

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE AND CANNABIS BOARD
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MEETING

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IN THE MATTER OF: :
 :
Organic Wellness, LLC :
t/a Organic Wellness :
1840 Fenwick Street NE :
ANC 5D :
License No. 117371 :
 :
(Safekeeping Status and :
Transfer Application) :
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Thursday
July 20, 2023

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

PRESENT:

- DONOVAN W. ANDERSON, Chairperson
- BOBBY CATO, JR., Member
- EDWARD S. GRANDIS, Member
- JENI HANSEN, Member
- JAMES SHORT, JR., Member

ALSO PRESENT:

- JOSE ORELLANA, DC ABCA Staff
- CLAUDE BAILEY, Licensee Counsel)
- JOSH GENDERSON Licensee
- RICK GENDERSON Licensee
- TAMMY NGUYEN, Licensee
- SEAN GORDY, DC ABCA
- JASON PERU, DC ABCA Investigator

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

2 10:33 a.m.

3 CHAIRPERSON ANDERSON: Good morning.

4 We're in the record. Good morning, everyone. As
5 Chairperson of the Alcoholic Beverage and
6 Cannabis Board for the District of Columbia and
7 in accordance with DC Code Section 2571 et seq.
8 of the Open Meetings Act, OMA, I'm welcoming you
9 to the regular scheduled meeting of the Alcoholic
10 Beverage 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 DC
17 Code.

18 Pursuant to the OMA requirements,
19 notice that today's meeting was provided 48 hours
20 in advance of the meeting on ABCA's website and
21 on the District Central Meeting Calendar. The
22 notice includes a time, date, agenda, and call-in
23 or login information for public participation.

24 This electronic meeting is being
25 hosted by a Webex account provided by the

1 District of Columbia government. Please address
2 any questions or complaints to the OOG at
3 opengovoffice@dc.gov.

4 My name is Donovan Anderson and I am
5 the Chairperson of the Board. I would like to
6 introduce the other members of the ABCA Board who
7 are also participating electronically. Please
8 respond when I announce your name. Mr. James
9 Short.

10 MEMBER SHORT: Mr. James Short,
11 present.

12 CHAIRPERSON ANDERSON: Mr. Bobby Cato.

13 MEMBER CATO: Bobby Cato, present.

14 CHAIRPERSON ANDERSON: Ms. Jenny
15 Hansen.

16 MEMBER HANSEN: Jenny Hansen, present.

17 CHAIRPERSON ANDERSON: Mr. Edward
18 Grandis.

19 MEMBER GRANDIS: Present.

20 CHAIRPERSON ANDERSON: The Board has
21 five members in attendance for the conduct of
22 business today, and that constitutes a quorum.

23 Before we get underway with today's
24 hearing calendar, I need to make a few
25 instructions very clear so that the conduct of

1 these hearings is understood by everyone.

2 There are three cases scheduled for
3 this morning's calendar. Once your case is
4 called, I will take a moment for IT specialists
5 to elevate the rights for each party to enable
6 their camera and microphone. Then, and only
7 then, will you have the ability to enable your
8 equipment. If your case has not been heard, you
9 will remain mute and your camera will be
10 disabled.

11 At the conclusion of each case, the
12 parties will have the option to leave. If the
13 party chooses to stay, all cameras and
14 microphones for the concluded case will be
15 disabled. Should you have any questions or
16 require technical assistance during the hearing,
17 please submit them using the question and answer
18 feature.

19 Our first order of business today, we
20 have a contested fact-finding hearing on Organic
21 Wellness, License No. 117371.

22 Good morning, Mr. Orellana. Can you
23 please elevate the rights of the parties in this
24 case for Organic Wellness, please?

25 MR. ORELLANA: Sure. Tammy Nguyen,

1 your access has been elevated. Josh Genderson,
2 your access has been elevated. Rick Genderson,
3 your access has been elevated, and Claude Bailey,
4 your access has been elevated. That appears to
5 be all.

6 CHAIRPERSON ANDERSON: I'm sorry, I'm
7 not sure if -- well, okay, I'll have the parties
8 to make sure that -- okay, that's fine. If you
9 have a camera -- and I think we also need to
10 elevate Mr. Gordy and Mr. Peru.

11 MR. ORELLANA: Jason Peru, your access
12 has been elevated, and I'm communicating with Mr.
13 Gordy right now.

14 CHAIRPERSON ANDERSON: Mr. Bailey, do
15 you have a camera, sir?

16 MR. BAILEY: Yes, I do, and trying to
17 get it to work. There we go. Okay. I do have a
18 camera. I seem to have

19 CHAIRPERSON ANDERSON: I think we're
20 getting closer. So I believe that your camera is
21 on, but I'm not sure if you're in front of the
22 camera, sir.

23 MR. BAILEY: No, I am. I'm looking
24 right at it.

25 CHAIRPERSON ANDERSON: Well, I'm

1 seeing a background which appears that there's
2 supposed to be an individual there before,
3 something changed.

4 MR. J. GENDERSON: Hey, Claude, if you
5 go to where it says stop video and there's, like,
6 the down arrow yes. Click on that. And then it
7 probably will give you some options. It'll say
8 surface camera or snap.

9 MR. BAILEY: There we go.

10 CHAIRPERSON ANDERSON: What about Mr.
11 Genderson? And, I mean, I prefer if you don't
12 have a camera, fine.

13 MR. J. GENDERSON: There's two
14 Gendersons here. Rick looks like my younger
15 brother, but my father, and see if he can figure
16 out the same way to get on video, and if not,
17 we'll

18 CHAIRPERSON ANDERSON: All right,
19 that's fine.

20 MR. ORELLANA: All right, we can
21 begin.

CHAIRPERSON ANDERSON: Okay.
22 Good morning, everyone. I will have the parties
23 introduce themselves for the record, and I'll
24 start with you, Mr. Bailey.

25 MR. BAILEY: Okay. Mr. Chairman,

1 members of the Board, my name is Claude Bailey.
2 I represent Holistic Remedies and Organic
3 Wellness in this matter.

4 CHAIRPERSON ANDERSON: We're calling
5 the cases separately, Mr. Bailey. So this case
6 is specifically regarding Organic Wellness?

7 MR. BAILEY: Organic Wellness. Okay.

8 CHAIRPERSON ANDERSON: Yes.

9 MR. BAILEY: Okay. Well, as it
10 relates to Organic Wellness, I represent Organic
11 Wellness, and here are the principals from
12 Organic Wellness, Mr. Genderson, Mr. Josh
13 Genderson, and Mr. Rick Genderson. And they
14 would like the opportunity to kind of bring the
15 Board up to date on where they are on this
16 particular cultivation center and the license,
17 because obviously there hasn't been any
18 communication.

19 You all don't know, which is why we're
20 having this hearing about what's going on. So I
21 think Mr. Rick Anderson is going to make a
22 presentation. It'll be via PowerPoint. So we
23 would like permission to use the PowerPoint and
24 share the screen to kind of lay it out for you.

25 CHAIRPERSON ANDERSON: Well, that's

1 fine. All right, Ms. Nguyen, is she here for
2 Organic Wellness?

3 MR. BAILEY: Yes, she is there for
4 both, and she's going to be the one, she's the
5 technical person who's going to put everything up
6 on the screen for you.

7 CHAIRPERSON ANDERSON: All right, so
8 what I want everyone to do we have a court
9 reporter. I'm asking everyone, when you
10 introduce yourself, please spell your name for
11 the record. So spell your name, please, Mr.
12 Bailey, for the record.

13 MR. BAILEY: Sure. Claude.
14 C-L-A-U-D-E. Last name Bailey. B-A-I-L-E-Y.

15 CHAIRPERSON ANDERSON: Good morning.
16 And Mr. Josh Genderson, can you identify yourself
17 for the record?

18 MR. J. GENDERSON: Josh Genderson. G-
19 E-N-D-E-R-S-O-N. And I represent both companies.

20 CHAIRPERSON ANDERSON: Well, this is
21 strictly, again, regarding Organic Wellness.
22 We're doing it here now. We have a court
23 reporter, so we're going to have a transcript, so
24 I need to keep them separate. So you're here for
25 Organic Wellness?

1 MR. DILLON: Yeah. Josh Genderson,
2 representing Organic Wellness.

3 CHAIRPERSON ANDERSON: All right. And
4 we have Rick Genderson. Can Mr. Genderson
5 identify himself for the record, please?

6 MR. GENDERSON: Hi. Rick Genderson.
7 G-E-N-D-E-R-S-O-N, representing Organic Wellness.

8 CHAIRPERSON ANDERSON: All right. Can
9 you please spell your name for the record, sir,
10 and maybe turn your volume up a little bit if you
11 are able to do so.

12 MR. GENDERSON: It's Rick, R-I-C-K.
13 Last name is Genderson. G-E-N-D-E-R-S-O-N.

14 CHAIRPERSON ANDERSON: Thank you.
15 Good morning, Ms. Nguyen. Can you please
16 identify yourself on the record by also spelling
17 your name?

18 MS. NGUYEN: Yes. Good morning.
19 Tammy Nguyen, spelled T-A-M-M-Y, N-G-U-Y-E-N.
20 And I am present on behalf of Organic Wellness.

21 CHAIRPERSON ANDERSON: Good morning,
22 Mr. Gordy. Identify yourself for the record,
23 please.

24 MR. GORDY: Good morning. My name is
25 Sean Gordy, licensing division manager for the

1 Alcoholic Beverage and Cannabis Administration.
2 Last name spelled G-O-R-D-Y.

3 CHAIRPERSON ANDERSON: Mr. Peru, can
4 you identify yourself on the record, please?

5 MR. PERU: Morning, sir. Supervisory
6 Investigator Jason Peru in the enforcement
7 division. J-A-S-O-N P-E-R-U.

8 CHAIRPERSON ANDERSON: All right.
9 Good morning again, everyone. As I stated, the
10 contested fact-finding hearing because we're
11 trying to ascertain what is going on with this
12 license.

13 It's my understanding the letter dated
14 January 25, 2023, ABCA's licensing manager
15 indicated that an additional safekeeping period
16 was approved until April 23, 2023 for Organic
17 Wellness. The approval was based on the
18 understanding that construction renovations are
19 expected to be completed by May 1, 2023. A
20 separate request to remove the license from
21 safekeeping would be filed. An additional
22 inspection by MPD and ABCA would be completed,
23 conducted prior to reopening.

24 The record doesn't -- so we're just
25 trying to find out what has occurred since May

1 1st, 2023, since we have had no information.

2 And so I just want -- are you still
3 there, Mr. Gordy?

4 MR. GORDY: Yes.

5 CHAIRPERSON ANDERSON: And what I'm
6 going to do, normally in a fact-finding hearing
7 we do not swear witnesses in, but because this
8 is, under our rules and regulation, is a
9 contested fact-finding hearing, so therefore, I
10 need to swear the witnesses in.

11 All right. So, Mr. Gordy, can you
12 raise your hand, please? You swear to tell the
13 truth and nothing but the truth?

14 You need to unmute yourself, sir.

15 MR. GORDY: I do.

16 CHAIRPERSON ANDERSON: All right.
17 Thank you. Mr. Gordy, please identify yourself
18 on the record and your relationship with the
19 agency.

20 MR. GORDY: Sure. My name is Sean
21 Gordy. I am the licensing manager for the
22 Alcoholic Beverage and Regulation. I'm sorry,
23 the Alcoholic Beverage and Cannabis
24 Administration.

25 CHAIRPERSON ANDERSON: Good morning,

1 sir. Mr. Gordy, as far as Organic Wellness is
2 concerned, what is it that you have within your
3 record regarding the status of this license, sir?

4 MR. GORDY: Our records indicate that
5 initially in October of 2022, Organic Wellness
6 reached out to the agency seeking guidance on
7 suspending operations at a facility that houses
8 Organic Wellness as well as Holistic Remedies.

9 To our understanding, there was a fire
10 at that location which rendered both operations
11 inoperable, until which time they can renovate
12 and or move. Ultimately, a letter was submitted
13 --

14 CHAIRPERSON ANDERSON: (Audio
15 interference.)

16 MR. GORDY: Organic Wellness. Right.
17 Ultimately, a letter was submitted to the agency
18 at our guidance to place a license into
19 safekeeping, at which time we submitted it on the
20 Board's agenda to request safekeeping for the
21 licensee, which was ultimately approved.

22 And referencing the letter that you
23 read from January, that approval was granted, and
24 then ultimately, safekeeping was approved through
25 the spring of 2023. Since then, we had not heard

1 from the entity as to the progress of its
2 operations, and then also pursuant to removing
3 the license from safekeeping with regard to next
4 steps, and then reopening for business.

5 CHAIRPERSON ANDERSON: So, the
6 safekeeping request expired April 23rd, 2023.
7 So, as far as the agency, what is the status of
8 the license?

9 MR. GORDY: As far as the agency is
10 concerned, the license is still in safekeeping.
11 We haven't sought any additional movement. We
12 have sought the fact that we had not heard from
13 the licensee, and so we were seeking what the
14 status was of the license in terms of removing it
15 from safekeeping and the progress of moving
16 forward with reopening for operations. And the
17 agency had not heard anything from the entity,
18 after reaching out several times.

19 CHAIRPERSON ANDERSON: (Audio
20 interference) once you stop speaking, put your
21 phone, mute your line, and then once you're about
22 to speak, unmute yourself because of feedback.

23 So I guess I'm just trying to get some
24 clarification. Can this license remain in
25 safekeeping without any action? Or I guess it's

1 my understanding that the safekeeping request
2 expired April 23rd. So what was supposed to have
3 occurred after April 23rd regarding this license?
4 That's what I'm trying to find.

5 MR. GORDY: Well, typically, what we
6 do, Mr. Chair, is we will reach out to the
7 licensee to seek an extension of safekeeping or
8 cancellation of safekeeping or what have you.
9 Because of the fact we had not heard anything as
10 we reached out, we just stopped shy of moving to
11 administratively cancel the license by virtue of
12 the fact that we had not had a response from the
13 licensee. Ordinarily we would move to place the
14 item back on the Board's agenda as a cancellation
15 item to actually cancel the license.

16 CHAIRPERSON ANDERSON: All right,
17 thank you. I was told that Mr. Gordy has some
18 time constraints. Mr. Bailey, do you have any
19 questions that you wish to ask Mr. Gordy?
20 Because I believe he has some. You're on. Mr.
21 Bailey, you're on mute, sir.

22 MR. BAILEY: At this point I think we
23 just would like to kind of explain to the Board
24 where we are with the hopes of maybe continuing
25 the safekeeping process after you hear the facts

1 as they've been presented.

2 CHAIRPERSON ANDERSON: Okay, that's
3 fine. All right. So, Mr. Bailey, tell me, how
4 is it that your client wishes to respond?

5 MR. BAILEY: I will let Mr. Genderson
6 address that.

7 CHAIRPERSON ANDERSON: Which one, sir?

8 MR. BAILEY: I will let Mr. Josh
9 Genderson address that question.

10 CHAIRPERSON ANDERSON: All right, Mr.
11 Josh Genderson, can you provide, and I guess I'm
12 going to swear you into can you raise your right
13 hand, please, sir? You swear or affirm to tell
14 the truth and nothing but the truth?

15 MR. J. GENDERSON: I do.

16 CHAIRPERSON ANDERSON: All right, go
17 ahead, sir.

18 MR. J. GENDERSON: So I think maybe
19 the first question I'd have or miscommunication
20 that's taking place is we're unaware that anybody
21 reached out. And I do know we have not reached
22 out proactively. But Mr. Gordy, I don't know if
23 they reached out to us or if you know who, but
24 that threw me for a little bit of a loop.

25 So outside of that, though, I can give

1 a little bit of a rundown. Per usual. Mr. Gordy
2 got it right. We had a fire in January of 2019,
3 and the fire rendered Holistic Remedies, which I
4 know we're not talking about currently, but
5 Holistic Remedies was on the first floor of the
6 building, and that was rendered unusable.

7 The top floor we did keep in
8 production for a couple of years until such time
9 that we were able to start spending money redoing
10 the downstairs.

11 Basically from 2019 in January, when
12 we had the fire all the way through somewhere in
13 2021, probably around May 21, 2021, we were
14 issued our permit. So we had a dispute about a
15 GAR Green Zone issue with the DCRA that ended up
16 getting sorted out. So it was a two year process
17 to get permitting.

18 Post-permitting, we've spent somewhere
19 to the tune of over \$3 million out of a total of
20 \$4.1 that that the project is going to cost.
21 There's about 15% or less remaining in the
22 presentation we have that we've sent out. It has
23 pictures and sort of detailed update.

24 From the last time Mr. Gordy and
25 Organic spoke, there hasn't been that much

1 movement reactivating the permitting process, and
2 the contractors had taken a while, and frankly,
3 we could have been probably more proactive, but
4 it's been a difficult program for us to continue
5 to spend money into.

6 One of the things we've sort of
7 charted out is we, after spending money the first
8 time and then the second time we had thought
9 about bringing a partner in, we attached an LOI
10 to the document we sent in, which would just make
11 getting open quicker easier, and I guess I'll
12 leave it at that.

13 I mean, the remaining work left, just
14 to be clear, after the full gut job of the whole
15 facility is getting the power up for the heavy-up
16 from Pepco, which ABCA has been more than kind in
17 offering to help with. And then just we need to
18 put in a new elevator that meets the new code,
19 and a couple pieces of interior work which have
20 already been ordered and are on site, have to be
21 installed.

22 We could get moving fairly quickly.
23 We haven't, just due to capital constraints and
24 the worry about where the program stands
25 currently, but we've been, we're all

1 Washingtonians. My grandfather started a liquor
2 business 75 years ago and we've really tried to
3 be good representatives of the city and provide
4 jobs.

5 I hope that's noted in all of this and
6 any lack of communication was certainly an
7 oversight. And if someone did reach out, I
8 apologize. We on this call hadn't seen any
9 correspondence.

10 MR. R. GENDERSON: Can I add to that?

11 CHAIRPERSON ANDERSON: Who's speaking,
12 please? Please identify yourself when you speak.

13 MR. R. GENDERSON: Okay. Rick
14 Genderson. And do you want to swear me in?

15 CHAIRPERSON ANDERSON: Oh. Raise your
16 right hand, sir, please. Do you swear or affirm
17 to tell the truth and nothing but the truth?

18 MR. R. GENDERSON: I do.

19 CHAIRPERSON ANDERSON: Go ahead, sir.

20 MR. R. GENDERSON: So a lot of this is
21 our fault. We should have been more proactive.
22 There was somebody who was handling this within
23 our company and they dropped the ball. And I'm
24 sorry for that.

25 We should have been reaching out for

1 you, but I thought we were still in good stead
2 and I thought she was handling it, but she
3 didn't. So anyway, my apologies for that. I
4 mean, I've dealt with ABCA for years and years
5 because I own Schneider's of Capitol Hill and we
6 try to be a good neighbor. And we've been in
7 good stead for into.

8 We did run into, we didn't get as much
9 insurance money as we thought we were going to
10 get from this fire. We have subsidized it
11 ourselves till we ran into a little money crunch.
12 And I think we have solved that problem.

13 So, moving forward, I think we can get
14 this up and running fairly quickly. And I ask
15 that we don't get punished for this, even though
16 a lot of this is our fault. But we've tried and
17 we will get this up and running if you give us
18 the time to do that.

19 MR. BAILEY: Mr. Chairman, if I could
20 suggest

21 CHAIRPERSON ANDERSON: I'm sorry, Mr.
22 Bailey, please identify yourself.

23 MR. BAILEY: Yeah, this is Claude
24 Bailey. Mr. Chairman, if I could suggest that we
25 extend the safekeeping and we report back, say in

1 90 days, to kind of let you know where we are and
2 the progress we've made. Because I think, from
3 what I understand from my client, the remaining
4 work is going to take 12 to 16 weeks. We have to
5 get the permits renewed. So there are a lot of
6 things we have to do, but we do plan to go
7 forward. And I think now that we have and we
8 submitted for the record a letter of intent for a
9 partner who's going to agree to assist with
10 finishing getting the building redone so that the
11 cultivation center can resume its operations.

12 CHAIRPERSON ANDERSON: Generally, when
13 we do safekeeping, safekeeping is done for six
14 months. If the safekeeping was approved through
15 April 23, the current status would be that we
16 would have, if another request for safekeeping
17 came through, then a safekeeping request would
18 have been through October 31 or depending, I
19 guess because we're now in June, in July it would
20 be then March 31, 2024.

21 But I guess I'm asking for more -- for
22 you to tell us what is it that, if the Board was
23 supposed to -- if the Board -- and I think if
24 we're going to do another safekeeping request, it
25 probably would have to be through March 31,

1 because we're now in July and it's not apparent
2 that anything is going to happen by October 31.
3 And I believe that licensing, when they're
4 approved in safekeeping request, I believe that
5 it's now done through March 31, 2024.

6 So I guess what I'm saying, if the
7 Board was to grant a safekeeping request through,
8 and Mr. Gordy, am I correct that if we're
9 granting safekeeping, it would be through March
10 31, 2024, is that correct?

11 MR. GORDY: Yes, sir, that's correct.

12 CHAIRPERSON ANDERSON: So if the Board
13 was to grant -- and I'm sorry, is there, at least
14 for the cannabis, the cannabis license, is there
15 any cost for safekeeping? I'm asking you, Mr.
16 Gordy.

17 MR. GORDY: No, not as yet.

18 CHAIRPERSON ANDERSON: Okay, so the
19 question I'm asking, if the Board was to agree to
20 a safekeeping request pursuant to our six month
21 schedule, and so therefore, we're talking about
22 March 31, 2024, what is it that is going to occur
23 between now, July 20, July 20, 2023, and March
24 31, 2024, for this license to come online?

25 MR. BAILEY: Well, I think I'll speak

1 for my client, he can correct me. I think if we
2 had till March 2024, we're confident that we
3 would have the facility up and running prior to
4 March 2024.

5 MR. J. GENDERSON: Definitely.

6 CHAIRPERSON ANDERSON: The concern
7 that the agency has, as you are aware, we have a
8 licensing period where all these unlicensed
9 establishments will be able to apply for license
10 in November.

11 And one of the concerns that we're
12 hearing from the unlicensed facilities is that
13 there is not sufficient inventory, that the
14 capability doesn't exist in DC to produce, to
15 grow the product. So therefore, they are
16 uncomfortable in applying for license unless we
17 can assure them that there is sufficient product
18 to supply their needs.

19 MR. BAILEY: Well, Mr. Chairman, I
20 think if you were to extend the safekeeping, we
21 would be in a position to finish the facility and
22 provide the product they need, that the
23 unlicensed retailers need. Is that fair to say,
24 Josh?

25 MR. J. GENDERSON: Yeah. So if I may,

1 Josh Genderson, that your point's noted. We've
2 talked to Mr. Gordy about this and some of the
3 other members of the Board, because we not only
4 spent north of 6 or \$7 million the first time
5 around and then post-fire, we've already spent
6 almost four.

7 We have a facility that's, like I
8 said, 85% grow ready. And so I do believe that
9 through either one of these channels, whether we
10 do end up partnering or not with this extension,
11 I don't know that someone could build the
12 capacity quicker. And we welcome everybody to
13 come on site and see where we are, if that's
14 helpful, and confirm everything that we've
15 learned.

16 MR. BAILEY: There are pictures in our
17 presentation that show you the state of the
18 current state of the facility right now and how
19 far it's built out.

20 CHAIRPERSON ANDERSON: Mr. Peru, you
21 wanted to ask a question or make a comment, sir?

22 MR. PERU: I just had a couple of
23 questions. Because I was at the facility before
24 they officially closed out, closed the doors. I
25 have a couple of questions about reference .

1 Organic Wellness was on the second floor. That's
2 a location that I've conducted inspections at. I
3 think the last inspection I'm showing was
4 sometime in March of

5 CHAIRPERSON ANDERSON: Can you raise
6 your right hand, please?

7 MR. PERU: Sure. Do you swear or
8 affirm to tell the truth and nothing but truth?

9 MR. PERU: I do.

10 CHAIRPERSON ANDERSON: Go ahead.

11 MR. PERU: So the last time I was
12 there was March of 2022 for an inspection. But
13 then I returned after that date when you guys had
14 taken all the product, removed all the product
15 from the second floor, right?

16 During this whole time, the first
17 floor, I watched it develop from a blank space
18 that was prior to construction. However, the
19 last time I was there, when you guys removed
20 product from the second floor, the first floor
21 was framed out and the layout design was pretty
22 much there.

23 You guys had put this big water tank
24 in the back where the elevator shaft was, I
25 believe, and all these things were happening, and

1 it seemed to be it was moving in the right
2 direction. But then you guys came with the idea
3 and the thought that you're going to move the
4 other license. Because at the end of the day,
5 you're building out Holistic Remedies on the
6 first floor. Organic Wellness was up and running
7 on the second floor.

8 So then you guys decided, if I'm
9 correct, correct me if I'm wrong, that you guys
10 were going to do Organic Wellness in that whole
11 entire building on Fenwick and then move Holistic
12 to the new location that we'll talk about later.

13 So I guess my questions are, has the
14 second floor where Organic was actually housed
15 at, has that been started under construction?
16 Because the lab was up there in a small space.
17 Your grow rooms were up there, right. So I was
18 kind of like, what's the status of that second
19 floor? Because I haven't seen anything done to
20 it when I was there last, actually, in the space.
21 That's part one of the question.

22 The second part of the question is, as
23 we're talking about future growth, is there going
24 to be, I know you guys did extractions on site,
25 is that plan for the reopening to have

1 manufacturing as well on site as well?

2 MR. J. GENDERSON: Yeah, so I can
3 answer that. Josh Genderson. So the second
4 floor is essentially in the same condition,
5 albeit with some improvements done. When we
6 redid the first floor to conform and make it one
7 facility, a Pepco heavy-up is required, and
8 that's the reason we can't plant upstairs or get
9 an inspection upstairs yet.

10 But yes, if you were to go see that,
11 it would look like it did before, except a little
12 bit revamped, if you will. Same layout, the
13 solvent list lab that you're talking about still
14 up there. Security and stuff still up there.

15 And then to answer your second
16 question, I believe on the second floor, we
17 already paid, we renewed that for all manners of
18 extraction and cultivation.

19 MR. PERU: Okay. Just for
20 clarification, so the second floor, nothing heavy
21 has been done to it in reference to renovation,
22 but the first floor, that is still being put back
23 together?

24 MR. J. GENDERSON: Correct.

25 MR. PERU: Okay. All right, Mr.

1 Chair. That's all I had for now.

2 CHAIRPERSON ANDERSON: Thank you. All
3 right. Any questions by anyone? I guess a
4 question that I want to ask, can you give us any
5 specific dates? If the Board was to agree to
6 extend the safekeeping through March 31, 2024,
7 are you able to give us a timeline? When is it
8 that this facility would be up and running?
9 Because how long does it take to grow? Because
10 it's your cultivation center.

11 So when would you be able to start
12 growing the plants? How long is it that the
13 plants will take to grow? I believe the law
14 based, because you are one of the original
15 licensees, in changing the law, I believe that
16 you were also granted automatically a
17 manufacturer license. And so therefore, when is
18 it that you'd be able to start manufacturing the
19 product?

20 MR. J. GENDERSON: Josh Anderson. I
21 couldn't give you an exact date just because
22 there's permitting and Pepco involved, but as Mr.
23 Bailey said, from our project management team and
24 the contractor, we've been told that it's roughly
25 about twelve to 16 weeks, I think, to finish

1 everything. And then the cultivation cycle to
2 grow is nine weeks roughly, and then about nine
3 weeks post-harvest. So call it somewhere around
4 18 weeks after we're completed, we'd be
5 processing and selling.

6 MR. R. GENDERSON: But the license, we
7 would pick the license up before then because we
8 would need to when we start to grow again. So I
9 think it's 12 to 15 weeks before we put plants
10 back into the ground.

11 MR. J. GENDERSON: 12 to 16 once we
12 have the renewed permits.

13 MR. R. GENDERSON: Correct.

14 CHAIRPERSON ANDERSON: And where do
15 you believe that you are with the status of the
16 permit?

17 MR. J. GENDERSON: We can get you that
18 information. I don't know exactly. I know that
19 they've been all over it given this hearing, but
20 we can come back and tell you exactly where we
21 are.

22 CHAIRPERSON ANDERSON: Now, I know
23 that you somewhat mentioned an LOI that you
24 submitted about a third party. How much of your
25 future plans depend on third-party-provided

1 financing or getting financing involved? And
2 when will that occur?

3 MR. R. GENDERSON: I think I can
4 answer that. We've recently secured a bank loan,
5 a real bank loan, which is shocking for this
6 industry. So we will have the funds very shortly
7 to finish this buildout if the LOI doesn't come
8 through, even though we're pretty confident that
9 we'll take a partner in. But even if we don't
10 take a partner in, we can do this without it. So
11 we're in very good position right now to finish
12 this.

13 CHAIRPERSON ANDERSON: All right, any
14 questions by the Board members of any other
15 parties? This is strictly regarding Organic
16 Wellness. Yes, Mr. Grandis.

17 MEMBER GRANDIS: Thank you. I'm going
18 to throw the question out because there's several
19 different representatives, and the one who thinks
20 they have the best information, please answer.
21 So I'm directing this to the group, so to speak.

22 First off, good morning, and thank you
23 all for being here to help enlighten us about the
24 status. The City, the District, is very
25 supportive of expanding medical cannabis

1 opportunities in the City, so thank you for being
2 here. Are you all currently waiting on permits
3 that will allow you to continue doing any type of
4 the buildout?

5 MR. J. GENDERSON: I think I'd
6 probably be the most knowledgeable to answer that
7 question, and I'm not sure whether we're waiting
8 whether I need to get back to you on that after I
9 talk to our project manager, just to be sure.

10 MEMBER GRANDIS: Okay. It would help
11 if you all had that information to help enlighten
12 us on timelines. That's just my opinion as a
13 member of the Board. Have you all had any stop
14 work orders from the district regarding any of
15 the work because you're waiting on permits?

16 MR. J. GENDERSON: I'm not aware of
17 any.

18 MEMBER GRANDIS: You're not aware of
19 any? Who would be aware?

20 MR. J. GENDERSON: Same person. And
21 agreed, you're right, they should have been on
22 this call.

23 MEMBER GRANDIS: There is someone who
24 could have enlightened us on that?

25 MR. J. GENDERSON: Yeah, I believe so.

1 Let me see. We had a stop order in the very
2 beginning of the construction process. I don't
3 even remember what it was for.

4 MR. R. GENDERSON: Well, that was the
5 GAR, but that was years ago. That was GAR, but
6 we haven't had a stop order since then.

7 MEMBER GRANDIS: Okay, so none of the
8 permits that you all need are reliant upon any
9 current stop order. That's what I think I'm
10 hearing you all say, correct?

11 MR. R. GENDERSON: Correct.

12 MEMBER GRANDIS: So in answering the
13 chairman's question about timeline, there is no
14 let me restate the question. May we ask what
15 permits you're waiting on that are needed to
16 finish this buildout?

17 MR. J. GENDERSON: Again, I'm not 100
18 percent sure. My understanding previously was it
19 was just for a power heavy-up. But that's to the
20 best of my knowledge; I don't know if they need
21 to resume any electrical or anything after the
22 heavy-up is done. It's the elevator and the
23 heavy-up, and we couldn't do the elevator without
24 the heavy-up.

25 MEMBER GRANDIS: That's helpful.

1 Thank you. Mr. Chairman, thank you very much.

2 CHAIRPERSON ANDERSON: Thank you. Mr.
3 Grandis. Any other questions by any of the Board
4 member? Yes, Mr. Short.

5 MEMBER SHORT: To the panel, I would
6 just like to ask, pretty much we're saying should
7 the Board provide you, your request will continue
8 safekeeping until March of 2024. If you're not
9 completed at that time, what do you think the
10 Board would do, and are you assured or can you
11 give this Board some assurances of your
12 completion before March 2024?

13 MR. J. GENDERSON: Yeah, I believe,
14 barring some unknown circumstance or
15 misunderstanding like this GAR thing, which took
16 two years, barring anything like that, yes, I
17 would be willing to say we would be done. That
18 would be more than sufficient. And if we
19 weren't, then you guys would likely do what you
20 need to do.

21 MR. R. GENDERSON: The thing is, we
22 can finish by then, and we will keep you in the
23 loop every three or four weeks. I can call you,
24 tell me whoever you want me to talk to. It's
25 probably Mr. Bailey. And I'll be glad to keep

1 you in the loop of what our progress is.

2 MEMBER SHORT: Well, that makes me
3 feel a little better, and I would simply say this
4 to you. Every two or three weeks, or at least
5 once a month, if you would reach out to our
6 investigator Peru, while our specialists in
7 licensing, Sean Gordy, Mr. Gordy, it would make
8 me feel a lot better to keep progress, because
9 there might be some help that the agency give
10 you.

11 But when you go silent, we hear
12 nothing from you, and then you come back and say,
13 well, something else went wrong, it kind of puts
14 us in a box. Because, again, the City needs you
15 up and running. Just say it like it is.

16 MR. R. GENDERSON: Right? You have
17 our word that we will never go silent.

18 MEMBER SHORT: Okay. And so again,
19 you will at least once a month, check in with Mr.
20 Sean Gordy with licensing.

21 MR. R. GENDERSON: I'm glad to handle
22 that. Yes.

23 MEMBER SHORT: Okay. I have your
24 commitment on that.

25 MR. R. GENDERSON: Yes, you do. Or

1 we, the Board, have your commitment on that.

2 MR. R. GENDERSON: Yes, you do.

3 MEMBER SHORT: Thank you. That's all
4 I have. Thank you, Mr. Chair.

5 CHAIRPERSON ANDERSON: I think many of
6 the Board members. Mr. Bailey, I guess on behalf
7 of your client, are you able to provide the Board
8 within the next 15 days to, I'm aware there are a
9 lot of questions that were asked here today, so
10 are you able to answer those questions to the
11 Board?

12 MR. BAILEY: Absolutely. With your
13 indulgence, Mr. Chair, I'd like to kind of make
14 sure we have a clear list of what the questions
15 are so we can provide you all the information you
16 need.

17 CHAIRPERSON ANDERSON: Well, I think
18 where are we in this construction? Where are we
19 what permits are, where are we in construction?

20 (Simultaneous speaking.)

21 MR. BAILEY: Okay. Status of
22 construction is one issue. Okay. Is that the
23 primary question?

24 CHAIRPERSON ANDERSON: Yeah. So I
25 need you to provide us some schedule. When is it

1 that you believe if the Board if the Board is
2 going to grant a safekeeping request through
3 March 31, 2024, I need you to provide us some
4 guideline what are the steps that you will take
5 to bring this license back on track?

6 MR. BAILEY: We can do that.

7 CHAIRPERSON ANDERSON: Mr. Peru, I'm
8 asking, is there anything that you want to see
9 within this period of time? I mean, that could
10 be provided in this memo?

11 MR. PERU: Just to back up about the
12 permitting, I did go to the DLCP's website to
13 look at scout (phonetic). I don't see any stop
14 work orders against the property, but I also do
15 not see any current issued permits as well. The
16 last permits are showing back from 2021 that I'm
17 seeing in the system.

18 MR. BAILEY: Right.

19 MR. PERU: Everything else is kind of
20 blank. So just as a heads up for the Board,
21 that's what I'm seeing on the website.

22 MR. BAILEY: Well, if I can answer
23 that, due to the lapse of time the permits have
24 expired, we have to get the permits renewed.

25 MR. PERU: Okay, so have you started

1 that process yet?

2 MR. BAILEY: I can't answer that
3 question. I think that's the question. We have
4 to go back and let you know.

5 MR. PERU: Because I can reach out and
6 find out. I can reach out to DLCP myself and get
7 that answer. I just wonder if you had it for me.
8 Okay. And reference to getting up and running,
9 Mr. Chair, not until they're built out. We'll be
10 able to get back in there and make sure that
11 they're meeting the requirements again with a
12 physical location, security, all that other
13 stuff.

14 CHAIRPERSON ANDERSON: As I said, my
15 concern is that we received 58 applications from
16 social equity applicants. We are about to, as I
17 said, in November, we are also going to issue
18 licenses where the unlicensed facility can apply.

19 And one of the concerns that has been
20 brought to the agency is that, I am concerned
21 about a plan for license, because if I'm going to
22 sell products in DC, I have to purchase the
23 product from DC cultivation facilities. And we
24 do not think that there is enough product
25 ability.

1 And so that is one of the reasons why
2 I am being insistent that I need, if you have a
3 license, then you need to use it, because if you
4 refuse to use it, then the Board will cancel the
5 license. Because I want the industry to know
6 that we are doing everything possible to grow
7 sufficient product so everyone is out there who
8 sells, they can do this through legally and we
9 can enforce to ensure that we have an appropriate
10 product and we have one of the best markets in
11 the country, and that's why we have this hearing
12 today.

13 MR. BAILEY: Mr. Anderson, you have
14 our word that we will be up and running. We can
15 get up and running quicker than anybody, and
16 you'll have product by, we'll be growing before
17 that March deadline.

18 CHAIRPERSON ANDERSON: So, Mr. Bailey,
19 I expect that you'll provide the agency within 15
20 days a status, a response to the questions that
21 were asked this morning and so that the parties,
22 and then we'll make a determination after you've
23 provided us. Please send it to ABCA Legal.

24 MR. BAILEY: Yes.

25 CHAIRPERSON ANDERSON: And then we

1 will make a decision what's the next step once we
2 have received that.

3 MR. BAILEY: Well, thank you, Mr.
4 Chairman. We appreciate the Board's support on
5 this.

6 CHAIRPERSON ANDERSON: All right,
7 thank you.

8 MEMBER GRANDIS: Mr. Chairman, I
9 apologize for not being through when I asked the
10 question, but there was a statement made. I like
11 just to get some clarification on. May I do
12 that, sir?

13 CHAIRPERSON ANDERSON: What statement
14 was made? They're going to provide us something,
15 right, in 15 days. So what is it? What
16 statement, sir?

17 MEMBER GRANDIS: I think it was Rick,
18 Mr. Rick Genderson, I believe, stated that they
19 were confident that they would be able to get the
20 funding that they were seeking to be able to
21 complete the buildout and get the CFO.

22 Mr. Genderson, did you say something
23 on that line, or could you help clarify? Because
24 I may have misunderstood.

25 MR. R. GENDERSON: We have we have

1 secured the funding. It's not in yet, but it'll
2 be in.

3 MEMBER GRANDIS: Thank you, Mr.
4 Chairman.

5 MR. J. GENDERSON: Can I ask one more
6 question? Thank you. If you guys may. I think
7 it was Mr. Gordy who referenced that we'd been
8 reached out to a number of times with no
9 response. If at all possible, and we can send an
10 email address, but nobody seems to have gotten an
11 email, and so just curious if we know where it
12 went or who it was sent to. And if not, we can
13 give you an updated email address, I guess.

14 CHAIRPERSON ANDERSON: Let me ask you
15 a question. Were you in receipt of, hold on.
16 Who is Jamie Ware?

17 MR. J. GENDERSON: Jamie oversees our
18 government relations and compliance. She would
19 be the person.

20 CHAIRPERSON ANDERSON: All right.
21 Well, Mr. Gordy wrote a letter dated January 26,
22 2023, to Jamie Ware. And so if that is not the
23 appropriate person that we would contact, then
24 you need to provide contact to the agency. But
25 at least that is the person that I see that Mr.

1 Gordy, Sean Gordy, our manager, that's who he has
2 been communicating with.

3 MR. J. GENDERSON: Sure, understood.
4 And you referenced a couple of emails that never
5 were responded to, so that's all I was asking.
6 Jamie's pretty good on emails, so if it was
7 Jamie, that's the appropriate person.

8 CHAIRPERSON ANDERSON: All right,
9 thank you. All right, so we'll bring the hearing
10 to, the hearing regarding Organic remedies to an
11 end. Okay? All right.

12 (Whereupon, the above-entitled matter
13 went off the record at 11:23 a.m.)
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This is to certify that the foregoing transcript

In the matter of: Organic Wellness

Before: DC ABCA

Date: 07-20-23

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.



Court Reporter

NEAL R. GROSS

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