

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

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IN THE MATTER OF: :
 :
BLOOM AT NORTH LLC :
t/a BLOOM@NORTH :
827 Upshur Street NW :
Retailer MC ANC 4C :
License No. 127912 :
Case #24-PRO-00072 :
 :
(New Medical :
Cannabis Application) :
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Monday
July 29, 2024

The Alcoholic Beverage and Cannabis Board met via WebEx videoconference, LaVerne Fletcher, Board's Agent, presiding.

PRESENT:

LAVERNE FLETCHER, ABC Board's Agent

ALSO PRESENT:

ANTONIO BULLOCK, Licensee
CASEY SWEGMAN, ANC 4C
PRINCESS MIRABAL, Protestant
AMBER MAIDEN, Protestant

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

2 10:09 a.m.

3 MS. FLETCHER: The next case on the
4 calendar is Bloom&North. This is Case Number
5 24-PRO-00072, Bloom@North, LLC, 827 Upshur Street
6 NW, License Number ABRA 127912. This is a
7 Retailer Class MC, medical cannabis for a new
8 medical cannabis application. The protest issues
9 in this case are adverse impact on peace, order,
10 and quiet.

11 My name is Laverne Fletcher conducting
12 the roll call hearing as the Board's agent. Is
13 anyone present on behalf of Bloom@North?

14 MR. BULLOCK: Yes, Antonio Bullock of
15 Bloom@North. Good morning.

16 MS. FLETCHER: Good morning, Mr.
17 Bullock. Would you please spell your name for
18 the record?

19 MR. BULLOCK: Antonio, A-N-T-O-N-I-O,
20 last name, Bullock, B-U-L-L-O-C-K.

21 MS. FLETCHER: Thank you very much.

22 Is anyone present on behalf of ANC 4C?

23 MS. SWEGMAN: Yes, I'm here. It's
24 Casey Swegman.

25 MR. BULLOCK: Good morning.

1 MS. FLETCHER: Good morning, Ms.
2 Swegman, would you spell your name for the
3 record, please?

4 MS. SWEGMAN: Yes, ma'am, it's C-A-S-
5 E-Y, last name Swegman, S, like Sam, W-E-G-M,
6 like man, A-N, like Nancy.

7 MS. FLETCHER: Thank you very much.
8 Is anyone else with you today?

9 MS. SWEGMAN: No, just me from 4C01.

10 MS. FLETCHER: Okay, thank you very
11 much.

12 MS. SWEGMAN: Thank you.

13 MS. FLETCHER: ANC 4C does have
14 standing as a protestant.

15 We also have a group of five or more.
16 Is anyone present on behalf of the group of five
17 or more?

18 MS. MIRABAL: I am, Princess Mirabal.

19 MS. FLETCHER: Ms. Mirabal, would you
20 please spell your name for the record?

21 MS. MIRABAL: P-R-I-N-C-E-S-S M-I-R-
22 A-B-A-L, Princess Mirabal.

23 MS. FLETCHER: Thank you very much.
24 Are any other members from you group present
25 today?

1 MS. MIRABAL: No, just myself.

2 MS. FLETCHER: Okay, thank you. Ms.
3 Mirabal, for the medical cannabis cases, at this
4 time only ANCs can file a protest. And so
5 standing can't be granted to your group. But the
6 petition --

7 (Simultaneous speaking.)

8 MS. MIRABAL: Is it not because of my
9 abutting business?

10 MS. FLETCHER: No, it's only because,
11 at this time, only advisory neighborhood
12 commissions can file a protest. But the petition
13 that you hand delivered to me a couple of weeks
14 ago I placed in the file.

15 (Simultaneous speaking.)

16 MS. FLETCHER: Okay, thank you.

17 MS. MIRABAL: Sorry, what does it mean
18 that you placed it in the file?

19 MS. FLETCHER: It means that we have
20 a record that you filed a protest. We have a
21 record that you filed a protest. You don't have
22 standing as a protestant, but I included the
23 document that you submitted into the folder.

24 MS. MIRABAL: And why don't I have
25 standing as an abutting business?

1 MS. FLETCHER: Because at this time,
2 only advisory neighborhood commissions can file a
3 protest. If this wasn't a medical cannabis case,
4 then we could accept your protest as an abutting
5 property owner. But at this time, for the
6 medical cannabis cases, only ANCs can file a
7 protest.

8 MS. MIRABAL: Amber, was that your
9 understanding?

10 Amber is my representation online,
11 here regarding that. And I don't think we
12 understood that in reading.

13 MS. MAIDEN: That was not put in
14 writing. In writing it said that five residents
15 of D.C. could protest. And it didn't say, you
16 know, this only, for medical cannabis, only the 4
17 ANC can protest.

18 That was not clear in the guidance
19 that was posted on the Internet with regard to
20 these kinds of hearings. So it seems like new
21 and arbitrary rules, specifically for medical
22 cannabis shops.

23 MS. FLETCHER: Well, there are
24 regulations related to that which I can send you
25 after the roll call hearing.

1 MS. MIRABAL: I mean, the placard on
2 the building also said that we could -- and it
3 referenced some legalese that we followed
4 regarding that. It referenced --

5 (Simultaneous speaking.)

6 MS. MAIDEN: Yes, it said you have
7 standing if there are five D.C. residents that
8 take issue with the opening of the retail
9 establishment within D.C. So, you know, this is
10 new regulations right now.

11 MS. FLETCHER: Well, they're not new.
12 You weren't aware of them, but I'll send them to
13 you after the roll call hearing. But let me get
14 the name of the other person who's speaking
15 that's not Ms. Miribal so that I'll have a record
16 that you were here today.

17 MS. MAIDEN: Amber Maiden, that's
18 A-M-B-E-R M-A-I-D-E-N.

19 MS. FLETCHER: Miss -- my lighting in
20 here is kind of bad today. Ms. Miribal and Ms.
21 Maiden, you may petition the ABC Board if you are
22 not in agreement with the decision that I've made
23 today. And you can seek standing as a
24 protestant.

25 In your request to seek reinstatement

1 to standing as a protestant, you may explain to
2 the ABC Board everything that you're telling me
3 today. I am the Board's agent. For me, today, I
4 have to make a decision based on what the rules
5 and the regulations are.

6 MS. MIRABAL: Well, which rule are you
7 citing that we can't --

8 MS. FLETCHER: I'll send it to you
9 when I'm done today.

10 MS. MIRABAL: I thought we were going
11 off the provision 25-725 and 25-726. Is that not
12 --

13 MS. FLETCHER: That's not.

14 MS. MIRABAL: -- the provision set
15 forth?

16 MS. FLETCHER: Yes, that's not, but
17 I'll send it to you. The regulations that I'm
18 going to send you are related to medical cannabis
19 only.

20 MS. MIRABAL: And they're recent?
21 They're different than what we read online since
22 June?

23 MS. FLETCHER: Well, I don't know what
24 you read, but I'm going to send you the relevant
25 regulation.

1 MS. MIRABAL: I protest that you guys
2 are not allowing my petition as an abutting
3 business and a resident of Washington, D.C. I did
4 the necessary steps, I went and got multiple
5 signatures from residents that are having the
6 same affliction from the placard that's been
7 posted at 827.

8 So I'd like to know the steps
9 necessary to protest that you guys aren't
10 allowing my petition to go through. Because I
11 met the deadlines, I read the guidelines, my
12 attorney and I did what we needed to do
13 necessary.

14 MS. FLETCHER: And I'm going to send
15 you the regulations, Ms. Miribal. And if you
16 want to, if you decide that you're going to
17 petition the Board for standing as a protestant,
18 you'll have the regulations to refer to as well.

19 Ms. Maiden, did you have anything to
20 add?

21 MS. MAIDEN: Just that the public
22 notice that is stated, I'm reading the public
23 notice that stated, with regard to the opening of
24 a medical cannabis shop states, so this is what
25 is stated. A placard is put up.

1 I'm reading the placard. Notice given
2 that the above named medical cannabis retailer
3 applicant has requested a new license to be
4 located at 827 Upshur Street NW, pursuant to
5 Title 22C of the DCMR.

6 Objectors are entitled to be heard
7 regarding the new license application. Petitions
8 and/or requests to appear before the agency's
9 board must be filed electronically to
10 abclegal@dc.gov on or before the petition
11 deadline.

12 So, like Princess was saying, we
13 looked up how to file a petition, and we followed
14 all of the guidance. So this is news. It
15 doesn't say here that only an ANC can file a
16 protest. It does not say that on the notice.
17 And I would think that, if that was the case, it
18 would state that to stop people from wasting
19 their time. So it's very confusing, and it seems
20 disingenuous.

21 MS. FLETCHER: Well, Ms. Maiden, thank
22 you for that. The Board's agent is not in a
23 position to make an exception to the regulations
24 that I'm going to send you. But --

25 MS. MIRABAL: It seems like you would

1 make that available in advance, knowing that we
2 were sitting here for this petition. But I
3 understand your point.

4 MS. FLETCHER: Yes. And I understand
5 exactly what you're saying as well. The placard
6 notice that you're reading and the information
7 that you just read, Ms. Maiden, that information
8 is provided to you by the licensing division.

9 The licensing division posts the
10 placards, and they get the process started with
11 the posting of that placard. My office is not
12 involved in that part of the process. But my
13 office is responsible for conducting the roll
14 call hearings and making decisions in accordance
15 with what the regulations are.

16 And so I am not in a position to
17 change those, Ms. Miribal or Ms. Maiden. But you
18 may make your concerns known to the agency board
19 beyond today. And I will send you, Ms. Miribal,
20 I will send you the regulations that I'm
21 referring to.

22 MS. MIRABAL: Is it noted that the
23 placard is no longer posted on the building? Is
24 it necessary for them to be up still? How long
25 do they have to be posted?

1 MS. FLETCHER: Well, beyond the
2 petition deadline, they don't have to be posted.
3 So I don't know if they are still posted or not,
4 but they have to stay up until after the petition
5 deadline.

6 MS. MIRABAL: Understood.

7 MS. FLETCHER: And --

8 MS. SWEGMAN: I was just going to ask
9 Ms. Fletcher if it would be possible to include
10 any of the email that you're going to share, the
11 relevant --

12 MS. FLETCHER: Who is speaking for the
13 court reporter, please?

14 MS. SWEGMAN: Oh, this is ANC 4C,
15 Casey Swegman.

16 MS. FLETCHER: And so what was your
17 question?

18 MS. SWEGMAN: Just that it would be
19 great for the ANC to also have the regulation
20 that you're citing related to businesses, and
21 residents, and their ability, or not, to protest
22 medical cannabis retailers.

23 MS. FLETCHER: I'm making a note to
24 send them to you as well.

25 MS. SWEGMAN: Thank you.

1 MS. FLETCHER: You're welcome, one
2 second.

3 So I'll do that. And, Ms. Miribal and
4 Ms. Maiden, if anything changes along the way,
5 I'll be informed, and I'll get back with you.

6 So at this point, the group that
7 you're representing, Ms. Miribal, doesn't have
8 standing. But if some point along the way,
9 you're granted standing, then I'll know and I'll
10 get back to you and provide you with a date for
11 the mediation that I'm going to schedule in a
12 minute.

13 MS. MIRABAL: Casey from the ANC, can
14 I just provide you the information as far as the
15 vagrants and things that we've experienced? I'll
16 provide you a detailed report of the issues as
17 the abutting business we've experienced with 827.
18 I'll send you a detailed email, yes?

19 MS. SWEGMAN: Yes, anything that feels
20 relevant to the ongoing protest, I'm happy to
21 receive it. And the other commissioners will
22 also take a look.

23 MS. MIRABAL: Thank you.

24 MS. FLETCHER: Well, that's a good
25 idea. Thank you. But I think that's everything

1 except -- I've given you the date for the status
2 and protest hearing -- I'm going to give you the
3 date for the status and protest hearing, and then
4 we'll schedule the mediation.

5 The status hearing is August 14 at
6 10:30. The protest hearing is September 11 at
7 1:30. And the next available date for mediation
8 is August the 5th at 11:30. That's the next
9 available day.

10 Mr. Bullock and Ms. Swegman, if that's
11 good for you, we can make it August the 5th at
12 11:30.

13 MR. BULLOCK: I'm available on that
14 date and time.

15 MS. SWEGMAN: I'm not. Yes, I am
16 sorry, this is really tough, having a full time
17 and trying to do this. I am at a conference the
18 5th through the 7th.

19 MS. FLETCHER: Okay. Well, then we
20 can do it on, if you're available we can do it
21 August the 9th.

22 MS. SWEGMAN: Yes.

23 MS. FLETCHER: Is that good for you,
24 Mr. Bullock?

25 MR. BULLOCK: Yes.

1 MS. FLETCHER: If you have a
2 preference for time we can do it anytime between
3 10:30 and 1:30.

4 MR. BULLOCK: That's fine with me.

5 MS. SWEGMAN: The earlier the better
6 for ANC.

7 MS. FLETCHER: Well, then let's make
8 it 10:30.

9 MS. SWEGMAN: Okay. And this is the
10 mediation hearing where the --

11 MS. FLETCHER: This is the mediation.

12 MS. SWEGMAN: Okay.

13 (Simultaneous speaking.)

14 MS. FLETCHER: Yes?

15 MS. SWEGMAN: This is our first time
16 as a commissioner, going through this process.

17 MS. FLETCHER: Yes.

18 MS. SWEGMAN: I can reach out to the
19 office of the ANC for more information about what
20 to expect at that particular meeting. But do you
21 have, like, a overview of what the mediation
22 meeting is?

23 MS. FLETCHER: I do.

24 MS. SWEGMAN: Okay.

25 MS. FLETCHER: I'm the Board's

1 mediator, Ms. Swegman. And what happens at the
2 mediation is the parties have an opportunity to
3 discuss the issues. You will have an opportunity
4 to discuss the concerns of the ANC and Ms.
5 Miribal. She says she's going to provide you
6 with the concerns of her group. And so you'll be
7 in a position to discuss those concerns with Mr.
8 Bullock.

9 MS. SWEGMAN: Yes.

10 MS. FLETCHER: The objective of
11 mediation is to resolve this matter in some way
12 if possible by way of a negotiated settlement
13 agreement if possible. If not, the process keeps
14 moving. There's a status hearing where you
15 report to the Board the status of the case,
16 whether or not it's settled in mediation or not.

17 If it does not resolve in mediation,
18 then the parties go forward for the protest
19 hearing. The mediation is very informal, it's
20 not adversarial. The objective is to resolve the
21 community's concerns to your mutual satisfaction
22 if possible.

23 MS. SWEGMAN: Got it, thank you.

24 MR. BULLOCK: I have a question. Who
25 is speaking, Mr. --

1 MR. BULLOCK: Antonio Bullock.

2 MS. FLETCHER: Yes?

3 MR. BULLOCK: Who all attends this
4 meeting?

5 MS. FLETCHER: The parties who have
6 been granted standing today. Today standing was
7 granted to ANC 4C. So someone from ANC 4C, Ms.
8 Swegman, I suppose, will be attending.

9 MR. BULLOCK: Okay, thank you so much.

10 MS. FLETCHER: And, Ms. Miribal, that
11 gives you all the time that you need to get your
12 concerns over to Ms. Swegman to bring to Mr.
13 Bullock's attention during the mediation.

14 And so if there are not any questions,
15 I'm going to go ahead and conclude the mediation
16 in this matter. And I will send you the WebEx
17 invitation to attend the mediation.

18 MS. SWEGMAN: Okay. And then what was
19 the date for the next one?

20 MS. FLETCHER: Oh, for the status
21 hearing?

22 MS. SWEGMAN: Yes.

23 MS. FLETCHER: The status hearing is
24 scheduled for August 14, yes, for August 14 at
25 10:30 a.m.

1 MS. SWEGMAN: Oh, I'm really sorry,
2 I'm also at another meeting. I am at another
3 conference that day through the 15th.

4 MS. FLETCHER: And so what you can do,
5 well, this would be the same thing as for this.
6 The status hearing takes maybe two or three
7 minutes. So if you want to send someone else to
8 attend the status hearing, you can. If the ANC
9 is not available to attend the status hearing
10 then you would need to petition our office to
11 reschedule the date.

12 MS. SWEGMAN: And I can't do that
13 here? I'm telling you right now.

14 MS. FLETCHER: So on 8/14, that's the
15 Board's calendar. So the Board has to approve
16 that change. That's on the Board's calendar.
17 The date is the Board's agent's calendar.

18 But what you can do, first of all,
19 I'll ask you, Mr. Bullock, would you be in
20 agreement with changing the date of the status
21 hearing? That's the first thing.

22 MR. BULLOCK: All depends on how far
23 the date is down or not --

24 MS. FLETCHER: I'm sorry, what did you
25 say, Mr. Bullock?

1 MR. BULLOCK: It all depends on how
2 far she's talking about pushing the date down.

3 MS. FLETCHER: Well, this is a new
4 application, and so we're not going to push -- we
5 can't push the date but so far. So we have a
6 protest hearing scheduled for September 11th, so
7 there are not a lot of options. The ideal
8 situation is that someone else from ANC 4C --

9 MS. SWEGMAN: They're not going to.
10 I'm sorry, this is not --

11 MS. FLETCHER: But you know what, you
12 know what, Ms. Swegman, I understand. And that's
13 fine on our end.

14 MS. SWEGMAN: Yes.

15 MS. FLETCHER: You can --

16 MS. SWEGMAN: I can do the -- sorry.
17 But you said I should, I have to write, like, an
18 official request?

19 MS. FLETCHER: Well, if Mr. Bullock is
20 in agreement, you can just send an email and make
21 it a joint request. The date of the protest
22 hearing is not going to change. And so the next
23 available day before the protest hearing, the two
24 available, you can make that request.

25 MS. SWEGMAN: Okay. It's really just,

1 like, I'm at a conference for two days, and then
2 I'm available the next day. So, Mr. Bullock,
3 I'll email you, and if we can agree on, like,
4 maybe Friday August 16th,

5 MR. BULLOCK: That's --

6 MS. FLETCHER: So, status hearings are
7 only on Wednesdays.

8 MS. SWEGMAN: Okay, so it would have
9 to be the next Wednesday.

10 MS. FLETCHER: So what did you say,
11 Mr. Bullock?

12 MR. BULLOCK: She has my email --

13 MS. FLETCHER: Okay.

14 MR. BULLOCK: She could just email me
15 whatever date --

16 MS. FLETCHER: So I'll make a note,
17 Ms. Swegman, that you're going to be petitioning
18 the Board to change the date to -- what date are
19 you going to be asking for?

20 MS. SWEGMAN: That, I guess, would be
21 Wednesday the 21st.

22 MS. FLETCHER: The 21st. Okay, so I'll
23 make a note that you're going to be submitting
24 the joint request for the 21st, and you just go
25 ahead and do it. I'll just let them know ahead

1 of time --

2 (Simultaneous speaking.)

3 MS. SWEGMAN: Okay.

4 MS. FLETCHER: Give me one second.

5 Okay, so I've done that, and that's
6 what I'll do.

7 MS. SWEGMAN: Okay, I appreciate it.

8 MS. FLETCHER: Okay. Well, you're
9 welcome. Anything else?

10 MR. BULLOCK: That's it.

11 MS. FLETCHER: Well, thank you for
12 coming, and I will see you on Tuesday, August 9.
13 If you think of anything else, you've got my
14 email address.

15 MS. SWEGMAN: Thank you.

16 MR. BULLOCK: Thank you.

17 MS. FLETCHER: You're very welcome.

18 Thank you for coming to the roll call hearing.

19 And this matter is concluded.

20 (Whereupon, the above-entitled matter
21 went off the record at 10:30 a.m.)

22

23

24

25

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In the matter of: BLOOM@NORTH

Before: DC ABCA

Date: 07-29-24

Place: teleconference

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Court Reporter

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