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EXHIBIT

NO.		ID'd	RCV'd
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1 P-R-O-C-E-E-D-I-N-G-S

2 (9:37 a.m.)

3 CHAIRPERSON ANDERSON: Good morning.

4 We're on the record. Good morning, as
5 chairperson for 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 regularly scheduled meeting of the
10 Alcoholic Beverage and Cannabis Board.

11 This meeting is being conducted
12 pursuant to guidance made available by the
13 District of Columbia's Office of Open Government
14 regarding electronic meetings held by public
15 bodies. Electronic meetings by the ABC Board are
16 authorized pursuant to Section 2577(a) of said DC
17 Code.

18 Pursuant to the OMA requirements,
19 notice of 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 included the time, date, agenda and call-
23 in or log-in information for public
24 participation. This electronic meeting is
25 being hosted by a WebEx account provided by the

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

4 My name is Donovan Anderson and I'm
5 chairperson of the Board. I would like to
6 introduce the other members of the ABC Board who
7 also participating electronically. Please
8 respond when I announce your names. Mr. James
9 Short?

10 MEMBER SHORT: Mr. James Short
11 present.

12 CHAIRPERSON ANDERSON: Mr. Silas
13 Grant?

14 MEMBER GRANT: Mr. Silas Grant
15 present.

16 CHAIRPERSON ANDERSON: The Board has
17 three members in attendance for the conduct of
18 business today and that constitutes a quorum.
19 Before we get underway with today's hearing
20 calendar, I need to make a few instructions very
21 clear so that the conduct of these hearings is
22 understood by everyone.

23 There are actually two cases scheduled
24 for today. Once your case is called, I will take
25 a moment for IT specialists to elevate the right

1 for each party to enable their camera and
2 microphone. Then and only then will you have the
3 ability to enable your equipment.

4 If your case is not being heard, you
5 will remain mute and your camera will be
6 disabled. At the conclusion of each case, the
7 parties will have the option to leave.

8 If the party chooses to stay, all
9 cameras and microphones of the concluded case
10 will be disabled. Should you have any questions
11 or require technical assistance during the
12 hearing, please submit them using the Question &
13 Answer feature.

14 Our first case this morning we have --
15 it's a Cease and Desist. This is for Case No.
16 24-ULC-00001, The Safe House. And this is a
17 request for an expedited hearing on Board Order
18 No. 2024-472. Good morning, Mr. Orellana. Can
19 you please elevate the rights of the party in
20 this case?

21 MR. ORELLANA: Jacobie Whitley, your
22 access has been elevated. Supervisory
23 Investigator Jason Peru, your access has been
24 elevated. And Margaret Villalobos, your access
25 has been elevated. That is all, Chairman.

1 CHAIRPERSON ANDERSON: Thank you.
2 Good morning, everyone. Good morning. Mr.
3 Whitley, can you please spell and state your
4 name, for the record, and your relationship to
5 this case?

6 MR. WHITLEY: Yes, Chairman Anderson.
7 My name is Attorney Jacobie Whitley. That's J-
8 A-C-O-B-I-E, last name W-H-I-T-L-E-Y. And I'm
9 counsel for the Respondents.

10 CHAIRPERSON ANDERSON: Good morning.
11 And Ms. Villalobos, can you please spell and
12 state your name, for the record, and your
13 relationship?

14 MS. VILLALOBOS: My name Margaret
15 Villalobos. That's M-A-R-G-A-R-E-T V-I-L-L-A-L-
16 O-B-O-S. And I am a trustee holder.

17 CHAIRPERSON ANDERSON: So you are a
18 trustee holder for what, ma'am?

19 MS. VILLALOBOS: To The Safe House.

20 CHAIRPERSON ANDERSON: Okay, thank
21 you.

22 MS. VILLALOBOS: In the trust.

23 CHAIRPERSON ANDERSON: All right,
24 thank you. Mr. Peru?

25 MR. PERU: Yes, good morning. Jason

1 Peru, J-A-S-O-N P-E-R-U, Supervisory Investigator
2 with ABCA.

3 CHAIRPERSON ANDERSON: Good morning,
4 sir. All right, good morning again. We're here
5 today at the request of The Safe House CBD
6 Center. The Safe House is located at 335 H
7 Street NE.

8 The Safe House desires to challenge
9 the Board's Cease and Desist order issued on July
10 17th, 2024, specially Board Order No. 2024-504.
11 It led us to review this series of -- led us to
12 today's hearing. I'm sorry, hold on.

13 All right, let us to review this
14 hearing have been -- have led us to today's
15 hearing. On March 15th, 2024, ABCA Supervisory
16 Investigator, Jason Peru, along with other
17 District agencies, inspected 335 H Street NE.

18 And during their inspection, the
19 establishment was found to have engaged in
20 illegal cannabis activity. In response, a
21 warning letter was issued advising of violations
22 regarding the illegal sale and distribution of
23 cannabis.

24 On July 27th, 2024, Supervisory
25 Investigator Peru returned to the premises for a

1 follow-up inspection. Therefore, he found that
2 the establishment was continuing to sell cannabis
3 products containing THC.

4 On July 3rd, 2024 the Board having
5 reviewed the investigative report, 2024-ULC-
6 00001, found that Safe House was operating an
7 illegal establishment and engaging in the illegal
8 sale and distribution of cannabis.

9 Finding that this illegal operation
10 literally threatens the health, safety and
11 welfare of the public, the Board issued its Cease
12 and Desist Order, Board Order No. 2024-474. The
13 Board issued an amended order on July 17th, 2024,
14 Board Order No. 2024-504.

15 On July 29th, 2024, Mr. Whitley, on
16 behalf of Safe House, renewed his request for an
17 expedited hearing pursuant to DC Code Section 7-
18 1671.12(a)(b)(1). The Board scheduled the
19 hearing at its earliest ability.

20 Mr. Whitley, please tell the Board on
21 what grounds that you're challenging the Cease
22 and Desist order. In other words, why should the
23 Cease and Desist Order be lifted?

24 I'm going to -- one thing, one, what I
25 would like you to do, Mr. Whitley, please provide

1 us some clarification of the trust?

2 I don't understand, so just for the
3 record, just provide Ms. Villalobos' -- she's
4 here as a witness for the trust, so explain to us
5 what's this relationship and exactly what is the
6 trust, sir?

7 MR. WHITLEY: Sure. Thank you,
8 Chairman Anderson. So the trust is simply the
9 managing member of The Safe House, LLC. And so,
10 instead of the managing member being an
11 individual, the managing member is simply a
12 trust.

13 CHAIRPERSON ANDERSON: So who --

14 MR. WHITLEY: And the -- I'm sorry,
15 the name of that trust is the SHMO Irrevocable
16 Trust, and Ms. Villalobos is the trustee of that
17 trust.

18 CHAIRPERSON ANDERSON: All right. All
19 right, okay, so let's get back to -- you're here
20 challenging our Cease and Desist Order. So tell
21 us what is -- where are we today, sir?

22 MR. WHITLEY: Okay.

23 CHAIRPERSON ANDERSON: Well, all
24 right, let me explain to you what is going to
25 happen. I'm going to have Mr. Peru -- he -- I'll

1 have some questions to ask him about his
2 investigation, what is it that he has observed.

3 Once I've asked questions, the Board
4 will have an opportunity to ask questions and you
5 will also have an opportunity to ask questions.

6 Once he's done, then you can present
7 your case. I'll have questions that I would like
8 to ask -- excuse me, I guess the
9 ownership/management company regarding -- or the
10 trustee regarding the operation of the business.

11 And then you can provide your response to our
12 Cease and Desist Order.

13 I have read all the pleadings that you
14 filed and so you can further elaborate. Okay?
15 So that's how we'll operate today. But you can
16 just let us know -- just tell us, generally, why
17 are we here today?

18 MR. WHITLEY: Yes, sir. So briefly,
19 the respondents represent, first and foremost,
20 that they are complying with the Cease and
21 Desist. And there is no dry green, leafy
22 substance on the premises. They would like to
23 report that.

24 But the reason that they would like to
25 have this hearing is to get several issues on the

1 record because they believe that the Board's
2 decision was based on a flawed investigation and
3 flawed evidence collection, some erroneous and
4 prejudicial findings.

5 Based on the legal standards and
6 prejudicial errors in the case, we just don't
7 think that the prejudicial errors -- well, the
8 prejudicial errors did have a negative impact on
9 the Board's decision.

10 It seems that the Board may not be
11 aware of or has overlooked compliance and
12 corrective actions by the respondents, so they'd
13 like to those actions out of the record.

14 Also, they would like to set forth
15 arguments that the case law, specifically *Simms*
16 *v. United States* and *Kornegay v. United States* is
17 the case law that contradicts the Board's
18 decisions.

19 So they would just like to illuminate
20 the Board to their business model and business
21 practices and explain why they feel as though the
22 Board made an erroneous decision, and set those
23 facts forth, but also let the Board know that
24 they are complying with the Cease and Desist.

25 And for all those reasons, they'll

1 intend to ask the Board to lift the Cease and
2 Desist.

3 CHAIRPERSON ANDERSON: All right.
4 Thank you, sir. All right. All right, Mr. Peru,
5 can you state your name for the record, please?
6 Well, let me -- you know what, let me swear you
7 in.

8 (Witness sworn.)

9 CHAIRPERSON ANDERSON: Can you state
10 your name for the record, sir?

11 WITNESS TESTIMONY - JASON PERU

12 MR. PERU: Jason Peru, Supervisory
13 Investigator with ABCA.

14 CHAIRPERSON ANDERSON: All right,
15 hold. Can you tell us, what is it -- what are
16 your -- where do you -- well, how long have you
17 worked at the Agency?

18 MR. PERU: I've been with ABCA for 11
19 and a half years.

20 CHAIRPERSON ANDERSON: And what is
21 your -- you said you're a Supervisory
22 Investigator, so tell us, exactly what does that
23 mean?

24 MR. PERU: I'm a Supervisory
25 Investigator in enforcement. I have a team of

1 alcohol investigators that I'm responsible for.
2 And I also conduct inspections of unlicensed and
3 licensed cannabis establishments in DC.

4 CHAIRPERSON ANDERSON: And how long
5 have you been working on the cannabis side of the
6 enforcement?

7 MR. PERU: Since we got the program in
8 October of 2020.

9 CHAIRPERSON ANDERSON: And so tell me,
10 what is it that, specifically, you have been
11 doing since October of 2020 as far as cannabis is
12 concerned?

13 MR. PERU: From October of 2020 up
14 until January of this year, it was a reference to
15 inspections of unlicensed -- I mean, of licensed
16 cannabis retailers and cultivators in the
17 District.

18 And once the laws had changed and the
19 mayor passed new legislation, then we started
20 doing inspections of unlicensed locations. The
21 unlicensed places have always been tracked by
22 myself and the Agency of shops opening in the
23 District, these "I-71 shops" that have been
24 opened in the District.

25 And once the January 29th date came up

1 and the new law passed the reference to
2 unlicensed shops, we started in March doing
3 inspections against unlicensed cannabis
4 businesses.

5 CHAIRPERSON ANDERSON: Now, you said
6 you started doing inspections. Tell us, what
7 does that mean, inspections?

8 MR. PERU: So essentially visiting
9 locations that have advertised or made claims to
10 be unlicensed cannabis operators. And with the
11 joint enforcement team of DLCP, Department of
12 Health and MPD, we've gone into places checking
13 business licenses, checking if their operations -
14 - if they're, in fact, selling cannabis or
15 gifting -- even gifting cannabis.

16 The gifting no longer is -- never
17 really been allowed, but the gifting has -- the
18 new law that passed references unlicensed
19 cannabis, in general, at a business that does not
20 have a cannabis retail license.

21 CHAIRPERSON ANDERSON: So,
22 specifically, as a representative from ABCA, what
23 has been your role?

24 MR. PERU: My role is to essentially -
25 - I kind of lead at the enforcement task force

1 that goes out collecting, starting off by, you
2 know, having a list of locations in the city that
3 are known to be selling cannabis, whether it's
4 via complaints, personal knowledge, other
5 agencies in the neighborhood.

6 The ANCs submit that, and those lists
7 are created based on that. We then choose an
8 area of the city and we then pay visits and
9 conduct inspections. Per the statute, the first
10 phase of actions from ABCA was issued warnings.
11 The warning notice was a 14-day warning that was
12 given to unlicensed businesses.

13 And the progressive action from there
14 would be a follow-up inspection and continued to
15 see if the operations has continued after the
16 warning was given. And then a case report will
17 be generated, like it was in this case, to go to
18 the Board for further actions which, in this
19 case, the Cease and Desist was issued by the
20 Board.

21 CHAIRPERSON ANDERSON: Tell us
22 specifically what is it -- what's in the warning
23 notice?

24 MR. PERU: The warning --

25 CHAIRPERSON ANDERSON: Yeah.

1 MR. PERU: The warning notice advises
2 the establishment that they're in violation of
3 District law for having an unlicensed cannabis
4 operation. And the warning says that they have
5 14 days to come into compliance.

6 Like I tell everybody, they're be two
7 ways to do that. One would be to shut down and
8 the other would be to obtain a license. The
9 licensing process is not overnight; therefore,
10 you would have to apply for a license and go
11 through the process with ABCA to get one.

12 CHAIRPERSON ANDERSON: All right. So
13 are you -- what is the business under review
14 today? And what do you know about this business?

15 MR. PERU: Today, we're referenced to
16 talking about Safe House, which is located at 335
17 H Street NE in Washington, DC.

18 CHAIRPERSON ANDERSON: And how did you
19 become aware of Safe House?

20 MR. PERU: Well, to be honest, long
21 before the inspection occurred, complaints were
22 phoned in from ABCA in reference to what they
23 thought was an unlicensed nightclub because of
24 lines, security, pat downs and loud music being
25 played.

1 So there was several complaints over
2 the course of one period of time, a long period
3 of time, of neighborhoods calling. And every
4 time the Alcohol Enforcement Team would go out,
5 they would drive by and see that it's not an
6 alcohol-licensed business.

7 It was actually a unlicensed cannabis
8 business on H Street, which, you know, for the
9 record, H Street does have multiple unlicensed
10 cannabis shops. So in this particular case, this
11 was unique because I did not go out the first
12 time with the task force because Department of
13 Health went out prior to my visit on March 4th.

14 And Department of Health came back and
15 notified me of their findings. And because Safe
16 House was part of the tracked unlicensed
17 establishments list, I went out by myself on
18 March 15th and spoke with the manager there. And
19 I issued the warning to them at that point in
20 time.

21 CHAIRPERSON ANDERSON: Now, you talked
22 about where the Agency had gotten a complaint
23 from the community because they thought that it
24 was an alcohol establishment because there were
25 lines, security. So explain that to -- you're

1 talking about lines and security. Explain that
2 to us, please.

3 MR. PERU: Well, they have, literally,
4 they have stanchions on the public space
5 sidewalk. And they have -- security has a --
6 conducts winding and pat-downs. So if you walk
7 up -- if you're standing -- if you want to go
8 into Safe House, you would have to first get
9 patted down and show -- I've seen them ask for
10 ID.

11 Then they pat down individuals or they
12 wand them. And then they enter the vestibule,
13 first area of the business. And there's a little
14 sliding window that the guy pops open. I don't
15 know what transaction takes place there, but then
16 they're granted into -- the customers are then
17 granted into the main space where the cannabis is
18 located.

19 CHAIRPERSON ANDERSON: So have you
20 been inside the establishment?

21 MR. PERU: Yes, I have.

22 CHAIRPERSON ANDERSON: So, just
23 describe -- you said -- when was the first time
24 you entered the establishment?

25 MR. PERU: March 15th.

1 CHAIRPERSON ANDERSON: So walk us
2 through your entrance in this. Just walk us
3 through as soon as you got to the door, your --
4 how you entered the establishment.

5 MR. PERU: Well, I identified myself
6 to the security and then to the guy at the
7 window. I asked -- I told them who I was with,
8 you know, that I was there to conduct an
9 inspection. I asked for a manager.

10 After quite a few of delays, because I
11 cannot just walk into the business because the
12 doors are secured and locked, I was finally let
13 in. I entered the establishment. I was
14 introduced to an individual who was told to me to
15 be the manager at the time. He said he was not
16 the owner.

17 And I spoke with him about why I was
18 there. He said he was there when -- or I -- you
19 know what, I can't remember. I can't remember if
20 he was actually there when DC Health came. But I
21 informed him that DC Health was there at a
22 previous date and that I was there to do an
23 inspection.

24 And I explained to him the new laws
25 that were passed, the reference to ABCA,

1 reference to unlicensed businesses, reference to
2 "I-71". I went through everything with him on
3 that. And then, at that point in time, I then
4 issued the warning to him.

5 CHAIRPERSON ANDERSON: Now, did you
6 ever ask for -- you said that this person
7 identified himself as a manager. Did you ever
8 ask for an owner?

9 MR. PERU: I did. I asked him. He
10 called somebody on the phone and, you know,
11 basically, but there were -- even, there was
12 hesitation there. I mean, it was very difficult
13 to get, you know, full information from what's
14 going on.

15 I mean, one thing about these
16 unlicensed locations, Chairman, you have to
17 understand, is that these workers are soldiers to
18 the cause. And I say that to mean they're very
19 loyal to ownership and management and they don't
20 really divulge any information or want to give
21 out phone numbers to anybody to contact, for me
22 to reach out to beyond that.

23 The individual I talked to that day
24 was Marcus Childress. He was the individual who
25 stated that he was the manager. So I used his

1 information, and he's the one that signed for the
2 warning letter as part of my report.

3 Yeah, and I -- once we -- once that
4 occurred, I left the business, and that was it.
5 And I didn't return until a much later date, long
6 past the 14 days.

7 CHAIRPERSON ANDERSON: All right, so
8 did you -- were you able to determine, I guess,
9 on that first visit the ownership structure of
10 the business?

11 MR. PERU: No, I, still to this day.
12 I mean, I know what I've seen online, what I've
13 seen on social medias. I know that her records,
14 you know, that's on the business license, that's
15 how I got Ms. Villalobos' name because she was
16 listed on the business license with the city.

17 That's not -- obviously, not a
18 licensed cannabis shop, but she is listed on the
19 business.

20 CHAIRPERSON ANDERSON: So tell me, you
21 said that they have a business license, though.
22 What is the business and what does the license
23 state?

24 MR. PERU: The business license, I
25 believe -- and I don't want to misspeak -- I

1 believe it was for a general retail license.
2 That seems -- that's the common one. I would
3 have to --

4 CHAIRPERSON ANDERSON: All right.

5 MR. PERU: I can't remember exactly
6 the type that they're listing on --

7 CHAIRPERSON ANDERSON: Okay.

8 MR. PERU: But it was definitely not
9 cannabis.

10 CHAIRPERSON ANDERSON: All right. So
11 tell me, when you entered the business,
12 specifically, what did you see once you entered
13 the location?

14 MR. PERU: I mean, it's a very stark
15 room with cannabis on the shelves, you know,
16 sporadic cannabis products. I honestly did not
17 go to the establishment's main back areas. I saw
18 their storage, where their cannabis is at, but I
19 believe that there's a lot more area to the
20 business.

21 I know a repair man was there for the
22 second floor. I'm not sure what's up there, if
23 it's a residential or commercial. But what I saw
24 was retail items, you know, to purchase. You
25 know, they have a pretty --

1 CHAIRPERSON ANDERSON: I need you to
2 be specific. What retail items? What,
3 specifically? You're saying you saw cannabis. I
4 mean, tell me -- I'm not there. I need you to
5 vividly describe to us what is it that you're
6 seeing and why you're saying you saw cannabis.

7 MR. PERU: Because there was cannabis
8 flower and items that are cannabis that were on
9 display.

10 CHAIRPERSON ANDERSON: So how do you -
11 - tell me, you're saying you see cannabis flower
12 and items. How do you know? Was there any
13 description what these things were? Or you're
14 just saying, well, if -- I see cannabis flower.
15 So, I mean, I need you to tell me more, sir, what
16 is it that you saw.

17 MR. PERU: Items -- flower --

18 CHAIRPERSON ANDERSON: Give us a
19 description.

20 MR. PERU: Flower was packaged in
21 containers stating that it contains THC, what the
22 THC contents are, how many grams they were, if
23 they were hybrids, if they were different
24 descriptions of a cannabis flower and what that
25 product would look like. So it was packaged and

1 labeled as cannabis product, sir.

2 CHAIRPERSON ANDERSON: So you're
3 saying the labels stated that it was cannabis?

4 MR. PERU: Correct.

5 CHAIRPERSON ANDERSON: And are you
6 saying also the label had the THC content? Is
7 that what you're also saying?

8 MR. PERU: Some of the labels that I
9 see, and if you look at my report, the case
10 report, you can see that it says that it contains
11 THC, if it's a hybrid or not and the percentage
12 of that, it does or doesn't contain.

13 CHAIRPERSON ANDERSON: Now, so -- and
14 I know I just asked that question, but what makes
15 you believe that the products that you saw were
16 cannabis?

17 MR. PERU: Well, for 25 years, I've
18 been in enforcement. I've seen a lot of -- I've
19 seen cannabis on the criminal side and working
20 for ABCA. I've been to every district grower in
21 the city. I've seen the cannabis flower.

22 I've seen the complete process of how
23 it's grown, how it's manufactured, how it's
24 produced, how it's packaged. So my experience
25 and knowledge of what cannabis looks like is

1 pretty extensive, sir.

2 CHAIRPERSON ANDERSON: Now, did you
3 ever see the words "Indica" "Sativa" or "Hybrid"?

4 Did you ever see that in any of the packaging
5 that -- any other products that you saw?

6 MR. PERU: Yes, the packaging does
7 state the type of flower and the -- whether it's
8 Indica or Sativa or a hybrid. Some of the
9 packaging did, in fact, detail what the flower
10 is.

11 CHAIRPERSON ANDERSON: All right, so
12 Mr. Peru, you've stated that you've been going in
13 enforcement. And in investigating cannabis, did
14 you -- do you know what cannabis smells like,
15 sir?

16 MR. PERU: I do.

17 CHAIRPERSON ANDERSON: Did you smell
18 cannabis while you were in the store?

19 MR. PERU: Absolutely, of course.
20 Yes, sir.

21 CHAIRPERSON ANDERSON: Well, tell me,
22 explain that to me, sir.

23 MR. PERU: Well, I mean, you -- any --
24 just like when you go into, I mean, whether it's
25 a licensed shop or an unlicensed shop, any shop

1 in the city that's selling cannabis has a very
2 distinct smell, right.

3 If you smelled it once, you know what
4 it is, whether you're walking on the street or
5 you're going into a store. And packaged or not
6 packaged, whether somebody's actually smoking or
7 not, the flower itself has a very aromatic smell
8 that you can -- the minute you enter a place, you
9 can smell it -- sometimes even from the curb or
10 the street you can smell it.

11 CHAIRPERSON ANDERSON: Okay. Now, so
12 was this place a business operating a -- do you
13 know, was this business operating as a retailer?

14 MR. PERU: I'm willing to go and say
15 that they, at some point in time, were a hundred
16 percent maybe gifting because they do have, you
17 know, they advertise -- their logo's pretty
18 extensive.

19 You know, their websites, they have,
20 you know, this gorilla as a logo and whether it's
21 T-shirts or items to be purchased. So, yeah, in
22 the retail sense, there's, you know, retail
23 elements that exist on it.

24 And obviously, by IDs being checked
25 outside, the lines that are formed and then the

1 process to get in with reference to security pat-
2 downs and winding, that does not take place at a
3 Gap or an Old Navy.

4 Clearly, it's a -- there's -- the
5 security is for the safety of the cannabis
6 product and the monies that are involved in that
7 operation.

8 CHAIRPERSON ANDERSON: So tell us a
9 little bit more about the -- you said
10 advertisement. What is -- have you observed or
11 viewed the advertisement for this facility?

12 MR. PERU: Yes, their social media
13 page was active. It was actually, after our
14 visit, they took it upon themselves to post a
15 video of me inside the business with a three-
16 paragraph description of my actions and what I
17 did.

18 And then one of the individuals
19 posted, actually, a video basically saying, that
20 we're back, you can't stop us, kind of scenario.

21 And that's -- so, yes, the advertisements are
22 there.

23 CHAIRPERSON ANDERSON: But so tell me,
24 what is it -- so, if I was to go on their page,
25 what is it -- what's being advertised?

1 MR. PERU: Well, they're -- cannabis.
2 Their page is private. Their social media page
3 is blocked for private access. So you have to be
4 allowed in. But they advertise that they're a
5 cannabis business.

6 I mean, there's no -- I don't think
7 anybody on this call would deny, even the owners,
8 that -- and the attorneys -- that they are a
9 cannabis business, and that's the way they've
10 been operating for some time, for several years.

11 CHAIRPERSON ANDERSON: All right. Now
12 did any of the products that you saw, did they
13 resemble, like, candy, food, beverage or a snack
14 items of any kind?

15 MR. PERU: Not through my visit. And
16 I -- if you look at my report and the Department
17 of Health's report that was attached as an
18 exhibit, like I stated earlier, Department of
19 Health is the one that -- Department of Health
20 that is the -- asked -- flagged it with me and
21 asked me to come through.

22 And Department of Health's -- in fact,
23 I don't know if I threw it in the exhibit. I
24 don't think I had it at the time, the whole
25 report. The Department of Health's report

1 essentially talks that when they were there, that
2 they embargoed "adulterated food items, i.e.,
3 edibles".

4 So during my visit, both -- you know,
5 in all fairness to their, you know, compliance
6 with Health, during my visit and during Health's
7 -- during the second visit with Health, edibles
8 were not seen. But like I stated, there's a lot
9 of areas of the facility that we did not have
10 access to.

11 CHAIRPERSON ANDERSON: Now, you've
12 stated that -- you stated, just to go back to
13 their website that you said that they have a
14 private page, have you, yourself, seen the page?

15 MR. PERU: I have.

16 CHAIRPERSON ANDERSON: And so you're
17 saying that your testimony is based on your
18 direct observation of their page?

19 MR. PERU: Correct.

20 CHAIRPERSON ANDERSON: And it's --
21 you're also stating that, based on your view of
22 the page, they are, at least in your view, that
23 their product -- cannabis has been identified as
24 a product that you can -- that can be provided in
25 the facility. Is that correct?

1 MR. PERU: Yes, sir.

2 CHAIRPERSON ANDERSON: Now I know you
3 talked about their, I guess you said -- was it --
4 tell me, was this an Instagram page you had
5 looked at?

6 MR. PERU: Correct. It's their
7 Instagram page, social media, sir.

8 CHAIRPERSON ANDERSON: All right. Are
9 there -- are you aware of any other pages that
10 they utilize? And is there -- do they have a
11 website?

12 MR. PERU: Early on, I remember seeing
13 a site. I could not find anything recently
14 because the -- I don't if -- what their true name
15 is that they're going off of, whether it's Safe
16 House DC or Safe House CBD Cannabis Center. I'm
17 not sure at this exact juncture.

18 I would have to circle back and do a
19 little more digging or if they can provide the
20 website to me if they have one.

21 CHAIRPERSON ANDERSON: So the only
22 social media page that you have viewed is the
23 Instagram page?

24 MR. PERU: Yes, sir.

25 CHAIRPERSON ANDERSON: And on -- I'm

1 sorry, do you want to saying something?

2 MR. PERU: No, I just wanted to add
3 that last night I had the team that was working
4 night shift supervisor go back and drive by. And
5 he observed security pat-downs, IDs being
6 checked. And this was past 11 o'clock.

7 And he provided me -- he photos of
8 operations last night. So as of last night, 11
9 o'clock p.m. they were operating and they did
10 have a line again.

11 CHAIRPERSON ANDERSON: But you don't
12 know what was going on inside the store because
13 you're basically just talking about what you saw
14 outside the establishment. Is that correct?

15 MR. PERU: Correct, that they were in
16 operation, correct.

17 CHAIRPERSON ANDERSON: But we don't
18 know what they were doing inside?

19 MR. PERU: Correct. No firsthand
20 knowledge of what was happening inside, correct.

21 CHAIRPERSON ANDERSON: I want to go
22 back again to the Instagram page and are there
23 any -- what, specifically, are there references
24 on the Instagram page to hemp, CBD, THC, et
25 cetera?

1 MR. PERU: The Instagram page
2 references just cannabis products in general and
3 some of the -- sometimes there's pop-ups for
4 events, a specific strain that may be available.

5 But, like I said, their post after my
6 visit basically kind of defines == you know, the
7 post talks about our actions there -- or my
8 actions there, that that's not going to stop them
9 from operating.

10 CHAIRPERSON ANDERSON: Now when was
11 the last time you visited the establishment --
12 that you personally visited the establishment,
13 that you were inside the establishment?

14 MR. PERU: The last time I was inside
15 was during our second visit. The -- when I went
16 back to serve the Board's Cease and Desist
17 issuance, I was not granted --

18 CHAIRPERSON ANDERSON: What -- I'm
19 sorry. So tell me, when was the second time,
20 your second visit to -- when was your second
21 visit to the establishment?

22 MR. PERU: On June 27th. Thursday,
23 June 27th, I went out with the complete task
24 group, with DLCP, with Department of Health, with
25 MPD and myself. And that was the time that I was

1 in -- last time I was fully inside the place was
2 on June 27th, and I saw, you know, similar
3 cannabis product on display, packaged and
4 bottled, the way they have it displayed. And
5 that's the last time I was inside.

6 CHAIRPERSON ANDERSON: Was there any
7 difference between -- I think -- I'm sorry. Was
8 there any difference in what you saw on March
9 15th from what you saw on June 27th?

10 MR. PERU: No. No, it was pretty much
11 the same. It wasn't -- yeah, and nothing more,
12 nothing less. It was the same setup from the
13 access area that I could visibly see.

14 CHAIRPERSON ANDERSON: And did you, on
15 your visit on June 27th, did you smell cannabis
16 in the facility?

17 MR. PERU: I did.

18 CHAIRPERSON ANDERSON: Did you see any
19 specific packages that identified the products as
20 cannabis?

21 MR. PERU: Correct, same packaging,
22 yes.

23 CHAIRPERSON ANDERSON: Now, did you
24 see any sales transactions of any kind while you
25 were visiting the facility?

1 MR. PERU: Once we're inside, we
2 don't, for safety reasons and to not cause any
3 kind of additional chaos, would not allow
4 customers inside. MPD watches the door so that -
5 - and, quite frankly, they hold the line the
6 minute we get there anyways.

7 So the line is held, but there was a
8 line, a significant line when we were there doing
9 the second visit. And so no sales transactions
10 were made in front of us.

11 CHAIRPERSON ANDERSON: But did you see
12 cash registers? I mean, how -- what -- were
13 there any cash registers available in the
14 facility?

15 MR. PERU: The area that a guy sits in
16 this little room/booth/office in the front, where
17 the little window's at when you walk in, I did
18 not go into that office space. So one can only
19 assume that either it's cash or some kind of
20 digital currency that's being provided to
21 purchase. But --

22 CHAIRPERSON ANDERSON: You stated that
23 you saw cannabis. Did you ever see any type of
24 retail products available to purchase in the
25 location?

1 MR. PERU: Yeah, I think they had -- I
2 think it was shirts and maybe hats. I can't
3 recall exactly what their extensive line of
4 clothing entailed. But there was definitely some
5 items that were on the shelves.

6 CHAIRPERSON ANDERSON: Did you -- all
7 right, in the area that you had access to, did
8 you see, like any artwork or anything like that?

9 MR. PERU: I can't remember.

10 CHAIRPERSON ANDERSON: All right.
11 Now, has this business applied for a license?

12 MR. PERU: I believe they applied July
13 1st for a conditional license because of the 400-
14 foot rule between retailers. There's a placarded
15 location across the street, and they cannot
16 remain at that address, so I believe they applied
17 for a conditional license.

18 And I believe last time I checked, the
19 Board actually approved a conditional license for
20 this location -- or this business, should I say,
21 not the location.

22 CHAIRPERSON ANDERSON: And so by
23 applying and being approved for a conditional
24 license, specifically, what does this mean for a
25 business?

1 MR. PERU: Well, it does not allow
2 them to operate in any form or capacity as a
3 cannabis or any type of unlicensed retailer. The
4 law is very specific about conditional licenses.

5 They have a year to find a location
6 that would then meet the requirements and
7 criteria. And once they find a location, they
8 can resubmit that back to ABCA and then they can
9 move through the process with ABCA and the Board
10 for full approval.

11 CHAIRPERSON ANDERSON: So can an
12 establishment who has applied for a conditional
13 license, can they sell cannabis?

14 MR. PERU: Absolutely not.

15 CHAIRPERSON ANDERSON: Can they gift
16 cannabis away?

17 MR. PERU: No, they cannot.

18 CHAIRPERSON ANDERSON: Can they do any
19 type of online transaction regarding cannabis?

20 MR. PERU: Absolutely not.

21 CHAIRPERSON ANDERSON: Oh. All right,
22 I might have some other questions. But does any
23 of the Board members have any questions that they
24 -- go ahead, Mr. Short.

25 MEMBER SHORT: Thank you, Mr.

1 Chairman. Good morning, Supervisory Investigator
2 Peru.

3 MR. PERU: Good morning, sir.

4 MEMBER SHORT: Okay, your report, I
5 guess you were there on March 15th, 2024?

6 MR. PERU: Yes, sir.

7 MEMBER SHORT: Excuse me?

8 MR. PERU: Yes.

9 MEMBER SHORT: Okay. Now, something
10 that was stated about a lot of the reports that
11 you did and the reports you submitted to this
12 board regarding the inspection that was taking
13 place on that date I just mentioned, were there
14 any, in your investigative report that you
15 submitted to ABCA and to this board, were there
16 any exhibits that were -- that could clarify some
17 of the testimony you just gave about what you
18 saw?

19 And if you have those exhibits, can
20 you let the public see them on this hearing?

21 MR. PERU: The exhibits were attached
22 as part of report. Exhibits No. 4 -- 3 and 4
23 were photos of the inside and the shelving and
24 the cannabis that was there.

25 MEMBER SHORT: So what you have

1 already testified about, those things will be
2 seen. Can -- is it possible, Mr. Chairman, that
3 we could provide those along with the testimony
4 given today?

5 CHAIRPERSON ANDERSON: Mr. Peru, do
6 you have your report with you with these
7 exhibits?

8 MR. PERU: I do.

9 CHAIRPERSON ANDERSON: Mr. Orellana,
10 can you allow Mr. Peru to share his screen?

11 MR. ORELLANA: Access has been
12 granted.

13 CHAIRPERSON ANDERSON: Thank you. Go
14 ahead, sir.

15 MR. PERU: You can here, this is the
16 report. This is the copy of the warning letter
17 that was served, service form that was signed.
18 Exhibit 4, you can see there, and Exhibit 3 you
19 can see there, of the cannabis product on the
20 shelves. And if --

21 MEMBER SHORT: Describe them --

22 MR. PERU: If I zoom in -- I'm sorry.
23 If I zoom in some, you can see Icy Pop. It
24 shows the brand. It says hybrid. It says -- you
25 can see the words, THC. It's hard to read the

1 exact -- let me see if I can move it up some.

2 Yeah, it's hard to see the percentages
3 of what's listed. But you can see different
4 brands -- Rainbow, Dill, Lemon, Cherry, Gelato
5 and different strains of flower which is, you
6 know Pop.

7 MEMBER SHORT: How would those
8 packages be -- how could you determine, by those
9 packages and the writing on those packages, that
10 that is actually cannabis?

11 MR. PERU: Well, as I was saying,
12 personal knowledge of what cannabis looks like,
13 smells like and then the packaging describing
14 different strains and genetic of cannabis with
15 the, essentially with the description of what's
16 in them.

17 If they're a hybrid, which is a
18 combination of different strains or flowers and
19 then the percentages of the cannabis, that's on
20 there. As you can see, the packaging --

21 MEMBER SHORT: Can you give an
22 estimate of the amount that you saw on display?

23 MR. PERU: No, sir. That's difficult
24 to gauge, and this is only display, right. They
25 have a stockroom around the corner, kind of

1 concealed that they have, where they fill the
2 orders from. And another room that I have not
3 been into, to be honest.

4 So this is very -- this is a minute
5 amount compared to -- you know, this is for sale.

6 So I wouldn't want to give an estimate of that.

7 MEMBER SHORT: Okay. Well, that's a
8 fair answer. The bottom line is these items were
9 for sale. Is that correct?

10 MR. PERU: To my knowledge, yes,
11 they're, I mean, for sale or gift. Either way,
12 the way the law got, statute got changed, you
13 can't give away or sell cannabis in the District.

14 MEMBER SHORT: Explain gifting in
15 reference to this exhibit. How would what I'm
16 looking at on those shelves be distributed to a
17 customer purchasing or being gifted cannabis?

18 MR. PERU: Well, the practice of the
19 "I-71" was that you could gift cannabis by
20 essentially -- you can kind of see, in the left-
21 hand corner here of this picture, you see that
22 there's T-shirts, right.

23 So let's say, for example, I want the
24 \$45 T-shirt or the \$100 T-shirt. I would
25 purchase the T-shirt and then I could choose my

1 gift of cannabis. So I'd be essentially paying
2 for the T-shirt, you know, a \$5 or a \$15 T-shirt,
3 I would be paying \$50 or \$100.

4 And then, bases on what I paid for the
5 T-shirt, I would then be given my choice of my
6 free gift of cannabis, depending on what I spent.

7 MEMBER SHORT: Okay. And you've given
8 the term --

9 MR. WHITLEY: Object.

10 CHAIRPERSON ANDERSON: Who's that?
11 Who's speaking?

12 MR. WHITLEY: Object. Attorney --

13 CHAIRPERSON ANDERSON: I'm sorry, hold
14 -- go ahead, sir.

15 MR. WHITLEY: I was just wondering,
16 going through -- this is confusing --

17 CHAIRPERSON ANDERSON: I'm sorry, hold
18 on. What's the nature of your objection?

19 MR. WHITLEY: Yes, Board Member Short
20 has called for Mr. Peru to give speculative
21 answers. He is not an owner of any store. He's
22 just speculating on what the operations are or
23 how the gifting could occur. But he has no
24 actual knowledge of this, and it's complete
25 speculation.

1 CHAIRPERSON ANDERSON: All right. I
2 mean, you are -- you're correct. But I guess
3 what I'll say is that this is not a court of law.

4 This is an administrative hearing. And as
5 you're aware, the rules are more relaxed here in
6 administrative hearings.

7 So I will allow the question, but as I
8 stated, sir, you're now correct, but because
9 we're doing an administrative hearing, the rules
10 of evidence are not strictly complied with here.

11 There's some that I will take more, but they're
12 not strictly complied with here. So go ahead,
13 Mr. Peru. You can respond to the question.

14 MR. PERU: No, I was -- I think I'm
15 responding in reference to a generalization of
16 Mr. Short's question about I-71 and what that,
17 what gifting was.

18 Specific to the establishment, I'm
19 talking about specifically DC and what DC has and
20 I-71 shops or self-claimed I-71 shops have been
21 operating, under what guides and how they have
22 done that, whether it's T-shirt, hats, glass
23 pipes, merchandise in general, a fee is charged
24 for the merchandise and then the choice of the
25 gift of cannabis then chosen by the customer.

1 That's how that occurs.

2 MEMBER SHORT: And will you please,
3 for the record, describe to the public who's
4 tuning in, who might not be aware of I-71, the
5 legal term, and how it can about to be enforced
6 with the District government -- I-71?

7 MR. PERU: I-71 was a bill that was
8 passed that essentially allowed or permitted --
9 DC voted on allowing recreational use in the
10 District.

11 However, based on the federal
12 government and a Harris Rider that was put in
13 place, the District was not able to move forward
14 on collecting taxes or using funds for I-71
15 shops. I-71 shops use a loophole in the law
16 which reference to gifting and taking away and
17 carrying away as their way to continue to
18 operate.

19 And up until January of this year, or
20 maybe February 1st is a better date to put, City
21 Council and the Mayor's Office did not -- revoted
22 to introduce new legislation that allowed
23 enforcement and does not allow "gifting" or "I-
24 71".

25 MEMBER SHORT: Thank you for that

1 answer. Now, lastly, how many I-71s would you be
2 able to testify about that are operating or have
3 operated in the District of Columbia? How many?

4 MR. PERU: Well, I can tell you how
5 many I visited. I probably visited about 60 at
6 this point, at this juncture. However, my list
7 is triple that. So, and that does not include,
8 you know, online retailers as well that are
9 continuing to operate and doing pickups at
10 locations. So it's quite extensive a number, far
11 more than there are licensed shops in the
12 District, sir.

13 MEMBER SHORT: Thank you very much for
14 your testimony. That's all I have at this time,
15 Mr. Chairman.

16 CHAIRPERSON ANDERSON: Any other
17 questions by any of the board members? Go ahead,
18 Mr. Grant.

19 MEMBER GRANT: Good morning. A
20 couple of questions for you. When you visited
21 The Safe House, you mentioned that you did not go
22 through the entire property.

23 And you may have addressed this when
24 talking to Chairman Anderson, but if you have, I
25 just want to ask again. Was there any reason why

1 you were not able to observe the entire property?

2 MR. PERU: Well, couple things. One,
3 you know, District law says that if you're a
4 licensed business in the District of Columbia,
5 you're subject to a full inspection by DC
6 government agencies.

7 So that would give us, even if it
8 wasn't a cannabis business, Department of Health,
9 DLCP would be allowed to do inspections because
10 it's a business licensed premises, right.

11 However, based on safety, security,
12 you know, and concerns that arise sometimes in
13 these locations, especially -- you know, when you
14 walk into Safe House, you're essentially in a
15 box, right.

16 There's no windows. There's -- the
17 front door is locked by, you know, for controlled
18 access. And the exploration of these businesses
19 to -- the cooperation from employees does not
20 exist. So a locked door an employee does not
21 want to open.

22 And yes, there are means to reference
23 to fire codes and, you know, egress and public
24 safety that could be addressed. However, doing
25 these initial visits, that was not our intention.

1 Our intentions were to -- well, the first
2 intention was to issue a warning and, as I call,
3 in the soft visit to let them know and advise
4 them if they didn't know about the new laws that
5 have changed, this is what they are.

6 And then the follow-up visit is to
7 confirm that they're still in operations which
8 then leads us to this, which potentially, you
9 know, if we get to the next phase, which the
10 mayor signed two weeks ago, which is a reference
11 to padlocking, that we would then cease anything
12 inside the premises and lock the doors of the
13 business, is the final phase.

14 So when we get there, of course, that
15 will be a different scenario. However, in these
16 past two visits, Mr. Grant, that's what occurred.

17 MEMBER GRANT: Couple more questions,
18 one to follow up on the previous question. Do
19 you feel that if you were comfortable and felt
20 safe that being able to observe the additional
21 parts of the property would have given you better
22 results in your initial investigation?

23 MR. PERU: Well, absolutely, you could
24 really see what the operations were and other
25 spaces. If, yeah, to see -- to have a greater

1 understanding of what actually is inside the
2 premises, yes.

3 MEMBER GRANT: Okay. My final
4 questions are related to what you've observed
5 with respect to advertising, specifically online,
6 on social media. Were you able to, when you
7 viewed their social media page, look at comments
8 on the posts?

9 MR. PERU: There -- yeah, there --
10 there's the posting and then there's, you know, a
11 couple people that responded back to their
12 comments, yes.

13 MEMBER GRANT: Okay. With respect to
14 the comments, did you ever view any comments that
15 would have suggested that patrons or potential
16 patrons felt that the product was not cannabis,
17 even though it may have been marketed that way?

18 MR. PERU: No, that the product was
19 not cannabis? No, I did not see that anywhere.

20 MEMBER GRANT: Okay. No further
21 questions.

22 CHAIRPERSON ANDERSON: I just want to
23 follow up on that. And you're going to get a
24 chance, Mr. Whitley. I just want to follow up on
25 that.

1 So if you recall, generally, what are
2 the comments when they're posting and then their
3 comments by the public? What are -- what's
4 being stated?

5 MR. PERU: Pretty positive. They have
6 a pretty strong customer base with them. You
7 know, they -- people follow them. People --
8 everything I saw was positive from the
9 perspective of customers and what they're able to
10 receive.

11 And even after our visit and the
12 posting about my actions, they had support from
13 the -- you know, basically saying, you know, hang
14 in there. You guys will be back. I mean,
15 there's people that support them even through the
16 city's enforcement actions. So yeah, they have a
17 strong positive -- from what I can tell.

18 CHAIRPERSON ANDERSON: No, but, okay.
19 Of course. I mean, folks can -- you want
20 positive comments on your website. But I guess
21 what I'm saying is that, from the comments, are
22 there any indications that they were selling
23 cannabis?

24 That's what -- or gifting cannabis --
25 that's what I'm trying to find out. I mean,

1 there are comments. I mean, if -- of course, if
2 the city goes after a business, of course, folks
3 are going to come out and say whatever.

4 But I guess what I'm -- are there any
5 other comments that you recall, any other
6 comments that specifically relates to their
7 business of, you said, selling or gifting
8 cannabis?

9 MR. PERU: I didn't go through
10 everything. I didn't go through everything so I
11 can't sit here and attest to everything that they
12 posted. You know, I didn't go forensics of their
13 social media. It was hard enough to obtain
14 access. So --

15 CHAIRPERSON ANDERSON: Okay. All
16 right, so let me ask you a question. You had
17 talked about that on the page there were -- they
18 had talked about different events. What events
19 did you see? What events were being advertised
20 that this establishment had?

21 MR. PERU: Well, they just -- you
22 know, they host different, I don't know, maybe
23 cannabis parties. I don't know what to call
24 them. But that's -- you know, a lot of the times
25 when it's busy and the calls on the weekend will

1 come in about noise.

2 I mean, music will be played, you
3 know, and they're just doing, you know, social
4 events. I mean, you know, kind of the is common
5 in this, that I've seen, you know, in the
6 cannabis world. I mean, you know, that they just
7 like, you know, just like a restaurant or, you
8 know, bars, that they host events to, you know,
9 with their followers.

10 And whether it's a brand or a new
11 launch of something, but it's pretty common for
12 them to gather and get together and have these
13 gatherings.

14 CHAIRPERSON ANDERSON: No, but I guess
15 what I'm saying is that, have you viewed one of
16 these advertisements for an event? Have you
17 viewed, and tell what is it that the
18 advertisement states, if you recall.

19 MR. PERU: I don't recall because I
20 don't have --

21 CHAIRPERSON ANDERSON: All right.

22 MR. PERU: If I -- yeah, I don't have
23 exactly that. I can tell you, you know, there's
24 a -- the posting from one of the managers. You
25 know, he posted a video essentially after our

1 visit, talking about that, you know, their
2 business and whatnot.

3 I mean, I can play the video of that's
4 -- you think that's helpful. I don't know if
5 it's, you know, really going to be --

6 CHAIRPERSON ANDERSON: No, that's not
7 necessary.

8 MR. PERU: Sorry.

9 CHAIRPERSON ANDERSON: That's not
10 necessary. Let me ask you. All right, you
11 stated that you -- I think you had alluded
12 earlier that -- oh, let me ask you a question.
13 Did you see at least what you perceived to be
14 more than two ounces of cannabis on the property?

15 MR. PERU: More than two ounces?
16 Well, I didn't weigh anything but if looking at
17 all those bottles and packaging, I'm pretty sure
18 that would possibly turn out to be more than two
19 ounces, if it was weighed.

20 CHAIRPERSON ANDERSON: All right. And
21 you stated -- I think you alluded to say when the
22 Cease and Desist was issued, you did not have
23 access to the property. Explain that, sir.

24 MR. PERU: I was met with resistance
25 from the beginning. I was already a familiar

1 face to security. In fact, one of the security
2 guys recognized me from a nightclub previously
3 where he worked at.

4 And he -- but they still -- very
5 reluctant to cooperate, to even say anything. It
6 took a while to even get the guy to pop open the
7 window and even look at me. And then he told me
8 to wait. And I continued to wait.

9 Nobody would take the Cease and Desist
10 Order from me. A gentleman came, alluded that he
11 was in charge with -- he had a -- just had gotten
12 food. He went -- they opened the door for him,
13 slammed it behind him. He went inside.

14 Once again, no one wanted to take the
15 Cease and Desist from me. And finally, the
16 security guard that I've seen multiple times, I
17 don't think he necessarily knew what document I
18 had in my hand.

19 It wasn't necessary, because there's
20 other ways to serve. You know, I was there.
21 They were notified. But I was just trying to
22 leave that document there with them for ownership
23 so they could have a copy directly as opposed to
24 electronic emails or certified mail.

25 But as I was talking to security, you

1 know, the one security guy told him, hey, don't
2 take that from him. You know, don't touch that
3 paper. You know, they were treating it like it
4 was a, you know, court subpoena saying you've
5 been served.

6 But finally, the gentleman from the
7 back came and took it from the security guy and
8 essentially asked me if I was done, and that was
9 it. And I notified him what that paper was, and
10 we left. So, you know, we didn't force our way
11 to the back or entry, you know. But it was
12 definitely not welcomed. We were not welcome
13 either.

14 CHAIRPERSON ANDERSON: Thank you. All
15 right, I don't have any other questions at this
16 juncture. Mr. Whitley, if you have any questions
17 of Mr. Peru, go ahead, sir.

18 MR. WHITLEY: Mr. Peru, you are a
19 Supervisory Investigator. Correct?

20 MR. PERU: Correct, that's my title.

21 MR. WHITLEY: Okay. And that implies
22 that you supervise other ABCA investigators.
23 Correct?

24 MR. PERU: It does, yes. Correct.

25 MR. WHITLEY: How many agents do you

1 supervise?

2 MR. PERU: I have five.

3 MR. WHITLEY: And are those five
4 agents in the --

5 CHAIRPERSON ANDERSON: Hold on. Mr.
6 Whitley, for some strange reason, I'm not sure if
7 it's me, you're breaking up. So I'm not sure if
8 it was just me, my connection. But I just want
9 to let you know that the question that you're
10 asking didn't come -- at least, I didn't hear the
11 question clearly. So maybe you could ask it
12 again.

13 MR. WHITLEY: Okay, let me repeat
14 that.

15 CHAIRPERSON ANDERSON: All right, so
16 the question -- so you need to repeat the
17 question because your connection broke up, I
18 think, in the middle of your question, sir.

19 MR. WHITLEY: Okay, yes, Chairman.
20 Mr. Peru, how many, of the five agents that you
21 supervise, are those agents cannabis agents or
22 alcohol agents?

23 MR. PERU: Alcohol.

24 MR. WHITLEY: Alcohol? So you don't
25 supervise any cannabis agents?

1 MR. PERU: Currently, no. We're going
2 to hire some.

3 MR. WHITLEY: Okay, so when it comes
4 to cannabis, you are the only investigator?

5 MR. PERU: Give or take, yes.

6 MR. WHITLEY: Give -- what are we
7 giving and what are we taking? Are there others?
8 Or are you the only one?

9 MR. PERU: I'm the only one in
10 enforcement dealing with cannabis at the time.

11 MR. WHITLEY: Okay. And the only one
12 dealing with enforcement so you're also the only
13 investigator for cannabis in the District of
14 Columbia, for ABCA? Correct?

15 MR. PERU: Sure, if you want to put it
16 that way.

17 MR. WHITLEY: All right, and so being
18 such, you're the final decision maker for
19 investigators because you are the only
20 investigator. Correct?

21 MR. PERU: I'm not the final decision
22 maker. The ABCA Board has the final decision.

23 MR. WHITLEY: You know of on the
24 ground decisions, on the ground investigatory
25 decisions, right? ABCA's not making those

1 decisions. You are, right?

2 MR. PERU: I follow the law and I
3 enforce statute and law of enforcement. My cases
4 go to the Board and the Board makes the decision.

5 The warning letter was drafted by Legal,
6 referenced to the laws. The Cease and Desist was
7 drafted and signed by the ABCA Board. I do not
8 make those final decisions.

9 MR. WHITLEY: Okay. Do you make case
10 reports for cannabis investigations on behalf of
11 ABCA?

12 MR. PERU: Correct. I gather
13 information and put them into a document.

14 MR. WHITLEY: And you're the only
15 person at ABCA that does that. Correct?

16 MR. PERU: For cannabis, yes.

17 MR. WHITLEY: Yes, okay. So there's
18 no oversight regarding your reports?

19 MR. PERU: Of course there is.

20 MR. WHITLEY: What is the oversight
21 for your reporting?

22 MR. PERU: The Chief of Enforcement.

23 MR. WHITLEY: Who's that?

24 MR. PERU: And then ABCA Board reviews
25 the reports.

1 MR. WHITLEY: Who is the Chief of
2 Enforcement?

3 MR. PERU: Derek Brooks.

4 MR. WHITLEY: And does Mr. Brooks
5 review all of your case reports?

6 MR. PERU: Correct.

7 MR. WHITLEY: Okay. So when you make
8 a decision to enter an establishment, does Mr.
9 Brooks -- is Mr. Brooks involved in that
10 decision?

11 MR. PERU: I don't understand your
12 question.

13 MR. WHITLEY: So -- okay, so explain
14 to me, on a day like today, how do you go and
15 investigate? Like, do you just drive around and
16 say, oh, I see a -- I think you referred to them
17 as sandwich signs on a sidewalk -- let me go in
18 there? Or do you get a list of areas?

19 I think you spoke earlier about a
20 tracked establishment list. So how do you form
21 or designate what establishment that you will
22 enter to inspect?

23 MR. PERU: So, like I said earlier,
24 the unlicensed list that is compiled comes from
25 multiple sources with complaints from the

1 community, complaints from the city, the personal
2 knowledge of, like you said, drive by and
3 personal knowledge of.

4 So the list is compiled from MPD.
5 MPD, other agencies submit stuff. So there's
6 multiple sources that provide information
7 regarding a "unlicensed illegal business" in the
8 District.

9 And once that -- though that complaint
10 comes in, just like with alcohol, we investigate
11 all complaints. But with cannabis, the list is
12 compiled and sorted by area.

13 So, you know, a reference to make it
14 easier to track how many places on, you know, H
15 Street area, Southeast, Adams Morgan, Georgetown.

16 The list is compiled of these spaces.

17 So when we go out for inspections with
18 a joint task force compiled of other agencies we
19 work off of that list to visit and conduct
20 inspections.

21 MR. WHITLEY: Okay. So while you're
22 working off that list, you could walk passed,
23 like you said, an unlicensed establishment and
24 not inspect it because it's not on your list that
25 day?

1 Or do you circle back or -- because
2 you said your job is in enforcement, right? And
3 so in your duties of enforcement, you are
4 supposed to enforce any cannabis violation that
5 you see. Correct?

6 MR. PERU: If a location is not on my
7 list -- and, like I said, that's another way we
8 find out about new places that are popping up --
9 then, in fact, they're added to my list and, yes,
10 a "circling back" at another date would
11 potentially occur.

12 MR. WHITLEY: So what you're saying
13 is, you only investigate or inspect
14 establishments that make your unlicensed list?

15 MR. PERU: Not only. It's all just
16 circumstances. If we're walking down the street
17 and we have a list of, let's say, eight places
18 and in the middle of that eight, seventh place,
19 sixth place, we come across a location that is
20 clearly selling cannabis and time permits, we
21 will enter and inspect.

22 MR. WHITLEY: Okay. Okay. You do
23 this by area. Correct?

24 MR. PERU: Just because it's easier to
25 get when you're assembling a group of different

1 agencies, you know, having set times and areas to
2 visit. Yes, right now, that's kind of the way
3 it's happening.

4 MR. WHITLEY: Okay. Is one of the
5 areas that you're familiar with the area of 8th
6 Street between, like, the 1200 block and the 300
7 block of 8th Street? Are you familiar with, I
8 guess they call it the 8th Street Corridor? Are
9 you familiar with that?

10 MR. PERU: Absolutely.

11 MR. WHITLEY: Would you say that, in
12 your experience and your knowledge, that there's
13 several, numerous even, unlicensed establishments
14 and licensed establishments in that area?

15 MR. PERU: Probably 10 to 12.

16 MR. WHITLEY: Ten to 12? And all
17 those establishments would come under your
18 purview, right?

19 MR. PERU: Correct.

20 MR. WHITLEY: Okay. And out of those
21 10 to 12 establishments how many of those have
22 you issued Cease and Desists?

23 MR. PERU: Well, the Cease and --
24 well, directly, recently it's just been two that
25 progressive actions are being taken, yourself --

1 MR. WHITLEY: In that area?

2 MR. PERU: Correct.

3 MR. WHITLEY: Okay, so since you're
4 familiar with that area, are you familiar with
5 these stores? I'm just curious, because they
6 have open violations right now. And I was just
7 curious if you were familiar.

8 Street Lawyer, at 409 H Street NW,
9 they have a cannabis display logo. Basically
10 it's a weed leaf on the sign, which violates ABCA
11 policies. Have you issued a citation for that?

12 MR. PERU: I'm aware of that location.

13 MR. WHITLEY: So you're aware of that,
14 you're aware of that logo. But you haven't --
15 but you didn't answer the question. Have you
16 issued a citation, even though --

17 MR. PERU: I'm have to --

18 MR. WHITLEY: -- you obviously --

19 MR. PERU: I'll have to go back and
20 check my -- you're asking me questions that,
21 there's been over 55 or 60 warnings issued
22 against unlicensed businesses. You can, at your
23 own leisure, FOIA all that information, the
24 warnings that have been issued.

25 But I do not have the direct list of

1 every place that I visited. And there are
2 guidelines referenced to places that may have
3 applied due to an unlicensed period back in
4 November.

5 MR. WHITLEY: Okay. New Leaf, 516 H
6 Street, same thing. Has a cannabis display logo
7 which is displayed on a sidewalk sign on the
8 exterior of the store which is visible to the
9 public, violating the law, I believe Title --
10 Chapter 16B of Title 7 of the DC Code.

11 No recollection of a violation, I'm
12 assuming. Correct? You don't remember?

13 MR. PERU: The location you're
14 referring to, I have the recollection of that
15 location because they applied during the
16 unlicensed period, November through January.

17 The got placards. They completed
18 their placarding period and they are in the
19 process of obtaining their cannabis retail
20 license. And that's why --

21 MR. WHITLEY: Who said -- let me stop
22 you at baseline, right. Whether you're
23 unlicensed or licensed, conditional license,
24 semi-licensed -- regardless of where you are in
25 the cannabis space, right, you -- it's -- you're

1 familiar with the law, is that you cannot display
2 any imagery of cannabis whatsoever on the
3 exterior of your location -- or do we have a
4 common baseline there? Is that correct?

5 MR. PERU: I'm familiar with the law,
6 yes.

7 MR. WHITLEY: Right, but the law I
8 just stated, is that correct, that you cannot
9 display a cannabis imagery on the exterior of the
10 location?

11 MR. PERU: That's what the law says,
12 yes.

13 MR. WHITLEY: Yes. So these locations
14 that I'm describing are doing that. And you're
15 telling us that you have not violated them for
16 this infraction that you're telling us that you
17 have seen, that you're telling us you've seen the
18 store. And these violations are part of those
19 stores' logos?

20 MR. PERU: What I'm saying is that not
21 every location in the city has been visited yet.

22 MR. WHITLEY: Just the targeted ones.
23 Great. So moving on, okay, so let's just move
24 on.

25 So your role in ABCA, right, so you

1 said that your role in ABCA is related to
2 enforcement. Correct?

3 MR. PERU: Correct.

4 MR. WHITLEY: Do you have any other
5 roles at ABCA?

6 MR. PERU: Well, I wear several hats.

7 MR. WHITLEY: What are those hats?
8 Describe them, please.

9 MR. PERU: We're talking about
10 enforcement. I don't think that's a question
11 that needs to be answered.

12 MR. WHITLEY: Okay, great,
13 enforcement. May I be elevated to place an
14 exhibit on the screen, please?

15 CHAIRPERSON ANDERSON: You're trying
16 to -- all right. Mr. Orienda -- Orellana, can
17 you please allow Mr. Whitley to share his screen?

18 MR. ORELLANA: Access has been
19 granted.

20 CHAIRPERSON ANDERSON: And Mr.
21 Whitley, I just want to caution you, I mean,
22 since you are an attorney, I need whatever your -
23 - the questions you're asking, what's been
24 elevated needs to be relevant to your case.
25 Okay, sir? All right.

1 MR. WHITLEY: This is relevant. It
2 goes to the credibility of the witness, sir.

3 CHAIRPERSON ANDERSON: All right,
4 well, okay, go ahead. You have the ability, go
5 ahead.

6 MR. WHITLEY: Great, thank you. So
7 Mr. Peru, is your email address
8 jason.peru@dc.gov?

9 MR. PERU: Yep, that's it.

10 MR. WHITLEY: Okay. So on the screen
11 now is an email addressed to you that basically
12 says, someone called me to say that DC ABCA needs
13 more cannabis cultivation and sales locations.
14 And having found me to be an expert on the
15 matter, requested that I send info on the
16 properties above.

17 And so this is someone sending an
18 email to you regarding cannabis locations and
19 asking you to verify cannabis cultivation and
20 sales location, because I guess they're trying to
21 shop around and find the location. We're just
22 trying to make sure you don't have any conflict
23 of interest.

24 But you did -- do you remember seeing
25 -- receiving this email? Or do you receive

1 emails like this often?

2 MR. PERU: MY email address is on
3 every document. A lot of redaction here so I'm
4 not sure exactly what we're referring to.

5 MR. WHITLEY: Okay, what I'm talking
6 about. But you responded to this email, right.
7 And you said, I appreciate you taking the time to
8 send me this information. I can definitely look
9 into that location for you and get back to you.

10 Now, is this part of your enforcement
11 role?

12 MR. PERU: The responding to
13 complaints? Yep.

14 MR. WHITLEY: No, this is not a
15 complaint. This is a request. This person is
16 looking to know, and they're asking you, right.
17 Now the general public has to submit this GIS map
18 to ABCA --

19 MR. PERU: Oh, I --

20 MR. WHITLEY: -- to get licensing,
21 right?

22 MR. PERU: Well --

23 MR. WHITLEY: This is something else,
24 skirting that system and asking you directly to
25 basically verify whether a cultivation center is

1 allowed at a location.

2 MR. PERU: It's just --

3 MR. WHITLEY: I don't think --

4 CHAIRPERSON ANDERSON: Hold on. Hold
5 on. Hold on. Remember, Mr. Peru, remember, you
6 should know better. This is -- we have a court
7 reporter. Let him finish sir, and then you can
8 respond to the question. Go ahead.

9 MR. WHITLEY: So, yes. So this is in
10 regards to someone asking you to find or verify
11 if a cultivation location was acceptable, and you
12 replied to them. So that's different than just a
13 normal request, right?

14 And this does not appear to be
15 enforcement -- or in your enforcement role. Can
16 you explain to us how this is part of your
17 enforcement role?

18 MR. PERU: It's common that -- I don't
19 have to explain the enforcement role. I work for
20 the Agency and it's common that multiple
21 individuals will send a request in to a point of
22 contact, somebody that they've contacted before
23 or spoke with about licensure.

24 I get a call from unlicensed operators
25 on a regular basis asking for guidance in

1 reference to the laws. So it's not uncommon at
2 all in reference to -- and, once again, those
3 requests would then go back to Licensing who
4 then, in fact, do the GIS mapping and the mapping
5 is then created.

6 MR. WHITLEY: Okay, great. Well, it
7 looks like on March 5th, 2024, you responded, I
8 confirm, the location is okay. The adult
9 education center does not apply. See attached
10 map.

11 So it seems like maybe this was just
12 one time. But you curtailed all the steps and
13 you responded, not ABCA. So I just wanted to,
14 like that --

15 MR. PERU: Nothing -- well, I think
16 you're misleading it. It's not curtailed. The
17 map came from Licensing Division. That was then
18 sent to -- once again, all this redaction, I
19 don't know the context of this email at all.

20 All I know is what you're pointing out
21 and what's not redacted, so --

22 MR. WHITLEY: Well, I had --

23 MR. PERU: -- I can't speak on it.

24 MR. WHITLEY: -- to redact the
25 information that wasn't pertinent to you because

1 I don't want retaliation. I don't want you to
2 fine this person and things of this nature.

3 So to protect their personal
4 information is why I redacted it. But I did
5 leave, since you are the testifying witness, I
6 left everything that you said, your name, the
7 dates that you reply in your email address
8 completely unredacted.

9 MR. PERU: Which doesn't give a clear
10 picture of what exactly what was said in the
11 email. So, but yes, this is -- if you're asking
12 the question, yes, it is. It's more -- it
13 happens more than -- about -- I like that people
14 are reaching out to me for everything under the
15 sun.

16 The unlicensed operators asking about
17 how to apply, I can't tell you how many of your
18 unlicensed operators I've had to tell them where
19 to go, to the website was, to apply, fill the
20 application out.

21 So, yes, that -- it is not uncommon,
22 as a employee for the Agency, that I provide
23 information and education to individuals when
24 asked.

25 MR. WHITLEY: Thank you. Have you

1 ever been reprimanded in your role as a
2 Supervisory Investigator for ABCA?

3 CHAIRPERSON ANDERSON: I'm going to
4 object to that question. That's not relevant to
5 the proceeding, to the Cease and Desist, so let's
6 move on, sir.

7 MR. WHITLEY: Chairman, I would
8 respectfully offer that since Mr. Peru is the
9 only testifying witness in this situation, as far
10 as to the Board that relied on for its finding of
11 facts and conclusions of the law, that whether
12 he's been reprimanded does go to the credibility
13 of the witness. So I just wanted to get that
14 objection, just that response out on the record.

15 CHAIRPERSON ANDERSON: And I'm not
16 going to allow that question to be asked. I
17 mean, even if he was, it's not relevant, so it's
18 -- so let's move on.

19 MR. WHITLEY: Yes. Yes, absolutely,
20 Chairman. I just wanted to get the proffer for
21 the record, just in case there's an appeal, where
22 I just want to make sure that everything's on the
23 record.

24 CHAIRPERSON ANDERSON: Sure.

25 MR. WHITLEY: Mr. Peru, are you an

1 expert on cannabis?

2 MR. PERU: I don't think I'm an expert
3 on anything, sir.

4 MR. WHITLEY: No? Okay, great. Was
5 the green leafy substance in the photos in your
6 case report tested to confirm your suspicion that
7 they were cannabis?

8 MR. PERU: It was not, sir.

9 MR. WHITLEY: Okay. So I think we're
10 still showing exhibits on the screen. What I'm
11 now showing are Exhibit No. 5.

12 Actually, Chairman, I apologize. As
13 far as Exhibit No. 6 for the Respondents, Mr.
14 Peru did verify this was his email address. I
15 move to enter Exhibit 6 in as evidence.

16 CHAIRPERSON ANDERSON: All right, so
17 moved, not a problem. What is Exhibit 6,
18 specifically?

19 MR. WHITLEY: Exhibit 6 is the email
20 communication between Supervisory Investigator
21 Peru and a potential owner of a cannabis
22 cultivation facility where they were asking Mr.
23 Peru to verify that location for suitability.

24 CHAIRPERSON ANDERSON: All right.
25 Okay. All right, it's -- Mr. Peru has testified

1 that this is -- it was -- that's his email
2 address, and I'll -- okay, that's fine. So
3 moved.

4 (Whereupon, the above-referred to
5 document was marked for identification and
6 received into evidence as Respondent's Exhibit
7 No. 6.)

8 MR. WHITLEY: Okay.

9 CHAIRPERSON ANDERSON: Let me -- Mr.
10 Whitley, have you provided us with --

11 MR. WHITLEY: Yes.

12 CHAIRPERSON ANDERSON: Have you
13 provided -- when did you -- who did you provide
14 it to?

15 MR. WHITLEY: Yesterday, to ABCA Legal
16 Counsel and also Attorney, General Counsel Martha
17 Jenkins was cc'd to that email as well. I sent
18 the witness list as well.

19 CHAIRPERSON ANDERSON: Okay, that's
20 fine. I just want to make sure that the legal
21 office has this, has the document. That's fine.

22 MR. WHITLEY: Absolutely, Mr.
23 Chairman. What I am now showing you, Mr. Peru,
24 is the exhibits that you were referencing
25 earlier, Exhibit 4 and Exhibit 5, okay. Now,

1 from my viewing, and could you tell me if you can
2 see this, is there any company displayed on these
3 labels?

4 MR. PERU: Company? Not that I can
5 see.

6 MR. WHITLEY: There's no company name?

7 MR. PERU: No that I can see.

8 MR. WHITLEY: So these packages aren't
9 associated with a specific company on the label.
10 Correct?

11 MR. PERU: Correct. In these
12 pictures, I cannot see a company.

13 MR. WHITLEY: Can you see any pricing?
14 I can look around. Do you see any pricing on
15 these labels?

16 MR. PERU: I do not.

17 MR. WHITLEY: During your visits to
18 the Safe House location, did you see pricing on -
19 - anywhere in the store? Did you see any
20 pricing?

21 MR. PERU: Not that I can recollect.

22 MR. WHITLEY: Okay. Would you agree,
23 though, pricing would be more indicative of
24 selling a product. Correct?

25 MR. PERU: With cannabis, most places

1 do not have pricings posted.

2 MR. WHITLEY: Okay. And is that a
3 fact? Or just based off of your experience?

4 MR. PERU: Based on my experience and
5 where I've been to, there's less pricing of
6 cannabis than there actually is menus or cannabis
7 prices. You have to ask and be offered.

8 MR. WHITLEY: Great. You brought a
9 menu. Did you observe any menus during your
10 investigation of Safe House?

11 MR. PERU: No, not to my knowledge.

12 MR. WHITLEY: Okay. And did you open
13 any of these containers?

14 MR. PERU: Absolutely not.

15 MR. WHITLEY: Okay, so you didn't
16 smell -- you didn't open the containers to smell
17 the inside of the containers?

18 MR. PERU: The individual containers?
19 No, I do not break packaging seals.

20 MR. WHITLEY: Okay. So none of the
21 containers were open, none of the contents
22 removed and none of the contents ever tested?

23 MR. PERU: Correct.

24 MR. WHITLEY: Okay.

25 MR. PERU: So therefore -- correct.

1 So that arrests would not have to be made by MPD.

2 MR. WHITLEY: Okay. Because for an
3 arrest to be made by MPD, there has to be
4 probable cause that the substance is actually
5 cannabis. Correct?

6 MR. PERU: The criminal element, they
7 have -- they would test and then they would
8 arrest if, in fact, they had enough to arrest.
9 Correct.

10 MR. WHITLEY: Okay. But that
11 procedure isn't done under your investigations.
12 Correct?

13 MR. PERU: In the -- it has been
14 restricted and trying to get this done in a
15 fashion to where employees are not subject to
16 criminal charges and arrests. So, yes, we have -
17 - it's been agreed upon that to start, in these
18 process of warnings and reinspections, we would
19 not go down that avenue until final closures were
20 occurring.

21 MR. WHITLEY: Okay. You said in your
22 testimony that you could -- or you observed the
23 odor or the smell of cannabis at the location
24 during both of your inspections. But that -- you
25 didn't put the odor or the smell of the cannabis

1 anywhere in your report, did you?

2 MR. PERU: No.

3 MR. WHITLEY: Okay. Is there any
4 reason why you would have left that fact out of
5 your report but included it in your testimony?

6 MR. PERU: I didn't think it was
7 relevant. And in my testimony was a question
8 that I was asked and I answered.

9 MR. WHITLEY: All right, just for the
10 record, so you didn't think if you observed the
11 smell and odor of marijuana, that it was relevant
12 for your report?

13 MR. PERU: You know what, I think
14 that's a good idea. On the next report, maybe I
15 will put that in there because every place I walk
16 into, it smelled like cannabis exists.

17 MR. WHITLEY: Okay, great. Now are
18 you aware or would you agree that there's two --
19 there's at least two different types of smells of
20 cannabis?

21 MR. PERU: I don't know what you're
22 referring to, two types of smells. What does
23 that mean?

24 MR. WHITLEY: Great. Would you agree
25 that the smell of burnt cannabis is different

1 than the smell of unburnt cannabis?

2 MR. PERU: Yeah, I would say that's
3 fair.

4 MR. WHITLEY: Okay, so which odor did
5 you observe?

6 MR. PERU: Flower, unburnt, no smoke.

7 I didn't see any smoke. I didn't smell any
8 smoke.

9 MR. WHITLEY: But you
10 admitted that you never opened a package and you
11 didn't smell the contents of the package?

12 MR. PERU: I smelled the contents of
13 the room. I was asked if -- what it smelled like
14 when I entered. My answer was that, from my
15 experience and knowledge and being at multiple
16 cannabis facilities in the District, growers and
17 whatnot, I know what the smell of flower and
18 cannabis smells like.

19 MR. WHITLEY: Okay. Now, did you
20 independently verify the source of the odor?

21 MR. PERU: I didn't open any packages.

22 The source of the odor was all the cannabis
23 product that was in the store. Did I identify a
24 specific source? No.

25 MR. WHITLEY: Okay. Now, these
exhibits of this green, leafy substance in these

1 packages, did you see anybody interact with this
2 display during either of your visits?

3 MR. PERU: No customers were in the
4 store, so no.

5 MR. WHITLEY: So you got to answer the
6 question, record. But this is kind of a yes or
7 no thing. Did you observe anyone interact with
8 the display in the exhibits that you have in your
9 Exhibit 4 and Exhibit 3? In your case report,
10 did you observe any human person interact with
11 this display?

12 MR. PERU: I can't recall.

13 MR. WHITLEY: Okay. Would looking at
14 your case report refresh your recollection?

15 MR. PERU: No, it would not.

16 MR. WHITLEY: Because it's not in your
17 case report. Correct?

18 MR. PERU: If anybody touched the
19 product, it is not in my report. Correct.

20 MR. WHITLEY: Okay. And also to that,
21 you didn't see on either visit -- you did not
22 personally observe the exchange or transfer of
23 cannabis?

24 MR. PERU: I --

25 CHAIRPERSON ANDERSON: Hold on.

1 Before -- Mr. Whitley, I think that one of the
2 things that Mr. Peru said is that once he's at
3 the site, that the general public is not allowed
4 to enter until they depart, until departure.

5 I think that's what he stated, so I
6 think the record is clear that it's not -- that's
7 not something that Mr. Peru has seen because he
8 did state that once they enter the site, the
9 general public is not allowed to enter.

10 MR. WHITLEY: Yes, Chairman. And I
11 appreciate you bringing that clarity to the
12 record. My line of question is only because, you
13 know, my clients' business is on the line, so
14 pardon my aggression.

15 But I just wanted to be clear that the
16 distinction of no one being in the store, right,
17 that could be a little vague, a little ambiguous.

18 But I wanted to be clear that Mr. Peru did not
19 personally observe the transfer or the -- see,
20 that's what the company's being accused of,
21 right, the exchange/transfer as part of a
22 commercial transaction of cannabis.

23 And I just wanted to make sure that
24 his testimony was that he did not observe that
25 and asked that question specifically. But if

1 you're saying on the record it's already been
2 covered and that's what he said, so be it.

3 CHAIRPERSON ANDERSON: Well, but I
4 think -- this is a Cease and Desist and, I mean,
5 and I think this is not -- there isn't a second
6 portion. I mean, I think the position would be,
7 is that the substantial evidence would indicate
8 that maybe the product is -- the product itself
9 is cannabis.

10 But I don't see that the standard that
11 you are requesting. And I don't believe that, at
12 least at this stage in the process, that the law
13 requires us to meet that standard. But, all
14 right.

15 MR. WHITLEY: Mr. Chairman,
16 you are correct. However, I do have to set the
17 record because if a final decision is made
18 against my client, my client may choose the
19 option of appealing.

20 And then the Appellate Court would
21 have to rely on this testimony. So I just want
22 to make sure that it's clear for that record in
23 case that has to go that way.

24 CHAIRPERSON ANDERSON: Okay.

25 MR. WHITLEY: Would you agree?

CHAIRPERSON ANDERSON: All right, sir.

1 MR. WHITLEY: So Mr. Peru, did you
2 observe large amounts of a green -- of a dry
3 green, leafy substance in the establishment?

4 MR. PERU: I did.

5 MR. WHITLEY: Okay, but just for the
6 record, you don't know how much -- you don't
7 exact weight or measurement?

8 MR. PERU: No, I do not.

9 MR. WHITLEY: Okay, and how many
10 adults do you think were in the establishment
11 before you entered or while you were there? How
12 many adults were on the scene?

13 MR. PERU: Workers, you're referring
14 to?

15 MR. WHITLEY: Or just in the
16 establishment. Well, we established that
17 everything stopped when you got there. So, yes,
18 how many perceived personnel were inside the
19 establishment?

20 MR. PERU: I think three, but I'm not
21 sure.

22 MR. WHITLEY: Three, okay. Now you
23 said that you are familiar with the statutes and
24 regulations in cases in the District regarding
25 cannabis. Correct?

1 MR. PERU: Correct.

2 MR. WHITLEY: Are you familiar with
3 Simms v. United States?

4 MR. PERU: I'm not familiar with that
5 case.

6 MR. WHITLEY: Okay, for the record,
7 Simms v. United States, 244 A.3d 213.218 DC 2021,
8 states the court held in that case that
9 transferring a small amount of marijuana without
10 remuneration, likewise, is treated differently
11 from selling it. Are you familiar with that
12 case? You said --

13 MR. PERU: I am not.

14 MR. WHITLEY: So you're not aware of
15 that, correct, that court holding?

16 MR. PERU: I'm not aware of it.

17 MR. WHITLEY: Okay, so accordingly,
18 you are also unaware that also in that case the
19 court found that, while it remains that
20 prohibitional transfers by sale in quantities of
21 greater than an ounce or to persons under 21, the
22 statute expressly exempts from that prohibition
23 and unambiguously permits unremunerated transfers
24 of an ounce or less of marijuana to an adult.
25 You're not familiar with that?

1 MR. PERU: I'm not.

2 MR. WHITLEY: Okay, so if you're not
3 familiar with that case, how can you make a
4 determination on whether or not cannabis was
5 transferred without remuneration?

6 MR. PERU: I can't. Those words that
7 you said, I cannot say that directly. I know
8 that a licensed business in the District had
9 cannabis on their premises without a license.
10 That's what I can attest to.

11 MR. WHITLEY: Okay. So there's also
12 another case. It's *Kornegay v. United States*.

13 CHAIRPERSON ANDERSON: Mr. Whitley, in
14 your closing you can utilize all the case laws
15 that you want, but I think that Mr. Peru is not a
16 -- he is not an attorney. He stated that the
17 first case you mentioned, he said he's not
18 familiar with.

19 So I believe that those arguments are
20 better for your closing and whatever decision
21 that the Board will make, we --

22 MR. WHITLEY: All right.

23 CHAIRPERSON ANDERSON: -- will
24 consider whatever authority you have to support
25 your position that the Board should lift the

1 Cease and Desist, so I think those --

2 MR. WHITLEY: Okay.

3 CHAIRPERSON ANDERSON: -- that
4 argument's for end. All right, I'm not going to
5 rush --

6 MR. WHITLEY: No, thank you --

7 CHAIRPERSON ANDERSON: Hold on. I'm
8 not trying to rush you. We have -- we do have
9 another case and you still have not presented
10 your arguments and you have a witness, okay, so
11 just keep that in mind, sir, okay?

12 MR. WHITLEY: Yes, sir. I have one
13 final question for Mr. Peru.

14 CHAIRPERSON ANDERSON: Okay, thanks.

15 MR. WHITLEY: Did you make -- Mr.
16 Peru, did you make any inquiries about ROYAL APEZ
17 LLC while in the establishment during either of
18 your inspections?

19 MR. PERU: In reference to what?

20 MR. WHITLEY: ROYAL APEZ LLC.

21 MR. PERU: I'm not familiar with that,
22 ROYAL APEZ.

23 MR. WHITLEY: Okay, give me one
24 second.

25 MR. PERU: Unless it was on a
document somewhere.

1 MR. WHITLEY: So you were inside the
2 establishment. Correct?

3 MR. PERU: Mm-hmm.

4 MR. WHITLEY: So, all right, can you
5 see what I have on the screen?

6 MR. PERU: Mm-hmm. I can.

7 MR. WHITLEY: Okay, is that the -- do
8 you remember seeing this while you were inside
9 the store?

10 MR. PERU: That's probably the place
11 in the store I wasn't allowed access to because I
12 don't remember that.

13 MR. WHITLEY: No, no. This is -- so
14 the picture that you took of the wall --

15 MR. PERU: Yeah, right there?

16 MR. WHITLEY: -- this is literally a
17 180 view. So you were sitting --

18 MR. PERU: Oh, okay.

19 MR. WHITLEY: -- or standing in the
20 center of the place, right?

21 MR. PERU: Okay. Okay. I don't
22 remember that.

23 MR. WHITLEY: So, okay, but you don't
24 remember this big logo?

25 MR. PERU: No, I don't remember the

1 CT, that's why I -- but, yeah, they're probably
2 there, sure. I don't remember it.

3 MR. WHITLEY: Okay. Then do you
4 remember seeing this logo?

5 MR. PERU: I remember seeing the
6 gorilla logo. I can't remember seeing the
7 graffiti.

8 MR. WHITLEY: Okay, so you don't
9 remember seeing the graffiti. All right, that's
10 my last question.

11 CHAIRPERSON ANDERSON: All right,
12 thank you, sir. I don't have -- close your
13 screen, please, sir. I don't have any other
14 questions for Mr. Peru. Does anyone have any --
15 does any of the Board members have any questions
16 for Mr. Peru?

17 Well, hearing none, you are not free
18 to go, Mr. Peru, so just sit -- stand down for a
19 minute. Mr. Whitley, maybe you can tell us how
20 is it that you depend -- how are you moving
21 forward, sir, now?

22 MR. WHITLEY: I have one witness to
23 call, Mr. Khalil Sharif. He was entered on my
24 witness list. I believe he should be present
25 either on the call or video.

1 CHAIRPERSON ANDERSON: Is Mr. Sharif -
2 - Mr. Orellana, is Mr. Sharif, is he online? Or,
3 yes, there he is. So, all right. Mr. Sharif,
4 can you unmute your line and come -- unmute your
5 line and turn your camera on, sir?

6 MR. RILEY: Give me one second,
7 please. I'm having an issues with my camera.
8 I'm sorry.

9 CHAIRPERSON ANDERSON: All right, sir.
10 (Witness sworn.)

11 CHAIRPERSON ANDERSON: All right, Mr.
12 Whitley, can you give us -- let us -- now, all
13 right, give us some background who Mr. Sharif is,
14 please. And --

15 MR. WHITLEY: Yes.

16 CHAIRPERSON ANDERSON: Have him spell
17 and state his name for the record.

18 WITNESS TESTIMONY - SHARIF RILEY

19 MR. WHITLEY: Okay, Mr. Sharif, could
20 you spell and state your first and last name for
21 the record, please?

22 MR. RILEY: Sharif Riley, S-H-A-R-I-F,
23 last name R-I-L-E-Y.

24 MR. WHITLEY: Okay, great. And what
25 is your relationship with The Safe House?

1 MR. RILEY: I'm an art collector. We
2 deal with local artists, local issued artists to
3 ensure that they are properly compensated for
4 their artwork and their intellectual properties.

5 MR. WHITLEY: Okay, may I place some
6 exhibits on the screen real quick, please the
7 Board?

8 CHAIRPERSON ANDERSON: You have that
9 opportunity, sir. It has not been taken away
10 from you.

11 MR. WHITLEY: Okay, great. Thank you.
12 So Mr. Sharif, I have some images on the screen.
13 Could you describe what these images are?

14 MR. RILEY: These are licensing
15 agreements with parties that we carry at The Safe
16 House.

17 MR. WHITLEY: Okay, so is it -- does
18 The Safe House purchase art? And do they also
19 purchase licensing agreements for the art?

20 MR. RILEY: Yes, we do. And we also
21 consign art. We behold artists and customers
22 come through and they can view it in person.

23 MR. WHITLEY: Okay. Mr. Chairman,
24 after the description by Mr. Sharif, I would like
25 to enter Exhibit 1 as an exclusive licensing

1 agreement -- an example of an exclusive licensing
2 agreement and art sold by The Safe House into
3 evidence, please.

4 CHAIRPERSON ANDERSON: Did you
5 previously disclose it? I just want to --

6 MR. WHITLEY: Yes.

7 CHAIRPERSON ANDERSON: All right. All
8 right, fine. You can do that. I mean, do you
9 also have any video that you can provide to us
10 also? Or you don't have that?

11 MR. WHITLEY: No, I don't have any
12 video. I just have all photos.

13 CHAIRPERSON ANDERSON: Okay, fine.
14 Okay, go ahead.

15 MR. WHITLEY: Thank you. All right,
16 so I'm moving on to what we are offering as
17 Exhibit No. 2. Mr. Sharif, can you see the
18 images on my screen?

19 MR. RILEY: Yes.

20 MR. WHITLEY: Okay. And so this
21 appears to be the image from the last, but a
22 little different. Could you tell us about some
23 of the differences with the last image of this
24 astronaut and how it's being displayed here now?
25

1 MR. RILEY: Can you repeat the
2 question again? I'm sorry.

3 MR. WHITLEY: Oh, what's the
4 difference in the last picture that we showed and
5 the picture now? It seems like this picture has
6 some verbiage. Could you explain that?

7 MR. RILEY: Yeah, so that's associated
8 with ROYAL APEZ. It's a separate business that's
9 under our own roof. They deal with empathy, just
10 trying to get the word out, as far as conscious,
11 as far as like cannabis health and just trying to
12 get the word out that as far as their, I guess,
13 story, as far as their background and what
14 they're about.

15 MR. WHITLEY: Okay.

16 CHAIRPERSON ANDERSON: Mr. Whitley, do
17 me a favor, okay, please. I want the record to
18 be clear, so this is about The Safe House, okay,
19 so we issued a Cease and Desist for the Safe
20 House, so.

21 And in reviewing your -- I'd seen some
22 of your filings yesterday. I saw this ROYAL --
23 let me quote the name. Was it ROYAL -- and I
24 think Mr. -- I'm sorry, ROYAL -- what's the name
25 of it? ROYAL what?

1 MR. WHITLEY: ROYAL APEZ, LLC.

2 CHAIRPERSON ANDERSON: Right, ROYAL.
3 So I need you to, before -- I need you to explain
4 it to me because right now I don't see the
5 relevance. I don't know what this ROYAL -- I'm
6 sorry, when it comes to -- I'm sorry, ROYAL what,
7 sir?

8 MR. WHITLEY: ROYAL APEZ, LLC.

9 CHAIRPERSON ANDERSON: Oh, ROYAL APEZ,
10 LLC. I don't see the connection. So maybe you
11 need to explain to us or have --

12 MR. WHITLEY: Yes.

13 CHAIRPERSON ANDERSON: -- him explain
14 to us what's the connection because I'm lost.

15 MR. WHITLEY: Okay. I can have the
16 witness explain. So first of all, is ROYAL APEZ
17 and The Safe House the same company, Mr. Sharif?

18 MR. RILEY: No, they're not.

19 MR. WHITLEY: Okay, do they operate in
20 the same space?

21 MR. RILEY: Yes, they do.

22 MR. WHITLEY: Okay, so both of these
23 entities occupy the same building?

24 MR. RILEY: Correct.

25 MR. WHITLEY: But they are different

1 ownership, different personnel. Is that correct?

2 MR. RILEY: As far as I know, yes.

3 MR. WHITLEY: Okay, and let me see,
4 this image that I was showing Mr. Peru, right
5 here, it seems to be a image of some type of
6 logo. Do you know what that is that I'm showing
7 on the screen now?

8 MR. RILEY: Yes, that's the ROYAL APEZ
9 logo.

10 MR. WHITLEY: Okay, and what is this
11 that I'm showing now?

12 MR. RILEY: That's The Safe House
13 logo.

14 MR. WHITLEY: Okay. So basically,
15 ROYAL APEZ is another entity, separate and apart,
16 from The Safe House, LLC. Is that where we
17 stand, Mr. Sharif?

18 MR. RILEY: Yes, correct.

19 MR. WHITLEY: Okay, now have you ever
20 seen ROYAL APEZ ever give away or handle, if you
21 will, a dry green, leafy substance?

22 MR. RILEY: No, I haven't.

23 MR. WHITLEY: Have you seen The Safe
24 House ever handle or associate with a dry, green
25 leafy substance?

1 MR. RILEY: No, I haven't. We deal
2 mostly with the T-shirts, artwork and events,
3 local artists, street artists.

4 MR. WHITLEY: Okay, did ROYAL APEZ
5 ever utilize any space inside the Safe House?

6 MR. RILEY: Yes, they had a shelf in
7 the store.

8 MR. WHITLEY: They had a shelf in the
9 store?

10 MR. RILEY: Yeah.

11 MR. WHITLEY: Okay, and what was that
12 shelf used for?

13 MR. RILEY: Their displays. I'm not
14 sure exactly what. They were doing it as two
15 separate companies. We just share space.

16 MR. WHITLEY: Okay, so the ROYAL APEZ
17 is what you're saying had shelf space --

18 MR. RILEY: Yes.

19 MR. WHITLEY: -- and utilized the
20 shelf space, whatever their reasoning, whatever
21 their business model was, inside The Safe House?

22 MR. RILEY: Yes, correct.

23 MR. WHITLEY: Okay, and what did The
24 Safe House utilize their displayed shelf space
25 for?

1 MR. RILEY: Artwork, host artist T-
2 shirts, local artists. We do a lot of events
3 just kind to promote unity of DC and H Street.
4 But our -- we have more of DC street art scene,
5 along those lines.

6 MR. WHITLEY: Okay. Now the language
7 on this card, if I may read it in, "Thank you for
8 visiting The Safe House. We appreciate and
9 encourage your interaction and support of art and
10 artists.

11 "To show our appreciation, you may be
12 eligible for a free gift. All free gifts are
13 optional and may be refused. All free gifts are
14 gratuitous and are offered without remuneration
15 and are not part or of or bundled with a
16 commercial sale or commercial transaction.

17 "You must be 21 years or older to be
18 eligible for a free gift. Thank you again for
19 your love and support, Respectfully, ROYAL APEZ,
20 LLC."

21 What does this statement mean to you,
22 Mr. Sharif?

23 MR. RILEY: The statement means if
24 you come in for the art or come in for any
25 retail, you're optional to go over to ROYAL

1 APEZ's area and receive a free gift. I'm not
2 sure what the free gift was. It's optional. You
3 can just come in and get your piece of artwork
4 and leave the store.

5 MR. WHITLEY: Okay, so I'm showing
6 more pictures. Also, thank you for that. After
7 this has been explained, Chairman, I would move
8 that this Exhibit 2, this picture, this artwork,
9 be admitted into evidence as well.

10 CHAIRPERSON ANDERSON: That's so
11 moved.

12 (Whereupon, the above-referred to
13 photo was marked for identification and received
14 into evidence as Respondent's Exhibit No. 2.)

15 MR. WHITLEY: All right, now Mr.
16 Sharif, I'm showing you more pictures. What am I
17 showing you pictures of?

18 MR. RILEY: Pictures of art display T-
19 shirts. Local artists do their own kind of
20 designs for our T-shirts.

21 MR. WHITLEY: Okay. So T-shirts.
22 Okay, and I'm showing you another exhibit. What
23 is this?

24 MR. RILEY: Oh, it's local artists
25 that comes in our shop. Yes, that's all the art

1 that's available for purchase.

2 MR. WHITLEY: And this is more art
3 here?

4 MR. RILEY: Yes.

5 MR. WHITLEY: And this is that same
6 language on the back of all that art?

7 MR. RILEY: Yes, I believe so.

8 MR. WHITLEY: Now, how recent do you
9 believe these pictures are?

10 MR. RILEY: I would say the past
11 couple weeks.

12 MR. WHITLEY: Past couple weeks?

13 MR. RILEY: Yeah, I would think that
14 the --

15 MR. WHITLEY: Would you agree or
16 disagree that these pictures are an accurate
17 representation of the interior The Safe House,
18 LLC or the premises at 335 H Street, Unit A,
19 since July 1st, 2023?

20 MR. RILEY: Yes, I'll agree.

21 MR. WHITLEY: The same thing for this
22 set of pictures. Let me flip through all of
23 them. The same thing with this set of pictures,
24 would you agree that this is also the state and
25 pictures that currently depict The Safe House or

1 the interior of the establishment at 335 H
2 Street, Unit A, on or after July 1st, 2023?

3 MR. RILEY: Yes, I'll agree.

4 MR. WHITLEY: I'm sorry, 2024, July
5 1st of 2024?

6 MR. RILEY: Yes, I'll agree.

7 MR. WHITLEY: Okay. And that's Mr.
8 Peru. Okay, so I'm going to go back over here.
9 So, Mr. Chairman, I would ask that the Board also
10 admit, after Mr. Sharif's testimony about the
11 pictures and stating the accuracy of the pictures
12 and their appearance on or after July 1st, 2024
13 into evidence as well.

14 CHAIRPERSON ANDERSON: So moved.

15 (Whereupon, the above-referred to
16 photos were marked for identification and
17 received into evidence as amended Respondent's
18 Exhibit No. 3.)

19 MR. WHITLEY: And lastly, Mr. Sharif,
20 are you aware or have you ever seen any labels or
21 I should say any prices on any green, leafy
22 substance inside the premises at 335 H Street?

23 MR. RILEY: No, I haven't.

24 MR. WHITLEY: Have you seen anyone
25 exchange money or receive anything in exchange

1 for a green, leafy substance in the premises at
2 335 H Street?

3 MR. RILEY: No, I haven't.

4 MR. WHITLEY: I rest. I have no
5 further questions for the witness.

6 CHAIRPERSON ANDERSON: All right,
7 thank you. Please close the --

8 MR. WHITLEY: I apologize.

9 CHAIRPERSON ANDERSON: No, that's
10 okay. Close the screen. That's all right. I
11 can -- I just want to let you know, Mr. Sharif, I
12 can't see you so I just wanted you to be aware of
13 that.

14 MR. RILEY: Okay.

15 CHAIRPERSON ANDERSON: Actually, all
16 right. So Mr. Sharif, so what is your -- what is
17 the legal relationship between ROYAL APEZ and The
18 Safe House?

19 MR. RILEY: The legal relationship is
20 we share the same space.

21 CHAIRPERSON ANDERSON: And how long
22 have you been sharing the same space, sir?

23 MR. RILEY: Well, I've been there for
24 about a year, so since that time.

25 CHAIRPERSON ANDERSON: So tell me, how

1 did this relationship come about, that you share
2 a space?

3 MR. RILEY: As far --

4 CHAIRPERSON ANDERSON: Yeah, tell me
5 about how did -- tell me how this relationship
6 came about.

7 MR. RILEY: Well, I wasn't there from
8 the beginning of the relationship so I can't
9 really tell you how it started.

10 CHAIRPERSON ANDERSON: All right, so
11 tell me, what is your role with ROYAL APEZ?

12 MR. RILEY: Oh, I have no role with
13 ROYAL APEZ. I work for The Safe House.

14 CHAIRPERSON ANDERSON: I'm sorry.
15 Okay, what is your role with The Safe House?

16 MR. RILEY: My role with The Safe
17 House is to look at art, like local artists,
18 host events, try to get the artists their right
19 royalties and payments for their intellectual
20 properties and just connecting people.

21 CHAIRPERSON ANDERSON: So what is the
22 -- all right, so I'm confused. But, so what
23 products does The Safe House sell?

24 MR. RILEY: We sell T-shirts,
25 postcards, hats and large framed artwork.

1 CHAIRPERSON ANDERSON: The Safe House
2 does that?

3 MR. RILEY: Yes.

4 CHAIRPERSON ANDERSON: So I'm hearing
5 about there's some green leafy substance, so --

6 MR. RILEY: No, that --

7 CHAIRPERSON ANDERSON: Who does this -
8 - who owns this leafy product?

9 MR. RILEY: That's ROYAL APEZ's side
10 of the store. I don't know who owns the actual
11 leafy green products.

12 CHAIRPERSON ANDERSON: You don't know
13 who owns it. But how large is this? Let me ask
14 a question, sir. All right, I heard earlier that
15 you have to go through -- you said you sell
16 artwork. You sell T-shirts. So, but basically a
17 retail store. Is that what you said you are?

18 MR. RILEY: Correct.

19 CHAIRPERSON ANDERSON: So -- and I'll
20 say that I want to Macy's last week to buy some
21 products, to buy some shirts or to pick up some
22 products.

23 I did not go through a security guard.

24 I did not get searched. I didn't get patted
25 down. So why is it that, if I want to go into

1 The Safe House, why do I -- and to purchase art,
2 to purchase a T-shirt -- why do I have to do
3 through a security guard? Why do I have to get
4 patted down to come into an establishment to
5 purchase art or a T-shirt?

6 MR. RILEY: Well, we are in the heart
7 of the nation's capital and this is a very
8 dangerous corridor that the store is on. We have
9 instances where a few of the employees have been
10 attacked. People have pulled knives on people
11 and just a lot of just unwanted actions going on
12 in the store.

13 So we took steps to just make our
14 employees safe and kind of give people a sense of
15 peace in the store.

16 CHAIRPERSON ANDERSON: So you're
17 saying that because you're in an unsafe area,
18 that is why you have this heightened sense of
19 security for T-shirts and art?

20 MR. RILEY: Just the nation's capital
21 and based off of experiences we've had in the
22 store. This gives us more of being retroactive
23 to incidents that have happened.

24 CHAIRPERSON ANDERSON: So what's the
25 most expensive piece of artwork or T-shirt you

1 have there, then?

2 MR. RILEY: Some art -- framed artwork
3 goes for about \$200 and up. It depends. Art is
4 in the eye of the beholder, as we always say, so
5 it really has no value. It's the value that the
6 artist puts on it and it varies from artist to
7 artist.

8 CHAIRPERSON ANDERSON: So what's the
9 most -- so, all right, so what's the most, in
10 your estimation, what's the most expensive piece
11 of art that you have in the establishment?

12 MR. RILEY: I'd say we have one or
13 about \$1,000. Some get \$2,000.

14 CHAIRPERSON ANDERSON: All right, so
15 how long -- okay, how long have you been working
16 for The Safe House?

17 MR. RILEY: For about a year.

18 CHAIRPERSON ANDERSON: Do you know who
19 owns ROYAL APEZ?

20 MR. RILEY: No, I do not.

21 CHAIRPERSON ANDERSON: Do you -- how
22 often are you at The Safe House?

23 MR. RILEY: I would think five or six
24 days out of the week.

25 CHAIRPERSON ANDERSON: Five, six days

1 of the week. And how large is the space that's
2 shared between ROYAL APEZ and The Safe House?

3 MR. RILEY: How large? I can't really
4 give you an estimate as far as, numbers wise. I
5 would say average storefront. It's not a huge
6 space.

7 CHAIRPERSON ANDERSON: It's not a huge
8 space?

9 MR. RILEY: It's more of a narrow
10 corridor space.

11 CHAIRPERSON ANDERSON: All right. And
12 you don't know who operates ROYAL APEZ?

13 MR. RILEY: No, I do not.

14 CHAIRPERSON ANDERSON: And how do I
15 know that -- All right, so let me ask -- All
16 right, so tell me, from your view, with the T-
17 shirts and whatever this -- we saw some pictures.
18 Or I'll -- let me put it that way.

19 We saw some pictures of some products.
20 Whose products are those --

21 MR. RILEY: Oh, that's the --

22 CHAIRPERSON ANDERSON: -- that we saw
23 on those pictures?

24 MR. RILEY: Which pictures are you
25 referring to, sir?

1 CHAIRPERSON ANDERSON: I saw -- on the
2 T-shirts. Mr. Whitley was showing some products
3 on the line of -- there are some containers.
4 There are some jars. Whose products are those
5 that were showing on my screen a couple of
6 minutes ago?

7 MR. RILEY: That's ROYAL APEZ's
8 property.

9 CHAIRPERSON ANDERSON: And what is --
10 so what is in -- so what is that? Tell me what
11 it is.

12 MR. RILEY: What what is?

13 CHAIRPERSON ANDERSON: Those -- the
14 property. Specifically, what is in those jars?
15 What's in the containers?

16 MR. RILEY: I do not know what's in
17 the containers. I haven't opened the containers.
18 I haven't opened the sealed container or bag.

19 CHAIRPERSON ANDERSON: What's it smell
20 like in the business there?

21 MR. RILEY: Smells like a regular
22 store.

23 CHAIRPERSON ANDERSON: Is there -- do
24 you know what cannabis --

25 MR. RILEY: Well --

1 CHAIRPERSON ANDERSON: All right, do
2 you know what cannabis smells like, sir?

3 MR. RILEY: Yes.

4 CHAIRPERSON ANDERSON: Do you smell
5 cannabis in this small space, sir?

6 MR. RILEY: No, I smell -- we burn a
7 lot of incense in there. And I smell plug-ins.

8 CHAIRPERSON ANDERSON: All right.
9 Where else do you sell -- where else -- is this
10 the only location that Safe House sells its
11 products?

12 MR. RILEY: Yes.

13 CHAIRPERSON ANDERSON: And so it's
14 only sold in this establishment. Is that
15 correct?

16 MR. RILEY: As far as my knowledge,
17 yes.

18 CHAIRPERSON ANDERSON: Yes? And is it
19 correct that, if an individual purchases a
20 product from The Safe House that they can get a
21 gift from ROYAL APEZ? Is that correct?

22 MR. RILEY: Right.

23 CHAIRPERSON ANDERSON: And so who
24 tells them that they can -- that they are
25 eligible to receive a gift from ROYAL APEZ?

1 MR. RILEY: I believe the card
2 explains it to them.

3 CHAIRPERSON ANDERSON: The card?

4 MR. RILEY: The card that was on the
5 screen just now, a little while ago.

6 CHAIRPERSON ANDERSON: So, but who's
7 the person who put together -- I guess what I'm
8 trying to say is that, how is it that ROYAL APEZ
9 and The Safe House end up in the same place? How
10 is it that, if I go into The Safe House to
11 purchase a T-shirt or artwork, how is this -- how
12 was it established that I could get a gift from
13 ROYAL APEZ?

14 MR. RILEY: To be honest, I'm not sure
15 how it's established. Like I said, I've only
16 been here a year and The Safe House has been open
17 for couple years, so I'm not sure the origins of
18 any of that.

19 CHAIRPERSON ANDERSON: So you've been
20 working in an establishment for a year and you
21 were told that, okay, if I buy -- if I purchase a
22 piece of merchandise from The Safe House, I could
23 go over to a separate business and get a free
24 gift. Is that correct?

25 MR. RILEY: Correct. But I'm an

1 independent art collector. I came aboard The
2 Safe House to help them with their art
3 collection.

4 CHAIRPERSON ANDERSON: So how much
5 stuff -- okay, so how much art is in the property
6 at any given time?

7 MR. RILEY: Maybe a couple of hundred
8 postcards, a few hundred pictures.

9 CHAIRPERSON ANDERSON: So would you --
10 if I saw one picture of an astronaut and I see a
11 whole lot of T-shirts and other products. So
12 where -- I mean, I didn't -- did you guys have
13 more pictures of all the artwork that's available
14 in The Safe House?

15 MR. RILEY: Oh, yes.

16 MR. WHITLEY: I had them up, Chairman.
17 You want me to put them back on the screen?

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

20 MR. RILEY: But we also have storage
21 areas.

22 CHAIRPERSON ANDERSON: Please, yes.
23 All right.

24 MR. RILEY: We don't keep everything
25 on site. We also have storage facilities for

1 artwork. We can't really keep everything in one
2 place.

3 CHAIRPERSON ANDERSON: All right.

4 MR. RILEY: Other artwork is
5 available.

6 CHAIRPERSON ANDERSON: Okay, so do you
7 know how people -- you've been working there for
8 a year. So how many people work for The Safe
9 House?

10 MR. RILEY: I'm not sure of the exact
11 number. When I'm there, there's probably two
12 other people there. But I'm in and out. I'm not
13 there the entire day.

14 CHAIRPERSON ANDERSON: Do you know how
15 many people work for ROYAL APEZ?

16 MR. RILEY: No, I don't.

17 CHAIRPERSON ANDERSON: You don't know?
18 Do you know who provides security for -- the
19 security that's outside, who are they employed?
20 Are they employed for -- are they employed by The
21 Safe House or from ROYAL APEZ?

22 MR. RILEY: I don't know.

23 CHAIRPERSON ANDERSON: Mr. Sharif, you
24 work in a small store. You've been there for a
25 year. You've been there for at least four to

1 five times a week. And you're the witness today.

2

3 And there's some basic questions that
4 -- about two businesses in a small space. And
5 you're telling me that you don't know anything.
6 I mean, I don't understand how -- who pays you?

7 MR. RILEY: I get paid commission off
8 of, like art sales and, like collaborations with
9 artists.

10 CHAIRPERSON ANDERSON: You get
11 commission, so who provides you the commission?
12 Is it --

13 MR. RILEY: It's direct from the
14 artists.

15 CHAIRPERSON ANDERSON: All right. So
16 how does The Safe House make money?

17 MR. RILEY: Off their art sales and
18 their T-shirts and their promotions. They also
19 host events.

20 CHAIRPERSON ANDERSON: All right, so
21 but you don't get paid by Safe House?

22 MR. RILEY: I get paid off artists.

23 CHAIRPERSON ANDERSON: I'm sorry, you
24 said what?

25 MR. RILEY: I get paid from art

1 commission. I'm with The Safe House.

2 CHAIRPERSON ANDERSON: Now have you
3 ever -- are you familiar with The Safe House's
4 social media page?

5 MR. RILEY: No, I'm not.

6 CHAIRPERSON ANDERSON: You have never
7 been on their -- you've been -- I mean --

8 MR. RILEY: I know they have one but
9 I'm not, like, familiar with it.

10 CHAIRPERSON ANDERSON: So you don't
11 know what's on their web -- their Instagram page,
12 sir?

13 MR. RILEY: I don't control the
14 Instagram.

15 CHAIRPERSON ANDERSON: I didn't ask
16 you, sir, if you controlled it. I said, are you
17 familiar with the page?

18 MR. RILEY: I'm familiar with the
19 page. I've seen the page before, but I'm not --

20 CHAIRPERSON ANDERSON: So, all right,
21 so what is it -- so what's on their page, from
22 your perspective?

23 MR. RILEY: Just videos, memes.

24 CHAIRPERSON ANDERSON: Of what, sir?

25 MR. RILEY: Just, you know, regular

1 Internet jokes. They would get promoting the
2 store, promoting pictures of the store, like of
3 events. They'll have local rappers come through,
4 local artists come through.

5 CHAIRPERSON ANDERSON: So you don't
6 know whether or not they, on their Instagram
7 page, if they promote cannabis in any way?

8 MR. RILEY: I don't think they promote
9 cannabis in any way.

10 CHAIRPERSON ANDERSON: Okay, let me go
11 back. Mr. Peru testified that the containers
12 that were on the -- have you ever looked, sir, at
13 the products that were available at ROYAL APEZ,
14 these products that were on the shelf? Have you
15 ever looked at them, sir?

16 MR. RILEY: Yes, I've seen them.

17 CHAIRPERSON ANDERSON: And do did you
18 ever go over one day and pick up one of the
19 containers to look at it?

20 MR. RILEY: No.

21 CHAIRPERSON ANDERSON: So as far as
22 you know, you don't know what's in -- you're in a
23 store that you've been working in for a year and
24 you have no idea what, if in fact, is in the --
25 is in the containers that's on the shelf?

1 MR. RILEY: Yes, because that's not a
2 product of The Safe House and I've never opened a
3 container or opened anything on the shelves.

4 CHAIRPERSON ANDERSON: And you never -
5 - you have never been curious what is in -- what
6 is it that's on the other side of the room, sir?

7 MR. RILEY: No, not really.

8 CHAIRPERSON ANDERSON: Were you --
9 have you -- were you at the facility when Mr.
10 Peru or any other District agency entered the
11 facility?

12 MR. RILEY: No.

13 CHAIRPERSON ANDERSON: So you've never
14 been there when any of the District agencies have
15 entered the facility, sir?

16 MR. RILEY: No.

17 CHAIRPERSON ANDERSON: Did anyone ever
18 share with you that, you know, ABCA was there or
19 Department of Health was there? They didn't
20 share with you?

21 MR. RILEY: I don't -- no, yeah.

22 CHAIRPERSON ANDERSON: So you -- so do
23 you know why you're here today, sir? Do you know
24 the purpose of this --

25 MR. RILEY: I'm here to speak on the

1 matters of The Safe House and what we do there.

2 CHAIRPERSON ANDERSON: Do you know why
3 ABCA issued a Cease and Desist Order to The Safe
4 House?

5 MR. RILEY: Based on ROYAL APEZ, I
6 believe.

7 CHAIRPERSON ANDERSON: So your view is
8 that you're here -- you don't know why ABCA would
9 ever issue a Cease and Desist Order against The
10 Safe House because all that The Safe House does
11 is that we sell T-shirts and art, and that's all
12 you know. Is that correct, sir?

13 MR. RILEY: Correct.

14 CHAIRPERSON ANDERSON: But how do you
15 know that the products that are available for --
16 the products that are available from ROYAL APEZ,
17 how do you know that they own them? How do you
18 know they own it?

19 MR. RILEY: That they own the product
20 on the shelf?

21 CHAIRPERSON ANDERSON: Yeah.

22 MR. RILEY: Well, that was their part
23 of the store so whatever that was on the shelf, I
24 presumed, was their property.

25 CHAIRPERSON ANDERSON: And so let me

1 ask a question. So a consumer comes in the store
2 and they purchase a piece of art or they purchase
3 a T-shirt, right? Is that correct?

4 MR. RILEY: Correct.

5 CHAIRPERSON ANDERSON: And how do they
6 pay for it?

7 MR. RILEY: They pay at the window for
8 the T-shirts.

9 CHAIRPERSON ANDERSON: They pay at the
10 window for the T-shirts. And who directs them to
11 ROYAL APEZ?

12 MR. RILEY: It's a line that exits out
13 the store and it passes by ROYAL APEZ. So you
14 can pass by ROYAL APEZ and just walk out the
15 store. You don't have to stop at ROYAL APEZ.

16 CHAIRPERSON ANDERSON: But typically,
17 what percentage of the people stop at ROYAL after
18 purchasing one of the product of -- at The Safe
19 House? What percentage of people stop by ROYAL
20 APEZ? Do you know?

21 MR. RILEY: I don't know the
22 percentage.

23 CHAIRPERSON ANDERSON: But you -- it's
24 -- but is it 50 percent? 60 percent?

25 MR. RILEY: Well, the store is

1 crowded. It's a crowded line of people so I
2 don't know who's still shopping or who's at ROYAL
3 APEZ. It's not like two separate lines.

4 CHAIRPERSON ANDERSON: But let me ask
5 you a question, sir. When someone comes in the
6 store, where do they go first? Do they go to
7 ROYAL APEZ or do they go to The Safe House?

8 MR. RILEY: They go to The Safe House.

9 CHAIRPERSON ANDERSON: Well, why would
10 they not to go ROYAL APEZ first?

11 MR. RILEY: I don't know.

12 CHAIRPERSON ANDERSON: Because people
13 go to The Safe House because The Safe House have
14 excellent T-shirts. They have the best artwork.

15 MR. RILEY: It is a social space.

16 CHAIRPERSON ANDERSON: It's a -- what
17 do you mean, it's a social space?

18 MR. RILEY: Well, like I said, we deal
19 with a lot of local artists, like a lot of DC
20 street art. So people come in and just will
21 conversate and talk about what they're dealing
22 and what they're working on.

23 CHAIRPERSON ANDERSON: So what's the
24 most amount of people who can be inside The Safe
25 House at one point?

1 MR. RILEY: I'm not sure of the
2 occupancy for The Safe House.

3 CHAIRPERSON ANDERSON: No, but I'm
4 asking you, like how many people on a typical day
5 you're there, how many people are there?

6 MR. RILEY: It could be 20 people
7 inside.

8 CHAIRPERSON ANDERSON: At one time?

9 MR. RILEY: At one time.

10 CHAIRPERSON ANDERSON: Do you know
11 whether or not the same people who own ROYAL APEZ
12 are the same folks who own The Safe House?

13 MR. RILEY: I don't know.

14 CHAIRPERSON ANDERSON: You don't know?
15 But all you know is you get paid by -- you're
16 not paid directly by The Safe House. You're paid
17 by, directly from commissions from the artists.
18 Is that correct?

19 MR. RILEY: Yes.

20 CHAIRPERSON ANDERSON: All right. I
21 might have some other questions, but do any board
22 members have any other questions that they want
23 to ask? Go ahead, Mr. Grant.

24 MEMBER GRANT: Mr. Sharif, I didn't
25 catch your last name. What's your last name

1 again?

2 MR. RILEY: Riley.

3 MEMBER GRANT: Riley?

4 MR. RILEY: Yes.

5 MEMBER GRANT: Okay, Mr. Riley. Thank
6 you for being here today. You mentioned that you
7 all have security. And when I say you all, my
8 assumption is the combination of ROYAL APEZ and
9 The Safe House.

10 There's security there because of not
11 just assumed public safety issues but actual
12 incidents in the past. Is that correct?

13 MR. RILEY: Correct.

14 MEMBER GRANT: Were any of those
15 incidents reported to MPD?

16 MR. RILEY: I'm not sure.

17 MEMBER GRANT: Okay. In your best
18 estimation, is there a specific product that is
19 causing the potential for public safety concerns
20 in the property?

21 MR. RILEY: Can you say that question
22 again, please?

23 MEMBER GRANT: In your best
24 estimation, is there a specific product that may
25 causing a public safety concern within the

1 property?

2 MR. RILEY: No, not to my knowledge.

3 MEMBER GRANT: Okay. With respect to
4 the public safety in and around the property, do
5 you believe that, based on the current concerns,
6 that this would be a location fit to be able to
7 have products such as art and cannabis on a long-
8 term basis?

9 MR. RILEY: I'm not understanding your
10 question.

11 MEMBER GRANT: Do you believe that,
12 based on your concerns around safety in and
13 around the area, that this location is suitable
14 for the products that are currently being sold or
15 given away at the property?

16 MR. RILEY: I feel like the security
17 is more of a concern with the recent retail
18 thefts, that people just run in places and cause
19 havoc in the city. So I think it's more along
20 that lines, trying to be more proactive than
21 reactive.

22 MEMBER GRANT: Okay. With respect to
23 the average patron who is patronizing both ROYAL
24 APEZ and The Safe House, in the event that
25 someone walks up to you and you're on the sales

1 floor or the general area and they have a
2 question that is ROYAL APEZ specific, do you know
3 who to refer them to?

4 MR. RILEY: Not particularly. I just
5 tell them to go ROYAL APEZ display.

6 MEMBER GRANT: Okay. All right, Mr.
7 Chair, I think those are all of my questions for
8 now.

9 CHAIRPERSON ANDERSON: Thank you. Any
10 questions from -- go ahead, Mr. Short.

11 MEMBER SHORT: Mr. Riley, first of
12 all, good morning, sir.

13 MR. RILEY: Good morning, sir. How are
14 you?

15 MEMBER SHORT: How familiar are you
16 with the operations of all the businesses that
17 are concerned at 355 H Street NW, Washington, DC?

18 MR. RILEY: Your Honor, I'm in tune
19 with The Safe House's business but not ROYAL
20 APEZ.

21 MEMBER SHORT: Are you familiar with
22 any certificate of occupancy for those business
23 licenses that are issued?

24 MR. RILEY: No, I'm not.

25 MEMBER SHORT: Business in the

1 District of Columbia?

2 MR. RILEY: No, I'm not.

3 MEMBER SHORT: Have you ever been
4 associated with any Certificate of Occupancy
5 yourself?

6 MR. RILEY: No.

7 MEMBER SHORT: How long have you been
8 employed by the persons there at 325 H Street?

9 MR. RILEY: I've been there about a
10 year.

11 MEMBER SHORT: Previous to that, what
12 was your occupation?

13 MR. RILEY: I was a Head Chemical
14 Operator for L'Oreal and then I freelanced for
15 street art dealers in New York and New Jersey.

16 MEMBER SHORT: Please repeat that
17 again.

18 MR. RILEY: I was a Chemical Operator
19 for L'Oreal but I also, on the side, I dealt with
20 street art from New Jersey and New York.

21 MEMBER SHORT: So you said a chemical?

22 MR. RILEY: A chemical operator was
23 more my education, and then I got into the art
24 scene.

25 MEMBER SHORT: So in New York, did you

1 do the same type of business that you're doing on
2 H Street here in Washington, DC?

3 MR. RILEY: Oh, in New York, no, I
4 just sold art. I got with local artists and
5 tried to find buyers for their art pieces. We'd
6 do events. We'd do soft openings at restaurants
7 that featured art. We did art collaborations.

8 We would travel down to Miami to the
9 art festivals. So I was just kind of in the arts
10 kind of realm.

11 MEMBER SHORT: So other than art, you
12 have no idea what other businesses operate or how
13 they operate in that space?

14 MR. RILEY: No, I don't know how they
15 operate in the space.

16 MEMBER SHORT: Thank you. That's all
17 I have, Mr. Chair.

18 CHAIRPERSON ANDERSON: Thank you, Mr.
19 Short. Mr. -- I didn't -- Mr. what --

20 MR. RILEY: Riley.

21 CHAIRPERSON ANDERSON: Riley, Mr.
22 Riley. Prior to your working with The Safe House
23 here in DC, have you ever worked with any other
24 establishments in DC, like either alcohol related
25 or cannabis -- or, I'm sorry, any other

1 businesses here in DC, sir?

2 MR. RILEY: No.

3 CHAIRPERSON ANDERSON: No?

4 MR. RILEY: No, sir.

5 CHAIRPERSON ANDERSON: Okay. All
6 right, I don't have any other questions, so Mr. -
7 - let me ask you a question, Mr. Riley.

8 Are you related to any of the
9 management of The Safe House or -- I'm sorry, or
10 ROYAL APEZ?

11 MR. RILEY: No, I'm not.

12 CHAIRPERSON ANDERSON: Okay. All
13 right. All right, Mr. -- before, let me make
14 sure I have no other questions to ask. Hold on.

15
16 Let me ask you Mr. Riley, do you --
17 are you -- do you strictly do the artwork or are
18 you involved with the T-shirts?

19 MR. RILEY: I'm involved with both.

20 CHAIRPERSON ANDERSON: So how much do
21 T-shirts sell for?

22 MR. RILEY: Between \$25 and \$40.

23 CHAIRPERSON ANDERSON: And what type
24 of T-shirts are these?

25 MR. RILEY: They're just like graphic

1 T-shirts.

2 CHAIRPERSON ANDERSON: And so if I
3 purchase a -- so do you know, if I purchase a \$20
4 or a \$20 versus a \$40 T-shirt from The Safe
5 House, do you know what type of gift I can get
6 from ROYAL APEZ?

7 MR. RILEY: No, I don't.

8 CHAIRPERSON ANDERSON: And you don't
9 personally direct -- if someone purchases a T-
10 shirt -- I mean, do you sell the art yourself to
11 -- if someone comes in, do you sell the art to
12 someone?

13 MR. RILEY: Me personally?

14 CHAIRPERSON ANDERSON: Yes.

15 MR. RILEY: No, they purchase the
16 artworks at the window.

17 CHAIRPERSON ANDERSON: So tell me the
18 role that you play inside the -- tell me the role
19 you -- yeah.

20 MR. RILEY: It's, the role I play is
21 getting local artists, their physical artwork
22 into the store and trying to get it sold for
23 them.

24 CHAIRPERSON ANDERSON: But, so if I
25 see a piece of art you can tell me about the art

1 and the artist if I -- say, I was to go in the
2 store. If I see you, you can provide more
3 information to me about the artwork. Is that the
4 role you play when you're in there, sir?

5 MR. RILEY: Yes.

6 CHAIRPERSON ANDERSON: Okay. I don't
7 have any further questions. Mr. Whitley?

8 MR. WHITLEY: I have no further
9 witnesses, Mr. Chairman and the Board.

10 CHAIRPERSON ANDERSON: All right. All
11 right, so, fine. Thank you for that. So what is
12 it that that you want the Board to do today, sir?

13 MR. WHITLEY: In light of the facts
14 discovered on the record today, my clients are
15 asking that the Cease and Desist be lifted.

16 They already have been approved for
17 conditional licenses. They are planning to move
18 their retail location. That location is
19 potentially still viable for their Internet
20 retail.

21 But as they have listed, due to
22 concerns in the area, they still might not even
23 have that Internet retail there.

24 Also, per the Cease and Desist, ROYAL
25 APEZ, they have terminated -- the Respondents

1 report they have terminated their relationship
2 with ROYAL APEZ. We have given, demonstrated
3 pictures that there is no cannabis on the
4 premises anymore, especially -- I'm sorry, any
5 green leafy substances, anything that could have
6 been perceived as cannabis in the store.

7 So they are compliant with any Cease
8 and Desist. They just wanted to get certain
9 facts on the record. I think the testimony from
10 Mr. Peru didn't establish that he personally
11 observed any transfer of cannabis, any exchange
12 of anything for cannabis.

13 He hasn't -- wasn't able to say with
14 certainty or a high degree of certainty at that,
15 that the green leafy substance that was reported
16 was, in fact, actually cannabis. There's been no
17 tests.

18 And so the reporting and the facts
19 based on that is somewhat prejudicial against the
20 Respondents. And that is another reason why
21 they're asking for the Cease and Desist to be
22 lifted.

23 Also, there has been no facts that
24 have shown that the cases in Kornegay and also
25 Simms, that the Respondents have violated any law

1 based on those cases. I did want to highlight
2 this opportunity, since my case law had to be
3 reserved for this moment, that in the Kornegay
4 case, Kornegay v. United States 236 A.3d 4-14.421
5 DC 220, that the court found that the act of
6 putting any object that might be sold or even
7 intended for sale into a container is not
8 commonly understood as making that object
9 available for sale.

10 And that is the only thing, that
11 there's packaging of a green leafy substance --
12 it's the only thing that Agent Peru and, frankly
13 the Board is relying on in its determination that
14 the green leafy substance in those containers was
15 for sale.

16 But that case law contradicts that
17 because there's no supporting evidence. There's
18 no pricing. Again nothing was observed by
19 anyone. No one has reported even touching those
20 containers. So in lieu of Kornegay, it hasn't
21 been proven in the evidence on the record that
22 the green leafy substance was available for sale.

23 Period.

24 Also, it's also made clear in that
25 case that at least in absence of some contrary

1 provision of law, the language in Section 48-
2 904.01(a)(1)(a) would naturally be understood to
3 mean that possession of two ounces or less of
4 marijuana is no longer a crime without regard to
5 whether the possessor intended to distribute the
6 marijuana.

7 Now, we haven't even conclusively
8 determined that the green leafy substance was
9 marijuana but we also haven't determined whether
10 the allegations of which company, whether it's
11 The Safe House, ROYAL APEZ has distributed or
12 made available two ounces or less of specifically
13 marijuana. We haven't gotten that determination.

14 And Mr. Peru couldn't even verify the
15 amount in weights and measures of what he
16 believed was the cannabis to be. So there's no
17 determination whether there was two ounces per
18 person. There's been no determination or
19 discussion about that.

20 Mr. Peru's investigation also failed,
21 even though there was obviously clues, failed to
22 discover the presence of another business. And
23 there was no investigation, no discussion as to
24 the role of that business within the
25 relationship.

1 But only because The Safe House made
2 its way upon a list that the public is now aware
3 of, it was targeted, even though there are other
4 locations that Mr. Peru says that he's observed
5 violations that he did not pursue against those
6 locations.

7 So a culmination of all these events
8 and case law and procedures, basically, I just
9 think that the Board is falling short of making
10 the connection that The Safe House or even ROYAL
11 APEZ participated in the sale or exchange or
12 exchanged cannabis with remuneration or that
13 cannabis was connected to a commercial
14 transaction.

15 Even though that is the allegations
16 and the basis and the conclusions of law that led
17 to the Cease and Desist, the evidence hasn't been
18 displayed that support that decision.

19 And so, based on all of that, again,
20 and also considering that the company is
21 compliant with the Cease and Desist and there
22 hasn't been any evidence at all that it's not
23 compliant -- and Mr. Peru did try to put forth
24 some evidence that some unknown person that
25 clearly was not an agent of his because there are

1 no cannabis agents, even though he sent someone
2 out there at night, even though we don't know who
3 that was.

4 We don't even know if they were an
5 ABCA agent to report that they observed activity
6 but, again, couldn't report what activity that
7 was. So based on all of that, we again believe
8 respectfully that the Cease and Desist should be
9 lifted.

10 CHAIRPERSON ANDERSON: I'll just say
11 to you, Mr. Whitley, you're an attorney and an
12 attorney makes representation. You did not put
13 ownership on the -- we have no testimony from
14 ownership.

15 The one witness that we had, Mr.
16 Riley, clearly stated that he's not an owner of -
17 - he's not an employee of ROYAL APEZ or The Safe
18 House. He stated that I, you know, I get paid
19 from commission.

20 I would ask questions specifically of
21 him. He doesn't know much about the business
22 relationships between the two entities. And so,
23 that's just some things that still are an issue,
24 but that I need to consider.

25 MR. WHITLEY: Well, I will submit that

1 you could easily look at the public records and
2 tell that the ownership isn't the same.

3 CHAIRPERSON ANDERSON: Well, I'm
4 saying, sir, I'm just saying to you that, as an
5 attorney, an attorney can only make
6 representations. And to say this is what the
7 representation's made by from my client, I can't
8 cross-examine you.

9 And in trying to get some
10 clarification from Mr. Riley, Mr. Riley clearly
11 stated that he doesn't know. He doesn't know.
12 So I'm just saying, so the information that the
13 Board has, we -- it has to be based on the
14 representations made by counsel and the testimony
15 made by Mr. Riley.

16 So I'll have to make a decision within
17 that -- we're going to remove the Cease and
18 Desist. So I just want to say that's the
19 information that the Board really utilized to
20 make its determination.

21 Let me see. It's -- I know that
22 you've stated -- you represented that The Safe
23 House has applied for a conditional license and,
24 as you are aware, if you apply for a conditional
25 license, the entity cannot sell cannabis either

1 in its -- the location or as an -- or online
2 until a license is granted.

3 And if ROYAL -- if, based on your
4 representation, I mean, ROYAL APEZ and The Safe
5 House, they are in the same location. So they
6 are in the same location and so, therefore, if an
7 investigator goes into the location and sees
8 products, it's difficult to ascertain exactly who
9 the product belongs to if you're saying that
10 there' really no -- it's not two separate
11 entities.

12 Well, to the general public, I'm not
13 sure if it appears -- if it's apparent that it's
14 two different and separate entities. I don't
15 know because I've not been there. I don't know
16 and actually the testimony presented by Mr. Peru,
17 that's not clear. At least he hasn't provided
18 information to the Board that it's -- that he was
19 aware of that.

20 So these are all -- this is all going
21 to the decision that the Board will utilize, the
22 information that the Board will utilize to make a
23 decision.

24 So with that said, I can officially
25 close the record on this unless you have

1 something else you want to state before I close
2 the record, sir.

3 MR. WHITLEY: I just wanted to clarify
4 that Mr. Peru never listed a website. You said
5 that website activities. And there was no
6 website listed.

7 CHAIRPERSON ANDERSON: Yeah, I never
8 stated that. I'm just making a general statement
9 to -- and I've done that to all. I know you'd
10 said Internet retailers, so I was just making
11 your own statement to say that if the entity
12 applied for a conditional license, until a
13 license is granted, that the entity cannot sell
14 cannabis in a location or on a website.

15 That's all I was just saying, as a
16 general. I'm not saying that this what's being
17 done, but I'm making sure that I let all -- when
18 I have these Cease and Desist Orders, I'm -- and
19 potential licensees, I'm just putting them on
20 notice that they cannot sell, possess or have
21 cannabis either in a location or on the Internet.

22 That's all.

23 That's -- it's not specific to The
24 Safe House. It is just a general -- I just want
25 to advise parties what obligations they have to

1 the Agency if they want to -- if they want the
2 Agency to favorably consider issuing a license to
3 them because of -- to issue a license to them.

4 They need to be aware that, if they're
5 selling it online, you're still selling it. And
6 you can say, well, you know, you come into the
7 store, there's none. But if an investigator goes
8 online and if they can purchase it and it's
9 delivered, then you're still selling it. So it's
10 not specific to The Safe House. It's -- or ROYAL
11 APEZ.

12 It's just a general, to say, this is
13 the state of the law. I want you to be aware of
14 it because you're in front of me. So I have an
15 opportunity to share with you what the state of
16 the law is and to say that I did share with you
17 the state of the law, what your obligations are.

18 So, okay?

19 All right, with that said, let me
20 bring this hearing to closure. As chairperson of
21 the Alcoholic Beverage and Cannabis Board for the
22 District of Columbia and in accordance with DC
23 Official Code 2575 of the Open Meetings Act, I
24 move that ABCA Board hold a closed meeting for
25 the purpose of seeking legal advice from our

1 counsel on Case No. 24-ULC-00001, Safe House,
2 pursuant to DC Official Code Section
3 2575(b)(4)(a) of the Open Meetings Act and
4 deliberating upon Case No. 24-ULC-00001, Safe
5 House, for the reasons cited in DC Official Code
6 Section 2575(b)(13) of the Open Meetings Act. Is
7 there a second?

8 MEMBER SHORT: Mr. Short. I second.

9 CHAIRPERSON ANDERSON: Mr. Short has
10 seconded the motion. We can now take a roll call
11 vote. Mr. Short?

12 MEMBER SHORT: Mr. Short, I agree.

13 CHAIRPERSON ANDERSON: Mr. Grant?

14 MEMBER GRANT: Mr. Grant, I agree.

15 CHAIRPERSON ANDERSON: And Mr.
16 Anderson, I agree. The matter passes. And as it
17 appears that the motion has passed 3:0, I hereby
18 give notice that ABC Board will recess its
19 proceedings to hold a closed meeting pursuant to
20 Section 2575 of the Open Meetings Act.

21 Mr. Whitley, thank you very much for
22 your presentation this morning. The Board will
23 issue a -- we have 30 days to issue a decision
24 but we will issue a decision much more quickly
25 than that. In due course, you will receive a

1 written decision in our position whether or not
2 we will lift the Cease and Desist, okay? Thank
3 you very much, sir. Have a great day.

4 MR. WHITLEY: Thank you.

5 CHAIRPERSON ANDERSON: All right, I
6 know we have another hearing. It is 12:08.
7 We're going to take a 15-minute break. So let's
8 come back on the record at 12 -- what's 15
9 minutes -- so at 12:20. We'll just take a 12-
10 minute break.

11 I know that the other side has been
12 waiting for -- since 11 o'clock. I don't want
13 them to -- I would take a larger break but since
14 I know the other side is here, but I need to take
15 a break, so it's 12:08. We'll come back on the
16 record at 12:25.

17 So we can -- you don't need to sign
18 off. You can just turn your camera on mute and
19 mute your volume and put your camera and we'll
20 come back on the record at 12:25. All right,
21 thanks.

22 (Whereupon, the above-entitled matter
23 went off the record at 12:09 p.m.)
24
25

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Safe House

Before: DC ABCA

Date: 07-30-24

Place: teleconference

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