

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

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IN THE MATTER OF:                   :  
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UpNSmoke IV LLC                    :  
t/a N/A                               :  
3289 M Street NW                   :  
Retailer MC - ANC 2E               :  
License No. 126975                 :  
Case #24-PRO-00010                 :  
  :  
(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  
MIMSY LINDNER, ANC 2E

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

2 10:16 a.m.

3 MS. FLETCHER: The next case on the  
4 calendar is UpNSmoke IV LLC, Case  
5 No. 24-PRO-00010, 3289 M Street, NW, License  
6 No. ABRA-126975. This is a retail class MC for a  
7 New Medical Cannabis Application.

8 My name is LaVerne Fletcher,  
9 conducting the roll call hearing as the Board's  
10 agent. The protest issues in this matter are  
11 adverse impact on peace order and quiet. Is  
12 anyone present on behalf of the Applicant?

13 (Simultaneous speaking.)

14 MS. FLETCHER: Excuse me one second.  
15 Mr. Learman, were you about to introduce  
16 yourself?

17 MR. LEARMAN: Yes, Ms. Fletcher.  
18 Sorry to interrupt, Commissioner. Zack Learman,  
19 on behalf of UpNSmoke IV LLC. Thank you.

20 MS. FLETCHER: Thank you. And  
21 Mr. Learman, would you spell your name for the  
22 record, please?

23 MR. LEARMAN: Yep, I forgot to do  
24 that. Z-A-C-K, last name L-E-A-R-M-A-N.

25 MS. FLETCHER: Thank you very much.

1 And is anyone present on behalf of ANC 2E?

2 MS. LINDNER: Yes, this is  
3 Commissioner Lindner, Mimsy Lindner. That's  
4 M-I-M-S-Y, last name L-I-N-D-N-E-R.

5 MS. FLETCHER: Okay, thank you,  
6 Ms. Lindner. ANC 2E does have standing as a  
7 protestant. And just so that you know, I did get  
8 your message that this matter may be resolved.

9 MS. LINDNER: Yes, that's correct.

10 MS. FLETCHER: I'm going to schedule  
11 some dates in the event that they're necessary.  
12 I'm going to give you a date for a status hearing  
13 and a protest hearing, and then we'll set a date  
14 for mediation. The status hearing is set for  
15 March 20th.

16 MS. LINDNER: Okay, that is fine.

17 MS. FLETCHER: Thank you. March 20,  
18 2024, at 10:30 a.m.

19 MS. LINDNER: Okay.

20 MS. FLETCHER: The protest hearing is  
21 set for April 10, 2024, at 1:30 p.m.

22 MS. LINDNER: This is Commissioner  
23 Lindner. I can make both of those work.

24 MS. FLETCHER: Okay, thank you. I  
25 will give you the next available dates for

1 mediation. The next available day for mediation  
2 is Tuesday, March 5. Tuesday, March 5, any time  
3 between 10:30 and 1:30. That's the next  
4 available day.

5 MS. LINDNER: Commissioner Lindner  
6 here. I can make whatever work. Zack, if  
7 there's some time better for you, then you speak  
8 up.

9 MS. FLETCHER: Okay.

10 MR. LEARMAN: Thanks, Commissioner  
11 Lindner. I have a compliance conference with the  
12 State Cannabis Regulatory Agency here in Michigan  
13 at 9:00. I don't know how long that's going to  
14 last on March 5th. Is there a better -- I don't  
15 think that's going to be an all-day thing. I  
16 mean, maybe we could either do a different day,  
17 or maybe around 1:00-ish, if that's okay, that  
18 day.

19 MS. FLETCHER: Well, how about if we  
20 just move it to Tuesday, March 12th? Tuesday,  
21 March 12th, any time between 10:30 and 1:30.

22 MR. LEARMAN: That'd be perfect. I  
23 have an appointment at noon, but if we could do  
24 10:30, that would work.

25 MS. FLETCHER: Okay.

1 MS. LINDNER: That works for me too.  
2 This is Commissioner Lindner.

3 MS. FLETCHER: So, Ms. Lindner,  
4 Tuesday the 12th works for you at 10:30 also?  
5 Did you say the 12th?

6 MR. LEARMAN: It works for me.

7 MS. FLETCHER: That was the 12th,  
8 right?

9 MR. LEARMAN: That was March 12th,  
10 correct.

11 MS. FLETCHER: March 12th, okay. Just  
12 wanted to make sure. Thank you.

13 Okay, and if the matter is resolved  
14 before then, you can just let me know, and then  
15 we'll cancel the mediation once the settlement  
16 agreement is submitted.

17 MS. LINDNER: Commissioner Lindner  
18 here. That is our hope. So, thank you.

19 MS. FLETCHER: Okay, thank you for  
20 that, Ms. Lindner. Any questions at all?

21 MS. LINDNER: Nope.

22 MR. LEARMAN: None on my end.

23 MS. FLETCHER: Well, thank you for  
24 coming. The roll call hearing in this matter is  
25 concluded. One other thing, Mr. Learman, just so

1 that you know, I received your entries of  
2 appearance and they have been placed into the  
3 protest folder for both of the UpNSmoke cases.

4 MR. LEARMAN: Thanks, Ms. Fletcher.  
5 Appreciate it.

6 MS. FLETCHER: You're very welcome.  
7 Okay, well I'm going to sign off, and have a  
8 great day.

9 (Whereupon, the above-entitled matter  
10 went off the record at 10:22 a.m.)

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<p style="text-align: center;"><b>A</b></p> <p>a.m 2:2 3:18 6:10  <b>ABC</b> 1:17  above-entitled 6:9  <b>ABRA-126975</b> 2:6  adverse 2:11  <b>Agency</b> 4:12  agent 1:14, 17 2:10  agreement 5:16  <b>Alcoholic</b> 1:2, 13  all-day 4:15  <b>ANC</b> 1:7, 19 3:1, 6  appearance 6:2  <b>Applicant</b> 2:12  <b>Application</b> 1:10 2:7  <b>appointment</b> 4:23  <b>Appreciate</b> 6:5  <b>April</b> 3:21  available 3:25 4:1, 4</p> <hr/> <p style="text-align: center;"><b>B</b></p> <p>behalf 2:12, 19 3:1  better 4:7, 14  <b>Beverage</b> 1:2, 13  <b>Board</b> 1:2, 14  <b>Board's</b> 1:14, 17 2:9</p> <hr/> <p style="text-align: center;"><b>C</b></p> <p>calendar 2:4  call 1:3, 7 2:9 5:24  cancel 5:15  <b>Cannabis</b> 1:2, 10, 13 2:7  4:12  case 1:8 2:3, 4  cases 6:3  class 2:6  <b>COLUMBIA</b> 1:1  coming 5:24  <b>Commissioner</b> 2:18 3:3  3:22 4:5, 10 5:2, 17  compliance 4:11  concluded 5:25  conducting 2:9  conference 4:11  correct 3:9 5:10</p> <hr/> <p style="text-align: center;"><b>D</b></p> <p>date 3:12, 13  dates 3:11, 25  day 4:1, 4, 16, 18 6:8  different 4:16  <b>DISTRICT</b> 1:1</p> <hr/> <p style="text-align: center;"><b>E</b></p> <p>either 4:16  entries 6:1  event 3:11</p>	<p>Excuse 2:14</p> <hr/> <p style="text-align: center;"><b>F</b></p> <p><b>February</b> 1:12  fine 3:16  <b>Fletcher</b> 1:14, 17 2:3, 8  2:14, 17, 20, 25 3:5, 10  3:17, 20, 24 4:9, 19, 25  5:3, 7, 11, 19, 23 6:4, 6  folder 6:3  forgot 2:23</p> <hr/> <p style="text-align: center;"><b>G</b></p> <p>give 3:12, 25  going 3:10, 12 4:13, 15  6:7  great 6:8</p> <hr/> <p style="text-align: center;"><b>H</b></p> <p>hearing 1:3, 7 2:9 3:12  3:13, 14, 20 5:24  hope 5:18</p> <hr/> <p style="text-align: center;"><b>I</b></p> <p>impact 2:11  interrupt 2:18  introduce 2:15  issues 2:10  <b>IV</b> 1:6 2:4, 19</p> <hr/> <p style="text-align: center;"><b>J</b></p> <hr/> <p style="text-align: center;"><b>K</b></p> <p>know 3:7 4:13 5:14 6:1</p> <hr/> <p style="text-align: center;"><b>L</b></p> <p><b>L-E-A-R-M-A-N</b> 2:24  <b>L-I-N-D-N-E-R</b> 3:4  <b>LaVerne</b> 1:14, 17 2:8  <b>Learman</b> 1:19 2:15, 17  2:18, 21, 23 4:10, 22  5:6, 9, 22, 25 6:4  <b>License</b> 1:8 2:5  <b>Licensee</b> 1:19  <b>Lindner</b> 1:19 3:2, 3, 3, 6, 9  3:16, 19, 22, 23 4:5, 5  4:11 5:1, 2, 3, 17, 17, 20  5:21  <b>LLC</b> 1:6 2:4, 19  long 4:13</p> <hr/> <p style="text-align: center;"><b>M</b></p> <p><b>M</b> 1:7 2:5  <b>M-I-M-S-Y</b> 3:4  <b>March</b> 3:15, 17 4:2, 2, 14  4:20, 21 5:9, 11  <b>matter</b> 1:5 2:10 3:8 5:13  5:24 6:9</p>	<p><b>MC</b> 1:7 2:6  mean 4:16  <b>mediation</b> 3:14 4:1, 1  5:15  <b>Medical</b> 1:9 2:7  <b>message</b> 3:8  <b>met</b> 1:14  <b>Michigan</b> 4:12  <b>Mimsy</b> 1:19 3:3  move 4:20</p> <hr/> <p style="text-align: center;"><b>N</b></p> <p><b>N/A</b> 1:6  name 2:8, 21, 24 3:4  <b>necessary</b> 3:11  <b>New</b> 1:9 2:7  noon 4:23  <b>Nope</b> 5:21  <b>NW</b> 1:7 2:5</p> <hr/> <p style="text-align: center;"><b>O</b></p> <p>okay 3:5, 16, 19, 24 4:9  4:17, 25 5:11, 13, 19  6:7  <b>once</b> 5:15  <b>order</b> 2:11</p> <hr/> <p style="text-align: center;"><b>P</b></p> <p><b>P-R-O-C-E-E-D-I-N-G-S</b>  2:1  p.m 3:21  <b>peace</b> 2:11  <b>perfect</b> 4:22  <b>placed</b> 6:2  <b>please</b> 2:22  <b>present</b> 1:16, 18 2:12  3:1  <b>presiding</b> 1:14  <b>protest</b> 2:10 3:13, 20 6:3  <b>protestant</b> 3:7</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <p>questions 5:20  quiet 2:11</p> <hr/> <p style="text-align: center;"><b>R</b></p> <p>received 6:1  <b>record</b> 2:22 6:10  <b>Regulatory</b> 4:12  <b>resolved</b> 3:8 5:13  <b>retail</b> 2:6  <b>Retailer</b> 1:7  <b>right</b> 5:8  <b>roll</b> 1:3, 7 2:9 5:24</p> <hr/> <p style="text-align: center;"><b>S</b></p> <p><b>schedule</b> 3:10  <b>second</b> 2:14</p>	<p>set 3:13, 14, 21  <b>settlement</b> 5:15  <b>sign</b> 6:7  <b>Simultaneous</b> 2:13  <b>Sorry</b> 2:18  <b>speak</b> 4:7  <b>speaking</b> 2:13  <b>spell</b> 2:21  <b>standing</b> 3:6  <b>State</b> 4:12  <b>status</b> 3:12, 14  <b>Street</b> 1:7 2:5  <b>submitted</b> 5:16  <b>sure</b> 5:12</p> <hr/> <p style="text-align: center;"><b>T</b></p> <p>t/a 1:6  <b>thank</b> 2:19, 20, 25 3:5, 17  3:24 5:12, 18, 19, 23  <b>Thanks</b> 4:10 6:4  <b>That'd</b> 4:22  <b>thing</b> 4:15 5:25  <b>think</b> 4:15  <b>time</b> 4:2, 7, 21  <b>Tuesday</b> 1:11 4:2, 2, 20  4:20 5:4</p> <hr/> <p style="text-align: center;"><b>U</b></p> <p><b>UpNSmoke</b> 1:6 2:4, 19  6:3</p> <hr/> <p style="text-align: center;"><b>V</b></p> <p><b>videoconference</b> 1:14</p> <hr/> <p style="text-align: center;"><b>W</b></p> <p>wanted 5:12  we'll 3:13 5:15  <b>WebEx</b> 1:14  <b>welcome</b> 6:6  <b>went</b> 6:10  <b>work</b> 3:23 4:6, 24  <b>works</b> 5:1, 4, 6</p> <hr/> <p style="text-align: center;"><b>X</b></p> <hr/> <p style="text-align: center;"><b>Y</b></p> <p><b>Yep</b> 2:23</p> <hr/> <p style="text-align: center;"><b>Z</b></p> <p><b>Z-A-C-K</b> 2:24  <b>Zack</b> 1:19 2:18 4:6</p> <hr/> <p style="text-align: center;"><b>0</b></p> <hr/> <p style="text-align: center;"><b>1</b></p> <p><b>1:00-ish</b> 4:17  <b>1:30</b> 3:21 4:3, 21  <b>10</b> 3:21</p>
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10:16 2:2  
10:22 6:10  
10:30 3:18 4:3,21,24 5:4  
126975 1:8  
12th 4:20,21 5:4,5,7,9  
5:11

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20 1:12 3:17  
2024 1:12 3:18,21  
20th 3:15  
24-PRO-00010 1:8 2:5  
2E 1:7,19 3:1,6

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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.



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Court Reporter

**NEAL R. GROSS**

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