

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

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IN THE MATTER OF: :
 :
M. J. Jennings :
Enterprise LLC :
t/a Relva :
311 H Street NW :
Retailer MC - ANC 6E :
License No. 127296 :
Case #24-PRO-00030 :
 :
(New Medical Cannabis :
Retailer Application) :
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Monday
March 8, 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:

MARCUS JENNINGS, Licensee
DANIEL SIMS, Licensee
PATRICK WELCH, Licensee
DALE PRINCE, ANC 6E
SANTINA ROCCA, Sonata Condominium Association
CHANDRA HAMPTON, Sonata Condominium Association
ABBAS FATHI, Protestant

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

2 10:13 a.m.

3 MS. FLETCHER: Okay. And now we're
4 ready to get started. Thank you for your
5 patience. I had a little technical difficulty
6 this morning.

7 My name is LaVerne Fletcher. I'll be
8 conducting the roll call hearings as the board's
9 agent. There are three cases on the calendar
10 today. First case is Relva. This is Case No.
11 24-PRO-00030, M.J. Jennings Enterprises, LLC, 311
12 H Street, N.W., License No. ABRA-127296. This is
13 a Retailer Class MC new medical cannabis retailer
14 application.

15 My name is LaVerne Fletcher conducting
16 the roll call hearing as the board's agent. Is
17 anyone present on behalf of ANC 6E?

18 MR. PRINCE: Good morning. I am Dale
19 Prince, Commissioner Dale Prince, representing
20 6E.

21 MS. FLETCHER: Thank you, Mr. Prince.
22 If you would spell your name for the court
23 reporter, please.

24 MR. PRINCE: First name Dale, D-A-L-E,
25 last name Prince P-R-I-N-C-E.

1 MS. FLETCHER: Thank you. And like I
2 said, everyone, if you're going to speak, before
3 you do so, if you would state your name so that
4 the court reporter knows who is speaking. Thank
5 you, Mr. Prince.

6 The ANC does have standing as a
7 protestant. That is ANC 6E does have standing as
8 a protestant. Is anyone present on behalf of the
9 Sonata Condominium Association?

10 MS. ROCCA: Yes. Santina Rocca.

11 MS. FLETCHER: Thank you.

12 MS. ROCCA: Vice chair of the board.

13 MS. FLETCHER: Thank you. If you
14 would spell your name for the record, please.

15 MS. ROCCA: Sure. S, as in S, A-N-T-
16 I-N-A, and my surname Rocca, R-O-C-C-A.

17 MS. FLETCHER: Thank you very much.
18 I'm going to spell for the court reporter the
19 Sonata Condominium Association. Sonata is
20 spelled S-O-N-A-T-A.

21 Ms. Sonata -- Ms. Rocca, I'm sorry.
22 Ms. Rocca, the regulations at this point, the
23 code at this point only allows for the ANC to
24 file a protest. ANCs only can file a protestant
25 against medical cannabis applications at this

1 time. I would like to give you the code so that
2 you may take a look at that.

3 MS. ROCCA: Yes.

4 MS. FLETCHER: That will be D.C.
5 Official Code 7-1671-05, Section 18(c). That's
6 the medical cannabis program, there are other
7 references to the fact that only ANCs can file
8 protests at this point. But this, generally,
9 will explain it, and there's other information
10 under D.C. Official Code that might be of use or
11 interest to you going forward.

12 Did you have any questions, Ms. Rocca?

13 MS. ROCCA: Yes. And I think Dale
14 also has a question. I know there may be others
15 that are representing the board here -- oh,
16 there's, like, a lot of feedback. I'm a little
17 confused with that because I understood that we
18 did have standing, so I wanted to try to better
19 understand what is the distinction. And I don't
20 know if that's Dale's comment, as well, but I
21 will, I obviously will go look at this, but I am
22 a little bit confused.

23 MS. FLETCHER: Okay. Mr. Prince, was
24 your question going to be the same or --

25 MR. PRINCE: No. My question, I

1 believe it's relevant. Thank you for recognizing
2 me. And I'm aware of the Sonata's board's
3 protest. I also signed it because I am a member
4 of the board, and we had five unit owners sign
5 that protest, and it was my understanding that,
6 with five neighbors from an abutting property,
7 this would give that group standing so that, even
8 if the Sonata Condominium cannot be recognized,
9 they would have standing by virtue of being a
10 group of five. Although I did not put my name
11 down as a representative, I did sign the letter.
12 There were five, the five members of the board.
13 And we followed the instructions on the ABCA
14 website about how to lodge a protest, which did
15 include owners from abutting properties. And I
16 did not know that in D.C. Code, the code that you
17 cited, stated only that ANCs will have standing.

18 So is the guidance that we followed on
19 filing protests -- I would mention
20 parenthetically that we could not find a
21 cannabis-specific guidance on filing protests, so
22 we used the alcohol protest guidance on the ABCA
23 website.

24 MS. FLETCHER: Exactly. And so that's
25 exactly right, Mr. Prince. 25-601 is what you

1 referenced in terms of how to file a protest.
2 That was related to alcohol licenses. The
3 medical cannabis licenses are different right
4 now, and so, if this were a liquor license and
5 not a medical cannabis application, then what you
6 say, it might very well apply. But under the
7 medical cannabis code, at this time, only ANCs
8 can file protests.

9 MR. PRINCE: Yes. But that
10 information is not easily available to the public
11 because it is not posted on the ABCA website --

12 MS. FLETCHER: I know.

13 MR. PRINCE: -- under instructions
14 there, so I have to object to that. It seems
15 unfair to only list instructions for filing an
16 alcohol protest when the cannabis instructions
17 which different are buried in code. And here we
18 have a party of five that followed the
19 instructions in good faith and, yet, our protest
20 as unit owners in the Sonata is being
21 disqualified.

22 MS. FLETCHER: The board's agent does
23 not have the authority to make any other decision
24 other than what I'm making today, and that is
25 that, under, as I mentioned, D.C. Official Code

1 7-1671.05, only ANCs are able to file protests at
2 this time.

3 But what you can do, Mr. Prince, upon
4 receipt of the board order -- well, actually the
5 ANC is granted standing, so I'm really speaking
6 to you, Ms. Rocca. Upon receipt of the board's
7 order dismissing the protest for the reason that
8 I just stated, you may seek reinstatement of your
9 protest if you'd like. You'll have ten days to
10 do that, and the board will respond to your quest
11 for reinstatement. But at this point, only
12 advisory neighborhood commissions have standing
13 to file a protest for medical cannabis
14 applications.

15 MS. ROCCA: And for medical cannabis
16 applications -- obviously, I'm not familiar with
17 this code, so I will go take a look at this --
18 does that also cover the Safe Space Lounge aspect
19 of this?

20 MS. FLETCHER: Yes, it does. Anything
21 else I can clarify for you, Ms. Rocca? Also, I
22 should tell you that, if you have any additional
23 questions about the medical cannabis program, I
24 can tell you who to contact if that would be
25 helpful.

1 MS. ROCCA: Okay. Yes, that would be
2 helpful. Thank you.

3 MS. FLETCHER: You can contact
4 Jonathan Berman. I'll spell that for you.
5 Jonathan Berman is an assistant general counsel.
6 I will give you his email address. His name is
7 going to be Jonathan.berman@dc.gov, and I'll
8 spell Jonathan Berman for you and for the record.
9 Jonathan is spelled J-O-N-A-T-H-A-N. The last
10 name is Berman, B-E-R-M-A-N, at dc.gov. Mr.
11 Berman is our subject matter expert on the
12 medical cannabis program.

13 MS. ROCCA: So it sounds like this
14 code or these rules have severely restricted a
15 lot of our rights as D.C. residents and the
16 impact on us, so I will definitely take a look at
17 that.

18 MS. FLETCHER: Yes. And you'll get
19 attention also, Ms. Rocca, to bring that to the
20 attention of the board, as well, upon receipt of
21 the order.

22 MS. ROCCA: I will also welcome, if
23 any other fellow board members that I know are
24 here on the call, if they have other questions or
25 comments, feel free to add them, as well, for --

1 MS. FLETCHER: And if those members
2 are present, if you would please state your name
3 and spell them for the record. If anyone else is
4 present from Ms. Rocca's group --

5 MS. HAMPTON: This is Chandra Hampton.
6 I'm a board member at Sonata. I don't
7 specifically have questions just yet, but I would
8 like for the record to state that I am in
9 attendance. And I'm happy to spell my name if
10 it's necessary. Yes. First name is Chandra, C
11 like Charlie, H like Harry, A like apple, N like
12 Nancy, D like David, R, A like apple. Last name
13 Hampton, H like Harry, A, M like Mary, P like
14 Paul, T like Tom, O, N like Nancy.

15 MS. FLETCHER: Thank you, Ms. Hampton.

16 MS. HAMPTON: Thank you.

17 MS. FLETCHER: Anyone else? Okay.

18 The next protestant in this matter is Abbas
19 Fathi. I don't know if I'm pronouncing that
20 correctly, but is that person present today?

21 MR. FATHI: Yes, it is correct. I'm
22 here.

23 MS. FLETCHER: Okay. Thank you. I'll
24 let you state your name and spell it for the
25 record.

1 MR. FATHI: Okay. My name is Abbas
2 Fathi, which is spelled as A-B-B-A-S, that's
3 apple, boy, boy, apple, sand. Last name is
4 Fathi, which is F as Frank, A, apple, T as Tom,
5 H-I.

6 MS. FLETCHER: Okay. Thank you, Mr.
7 Fathi. You heard what I mentioned related to the
8 protest filed by the condominium association.
9 That would apply to you, as well.

10 MR. FATHI: Yes. I mean, I listened
11 to it, yes.

12 MS. FLETCHER: Yes. And so do you
13 have any questions about it? I can restate it if
14 you'd like.

15 MR. FATHI: No. So does that mean
16 that, you know, there's nothing I can do? I just
17 have to listen, right?

18 MS. FLETCHER: Well, no, if you have
19 any statement that you'd like to make, you can.
20 I quoted the code that references the fact that
21 only ANCs have standing to file protests right
22 now and that you will also receive a board order
23 dismissing your protest for that reason. You
24 will also have an opportunity to respond to that
25 board order within ten days explaining to the

1 board anything you'd like to explain or anything
2 that you would like to say.

3 MR. FATHI: Okay. Thank you.

4 MS. FLETCHER: And I provided the name
5 of our assistant general counsel who is the
6 subject matter expert on medical cannabis. Did
7 you get his name, as well?

8 MR. FATHI: Yes, I will get it from
9 Mr. Prince later on if I missed something.

10 MS. FLETCHER: Thank you. The
11 protests in this issue are adverse impact on
12 peace, order, and quiet. Who is present on
13 behalf of Relva again, please?

14 MR. JENNINGS: Hello. My name is
15 Marcus Jennings. M-A-R-C-U-S, J-E-N-N-I-N-G-S.
16 I'm the owner of the company.

17 MS. FLETCHER: Thank you, Mr.
18 Jennings. Is anyone else present with you today?

19 MR. JENNINGS: Yes. I have two of my
20 partners behind me. Would you like them to
21 introduce themselves, as well?

22 MS. FLETCHER: Yes. Thank you.

23 MR. JENNINGS: Okay.

24 MS. FLETCHER: I'm ready.

25 MR. SIMS: My name is Daniel Sims. D-

1 A-N-I-E-L, S-I-M-S.

2 MS. FLETCHER: Thank you, Mr. Sims.

3 MR. SIMS: Thank you.

4 MR. WELCH: My name is Pat Welch. P-
5 A-T-R-I-C-K, Patrick, and Welch, W-E-L-C-H.

6 MS. FLETCHER: Thank you, Mr. Welch.

7 Okay. And so we have one protestant in this
8 matter that's granted standing, ANC 6E. Mr.
9 Jennings, Sims, or Welch, do you have any
10 questions about anything I've said so far?

11 MR. JENNINGS: No.

12 MR. SIMS: No, I don't.

13 MR. WELCH: Not at this time.

14 MS. FLETCHER: Thank you. The roll
15 call hearing in the matter of Relva is concluded.
16 This is the public hearing. Feel free to stay on
17 the line if you'd like.

18 (Whereupon, the above-entitled matter
19 went off the record at 10:28 a.m. and then went
20 back on the record at 10:33 a.m.)

21 MS. FLETCHER: Mr. Prince, are you
22 still here?

23 MR. PRINCE: I am. I can wait until
24 the conclusion, but I would just say I expected
25 to receive dates for status hearing mediation and

1 protest and I just wanted to make sure there was
2 no oversight.

3 MS. FLETCHER: Thank you, thank you,
4 thank you. So, Mr. Prince, just for the court
5 reporter, Mr. Prince is with the Relva case, the
6 first case that I called. Mr. Prince, thank you
7 for staying on the line to get those dates. I'm
8 going to take a moment and give you those dates
9 right now, and then I'll pass them along to the
10 applicant.

11 The date for the status hearing is
12 April the 24th at 10:30 a.m. April 24th, 2024 at
13 10:30 a.m. The date for the protest hearing is
14 May 22nd, 2024 at 1:30.

15 And, Mr. Prince, we also need to set
16 a date for mediation, but, what I'm going to do,
17 instead of giving you that date now, I'm going to
18 run some dates by you later on this morning, you
19 and the applicant at the same time.

20 MR. PRINCE: Thank you, Ms. Fletcher.

21 MS. FLETCHER: Thank you very much for
22 staying on the line. Thank you.

23 (Whereupon, the above-entitled matter
24 went off the record at 10:34 a.m. and then went
25 back on the record at 10:47 a.m.)

1 MR. PRINCE: May I jump in again just
2 for a second?

3 MS. FLETCHER: Who's speaking now?

4 MR. PRINCE: Dale Prince.

5 MS. FLETCHER: Mr. Prince, hold on for
6 one second, Mr. Prince.

7 (Whereupon, the above-entitled matter
8 went off the record at 10:47 a.m. and then went
9 back on the record at 10:48 a.m.)

10 MS. FLETCHER: I'm recalling the case
11 of Relva. Mr. Prince.

12 MR. PRINCE: Thank you. Just one very
13 small point for the record. When you asked the
14 signatories of the protest from the Sonata board
15 to self identify, I did not speak up. I am a
16 signatory, but I had already stated that in a
17 previous comment, but I wanted it to be clear
18 that there are three of the five signatories
19 present in this meeting.

20 MS. FLETCHER: All right. And are the
21 others still present right now? If they are,
22 they can state their names.

23 MR. PRINCE: They are. No, they have
24 already self identified. We had sent Tina Rocca,
25 Chandra Hampton, and I also was a signatory to

1 that letter but I --

2 MS. FLETCHER: Okay. So then I have
3 everybody.

4 MR. PRINCE: Good. Thank you.

5 MS. FLETCHER: Well, thanks again, Mr.
6 Prince, for staying on the line to clear that up.
7 I appreciate it.

8 MR. PRINCE: You're welcome.

9 MS. FLETCHER: Okay. The matter of
10 Relva is concluded again, and that was Dale
11 Prince from Advisory ANC 6E speaking. The
12 hearings for today are concluded.

13 (Whereupon, the above-entitled matter
14 went off the record at 10:50 a.m.)

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C E R T I F I C A T E

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In the matter of: Relva

Before: DC ABCA

Date: 04-08-24

Place: teleconference

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Court Reporter

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