

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

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IN THE MATTER OF: :
 :
DC Garden Hill, LLC, :
t/a To Be Determined, :
DC Garden Hill NOMA, LLC, :
t/a To Be Determined :
Retailer MC :
License #128404 :
License #128405 :
License #128406 :
 :
(Failed to Demonstrate :
the Requirements of a :
Medical Cannabis Business: :
License and for a :
Conditional License) :
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Wednesday
July 10, 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
MARK LUMPKINS, Applicant
JASON PERU, DC ABCA Investigator

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

2 2:41 p.m.

3 CHAIRPERSON ANDERSON: Good afternoon,
4 everyone, and welcome to our afternoon session of
5 the ABC Board. My name is Donovan Anderson,
6 Chairperson of the Board.

7 Joining me this afternoon are two
8 other Board Members, Mr. James Short and Mr.
9 Silas Grant. The Board has three members in
10 attendance this afternoon. And so we do have a
11 quorum to conduct business.

12 We have one hearing this afternoon and
13 which is a Qualification hearing. And so it is a
14 Qualification hearing. It's DC Garden Hill, LLC.
15 License Number 128404, 128405, 128406.

16 Good afternoon, Mr. Orellana. Can you
17 please elevate the licensee, the potential
18 licensee and our investigator in this case?

19 MR. ORELLANA: Sure thing. Mark
20 Lumpkins, your access has been elevated.
21 Supervisory Investigator Jason Peru, your access
22 has been elevated. That is all, Chairman.

23 CHAIRPERSON ANDERSON: Thank you.

24 Mr. Lumpkins, you are foggy. I'm not
25 quite sure why your camera is foggy. Maybe it's

1 because you have the -- yes, that's better. Yes.
2 Thank you.

3 All right. You can unmute yourself,
4 sir. Can you -- so let's start off with Mr.
5 Peru. Please spell and state your name for the
6 record.

7 MR. PERU: Yes, sir. Good afternoon,
8 Board. Jason Peru, J-A-S-O-N, P-E-R-U,
9 Supervisory Investigator with ABCA.

10 CHAIRPERSON ANDERSON: Mr. Lumpkins,
11 can you please spell and state your name for the
12 record.

13 MR. LUMPKINS: My name is Mark
14 Lumpkins. Mark, M-A-R-K, last name Lumpkins, L-
15 U-M-P-K-I-N-S.

16 CHAIRPERSON ANDERSON: And who are
17 you, sir?

18 MR. LUMPKINS: I am the owner and
19 operator of D.C. Garden Hill.

20 CHAIRPERSON ANDERSON: Good afternoon,
21 sir.

22 MR. LUMPKINS: Good afternoon.

23 CHAIRPERSON ANDERSON: All right.
24 Good afternoon, everyone.

25 The Board doesn't often hold a

1 Qualification Hearing so I want to take a minute
2 to provide some background for the record. I
3 also want to insure that everyone is operating
4 from the same understanding of how this hearing
5 will be conducted.

6 This matter comes to the Board today
7 because April 24th, 2024, in Board Order Number
8 2024-182, the Board denied the application for a
9 new medical cannabis retailer's license filed by
10 Act Munchiez, DC, LLC, Trade name as D.C. Garden
11 Hill, hereafter Applicant or Gordon Hill.

12 This denial was based on evidence that
13 the applicant filed a false and fraudulent
14 business license with this application in
15 violation of 22-C-DMR Section 5406.1, and 5406.4
16 and 5606.5.

17 Could I have everyone please mute your
18 line, please.

19 Specifically, in Board Order Number
20 2024-183, the Board determined that intentionally
21 filing a false document material to an
22 application for licensure with the Board merits a
23 finding that a person engaged in such activity
24 are unfit and unqualified for licensure in
25 accordance with Section 6400.1A.

1 The Agency and the Board rely on the
2 veracity of such submission to make appropriate
3 licensing determination. Given the evidence the
4 applicant was deemed unfit and unqualified for
5 licensure based on their involvement in the
6 filing of the false and fraudulent business
7 license with the application.

8 We're here today because in addition
9 to owning Fat Munchiez, U-N-C-H-I-E-Z, DC LLC,
10 ABCA's records show that Mark Lumpkins is
11 associated with or even owner of the following
12 entity, DC Garden Hill and DC Garden Hill Noma,
13 LLC.

14 DC Garden Hill, LLC and DC Garden Hill
15 Noma, LLC have filed three ABCA applications with
16 the Board that have been assigned ABCA License
17 Number 128404, 128405 and 128406.

18 Because the Board previously found
19 that the applicant intentionally filed a false
20 business license with the application related to
21 Fat Munchiez DC LLC, it puts into question
22 whether the applicant is fit for licensure with
23 regard to his ABCA application.

24 Now then the Board will first call its
25 witness, the Supervisor Investigator Jason Peru.

1 ABCA's investigator will be questioned first by
2 the Board followed by the applicant. The
3 applicant will then present his case and will
4 also be subject to questioning from the Board
5 members.

6 Mr. Lumpkins, you're also permitted an
7 opening and closing statement or you may waive
8 that and have oral argument as you see fit.

9 So because this is a Qualification
10 CRN, the parties will be sworn in. So I'm going
11 to swear the parties in when they testify today.

12 So, sir, do you wish to make an
13 opening statement or you'll wait for Mr. Peru to
14 present its report. The Board will ask questions
15 of Mr. Peru. You will also have an opportunity
16 to ask questions of Mr. Peru and after that you
17 can present your case, sir. How do you wish to
18 proceed?

19 MR. LUMPKINS: I would like to hear
20 from Mr. Peru first and then I would like to
21 follow up with my closing statement.

22 CHAIRPERSON ANDERSON: Mr. Peru, can
23 you raise your right hand, sir.

24 Do you swear or affirm to tell the
25 truth and nothing but the truth? Mr. Peru?

1 You're on mute.

2 MR. PERU: I do.

3 CHAIRPERSON ANDERSON: Okay. Thank
4 you, sir.

5 So, Mr. Peru, tell me who you are.
6 Please give me some background information and
7 who you are, sir.

8 MR. PERU: I am the Supervisory
9 Investigator in the Enforcement Division at ABCA.
10 I also do cannabis enforcement for that agency as
11 well as alcohol enforcement.

12 CHAIRPERSON ANDERSON: So tell me a
13 little bit about what you say you do, cannabis
14 enforcement. Tell me what that consists of, sir.

15 MR. PERU: I conduct inspections of
16 licenses, cannabis retailers and cultivators in
17 the District. And recently since March we've
18 been doing inspections of unlicensed cannabis
19 retailers, businesses in the District.

20 CHAIRPERSON ANDERSON: And so you said
21 since March you've been doing so explain what is
22 that that you've been doing since March.

23 MR. PERU: Since March I've been doing
24 enforcement against unlicensed cannabis shops in
25 the District. I've been doing license

1 enforcement since 2020 since we got the program
2 from D.C. Health.

3 CHAIRPERSON ANDERSON: Now, how is it
4 that you're familiar with this case today?

5 MR. PERU: This was provided to me
6 from the Licensing Division. I got it on March
7 25th and they asked me to look into the documents
8 they received in reference to an application.

9 CHAIRPERSON ANDERSON: All right. So
10 did you write a report?

11 MR. PERU: Correct. Once the
12 investigation was complete a report was requested
13 to document it to then to go to the Board for
14 review.

15 CHAIRPERSON ANDERSON: All right, sir.
16 So can you review your report with us, please?

17 MR. PERU: Sure. Do you want me to
18 share it or just go over it?

19 CHAIRPERSON ANDERSON: Whichever one
20 is easier for you, sir.

21 MR. PERU: Okay. I'll just go over it
22 if that's okay.

23 CHAIRPERSON ANDERSON: Okay.

24 MR. PERU: So like I said this was
25 received from -- I got the documentation and

1 information on March 25th from the Licensee.
2 However, to start from the beginning the ABRA
3 Licensing Division received an all-in application
4 from an unlicensed retailer on January 29th,
5 2024. It was reviewed by the Licensing
6 Specialist and on February 7th they emailed the
7 applicant requesting additional documents.

8 On February 12th they got those
9 document and according to the submitted documents
10 the business license which is the BBL was issued
11 by the D.C. Department of Licensing and consumer
12 Protection, DLCP, on December 12th, 2021.

13 The document stated that the license
14 was valid from December 12th, 2021, to December
15 31st, 2023, with the signature of a DLCP Acting
16 Director Crowe. After reviewing the documents
17 Licensing determined that the documents appeared
18 to be altered and that's when they reported it to
19 Enforcement Division and I received them on March
20 25th to look into it.

21 CHAIRPERSON ANDERSON: Let me back up.

22 MR. PERU: Yes.

23 CHAIRPERSON ANDERSON: All right. So
24 who is the applicant? What was applied for? Who
25 is the applicant?

1 MR. PERU: I'm sorry, sir, it's Fat
2 Munchiez DC, LLC/DC Garden Hill located at 1671
3 Wisconsin Avenue, Northwest.

4 CHAIRPERSON ANDERSON: So who is the
5 owner for that? What's the name that's
6 affiliated with that establishment?

7 MR. PERU: The listed owner on the
8 application was Mark Lumpkins who I believe is
9 present.

10 CHAIRPERSON ANDERSON: All right. And
11 who is it that provided the information to the
12 Board? Was it Mr. Lumpkins or was it someone
13 else to the agency? Who is the person who
14 provided the information to the agency, if you're
15 aware?

16 MR. PERU: I'm just seeing if they're
17 on the email chain, if there was a --

18 CHAIRPERSON ANDERSON: If it's in your
19 report.

20 MR. PERU: So the Licensing Division
21 sent an email requesting, it's not in my report
22 who they requested the email from. They emailed
23 the applicant on February 7th requesting
24 additional documents. The email is from DC
25 Gardenhill@gmail.com. That's the email that sent

1 the information back that our specialist emailed
2 based on the information they had on file. I
3 don't see, Exhibit 1 in my document has the copy
4 of the email that was sent and then received.
5 There is not an actual physical person's name.
6 It's just the LLC and the email of DC Garden
7 Hill.

8 CHAIRPERSON ANDERSON: Okay, go ahead.

9 MR. PERU: That's what I'm referring
10 to. So just backing up to when I received this
11 on March 25th from Licensing I immediately
12 contact DLCP program manager and asked her
13 basically -- sent her a copy of the document and
14 asked them what they have reference to this
15 location.

16 Within an hour they responded back to
17 me and stated that according to the DLCP database
18 they did not locate a BBL for Fat Munchiez prior
19 to 2024. She also stated that the BBL document
20 that I sent her appeared to have been altered to
21 show the 2021 dates. And that's also an exhibit
22 I included that was submitted, Exhibit 3.

23 I also conducted an online search and
24 determined that the DLCP Director Crowe whose
25 name appears on the altered document was

1 appointed Acting Director by the mayor until
2 September 7th, 2023, therefore, her name should
3 not be appearing on a document issued in 2021.

4 I notified the Licensing Division of
5 my findings and then the report was drafted.
6 That's it, Chairman.

7 CHAIRPERSON ANDERSON: Now, I guess I
8 just want to be specific. So how is it that, so
9 you're saying that there is your report has
10 what's Exhibit 2 which is the license that we
11 received from the entity, is that correct?

12 MR. PERU: Yes.

13 CHAIRPERSON ANDERSON: And why is it
14 that you're saying that you believe that this
15 license is a forgery?

16 MR. PERU: Oh --

17 CHAIRPERSON ANDERSON: What's the date
18 of the license?

19 MR. PERU: The license or the license
20 date issued says 12/12 of 2021, right, and the
21 licensing period is 12/12/2021 to 12/31/2023.

22 CHAIRPERSON ANDERSON: All right. And
23 this is for what establishment?

24 MR. PERU: This is for Fat Munchiez
25 DC, LLC.

1 CHAIRPERSON ANDERSON: And is there a
2 named individual on this document, sir?

3 MR. PERU: Yes. The business owner
4 Mark Lumpkins is listed as the person who
5 received the business license.

6 CHAIRPERSON ANDERSON: And I'm sorry,
7 who signed this document?

8 MR. PERU: This is signed by -- it
9 says, Acting Director Tiffany Crowe is the
10 signature on the bottom of the document.

11 CHAIRPERSON ANDERSON: And so why is
12 it that you determined that this document was
13 fraudulent?

14 MR. PERU: Well, I contacted DLCP like
15 I stated. They confirmed that there was no
16 active business license for Fat Munchiez, LLC,
17 prior to I believe they said 2024. And then when
18 I look at the signature of the acting director
19 who was not appointed acting director by the
20 mayor until September 7th, 2023. So a document
21 that was issued in 2021 should not have her
22 signature on it. So those items led me to
23 believe that the document appeared to be
24 fraudulent based on information received from
25 DLCP and information received on line looking DC

1 Government who was the Director of the agency.

2 CHAIRPERSON ANDERSON: Okay. And who
3 does the agency believe filed the application?

4 MR. PERU: I'm sorry, Mr. Chairman,
5 your question?

6 CHAIRPERSON ANDERSON: Sir, who does
7 the agency believe filed this application? Who
8 provided us with this information?

9 MR. PERU: The applicant on file is
10 Mark Lumpkins.

11 CHAIRPERSON ANDERSON: Is the agency
12 saying that the applicant Mark Lumpkins is the
13 individual who provided us with this forged basic
14 business license, is that correct?

15 MR. PERU: Yes, sir.

16 CHAIRPERSON ANDERSON: Now, it's my
17 understanding that there are three current
18 applications in front of the agency. And who is
19 the owner on file for these applications, for the
20 three licenses that I had mentioned before.

21 MR. PERU: I believe Mr. Lumpkins is
22 on all three of them.

23 CHAIRPERSON ANDERSON: Okay. All
24 right.

25 Does the Board have any questions, any

1 additional questions of Mr. Peru?

2 Hearing none, Mr. Lumpkins, do you
3 have any questions that you want to ask Mr. Peru?

4 MR. LUMPKINS: No, Mr. Chairman, I
5 don't.

6 CHAIRPERSON ANDERSON: All right.

7 So, all right, thank you, Mr. Peru,
8 but stay on the line. And so we will then -- Mr.
9 Peru, I don't want you to disappear. I needed to
10 -- are you still there, Mr. Peru?

11 No, I want to make sure that you stay
12 connected to the hearing. That's all.

13 All right. So, Mr. Lumpkins, can you
14 raise your right hand, please, sir.

15 Do you swear or affirm to tell the
16 truth and nothing but the truth?

17 MR. LUMPKINS: I do.

18 CHAIRPERSON ANDERSON: All right.

19 Sir, how do you plan to, you have an opportunity
20 to make an opening statement and you say whatever
21 you want to say and then the Board will have an
22 opportunity to question you. Okay, sir.

23 MR. LUMPKINS: Sure. Again, good
24 afternoon. I'd like to thank you guys for giving
25 me this opportunity to speak with you today. I

1 typed up this response to help you understand who
2 I am and what were actions were to obtain the
3 medical dispensary license.

4 Just to tell you a little bit about
5 myself, I'm a Washingtonian. I'm born and raised
6 here in Washington, D.C. I graduated from UDC
7 with my business degree in science. You know,
8 been an entrepreneur and running multiple
9 businesses here in our Nation's capital has
10 always been a dream come true for me. And in all
11 honesty, this is my first time being in business
12 outside of my classroom. And, you know, which
13 gave me great excitement but also weak impulses,
14 you know. And as we all know, experience is our
15 best teacher. So I have for you today is a
16 timeline of events in sequence that I would like
17 to share with you.

18 On December 12th, 2023, I opened D.C.
19 Garden Hill, LLC, to become a licensed
20 dispensary. On January 29th, 2024, I applied to
21 ABCA to obtain my medical dispensary license. On
22 or about December 15th, 2023, I negotiated to
23 acquire that Munchiez D.C., LLC. I negotiated to
24 acquire that Munchiez D.C., LLC, because they
25 were referred to me for having a basic business

1 license dated before December 21st, 2022, which I
2 did not have at the time to apply as an
3 unlicensed operator.

4 The only reason I moved quickly to
5 acquire that much of D.C. LLC is that ABCA's
6 staff told me that it did not matter who applied
7 first for the license. What mattered was whose
8 application went to the Board and got approved
9 first. Otherwise, I would have waited until 1:00
10 a.m. on March 1st when the social equity
11 application period opened to apply, you know,
12 with my active license, D.C. Garden Hill license.

13 So on or about December 20, 2023, I
14 accepted a verbal agreement to buy the LLC from
15 Fat Munchiez, you know, with the intent that they
16 would provide the BBL prior to December 31st,
17 2022.

18 So on or about January 20th, Fat
19 Munchiez, DC, LLC, provided an updated BBL that
20 dated January 1st, 2024, which is what I
21 submitted in my application for a medical
22 dispensary license at 1671 Wisconsin Avenue.
23 Because they said the license will revoke at the
24 time, they wanted some time to get everything,
25 you know, updated. So once they got their clean

1 hands and in good standing and everything they
2 sent all the documents to me and then I uploaded
3 them to ABCA's, you know, portal and I submitted
4 my application.

5 So around February 28th the Board
6 approved my application of Fat Munchiez, DC, LLC,
7 as an unlicensed operator and on March 8th I was
8 awarded a placard with the first steps of
9 becoming, you know, a licensed dispensary.

10 So then on March 25th I get a letter,
11 an order letter, you know, saying that you guys
12 were going to revoke my placard on the basis of
13 me not being within 400 feet of another retailer
14 which confused me then because then my
15 application, the GSI map clearly shows me meeting
16 the conditions of being within 400 feet of
17 another applicant. So, you know, and then within
18 that 30 days of me, you know, and then I put in
19 an appeal within that 30 days of the appeal I was
20 hit with an order from the Board telling me that,
21 you know, my character is unfit with allegations
22 to move forward with my application.

23 So, you know, in everyone's office all
24 these events and sequence I've been placed in a
25 financial crisis with buying, you know, an LLC

1 from Fat Munchiez, DC, and, you know, being back
2 from my rent. And, you know, I've remodeled my
3 store to meet ABCA's medical dispensary standards
4 with, you know, a security systems. I paid
5 lawyer fees and, you know, like I have no idea
6 about, you know, this -- all those documents that
7 were pending with me, you know, I have no idea
8 how they were furnished to me, you know. So I
9 mean, you know, what I'm asking right now of this
10 Board, you know, as a social equity applicant and
11 meeting all of ABCA's, you know, requirements,
12 you know, I will ask that this Board can, you
13 know, reconsider the fitness of my character, you
14 know, and my other applications, you know. And
15 you guys can, you know, dismiss the 1671
16 application and at least reconsider my other two
17 applications as they meet all the requirements
18 needed. And, you know, and, you know, I can
19 assure this Board that, you know, this will not
20 happen again ever, you know. This is my first
21 time, you know, being in business and being
22 fortunate to, you know, run a business in D.C.,
23 you know. It's been a dream come true for me and
24 my family so, you know.

25 I would ask this Board, you know, to

1 reconsider and, you know, give me the opportunity
2 to, you know, make an impact on myself, you know,
3 as well as my community with, you know, doing
4 multiple businesses, you know, running multiple
5 businesses here, you know, in our nation's
6 capital. Thank you.

7 CHAIRPERSON ANDERSON: All right. I
8 need to unpack all of this, Mr. Lumpkins, now.

9 So tell me a little bit about Fat
10 Munchiez? Whatever how maybe I'm pronouncing it
11 incorrectly. Okay. So what is the name of the
12 business, sir?

13 MR. LUMPKINS: The name of the
14 business is called Fat Munchiez, D.C., LLC.

15 CHAIRPERSON ANDERSON: I apologize,
16 I'm sorry. Fat Munchiez D.C. LLC.

17 MR. LUMPKINS: Yeah.

18 CHAIRPERSON ANDERSON: How long have
19 Fat Munchiez D.C. LLC, existed?

20 MR. LUMPKINS: For my understanding
21 they been in business since December, the year of
22 2021.

23 CHAIRPERSON ANDERSON: All right. So
24 where did this business operate?

25 MR. LUMPKINS: At 1432 Wisconsin,

1 Avenue.

2 CHAIRPERSON ANDERSON: All right. So
3 Fat Munchiez you believe that they existed since
4 December of '21?

5 MR. LUMPKINS: Yes.

6 CHAIRPERSON ANDERSON: And so when is
7 it that you purchased this building, when is it
8 that you purchased this entity?

9 MR. LUMPKINS: I made the verbal
10 agreement to purchase with the contingency of
11 them giving us all, them giving me all the proper
12 documents needed from ABCA. So I officially
13 purchased it after we, when we were approved by
14 ABCA to be a licensed dispensary and, you know,
15 before we got placarded. So around like, a
16 little before we got placarded March 1st, March
17 2nd.

18 CHAIRPERSON ANDERSON: All right. So
19 Fat Munchiez was a I-71 business.

20 MR. LUMPKINS: From my understanding,
21 no. They were a retail gift shop that sold
22 exotic snacks.

23 CHAIRPERSON ANDERSON: Did they sell
24 cannabis?

25 MR. LUMPKINS: I'm not -- I don't know

1 what they sold. I just know that --

2 CHAIRPERSON ANDERSON: So what did you
3 buy, sir? This is what I'm trying to figure out.

4 MR. LUMPKINS: I bought, I bought, I
5 bought a basic, I bought a business that had a
6 basic business license dated before December
7 31st, 2022. That's what I bought.

8 CHAIRPERSON ANDERSON: All right.
9 Okay, all right.

10 I guess one of the issues that in
11 order to apply for at least the first set of
12 licenses, in order to apply you had to have been
13 in a legal business that had a basic business
14 license prior to 2021, so based in 2021 after
15 December 2021. That's my understanding. I might
16 be somewhat off with the dates --

17 MR. LUMPKINS: Uh-huh.

18 CHAIRPERSON ANDERSON: -- but I think
19 this is why it is important that in a sense that
20 the basic business license had to exist in 2021.
21 Okay. So the basic business license had to be,
22 so --

23 MR. LUMPKINS: Right.

24 CHAIRPERSON ANDERSON: -- the question
25 I'm asking you, sir, what type of business did

1 you purchase? You must know what type of
2 business you purchased because if it was not a
3 specific type of business, it's irrelevant when
4 the business license came about. It has to be a
5 specific type of business in a sense that to have
6 why the date or the timeline when the business
7 license existed was important. So that's what
8 I'm trying to ask you.

9 You purchased this business, what type
10 of business was it that you purchased?

11 MR. LUMPKINS: From my understanding,
12 Mr. Chairman, it was a retail business. They
13 sold exotic snacks and maybe they gifted cannabis
14 as well. I'm not completely sure.

15 CHAIRPERSON ANDERSON: But you
16 purchased something. You said you have a verbal
17 agreement. So basically you just went out in the
18 community to say that I want to purchase, I want
19 to purchase a business but you have to have a
20 business license before December of '20 -- before
21 a certain date. And so I don't really care. I
22 don't really care what kind of business it is. I
23 don't really care what type of business it is as
24 long as you have a business license that's what
25 it is. So that's just what I'm trying to get,

1 sir. What type of business did you purchase?
2 You must know what type of business. What type
3 of verbal -- you said you had a verbal agreement.
4

5 MR. LUMPKINS: Yeah, they told me.
6 Mr. Chairman, sorry to cut you off. It was a
7 retail shop. Now, I know they sold tee shirts,
8 exotic snacks, chips, juices, you know. That's
9 what I knew that they were. And from my
10 understanding from me applying for the
11 application it wasn't listed what type of basic
12 business license or what type of, you know, yeah,
13 exactly it wasn't listed what type of basic
14 business license is required to put in an
15 application, you know. I just knew that I was in
16 a time crunch and in order for me to move forward
17 with the application, I needed to purchase a -- I
18 needed to have a basic business license that is
19 dated before 2021 December 31st.

20 CHAIRPERSON ANDERSON: And so how did
21 you know about -- how did Fat Munchiez come to
22 your attention as a business that was for
23 purchase?

24 MR. LUMPKINS: Well, they was referred
25 to me by a friend in the old neighborhood and,

1 you know, we had a phone call, you know. I
2 talked to them and, you know, we met in person.
3 And we, you know, we talked about, you know, the
4 business and I told them what I needed. And they
5 said they, you know, they can provide me, you
6 know, with the basic business license in order to
7 apply for the medical dispensary. Then, you
8 know, that's when we moved forward.

9 CHAIRPERSON ANDERSON: And who did you
10 purchase the business from?

11 MR. LUMPKINS: I purchased it from the
12 registered agent which is Mr. Tommy M. And the
13 thing is I actually have an affidavit from him as
14 well. I sent it to Ms. Martha which is ABCA's
15 counselor. You guys should have the affidavit
16 that he written, that he wrote.

17 MR. PERU: Mr. Chair, could I?

18 CHAIRPERSON ANDERSON: Yes, Mr. Peru.

19 MR. PERU: I'm sorry, Mr. Chairman, I
20 just wanted just to clarify the dates that we're
21 discussing. In order to apply as an unlicensed
22 operator you have to have a business license
23 issued before December of 2022.

24 MR. LUMPKINS: Right.

25 MR. PERU: December 31st of 2022, just

1 for clarification and you have to be an
2 unlicensed -- you're supposed to provide proof of
3 unlicensed activity in operation with your
4 application, just for clarification, sir.

5 CHAIRPERSON ANDERSON: Thank you for
6 that correction, Mr. Peru.

7 All right. So you need a basic
8 business license. And that's one of the reason,
9 Mr. Lumpkins, I'm asking you. When you purchased
10 this business you -- it's not just the basic
11 business license. So you need to know what type
12 of basic business license that they provided. So
13 that's when you -- so when you're saying to me
14 you don't know what type of business it is, you
15 must know what type of business it is because in
16 order to qualify to apply you have to have a
17 basic business license and you had to prove to us
18 that this business was in the market of selling
19 cannabis.

20 So I'm somewhat taken aback when
21 you're saying to me you purchased this business
22 and you didn't know what they were selling. You
23 must --

24 MR. LUMPKINS: I told you what they
25 were selling. They were selling snacks and tee

1 shirts and exotic, you know, merchandise.

2 CHAIRPERSON ANDERSON: But you don't
3 know whether or not they were selling cannabis or
4 gifting cannabis or whatever it is?

5 MR. LUMPKINS: They may have been
6 gifting cannabis, Mr. Chairman. You know, I
7 can't say that for sure exactly though. But I
8 think they may have been gifting cannabis. I
9 have proof in documentation that in my
10 application that that business was in operation
11 before December 31st, 2022. It's in the
12 application.

13 CHAIRPERSON ANDERSON: But doing what?
14 What type of business? You have to prove to us
15 that, okay. You had to prove to the agency.
16 It's a two-pronged test. You had to prove to the
17 agency that there was a basic business license
18 before December of 2022. And that it were in
19 operation of selling, gifting or that they were
20 in the business of cannabis.

21 MR. LUMPKINS: Okay.

22 CHAIRPERSON ANDERSON: Right.

23 MR. LUMPKINS: Mr. Chairman --

24 CHAIRPERSON ANDERSON: Yes. Let me
25 ask you a question. How did you prove to us,

1 what information did you provide to the agency to
2 prove that prior to this date that Fat Munchiez
3 was in the cannabis business?

4 MR. LUMPKINS: That wasn't -- I didn't
5 see that as a requirement on the application.
6 And when I talked to my case manager they didn't
7 tell me that was a requirement either. They
8 never told me that. All they told me is they
9 needed to see proof of that business functioning.
10 That's it and I sent them documents stating,
11 showing them that the business was functioning
12 and operating, selling whatever merchandise that
13 they were selling at the time. They didn't tell
14 me, you know, that it needed to be, you know,
15 that it needed to be showed or needed to be known
16 that they were a cannabis, you know, gifting
17 shop. They didn't tell me that. Like my case
18 worker did not tell me that. They just told me I
19 needed a basic business license and I need to
20 show that the business was operating.

21 CHAIRPERSON ANDERSON: All right. On
22 February the 7th, 2024, somebody sent, I don't
23 know, someone sent and I'll ask the question.
24 Are you the person who provided the basic
25 business license to the agency on February 7th,

1 2024, is that correct?

2 MR. LUMPKINS: Yes.

3 CHAIRPERSON ANDERSON: And so you
4 said, I've attached the BBL certificate with
5 social media proof below.

6 MR. LUMPKINS: Yes.

7 CHAIRPERSON ANDERSON: So what social
8 media proof did you provide to the agency?

9 MR. LUMPKINS: I showed them social
10 media proof of, you know, Instagram posts.

11 CHAIRPERSON ANDERSON: Of what, sir?
12 Instagram posts of what?

13 MR. LUMPKINS: Instagram post of, you
14 know, the place, of them being in front of the
15 building that they're operating in front of and
16 just, you know, just operating their business and
17 promoting their business.

18 CHAIRPERSON ANDERSON: So, all right.
19 This is what the form asks you for.
20 It says, pending documents needed for approval by
21 the Board. Valid basic business license issued
22 on or before December 21st, 2022.

23 MR. LUMPKINS: Uh-huh.

24 CHAIRPERSON ANDERSON: Unlicensed
25 operator experience. Examples include dated

1 social media posts, website, advertisements,
2 online customer or product reviews, business
3 photos or paid utility bills, financial
4 statements, lists of owners and managers, witness
5 statements, demonstrating evidence of cannabis
6 sale.

7 So the application asks you to send
8 proof that this business was selling cannabis.
9 So what --

10 MR. LUMPKINS: Oh, okay.

11 CHAIRPERSON ANDERSON: -- is provided,
12 what is it that you provide in the social media
13 post to demonstrate, that's what the form says.
14 To demonstrate because your response is that
15 enclosed please find a copy of the BBL and the
16 social media proof. So that says to me the
17 social media proof that you provide is proof that
18 this was a business that was selling cannabis.
19 So I don't understand where you're telling me
20 that you don't know what type of business that
21 they were -- I don't understand. Maybe I'm lost.

22 MR. LUMPKINS: So the thing was is
23 just selling cannabis, okay, they have gifted
24 cannabis. They may have gifted cannabis. But
25 the thing is, at the time when I was buying it it

1 wasn't like, okay, yeah, we gift cannabis, you
2 know, at the time like, you know, and the proof
3 that I showed that my case worker she was
4 basically telling me, you just to show that they
5 were in operation like that wasn't, it wasn't
6 forced for me to say that they needed to evidence
7 that they gifted cannabis, you know. They may
8 have gifted cannabis, you know. I think they
9 have. They may have gifted cannabis but I can't
10 say that that was their primary operation of
11 gifting cannabis.

12 So, I mean, I guess you could say,
13 yes. They gifted cannabis maybe, yes. I just
14 know that, you know, they were a retail store and
15 I was buying a basic business license dated
16 before December 21st, 2021, December 31st.
17 That's what I know.

18 CHAIRPERSON ANDERSON: And you did not
19 know

20 MR. PERU: Mr. Chairman?

21 CHAIRPERSON ANDERSON: I'll get to
22 you Mr. Peru.

23 And you did not know that as part of
24 the requirement you had to prove to the agency
25 that this is an establishment that was selling,

1 gifting or whatever cannabis.

2 MR. LUMPKINS: No, my case worker she
3 didn't --

4 CHAIRPERSON ANDERSON: You say your
5 case worker.

6 MR. LUMPKINS: Ms. Jocelyn Rubio was
7 the lady that was helping me move forward with
8 the processing of my application.

9 CHAIRPERSON ANDERSON: You're talking
10 your case worker you're saying is the ABCA
11 Licensing Specialist?

12 MR. LUMPKINS: Exactly, ABCA Licensing
13 Specialist, exactly.

14 CHAIRPERSON ANDERSON: And so you
15 didn't, so you did not read the document that was
16 sent to you that specifically says that we needed
17 -- so you never provided any witness statement or
18 any information to the agency that states that
19 this business was selling cannabis?

20 MR. LUMPKINS: No. From my
21 understanding, no. That's not in the
22 application.

23 The reason from my understanding from
24 the application what I read is that I understand
25 the laws behind selling cannabis. Not that the

1 store was in the business of selling cannabis.

2 CHAIRPERSON ANDERSON: This is the
3 problem I'm having, sir. Okay.

4 MR. LUMPKINS: Okay.

5 CHAIRPERSON ANDERSON: You're asking
6 us, it's credibility.

7 MR. LUMPKINS: You assume.

8 CHAIRPERSON ANDERSON: It's
9 credibility. And you're asking us to take a leap
10 of faith to say all right. Even if I messed up I
11 bought this business. I did not know that the
12 basic business license was fraudulent. Okay.

13 MR. LUMPKINS: Right.

14 CHAIRPERSON ANDERSON: I'll take that
15 at face value.

16 MR. LUMPKINS: Okay.

17 CHAIRPERSON ANDERSON: To say I did
18 not know that the basic business license was
19 fraudulent. I bought a business. I knew that
20 they were selling cannabis. I bought the
21 business. I got the business, the basic business
22 license and I gave it to the agency. All right.
23 But I did not know. We subsequently told you
24 that it was a forged document. You could say, I
25 did not know because I bought a business. But

1 the problem that I'm having, sir, is that you're
2 telling me you didn't know what type of business
3 you bought knowing that the regulations require
4 that this business in order for you to apply for
5 the license, when you applied for the license
6 that you had to demonstrate to the agency that
7 this business was selling, was in the cannabis
8 business. That is what I'm trying to overcome,
9 sir. That is what I need you to tell me.

10 MR. LUMPKINS: Okay. Okay.

11 CHAIRPERSON ANDERSON: Hold on, sir.
12 You're telling me about a business. I'm asking
13 what the business sells. We all know, sir, that
14 what's going on out there is that we have these
15 I-71 businesses that they're saying that they're
16 compliant, that they were not selling, they were
17 not selling cannabis because it was illegal to
18 sell cannabis. They were gifting cannabis.
19 Okay. So you buy a tee shirt and they give you
20 cannabis.

21 So I'm having some difficulty when
22 you're telling me that I don't know what they
23 sold. I don't know what they sold. I just need
24 a basic business license and you are applying as
25 you just stated. I could have applied under a

1 social equity. I could have applied in March on
2 the social equity. That didn't require, in fact,
3 it was a different requirement. So that's the
4 problem I'm trying to overcome with you, sir. Is
5 that you're telling me you didn't know what they
6 do. To me that doesn't make sense.

7 MR. LUMPKINS: Mr. Chairman, I didn't
8 say I didn't know what they do. I said I know
9 what they sold, Mr. Chairman, in their store.

10 CHAIRPERSON ANDERSON: And I ask you,
11 but part of the requirement is that they had to
12 be in the cannabis business and you're telling me
13 that you don't know, you didn't know that.
14 That's part of the requirement. In order to get
15 the license the requirement said that you had to
16 be in the cannabis business and you had to prove
17 to us that you were in the cannabis business.
18 And that's one of the reasons why they ask you
19 for social media.

20 You can have customers who said, I
21 went to the store and they sell some of the best
22 products that you can send an affidavit from a
23 customer so that's what I'm saying.

24 So from my position --

25 MR. LUMPKINS: Okay. Were they I-71

1 compliant?

2 CHAIRPERSON ANDERSON: I don't care,
3 sir. Listen. You're not listening to me.

4 I'm asking you what type of business
5 did you purchase. And your response to me should
6 be I purchased a business that was in the gifting
7 who was selling cannabis. And because I know
8 that I know that they were selling cannabis and
9 so therefore I purchased a cannabis business.
10 And just tell me that. I'm fine with that.

11 Then you could say to me, I bought the
12 business. I knew that I needed a certificate, a
13 basic business license. They gave it to me. I
14 did not know that it was and then maybe I'll
15 believe that. But the problem that I'm having
16 right here, sir, is that you're telling me that
17 as part of the requirement is that you need to
18 prove and you have provided us social media
19 information.

20 MR. LUMPKINS: Right.

21 CHAIRPERSON ANDERSON: You provided
22 that. And the purpose of the social media is to
23 prove to us that this is a cannabis business and
24 you're telling me that you bought a business but
25 you don't know what they were selling. They were

1 selling chips. You're not telling me that I
2 purchased a business that was selling cannabis.
3 That's what I want you to tell me. And you're
4 telling me that you don't know what they were
5 selling.

6 MR. LUMPKINS: This --

7 CHAIRPERSON ANDERSON: Sir, if,
8 listen, Mr. Lumpkins, if the basic premise is
9 that, I need to believe you. I need to give you
10 the benefit of the doubt. If I'm going to give
11 you the benefit of the doubt that you bought a
12 business and someone gave you a forged document,
13 yes, sir, I can believe that. Because you said
14 you bought a business but you're unable to tell
15 me what type of business you purchased. But, if
16 you're unable to tell me what type of business
17 you purchased to prove that this business was
18 cannabis how am I going to trust you by giving
19 you three licenses to go sell the product if
20 you've proven to me that I can't believe the
21 words that you're telling me. And that's all I'm
22 asking. That's the purpose of this hearing.
23 That's the purpose of qualification.

24 Are you someone, because we're not
25 going to be -- once I give you the license I'm

1 not going to be there every day monitoring your
2 behavior. I need to trust you.

3 MR. LUMPKINS: Yes.

4 CHAIRPERSON ANDERSON: I need to trust
5 you that you're going to comply with the law.
6 And the exercise that we're having right here,
7 the basic question I asked you, you cannot tell
8 me what type of business you purchased.

9 MR. LUMPKINS: They -- they -- they
10 were in the cannabis business, Mr. Chairman.

11 CHAIRPERSON ANDERSON: Anyone want to
12 ask him any questions? Go ahead, Mr. Short.

13 MEMBER SHORT: Good afternoon, Mr.
14 Lumpkins.

15 MR. LUMPKINS: Good afternoon, Mr.
16 Short.

17 MEMBER SHORT: Mr. Lumpkins, what
18 school did you go to to get your business --

19 MR. LUMPKINS: I went to UDC.

20 MEMBER SHORT: And those people that
21 have legal schooling know that they should read
22 everything and they should know every regulation
23 before they send money in or give somebody money
24 for something that it's fraudulent.

25 MR. LUMPKINS: Yes, sir, Mr. Chairman.

1 I mean, Mr. Short.

2 MEMBER SHORT: Did you check the
3 documents and verify them before you sent them to
4 our agency asking us to give you a license?

5 MR. LUMPKINS: I sent -- I did not
6 check them. I sent them to ABCA's specialist and
7 she told me yeah, this will work. That's what
8 she said.

9 MEMBER SHORT: Good, good. Because
10 you sent her documents hoping that she didn't
11 look at them like you didn't look at them, is
12 that what you expected?

13 MR. LUMPKINS: No, sir, Mr. Short.

14 MEMBER SHORT: Well, did you look at
15 them and find out or did you know they were
16 fraudulent when you sent them in, I guess that's
17 what I'm trying to get around.

18 MR. LUMPKINS: No, sir, Mr. Short.

19 MEMBER SHORT: Did you check on them
20 to see if they were fraudulent before you sent
21 them in?

22 MR. LUMPKINS: No, sir, Mr. Short.

23 MEMBER SHORT: Thank you. That's all
24 I have, Mr. Chairman. Thank you very much, Mr.
25 Lumpkins.

1 CHAIRPERSON ANDERSON: Mr. Grant.

2 MEMBER GRANT: Good afternoon.

3 MR. LUMPKINS: Good afternoon.

4 MEMBER GRANT: Do you have a
5 relationship with the folks at Fat Munchiez or
6 the folks who formerly owned it?

7 MR. LUMPKINS: No, sir. I have no
8 relationship with them at all.

9 MEMBER GRANT: Okay. That was my only
10 question, but I do just want to make a quick
11 statement to you, if possible.

12 We consider a lot of application on a
13 weekly basis with this agency. And I heard you
14 state that time was of the essence. I'm
15 paraphrasing to some degree. And so for us as a
16 regulatory body we are insuring that things are
17 done the correct way. And if that means
18 sacrificing time then it has to be sacrificed.
19 And quite honestly every week we are hearing from
20 licensees and from the Government in some
21 instances where individual's lives have been lost
22 because people are not taking the time to follow
23 the guidelines and issuing these licenses and
24 receiving them, I should say is a privilege. And
25 what I don't want to ever see is a licensee come

1 before us putting time in front of the things
2 that are necessary to be done. And so if you
3 hear, I guess, the intensity with which we're
4 asking these questions it's because we do face
5 situations where lives are lost. And being in
6 the cannabis industry or being in the alcohol
7 industry sometimes unfortunately it leaves you
8 open to crime taking place. And so you're going
9 to have to in the event that you are awarded the
10 next steps really understand the importance of
11 taking it step-by-step and not bypassing the
12 necessary regulations just because time is of the
13 essence. So that's just my statement to you
14 along with the question.

15 MR. LUMPKINS: I appreciate it, Mr.
16 Grant. Do you mind me if I respond or --
17 absolutely. Absolutely, like I said again, this
18 is all foreign, you know, foreign territory to
19 me. I mean I'm just very excited to be in
20 business to be able to, you know, run a business.
21 And I want to say, you know, this will never
22 happen again, you know. Obviously, I've lost
23 money because of this situation. And, again, for
24 you to as well, Mr. Short, you know, moving
25 forward I will check documents and verify every

1 single thing, you know, with moving forward doing
2 business, you know, here or wherever I'm doing
3 business at, you know.

4 I was just in a place where it was
5 like, oh, if I didn't get that basic business
6 license then I could have potentially been pushed
7 out because someone else, you know, would have,
8 you know, got this spot before me. So, you know,
9 I made an impulse to, you know, a irrational
10 decision, you know, with purchasing the business
11 without, you know, really, you know, verifying
12 the documents and, you know, and seeing what, you
13 know, what they were giving me, you know. So,
14 yes, I really, you know, I apologize. I do to
15 this Board.

16 MEMBER GRANT: And just one final
17 thing. I just want to reiterate though., the
18 excitement and also the combination of excitement
19 with ignorance that would not be enough if this
20 were worse than what it is right now.

21 So, again, I just want to reiterate
22 that not only for you but anyone watching that,
23 this is our responsibility and we understand your
24 passion for it but, you know, our approach has to
25 be what it is.

1 MR. LUMPKINS: I understand, Mr.
2 Grant.

3 CHAIRPERSON ANDERSON: Mr. Lumpkins,
4 my position is that I can take it at face value
5 that you purchased a business. Someone provided
6 you a basic business license and because you
7 purchased the business you did not know that the
8 license was invalid. I can take you for that at
9 face value. I can state that, you know, you
10 provided it the agency and you did not know that
11 it was invalid until we told you it was because
12 since this is not your business you're not the
13 one who started the business and you're not the
14 one who had the -- you purchased it. Someone
15 gave it to you, you provided it. Okay.

16 So I could take your statement at face
17 value. The problem I'm having, sir, and I think
18 it's clear to you, is that you're in behest and
19 one of the critical requirement is that you had
20 to have a basic business license prior to
21 December of '22. And, secondly, you have to
22 prove to us that the business was in the market
23 of cannabis.

24 And you're telling me, your first
25 statement to me, sir, is that you did not know.

1 You didn't know what type of business it is. So
2 therefore if you did not know what type of
3 business it is I don't understand how did you
4 prove to the agency that and I'm reading your
5 email. You said, here are my social media posts.
6 Here is the -- because we told you that you're
7 missing a basic business license. You're also
8 missing proof that the business, that this was a
9 business that was in the business of selling
10 cannabis. And so you have to provide us
11 statements to verify that.

12 And what you're telling me today is
13 that when you purchased a business you did not
14 know, you did not know what -- you didn't know
15 what type of business it is. All you know is
16 that they had a basic business license and it
17 doesn't matter. But that's not what's required.
18 You have to have a basic business license and you
19 also had to prove to us that this business was in
20 the market of selling cannabis in order for you
21 to -- in order for you to apply for a license in
22 that first batch of licenses. Because in this
23 first batch of licenses that were issued it was
24 exclusive to I-71 businesses. It was exclusive
25 to businesses that were selling cannabis.

1 And so that is the part that I am --
2 I cannot -- your answers are not -- your answers
3 are not convincing me, sir, that, yeah. Your
4 answers are not convincing. I'm not convinced,
5 sir, because you're not -- because as I stated
6 before, if I give you the benefit of the doubt
7 on the basic business license you're not giving
8 me anything to hold onto on the second analysis
9 that you say to me, I purchased an I-71 compliant
10 business. And so therefore that's why I applied
11 for the license because it was an I-71 compliant.
12 Okay. So that's where I am.

13 MR. LUMPKINS:]I understand what
14 you're saying, Mr. Chairman.

15 When I was applying, I mean,
16 everything was, you know, I was learning as I was
17 going with filling out the application. And then
18 once I became, you know, familiar with the ABCA
19 specialist that was helping me fill out the
20 application, she was -- I was asking, okay. What
21 other documents I need, what I need, what I need.
22 She said I need a post, you know. I need the BBL
23 and, you know, like it wasn't, you know, forced
24 that like I didn't see, I didn't see that in the
25 application, you know, for that business to be

1 known as a basic, as an I-71 gift shop. Okay.
2 But, you know, the owner did tell me, you know,
3 towards the end of going out that they were
4 transitioning to an I-71 store.

5 All I was told from the specialist is
6 that it needs to show that they were in, they
7 were in business. They were operating in
8 business, you know, with a basic business
9 license. You know what I mean? So it's like,
10 you know, I'm reading the application by myself.
11 I'm doing all of this by myself. I don't have no
12 one helping me not like others that have lawyers,
13 they're paying them to do this. I didn't know
14 exactly, you know, what I was reading, you know.
15 So I'm just giving her documents and information
16 that she required from me, you know. That was
17 it.

18 So I may have made an ignorant step
19 with, you know, over-reading, you know, different
20 qualifications of the LLC that I was supposed to
21 give. And, you know, I can definitely, you know,
22 this is my fault. You know, all of it is, all of
23 it is new. I was trying to fill it out to the
24 best of my ability, you know. But I knew that
25 they were a retailer shop but at the end they did

1 tell me they were transitioning to an I-71 gift
2 shop.

3 So I can say now, you know, yes. They
4 were I-71 gift shop. But before, you know, but
5 as primarily, you know, know and, you know,
6 reading over the application it may have been
7 things that I misinterpreted filling out the
8 application. And Ms. Jocelyn, you know, she did
9 the best she could do. She helped me out really
10 well with giving her estimation, you know, that I
11 needed to complete the application.

12 CHAIRPERSON ANDERSON: You're
13 speaking, sir, and I'm looking at an email that
14 was sent to you on February 7th, 2024, at 2:45
15 p.m., from the specialist and she said, the
16 documents listed below are missing from your
17 application. You can send them directly to me
18 for further processing. One the requested
19 documents are received, they will be sent to the
20 Board for review.

21 Pending documents needed for approval
22 by the Board. First, bullet. Valid business
23 license issued on or before December 21st, 2022.

24 Second bullet, unlicensed operator
25 evidence. Okay. Unlicensed operator evidence.

1 Example included. Dated social media post,
2 website advertisement, online customer or product
3 reviews, business photos or paid utility bills,
4 financial statements, list of owners and
5 managers, witness statements demonstrating
6 evidence of cannabis sales.

7 Okay. So she sent that to you on
8 February 7th at 2:45 p.m. On February 7th at
9 3:17 p.m. an email went back to her from
10 gardenhilldc, an email address gardenhill.com

11 Good afternoon, I have attached the
12 BBL certificate, social media proof below. Okay.
13 So if you were the individual who responded to
14 this email on February the 7th at 3:17 p.m. the
15 sock media post that you provided it's the post
16 to prove to the agency that this business was an
17 unlicensed operator. Okay.

18 And so that's what I'm saying.

19 MR. LUMPKINS: Okay. Mr. Chairman,
20 let me cut you off. All right. That's
21 definitely on me right there, you know, in terms
22 of, you know, misinterpreted what she's saying,
23 unlicensed and, you know, exactly what she's
24 saying meaning like they're the unlicensed
25 operator business that's gifting cannabis. So,

1 yes. That's my fault, Mr. Chairman. So, yes,
2 you know, they were an I-71 gift shop.

3 CHAIRPERSON ANDERSON: All right.

4 MR. PERU: Mr. Chair, can I --

5 CHAIRPERSON ANDERSON: Yes, Mr. Peru.

6 MR. PERU: Sorry, I had connection
7 issues and had to move locations.

8 Just some clarity because this is the
9 first time me and Mr. Lumpkins have spoken.

10 So I'm just, based on what I'm hearing
11 from you, D.C. Garden Hill is your cannabis
12 business and has been your cannabis business?

13 MR. LUMPKINS: Yes.

14 MR. PERU: Okay. So you are operating
15 unlicensed at D.C. Garden Hill.

16 MR. LUMPKINS: Yes.

17 MR. PERU: And when the application
18 period came up you went and purchased Fat
19 Munchiez which is an exotic snack shop.

20 MR. LUMPKINS: No. I was not
21 operating D.C. Garden Hill as an unlicensed
22 operator before I applied. No, I wasn't.

23 MR. PERU: So you started doing
24 cannabis after you applied?

25 MR. LUMPKINS: January 29th, no, I was

1 the unlicensed operator. I was an unlicensed
2 operator of -- I started doing the gifting at my
3 store and after I did minor renovations around
4 April of 2023. So, yes, I was an unlicensed
5 operator. And then I applied for the
6 application, what's that. That was, ah, yeah,
7 the -- I applied for the application the 29th of
8 December of 2024. But I started gifting -- I
9 started gifting last year in April.

10 MR. PERU: Okay. So you started
11 gifting cannabis April 2023.

12 MR. LUMPKINS: Yes.

13 MR. PERU: You purchased the Munchiez
14 exotic shop from them in what year?

15 MR. LUMPKINS: I made a verbal
16 agreement. I didn't purchase the business. So
17 we were in -- we were in an agreement for me to
18 buy the business with the contingencies of them
19 having given me all the right documents that I
20 needed.

21 MR. PERU: So you also own the Fat
22 Munchiez in Virginia as well?

23 MR. LUMPKINS: No, I don't.

24 MR. PERU: So it's separate, okay.

25 MR. LUMPKINS: Yes.

1 MR. PERU: Okay. So you bought the
2 name but their model, I mean, they're a snack
3 shop. They're an exotic snack shop.

4 MR. LUMPKINS: Exactly.

5 MR. PERU: Asian food, as a snack
6 shop.

7 MR. LUMPKINS: Exactly.

8 MR. PERU: Even in Virginia, no signs
9 of gifting cannabis or being involved in
10 cannabis. I'm not saying they weren't but no
11 signs of that --

12 MR. LUMPKINS: Right.

13 MR. PERU: -- to my knowledge. Okay.
14 So I just wanted clarity. So you got
15 into the cannabis business after you purchased
16 their business, correct, is what you're saying.

17 MR. LUMPKINS: No. I was gifted, I
18 was gifting before I, before, you know, I was
19 presented the opportunity to buy their business.

20 MR. PERU: And that was for location
21 purposes, correct?

22 MR. LUMPKINS: Exactly.

23 MR. PERU: Okay. So you wanted that
24 location. So let me, I'm not trying to
25 interrogate you. I'm just trying to get clarity

1 because --

2 MR. LUMPKINS: Sure,

3 MR. PERU: -- I'm the author of the
4 report on the hearing. So it's still not clear
5 to me. This document that you submitted to us,
6 right --

7 MR. LUMPKINS: Uh-huh.

8 MR. PERU: -- your name is on there.
9 So it's not like, it's not like someone gave it
10 to you because it's their old business with their
11 own business information. You had to apply and
12 submit documents to get a business through DLCP.
13 That's a requirement, right?

14 MR. LUMPKINS: Right.

15 MR. PERU: So in order to get that
16 business license from DLCP you yourself had to
17 submit documents so that document that you
18 provided, I mean, that's where the -- that's why
19 we're here because of the mystery that that
20 document created about how it was issued, who it
21 was issue by. So I'm just trying to figure it
22 out, what I'm trying to get clarity on for
23 myself, is with this document that you submitted
24 how did you get that document?

25 MR. LUMPKINS: The document was given

1 to me by one of the owners. And I told you --

2 MR. PERU: But your name is on it
3 though.

4 MR. LUMPKINS: Yeah, I put my name on
5 the basic business license. I went to DOB and I
6 put my name on it, you know, just for protection
7 purposes, you know, for me submitting the
8 document my name needed to be on it for the
9 application. So I put my name on it. The
10 authorized agent gave me, the business owners
11 gave me authorization to put my name on that
12 basic business license.

13 MR. PERU: Okay. So, okay. So you're
14 saying that you gave them your name. You
15 provided them your name and in return they
16 provided you the document, is that what you're
17 saying?

18 MR. LUMPKINS: No. I put my name on
19 the document -- when they gave me the document
20 but I went to DOB and got permission to put my
21 name on the basic business license to submit it
22 to ABCA. So they gave me the document with just
23 the registered agent's name on it and I went to
24 DOB and got my name added to the basic business
25 license.

1 MR. PERU: So you're saying the
2 business license that you provided in an email is
3 a valid business license? I mean after
4 everything you've heard today and the documents
5 you've seen is that, you're saying it is valid?

6 MR. LUMPKINS: It said December 24, --
7 December, I mean, it said January 1st. They told
8 me the license was in revoke status. So, yes.

9 CHAIRPERSON ANDERSON: Hold on. Hold
10 on.

11 You need to look at Exhibit 2. You
12 need to look at the basic business license that's
13 dated December 12th, 2021. That is the document
14 that Mr. Peru is talking about, sir. Okay. The
15 basic business license that was provided to the
16 agency it's a document that's dated December 12th
17 of 2021. Billing name and address. Mark
18 Lumpkins, Fat Munchiez DC, LLC, 1671 Wisconsin
19 Avenue, Northwest, Washington, D.C. I'm reading
20 the document as it's written. It says billed
21 address in it. Billing name and address. Mark
22 Lumpkins, for Fat Munchiez DC, LLC, 1671
23 Wisconsin Avenue, Northwest, Washington, D.C.
24 20007. Corporate name, Fat Munchiez DC. So this
25 document, sir, that was issued -- you know what?

1 When did you buy this business, sir? When did
2 you have a verbal agreement to purchase this
3 business, sir?

4 MR. LUMPKINS: December, around
5 December 20th.

6 CHAIRPERSON ANDERSON: Of what year,
7 sir?

8 MR. LUMPKINS: 2023.

9 CHAIRPERSON ANDERSON: So, sir, if you
10 purchased this building in 2023 how can you have
11 a basic business license issued in your name for
12 Fat Munchiez in 2021, which is two years prior to
13 the time you purchased the building, the
14 business. How can you have a documents with your
15 name on it two years prior to you purchasing the
16 business?

17 MR. LUMPKINS: When they gave me the
18 document I took it to DOB and got my name added
19 to the document. And then they told me that they
20 needed an updated version of the basic business
21 license.

22 CHAIRPERSON ANDERSON: Why would DOB,
23 why would they not issue a new license?

24 MR. LUMPKINS: I don't --

25 CHAIRPERSON ANDERSON: Why would they

1 take a license and add your name to it and back
2 date it two years? That doesn't make sense, sir.

3 MR. LUMPKINS: My name is on the 2024
4 document.

5 CHAIRPERSON ANDERSON: I'm not talking
6 about 2024, sir. I'm talking about two things
7 that in order for you to qualify for a license
8 you had to provide us a basic business license
9 dated December, issued prior to 2022, and you
10 also had to prove to us that you were in business
11 prior to -- that you were in business prior to
12 that date. And you just told us you purchased
13 this business in '23.

14 MR. LUMPKINS: A verbal agreement. A
15 verbal agreement.

16 CHAIRPERSON ANDERSON: Listen, listen.

17 MR. LUMPKINS: After the contract came
18 after -- came after I applied the application.

19 CHAIRPERSON ANDERSON: All right,
20 listen, Mr. Lumpkins, I'm a lawyer. Okay. And
21 I'm saying that for a reason. Okay. I'm a
22 lawyer. Okay. The document I'm reading, sir,
23 that has your name on it, okay, it says that you
24 own a business two years prior to you purchasing
25 the business. I am trying to figure out and you

1 don't need to answer this, sir, okay. How can
2 you get your name on a document saying that you
3 own a business two years before you own it? You
4 just told me you purchased the business in '23.
5 This document has your name on it saying that
6 you're the owner December 12th, 2021. This is
7 what this document says. I didn't realize before
8 that your name was on it. Your name is on this
9 document and it's on the document two years prior
10 to you owning the business.

11 MR. LUMPKINS: All right.

12 CHAIRPERSON ANDERSON: You can't go to
13 DCRA, I'm sorry. You cannot go to DLCP with a
14 verbal agreement and they're going to put your
15 name on a legal document.

16 I don't know, sir, how is it that you
17 just told me that you purchased -- you had a
18 verbal agreement to purchase the business in
19 December of '23 where you provide a basic
20 business license from December 12th of 2021 with
21 your name on it. And you just told me you didn't
22 own the business at that time.

23 MR. LUMPKINS: No. They sent me, I
24 got a document -- I made the purchase of Fat
25 Munchiez DC, LLC, after the application was

1 submitted.

2 CHAIRPERSON ANDERSON: Which is what
3 date, sir?

4 MR. LUMPKINS: Which is --

5 CHAIRPERSON ANDERSON: Of what year?

6 MR. LUMPKINS: 2024.

7 CHAIRPERSON ANDERSON: 2024.

8 MR. LUMPKINS: But January 1st, 2024,
9 is the updated basic business license. I took
10 the document, I took the, listen. Mr. Chairman,
11 I took the document of the dated basic business
12 license of December 2021. When they gave it to
13 me I sent it to my case worker and she said we
14 needed an updated version of the basic business
15 license. That's what she told me, right. So
16 when I got -- so I had the document in my hand.
17 I take it to DOB, the 2021 document before my
18 name was even added to the basic business license
19 and I told them to add my name to it and they
20 needed consent from the owner and the registered
21 agent to add my name to the 2021 basic business
22 license. I don't know how it got there two years
23 prior but I know it should have been on the
24 updated version of the basic business license.

25 CHAIRPERSON ANDERSON: All right, sir.

1 Okay. Okay.

2 These are some things that you told us
3 today. You gave us a timeline of when you
4 purchased the business, okay? Provided in
5 writing and, sir, if you can provide this Board
6 with this proof that the permission of the owner
7 to add your name to a basic business license two
8 years prior provide that. You just said that.

9 We're not talking about this basic
10 business license from '24. I think I've seen
11 that. That is something that you've utilized for
12 another business which is fine. There is no
13 issue with that one. The basic business license
14 and I think what this hearing is about it is not
15 about whether or not your current application
16 with your basic business license from '24 status
17 above board. The agency is not questioning that.

18 MR. LUMPKINS: Okay.

19 CHAIRPERSON ANDERSON: What the agency
20 is questioning, sir, is that you provided us with
21 a basic business license from '21 which your name
22 on that basic business license from 2021. And
23 how could your name be on a basic business
24 license from '21 if you did not own the business?

25 MR. LUMPKINS: I can't -- I can't

1 attest to that, Mr. Chairman.

2 CHAIRPERSON ANDERSON: Mr. Lumpkins --

3 MR. LUMPKINS: I --

4 CHAIRPERSON ANDERSON: No, no, no, no,
5 no, no. Listen, sir. Listen.

6 If you gave me a basic business
7 license from '21 that had John Doe on it, I'm
8 fine with that. Okay. You need to tell this
9 agency or you need to provide this agency how is
10 it that your name end up on a basic business
11 license in '21 for a business that you did not
12 own. So if you're saying, this is what you said
13 to me. You had to, the registered agent or
14 however else had to give permission for you to
15 take it to DLCP, you provide us that. You
16 provide us this documentation that says that
17 permission was provided to you. You gave it to
18 DLCP and they went back and changed the basic
19 business license and put your name on it. Okay.
20 That's what you're saying. But right now, I
21 have a document from December 12, 2021, that has
22 your name on it, not just Fat Munchiez. It has
23 your name Mark Lumpkins and it's at Fat Munchiez
24 DC, LLC, 1671 Wisconsin Avenue, Northwest. Okay?

25 MR. LUMPKINS: Okay.

1 CHAIRPERSON ANDERSON: Your name is
2 attached to that document. So you need to
3 provide me with this information that says that
4 you were given that whatever information that you
5 took to DLCP to change this basic business
6 license and put your name on it. You have 10
7 days to provide this information, sir.

8 MR. LUMPKINS: Okay.

9 CHAIRPERSON ANDERSON: Okay, rested.
10 Rested because this is what you said. You said
11 that you had to get permission from whoever to
12 change this information so you have 10 days to
13 provide this information how is it that what
14 permission was granted so you went to DLCP for
15 them to add your name to this basic business
16 license that was issued December 12th, 2021.
17 Okay, sir?

18 MR. LUMPKINS: Yes, sir. I will get,
19 yes, I will get that information for you.

20 CHAIRPERSON ANDERSON: All right. Any
21 other questions anyone needs to ask?

22 Any questions anyone wants to ask?

23 MR. LUMPKINS: And just to add again,
24 sir, the, remember they sent, Ms. Jocelyn told me
25 we need a basic business license. When they sent

1 me the basic business license to prove that they
2 were in business before December 31st --

3 CHAIRPERSON ANDERSON: Not they, sir.
4 Not they.

5 MR. LUMPKINS: Fat Munchiez DC, LLC.

6 CHAIRPERSON ANDERSON: Listen. You're
7 missing the point, sir. You're missing the
8 point.

9 Your name is on this document. Not
10 your name --

11 MR. LUMPKINS: Mr. Chairman, can I ask
12 you this question, please, sir? Can you see the
13 date that my name was added to that document.

14 CHAIRPERSON ANDERSON: The document
15 that I have in front of me, sir.

16 MR. LUMPKINS: Can you see the date
17 like does the system show you when my name was
18 added?

19 CHAIRPERSON ANDERSON: The
20 document that you provide, okay. It says,
21 Department of License and Consumer Protection
22 Business License Division, 1100 4th Street,
23 Southwest, Washington, D.C., 20024. Date of
24 issue, 12/21/21. Category 4003, License Number
25 400324803674, License Period 12/12/21 to
12/31/23. Billing name and address, Mark

1 Lumpkins for Fat Munchiez DC, LLC, 1671
2 Wisconsin, Avenue, Northwest, Washington. And
3 then the next line says Washington, D.C. 20007.
4 Premises application name and address. Fat
5 Munchiez DC, 1671 Wisconsin Avenue, Northwest,
6 Washington, D.C. 20007. Registered Agent, name
7 and address. Tommy M-O-U-N-G-K-H-O-U-N-S-A-V-A-
8 T, 508 H Street, Northeast, Suite 2, Second
9 Floor, Washington, D.C. 20002. Owner's Name,
10 corporate name, Fat Munchiez DC. Okay.

11 That's the document. It was signed by
12 Tiffany Crowe, Acting Director. Okay. So this
13 document that I'm reading, sir, is -- it's a
14 document from 12/21/21. And you need to prove to
15 me, sir, how did your name end up on a document
16 two years before you purchased the --

17 MR. LUMPKINS: Okay. Now, Mr.
18 Chairman, we're going to have to go back.

19 CHAIRPERSON ANDERSON: Back to what,
20 sir?

21 MR. LUMPKINS: Go back to the clarity
22 of what you just said to me. I don't know how
23 my name got on that document. I know for sure
24 that I got my name updated to the 2024 document.

25 CHAIRPERSON ANDERSON: I don't care

1 about the 2024 document, sir.

2 MR. LUMPKINS: I was --

3 CHAIRPERSON ANDERSON: No, no, no, no,
4 listen.

5 MR. LUMPKINS: Yeah, well, I -- I
6 don't know how my name got on that document.

7 CHAIRPERSON ANDERSON: Well, then you
8 need to dwell, if you don't know how your name
9 got on the document I am, I'm concerned.

10 MR. LUMPKINS: Mr. Chairman --

11 CHAIRPERSON ANDERSON: Listen, sir.
12 You gave us a document. This is what it is. We
13 asked you for a basic business license that was
14 issued before December of '22. We asked you for
15 social media post to prove that you -- this
16 business was in the cannabis business prior to
17 that date. Okay? You gave us a document with
18 your name -- you just didn't give us a document.
19 You gave us a document with your name on it. So
20 if you want me to believe you, you have 10 days
21 to tell me how your name ended up on this
22 document that was issued 12/12/21 if you had a
23 verbal agreement to buy this business in December
24 of '23. Okay? That's what it is.

25 Fair? You have 10 days to provide

1 this agency, because it shouldn't be that
2 difficult. Ten days to provide this agency with
3 how is it that your name ended up on a business
4 that you did not own in '21.

5 MR. LUMPKINS: Okay. Did you guys
6 read over the affidavit?

7 CHAIRPERSON ANDERSON: Sir, I don't
8 care about the affidavit. I'm asking you. I
9 have a document with your name on it. You need
10 to tell me how is it your name and when I read
11 the affidavit it doesn't answer how your name.
12 And so I'm asking you, sir, you provided a
13 document with your name on it. So you just need
14 to explain, sir, how is it that your name end up
15 on a document for a business that you did not own
16 until 2023. How did your name end up on the
17 document to say that you're the owner of a
18 business in '21 when you just told me you had a
19 verbal agreement to purchase a business in '23.
20 You have 10 days to do that, sir. Okay?

21 And the Board will use, based on your
22 submission, the Board will use that information
23 to make a determination if we should issue any
24 licenses to you, sir, because it is a character
25 issue. The Board has to make a determination if

1 you are fit to get a license because it's -- it
2 says that you provided us fraudulent
3 documentation. Okay. That's what it says. You
4 have an opportunity to provide, to explain to the
5 Board how is it that your name ended up on a
6 document two years before you own this business.
7 Two years. You just told me, sir, under oath
8 that you had a verbal agreement to purchase this
9 business in 2023. That's what you told me.

10 MR. LUMPKINS: Yes, sir.

11 CHAIRPERSON ANDERSON: Verbal
12 agreement. So if you had a verbal agreement to
13 purchase Fat Munchiez in 2023 how did this
14 document that was submitted that's dated
15 12/21/21, how did your name end up on this
16 document, sir?

17 MR. LUMPKINS: Okay. I will provide
18 you with that information.

19 CHAIRPERSON ANDERSON: All right. And
20 then the Board will utilize that provision of the
21 information to make a determination whether or
22 not you are fit for us to give you any license,
23 period.

24 And so one of the things I also ask
25 you to do, sir, you provide us a chronology

1 earlier on the record. If I go through the
2 transcript I can read it but I think you're
3 reading a statement that gave us a chronology of
4 when your purchasing of this building because I
5 think you're reading and going through dates. So
6 in 10 days I needed to provide the chronology of
7 your purchasing the building.

8 I think you start off by saying when
9 you had the verbal agreement and what you did.
10 So you have 10 days to provide the chronology and
11 10 days to give the Board an explanation how is
12 it that your name ended up on a document two
13 years prior to you having a verbal agreement to
14 purchase this business. Okay?

15 Any final comment you want to make,
16 sir?

17 MR. LUMPKINS: Who do I send this
18 information to, just ABCA?

19 CHAIRPERSON ANDERSON: Send it to ABCA
20 Legal, sir. The same email address I told you
21 about this hearing today.

22 MR. LUMPKINS: Okay, all right.

23 CHAIRPERSON ANDERSON: You got a Board
24 Order saying that we were having a Qualification
25 Hearing so you can respond to that. You can

1 respond to that email address. The same email
2 address that you told us that you were, that you
3 were available to participate in this hearing
4 today. You provided that information, sir.
5 Okay?

6 MR. LUMPKINS: Yes, sir.

7 CHAIRPERSON ANDERSON: All right. Any
8 comment anyone wants to make, any further
9 comments before I bring this hearing to a
10 closure?

11 All right. Thank you for being here
12 today, Mr. Lumpkins. Mr. Peru, thank you for
13 being here. Have a great day.

14 MR. PERU: You, too, thank you.

15 CHAIRPERSON ANDERSON: All right. We
16 are at the end of our day. I just need to look
17 at my calendar to make sure there is no other
18 business. And so we have dispensed with the
19 Board's calendar and business for the day. And
20 so I'm going to close the record.

21 As Chairperson of the Alcohol Beverage
22 and Cannabis for the District of Columbia, in
23 accordance with Title 3, Chapter 405, Office of
24 Open Government, I move that ABC Board hold a
25 closed meeting on July 17th for the purpose of

1 discussing and hearing reports concerning ongoing
2 or planned investigations of alleged criminal or
3 civil misconduct or violations of law or
4 regulations and seeking legal advice from our
5 legal counsel on the Board's Investigative
6 Agenda, Legal Agenda and Licensing Agency Agenda
7 for July 17, as published in the D.C. Register on
8 July 12th.

9 Is there a second?

10 MEMBER GRANT: Mr. Grant, I second the
11 motion.

12 CHAIRPERSON ANDERSON: Mr. Grant has
13 seconded the motion. I will not take a roll call
14 vote on the motion before us now that it's been
15 seconded.

16 Mr. Short?

17 MEMBER SHORT: Mr. Short, I agree.

18 CHAIRPERSON ANDERSON: Mr. Grant?

19 MEMBER GRANT: Mr. Grant, I agree.

20 CHAIRPERSON ANDERSON: Mr. Anderson,
21 I agree.

22 As it appears that the motion has
23 passed, three, zero, I hereby give notice that
24 the ABC Board will hold a closed meeting pursuant
25 to the Open Meetings Act. A notice will also be

1 posted on the ABC Board Hearing Room bulletin
2 board, placed on the electronic calendar on
3 ABCA's website and published in the D.C. Register
4 in as timely a manner as possible.

5 We're now adjourned for the day. I
6 would like to thank the members of the public who
7 participated in our hearing today and also thank
8 the Board members who have participated in our
9 hearing today.

10 We're now adjourned for the day and I
11 now request that all Board members return to
12 Executive Session for further development.

13 (Whereupon, the above-entitled matter
14 went off the record at 4:12 p.m.)
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In the matter of: DC Garden Hill NOMA

Before: DC ABCA

Date: 07-10-24

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