

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

2 (10:33 a.m.)

3 CHAIRPERSON ANDERSON: Good morning.

4 As Chairperson of the Alcoholic Beverage and
5 Cannabis Board for the District of Columbia and
6 in accordance with D.C. Code Section 2571 et seq.
7 of the Open Meetings Act, OMA, I'm welcoming you
8 to the regular scheduled meeting of the Alcoholic
9 Beverage and Cannabis Board.

10 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 Central Meeting calendar. The
21 notice included the time, date, agenda, and call-
22 in or login information for public participation.

23 This electronic meeting has been
24 posted by a Webex account provided by the
25 District of Columbia government. Please address

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

3 My name is Donovan Anderson. I'm
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.

8 Mr. James Short?

9 MR. SHORT: James Short, present.

10 CHAIRPERSON ANDERSON: Mr. Silas
11 Grant?

12 MR. GRANT: Silas Grant, present.

13 CHAIRPERSON ANDERSON: The Board has
14 three members in attendance for the conduct of
15 business today and that constitutes a quorum.

16 Before we get underway with today's
17 hearing calendar, I need to make a few
18 instructions that are clear so that the conduct
19 of these hearings is understood by everyone.
20 There are 12 cases scheduled for today.

21 Once your case is called, I will take
22 a moment for our IT specialist to elevate the
23 rights for each party, to enable their camera and
24 microphone. Then, and only then, will you have
25 the ability to enable your equipment. If your

1 case has not been heard, you will remain mute and
2 your camera will be disabled.

3 At the conclusion of each case, the
4 parties will have the option to leave. If the
5 parties chooses to stay, all cameras and
6 microphones for the concluded case will be
7 disabled.

8 Should you have any questions or
9 require technical assistance during the hearing,
10 please submit them using the question-and-answer
11 feature.

12 Our first case this morning is a
13 protest hearing status, Case No. 24-PRO-00006, No
14 Kids Allowed, License No. 126742.

15 Good morning, Mr. Orellana. Can you
16 please elevate the rights of the licensee and the
17 protestant in this case?

18 MR. ORELLANA: Sure.

19 Chander Jayaraman, your access has
20 been elevated.

21 Mackenzie Manns, your access has been
22 elevated.

23 And that appears to be all, Chairman.

24 CHAIRPERSON ANDERSON: Thank you.

25 MR. JAYARAMAN: Good morning, Members

1 of the ABC Board.

2 CHAIRPERSON ANDERSON: Good morning,
3 sir. Hold on a minute, please.

4 MS. MANNS: Good morning, everybody.

5 CHAIRPERSON ANDERSON: Good morning.
6 Ms. Manns, can you please spell and state your
7 name for the record?

8 MS. MANNS: Yes, sir. Mackenzie
9 Manns, M-A-C-K-E-N-Z-I-E M-A-N-N-S.

10 CHAIRPERSON ANDERSON: And what is
11 your relationship to this establishment?

12 MS. MANNS: I'm the representative for
13 the establishment.

14 CHAIRPERSON ANDERSON: All right.
15 Thank you.

16 Mr. Jayaraman, can you please spell
17 and state your name for the record?

18 MR. JAYARAMAN: Yes. Chander
19 Jayaraman, C-H-A-N-D-E-R, last name J-A-Y-A-R-A-
20 M-A-N.

21 CHAIRPERSON ANDERSON: And your
22 relationship to this establishment, sir?

23 MR. JAYARAMAN: I'm actually
24 representing ANC 6B.

25 CHAIRPERSON ANDERSON: All right.

1 Good morning.

2 MR. JAYARAMAN: Good morning, sir.

3 CHAIRPERSON ANDERSON: All right. Is
4 there any preliminary matters in this case? In
5 that, not substantive, but do you have any
6 preliminary issues that you need to bring to the
7 attention of the Board?

8 MS. MANN: I don't believe that
9 there's any issues that we need to bring to the
10 attention of the Board. We're in amicable
11 conversations with the ANC about the settlement
12 agreement, and it seems like both sides are going
13 to be able to finish it by the end of this week,
14 hopefully.

15 CHAIRPERSON ANDERSON: All right.
16 Thank you.

17 Any preliminary matters you want to
18 bring to the attention of the Board, Mr.
19 Jayaraman?

20 MR. JAYARAMAN: I concur with what Ms.
21 Manns has said. However, I do want to mention to
22 the Board, we are having a, trying to figure out
23 the inherent conflict between the required that
24 sign that says, persons under 18 are not allowed
25 inside a cannabis retailer, but then the Human

1 Rights Act says you can't deny access, and so how
2 do we kind of bring those to make those mesh
3 because of in conflict with each other, so I
4 think we're getting there.

5 And I completely agree. I think we're
6 working through the language. I think we're down
7 to the last couple of items. And like Ms. Manns
8 said, we expect to have those resolved by the end
9 of the week, so our committee can take it up next
10 week.

11 CHAIRPERSON ANDERSON: Well, you can
12 always reach out to our legal office if you need
13 some understanding. I know that generally, the
14 law states that if you're not an adult, you
15 cannot be in the facility, but I believe if you
16 are a patient, you can be in the facility if you
17 are a patient younger than 18, but you can reach
18 out to our legal office, and we can provide you
19 whatever guidance you require to move through
20 this issue.

21 This is the second protest hearing
22 status that we have had on a cannabis license, so
23 I know that this is going to be - it's going to
24 be a learning process for all of us, and the
25 Board included, and so, therefore, please reach

1 out to our legal office, and we can provide you
2 whatever guidance you might require to ensure
3 that this is a smooth process for both parties,
4 okay?

5 MR. JAYARAMAN: Yes. I'm glad I just
6 said that, Mr. Chair. I agree with you
7 wholeheartedly and there are some issues that the
8 Board is going to have to weigh in on, and so I
9 appreciate you being open and understanding that
10 this is new for all of us.

11 CHAIRPERSON ANDERSON: Yes. Now, if
12 this matter is on our schedule, it is - I'm
13 sorry. If this matter is not settled, it is
14 scheduled for a protest hearing on March 20,
15 2024, at 1:30 p.m.

16 Do the parties feel confident that
17 this matter will be settled?

18 MS. MANNIS: Yes, sir.

19 CHAIRPERSON ANDERSON: All right. I
20 know Mr. Jayaraman has been to several protest
21 hearings, and you probably have never been to
22 one, but just in case, I just want to make sure
23 that I put it in the record to let you know,
24 ma'am, what the process and procedures are if
25 this matter goes to a protest hearing.

1 MS. MANNS: I appreciate that, sir.

2 CHAIRPERSON ANDERSON: Now that we've
3 scheduled this matter for a protest hearing,
4 there are a few things that I would like to
5 instruct the applicant and the protestant about
6 so that the protest hearing is focused and
7 addresses only those issues that are being
8 protested.

9 The Board does not intend to hear
10 testimony matters that are not relevant to this
11 case. You should have received by electronic or
12 regular mail a letter explaining the protest
13 process and a copy of the protest information
14 form and a copy of the exhibit form. If you do
15 not have these documents, please contact our
16 legal office, and we will provide them to you.

17 It is imperative that you review the
18 rules closely and adhere to them before and
19 during the protest hearing. You're also required
20 to complete and submit a protest information
21 form, PIP, and exhibit form seven days before the
22 hearing.

23 And, so, what this means is if this
24 matter goes to a protest hearing, seven days
25 before the hearing, you're supposed to do the

1 PIP. The PIP, you'll have the documents you're
2 going to rely on upon the hearing, and also the
3 witnesses that you will call.

4 These two forms and the accompanying
5 documents need to be submitted to ABRA's legal
6 and to the opposing parties in this matter. If
7 we do not receive a copy of your PIP seven days
8 before the hearing and if the other side doesn't
9 receive it seven days before the hearing, your
10 case may be subject to dismissal.

11 Likewise, if we do not receive a copy
12 of the exhibit form and the exhibits themselves,
13 your exhibits may be excluded from the record
14 upon finding that the opposing party has been
15 prejudice or no good cause for failure to submit
16 has been shown.

17 Likewise, witnesses, other than the
18 party, may also be subject to exclusion if not
19 identified on the PIP. Accordingly, these forms
20 are very important. They greatly assist the
21 Board in narrowing the protest issues, facilitate
22 in the process, and keeping the parties informed
23 during the hearing. They likewise provide notice
24 to the opposing parties enabling them to better
25 prepare for the hearing.

1 As you're also aware, all of these
2 hearings are - they're conducted virtually. You
3 will have one hour to present your case, and
4 you'll only be allowed to call five witnesses.
5 If you require more time to present or if you
6 need more witnesses, please make a motion to the
7 Board.

8 As I stated before, this is a new
9 territory for all parties, and so please if this
10 matter is going to move forward or in this
11 process, any questions you have, both for the
12 applicant and both for the protestant, please
13 reach out to our legal office, and we will
14 provide you whatever guidance you require to
15 ensure that this works for you, okay?

16 MS. MANNS: That sounds great. I
17 appreciate that. Thank you.

18 CHAIRPERSON ANDERSON: You're welcome.
19 All right. If you have any - yes, Mr.
20 Jayaraman?

21 MR. JAYARAMAN: I have one broad
22 request, sir.

23 CHAIRPERSON ANDERSON: Yes, sir.

24 MR. JAYARAMAN: On behalf of ANC 6B,
25 we're trying to find the right regulation, but

1 the regulations have all the previous testimony
2 from last summer, and only amends the original,
3 so we don't have - we can't find access to a
4 clean set of regulations that lays it out what
5 the rulemaking was, what the final document looks
6 like.

7 It is not available anywhere, and so
8 we would be grateful if ABCA could publish a
9 clean version that doesn't include the testimony
10 from the public and responses by the Board since
11 those have been resolved and to publish something
12 that's a clean version of the rulemaking written
13 laws.

14 CHAIRPERSON ANDERSON: There are a
15 significant amount of emergency and proposed
16 rules, so specifically, what is it that you're
17 asking for, sir? Because I know everything is on
18 our website, but just specifically tell me what
19 is it that you're asking for so I'll make sure
20 that if it's not, for what you're asking, if it's
21 not available, I'll ensure that the Agency
22 publishes that.

23 MR. JAYARAMAN: So what we've received
24 is what, you know, from your counsel, it's
25 called, The Medical Cannabis Technical Third

1 Proposed Emergency, dated December 6, 2023. And
2 when you open that document, it still has pages
3 and pages of testimony, and then the Board's
4 response to the testimony, and it says what the
5 particular section was changed to or amended to
6 based on the testimony.

7 However, there is no one clean
8 document that shows from back from March 2023 to
9 December everything that's been decided. What
10 are the final rules? I'm unable to find them.

11 I go to the ABC website, the medical
12 cannabis takes me to 22C, which was a dispensary,
13 the old cannabis regulation, so we'd like to have
14 a clean version public of the current regulations
15 as they stand now.

16 CHAIRPERSON ANDERSON: Yes, that's
17 fine. Send an email to our legal office to make
18 this specific request, and I'll talk to - if
19 once that's provided to you, if it's not on our
20 website, I will make sure that the Agency has
21 that copy available or we can direct you where it
22 is on our website, okay?

23 MR. JAYARAMAN: That would be great.
24 Thank you, sir.

25 CHAIRPERSON ANDERSON: All right.

1 Thank you very much and have a great day. And
2 good luck in your negotiations. Thank you. All
3 right. Bye-bye.

4 (Whereupon, the above-entitled matter
5 went off the record at 10:46 a.m.)
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This is to certify that the foregoing transcript

In the matter of: No Kids

Before: DC ABCA

Date: 02-28-24

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

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