

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

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IN THE MATTER OF: :
 :
UND Necessities, LLC :
t/a DC Smoke :
717 D Street NW :
Retailer MC - ANC 2C :
License No. 126787 :
Case #24-PRO-00009 :
 :
(Application for a :
New License) :
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Wednesday
March 13, 2024

The Alcoholic Beverage and Cannabis Board met via WebEx videoconference, Chairperson Donovan W. Anderson presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson
SILAS GRANT, JR., Member
JAMES SHORT, JR., Member

ALSO PRESENT:

JOSE ORELLANA, DC ABCA Staff
JOHN MCGOWAN, Applicant Counsel
MEREDITH KINNER, Applicant Co-Counsel
THOMAS LEE, ANC 2C
MICHAEL SHANKLE, ANC 2C

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

2 10:46 a.m.

3 CHAIRPERSON ANDERSON: Good morning,
4 we're on the record. Good morning, as
5 chairperson of the Alcoholic Beverage and
6 Cannabis Board for the District of Columbia, and
7 in accordance with D.C. Code Section 2571 of the
8 Open Meetings Act, OMA, I'm 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 2577A of the D.C.
17 Code. Pursuant to the OMA requirements, notice
18 of today's meeting was provided 48 hours in
19 advance of the meeting on ABCA's website, and on
20 the District's central meeting calendar.

21 The notice includes the time, date,
22 agenda, and call in or log in information for
23 public participation. This electronic meeting is
24 being 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 opengoveoffice@dc.gov. My name is Donovan
3 Anderson, I'm chairperson of the board.

4 I would like to introduce the other
5 members of the ABC Board who are also
6 participating electronically. Please respond
7 when I announce your names. Mr. James Short.

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

10 CHAIRPERSON ANDERSON: Mr. Silas
11 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, and that constitutes a quorum. Before
17 we get underway with today's hearing calendar, I
18 need to make a few instructions very clear so
19 that the conduct of these hearings is understood
20 by everyone. There are ten cases scheduled on
21 our calendar today.

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

1 the ability to enable your equipment. If your
2 case has not been heard, you will remain mute,
3 and your camera will be disabled.

4 At the conclusion of each case, the
5 parties will have the option to leave. If a
6 party chooses to stay, all cameras and
7 microphones for the concluded case will be
8 disabled. 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 I'd also like to apologize for the
13 public for not starting on time promptly at 10:30
14 this morning. We had a long administrative
15 meeting this morning, so I do apologize that we
16 did not start properly at 10:30. All right, our
17 first case on our calendar today is a protest
18 hearing status. This is case number 24-PRO-00009
19 DC Smoke, license number 126787.

20 Good morning, Mr. Orellana, can you
21 please elevate the rights of the protestants and
22 the licensee in this case?

23 MR. ORELLANA: Good morning. John
24 McGowan, your access has been elevated. Michael
25 Shankle, your access has been elevated. Meredith

1 Kinner, your access has been elevated. And that
2 is all, Chairman.

3 CHAIRPERSON ANDERSON: Good morning,
4 thank you.

5 MR. MCGOWAN: Good morning, Mr.
6 Chairman.

7 CHAIRPERSON ANDERSON: Good morning.
8 All right, good morning Mr. McGowan, can you
9 please introduce, spell and state your name for
10 the record.

11 MR. MCGOWAN: Yes, good morning --

12 CHAIRPERSON ANDERSON: Hold on one
13 minute please, I believe there's a Thomas Lee
14 that needs to be elevated. Who is Thomas Lee?

15 MR. SHANKLE: Thomas Lee is the ANC --

16 MR. ORELLANA: Your access has been
17 elevated.

18 CHAIRPERSON ANDERSON: Okay, fine,
19 okay, thank you. I'm sorry, so go ahead, Mr.
20 McGowan, please spell and state your name for the
21 record, and who do you represent.

22 MR. MCGOWAN: Yes, sir, good morning.
23 John McGowan, representing the applicant. J-O-H-
24 N-M-C-G-O-W-A-N, and I'm joined by co-counsel
25 Meredith Kinner.

1 CHAIRPERSON ANDERSON: So, could Ms.
2 Kinner please identify herself for the record?

3 MS. KINNER: Meredith Kinner, can you
4 hear me?

5 CHAIRPERSON ANDERSON: Yes, ma'am, I
6 can hear you.

7 MS. KINNER: Meredith Kinner, M-E-R-E-
8 D-I-T-H K-I-N-N-E-R.

9 CHAIRPERSON ANDERSON: Good morning.

10 MS. KINNER: Good morning.

11 CHAIRPERSON ANDERSON: Mr. Shankle,
12 good morning. Can you please identify yourself
13 for the record?

14 MR. SHANKLE: Good morning, I am
15 Michael Shankle, I am the chair fo ANC 2C. M-I-
16 C-H-A-E-L, last name Shankle, S-H-A-N-K-L-E.

17 CHAIRPERSON ANDERSON: Good morning,
18 sir. Mr. Lee, can you please identify yourself
19 for the record? You're on mute, Mr. Lee.

20 MR. LEE: Thomas Lee, that's T-H-O-M-
21 A-S, last name L-E-E. I am the ANC commissioner
22 for 2CO3.

23 CHAIRPERSON ANDERSON: Good morning,
24 sir.

25 MR. LEE: Good morning.

1 CHAIRPERSON ANDERSON: All right, good
2 morning everyone. Now, this is a protest hearing
3 status for DC Smoke, and all right, Mr. McGowan,
4 are there any preliminary matters in this case?

5 MR. MCGOWAN: No, Chairman.

6 CHAIRPERSON ANDERSON: All right, Mr.
7 Shankle, on behalf of the ANC?

8 MR. SHANKLE: There are no preliminary
9 matters.

10 CHAIRPERSON ANDERSON: All right, this
11 matter is then scheduled for a protest hearing on
12 April 3rd, 2024, and this is -- is this a medical
13 cannabis facility?

14 MR. MCGOWAN: Yes.

15 CHAIRPERSON ANDERSON: All right, I
16 was just asking for our -- so, I just want to
17 read the instructions for a protest hearing. I
18 know that Mr. Shankle is familiar with a protest
19 hearing, but I'm not sure if you, Mr. McGowan,
20 are as familiar with a protest hearing, because
21 we have not -- we've still not had a hearing as
22 yet on medical cannabis.

23 So, I don't know, most of the cases
24 that we've had so far have settled, so just want
25 to let the parties know the process and

1 procedures if we do move forward with a hearing.
2 Now that we have scheduled this matter for a
3 protest hearing, there are a few things that I
4 would instruct the applicant and the protest
5 about.

6 So that the protest hearing is
7 focused, and addresses only those issues that are
8 being protested. The board does not intend to
9 hear testimony on matters that are not relevant
10 to this case. You should have received by
11 electronic or regular mail, a letter explaining
12 the protest process, a copy of the protest
13 information form, and a copy of the exhibit form.

14 If we do not have these documents,
15 please contact our legal office regarding the
16 hearing. It is imperative that you review the
17 rules closely and adhere to them before and
18 during the protest hearing. You're also required
19 to complete and submit the protest information
20 form, PIP, and the exhibit form seven days before
21 the date of the hearing.

22 These two forms, and accompanying
23 documents, need to be submitted to ABCA's legal
24 division, and to all opposing parties in this
25 matter. If we do not receive a copy of your PIP,

1 your application, or your protest, whichever side
2 you're representing, may be subject to dismissal.

3 Likewise, if we do not receive a copy
4 of the exhibit form, and of the exhibits
5 themselves, your exhibits may be excluded from
6 the record upon a finding that the opposing party
7 has been prejudiced, or no good cause for failure
8 to submit has been shown. Likewise, witnesses
9 other than a party may be subject to exclusion if
10 not identified on the PIP.

11 Accordingly, these forms are very
12 important, they greatly assist the board in
13 narrowing the protest issues, facilitating the
14 process, and keeping the parties on point during
15 the hearing. They likewise provide notice to
16 opposing parties, enabling them to better prepare
17 for the hearing. As you are aware, all our
18 hearings are now conducted virtually.

19 You will have one hour to present your
20 case, and you will only be allowed to call five
21 witnesses. If you require more time, please make
22 a formal motion to the board for more time, and
23 more witnesses if that's appropriate. Any
24 questions?

25 MR. SHANKLE: No, sir.

1 CHAIRPERSON ANDERSON: All right. We
2 thank you greatly for your cooperation. If you
3 have any questions today, or at any time leading
4 up to the hearing, please do not hesitate to
5 contact ABCA's legal division. If this matter
6 can be settled through a settlement agreement,
7 the board of course supports settlement.

8 But if this matter is not settled,
9 then we will see you for a protest hearing on
10 April 3rd at 1:30, okay?

11 MR. SHANKLE: Thank you very much, Mr.
12 Chairman. We are working with the applicant on
13 reaching a settlement agreement. We just needed
14 some more time to review that agreement before we
15 can resolve that.

16 CHAIRPERSON ANDERSON: All right,
17 thank you very much, and if you believe that this
18 case, the parties believe that this case will
19 truly settle, please let the agency know so we do
20 not have to assign an investigator to this case,
21 all right?

22 MR. SHANKLE: Thank you, sir.

23 CHAIRPERSON ANDERSON: Good luck with
24 your negotiation, have a great day, thank you
25 very much.

A	C	E	I
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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: DC Smoke

Before: DC ABRA

Date: 03-13-24

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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