 conducting 2:4,19 contact 7:4,4 correct 6:19,20 court 3:19,23 4:1</p> <hr/> <p style="text-align: center;">D</p> <p>date 3:18 4:5,12 dates 3:10,12 David 1:19 3:4,7 4:25 6:2,8,20 7:9 8:9 day 4:14,17,20 5:17 8:8</p>	<p>difficulty 2:7 district 1:1 7:16 drafts 6:14 drop 6:11 7:10,12,14 8:2</p> <hr/> <p style="text-align: center;">E</p> <p>E-L-S 3:6 either 5:18 Exactly 7:17 exchanged 6:13 Excuse 3:19</p> <hr/> <p style="text-align: center;">F</p> <p>February 1:12 4:18,19 5:8,13,15 feedback 3:20 4:6 FERC 2:14 fine 4:22 5:9,11 finish 8:3 first 2:10 3:7,13 Fletcher 1:14,17 2:3,4 2:18,23 3:2,8,21,25 4:4,8,11,16,23 5:2,6 5:14,19,25 6:5,7,15 6:22 7:12,17,20,24 8:1,4,7,12 forward 6:24 Friday 5:13</p> <hr/> <p style="text-align: center;">G</p> <p>getting 2:7 3:20 give 3:12,17 4:12 giving 4:5 go 6:24 going 4:11 6:24 good 2:3 5:2,12 8:9 great 5:22 8:7</p> <hr/> <p style="text-align: center;">H</p> <p>hear 2:21 4:8 heard 4:1 hearing 1:3,7 2:5,19 3:11,11,13,14,15 4:7 6:25 hope 6:9,12,13</p> <hr/> <p style="text-align: center;">I</p> <p>identify 6:3 II 1:6 impact 2:15 information 7:5 interference 5:23 invitation 6:23,25 7:2 issued 2:14</p> <hr/> <p style="text-align: center;">J</p> <p>January 5:21</p>	<p>jump 3:20</p> <hr/> <p style="text-align: center;">K</p> <p>know 4:13 6:12,17 7:13 7:15</p> <hr/> <p style="text-align: center;">L</p> <p>L-E-A-R-M-A-N 3:1 LaVerne 1:14,17 2:4,18 Learman 1:19 2:21,22 2:25 3:1 5:12,16,19 7:13 8:9,13 leaving 8:5 let's 5:20 License 1:8 2:11 Licensee 1:19 little 3:20 LLC 1:6 looking 5:16</p> <hr/> <p style="text-align: center;">M</p> <p>ma'am 2:22 March 3:14 5:17 matter 1:5 6:24 8:14 MC 1:7 2:13 mediation 3:10,18 4:12 4:17 6:17,23 7:2 Medical 1:9 2:14 met 1:14 morning 2:3,8 move 7:6,8,9 mute 4:2</p> <hr/> <p style="text-align: center;">N</p> <p>N/A 1:6 name 2:4,18,24,25 3:7 3:22 Nancy 3:7 need 3:10 Neighborhood 7:22 New 1:9 2:13 Nice 8:11 note 6:15</p> <hr/> <p style="text-align: center;">O</p> <p>O-B 3:6 O-H-N 3:6 Off-mic 3:24 Oh 6:20 7:14 okay 3:8,25 4:9,11,15 5:19 6:6,7 7:6,25 8:1 8:4 open 5:17 order 2:15</p> <hr/> <p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-I-N-G-S 2:1</p>	<p>p.m 3:16 parking 2:16 patience 2:6 peace 2:15 pedestrian 2:17 place 4:2 please 2:23,24 6:1 present 1:16,18 2:20 presiding 1:14 prevented 4:6 property 2:17 protect 6:25 protest 3:11,13,15 5:24 6:11 protestant 3:9</p> <hr/> <p style="text-align: center;">Q</p> <p>questions 7:3,6 quiet 2:16</p> <hr/> <p style="text-align: center;">R</p> <p>ready 2:8 real 2:17 record 2:24 8:15 repeating 5:7 reporter 3:19,23 4:1 residential 2:16 retailer 1:7 2:13 right 3:23 6:4 7:11 8:7 roll 1:3,7 2:5,19</p> <hr/> <p style="text-align: center;">S</p> <p>S 3:5 safety 2:17 Sam 3:5,6 saying 4:7 5:13 6:9 schedule 3:10 scheduled 3:14,15 SE 1:7 2:11 see 6:18 8:11 seeing 8:9 send 6:22 7:2 settle 6:16 settlement 5:24 6:10 Simultaneous 5:1 single-member 7:15 sir 8:13 Sobelsohn 1:19 3:4,4 4:4,10,15,21,24,25 5:4,10,22 6:2,3,6,8,8 6:19,20 7:8,9,14,18 7:21,25 8:2,5,11 soon 8:3 sorry 3:19 4:24 5:4 6:2 6:6 speak 6:4 speaking 3:23 4:2,23 5:1,25</p>
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spell 2:24
spelled 3:5
standing 3:9
started 2:7,8
state 2:23 3:22
static 4:6
status 3:11,13,13 6:25
Street 1:7 2:11
sure 2:25 6:13

T

t/a 1:6
technical 2:7
thank 2:6 3:2,8,25 4:15
 5:20 6:19,20 7:25 8:4
Thanks 8:5,6
think 4:10 7:18,21
Thursday 4:17,19 5:7
 5:14,21
time 4:18,19 5:2,8,18
times 4:21
today 2:10 7:4,7
totally 5:17
Tuesday 1:11
two 2:9

U

UpNSmoke 1:6 2:10,20

V

values 2:17
vehicular 2:16
videoconference 1:14

W

want 6:3
we're 2:8 6:14
WebEx 1:14 6:23 7:2,10
welcome 4:16
went 8:15
work 5:18,23
worked 6:10
working 6:14

X

Y

Yeah 4:10 7:12
Yep 5:16,17

Z

Z-A-C-K 3:1
Zack 1:19 2:25

0

1

1:30 3:16 4:18,20 5:8

10 3:16
10:09 2:2
10:16 8:15
10:30 3:15 4:18,20 5:8
 5:20 6:18
126850 1:8

2

20 1:12 3:14
2024 1:12 3:14,16
24-PRO-00008 1:8 2:11
29 4:18,19 5:8,15,21
29th 5:3,13 6:18

3

4

427 1:7
428 2:11

5

6

6B 1:7,19 3:3,5,9

7

8

8th 1:7 2:11

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: UpNSmoke

Before: DC ABCA

Date: 02-20-24

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.

Neal R Gross

Court Reporter

NEAL R. GROSS

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