

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

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IN THE MATTER OF:                   :  
  :  
XXX Distributions,                   :  
t/a Positronics                     :  
1209 10th Street NW, Rear: Roll Call  
Retailer MC - ANC 2G               :  
License #ABRA-127977               :  
Case #24-PRO-00080                 :  
  :  
(New Medical Cannabis               :  
Application)                         :  
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Monday  
August 5, 2024

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

PRESENT:

LAVERNE FLETCHER, ABC Board's Agent

## ALSO PRESENT:

JELENA BUDJEVAV, Protestant  
BETSY FLEMING, Protestant  
RYAN FLEMING, Protestant  
MARCUS JENNINGS, Protestant  
CHARLOTTE KIRKS, Protestant  
TODD LEWIS, Applicant  
LI LI, Protestant  
STEVEN MCCARTY, ANC 2G  
FRANCISCO SANCHEZ, Protestant  
DANIEL SIMS, Applicant  
IAN THOMAS, Protestant's Representative  
PATRICK WELCH, Protestant  
JOHN WILLIAMS, Protestant

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

2 10:07 a.m.

3 MS. FLETCHER: I'm going to move along  
4 to Case No. 24-PRO-00080. This is Positronics,  
5 XXX Distribution, 1209 10 Street, Northwest, in  
6 the rear, License No. ABRA-127977. This is a  
7 Retailer Class MC for a New Medical Cannabis  
8 Application.

9 The protest issues are adverse impact  
10 on peace, order and quiet, parking and traffic,  
11 and over concentration.

12 My name is LaVerne Fletcher,  
13 conducting the roll call hearing as the Board's  
14 agent. Is anyone present on behalf of  
15 Positronics?

16 MR. SIMS: Yes, ma'am. Daniel Sims.

17 MS. FLETCHER: Good morning. Mr.  
18 Sims, would you spell your name for the Court  
19 Reporter, please?

20 MR. SIMS: Certainly. It's D-A-N-I-E-  
21 L, S-I-M-S.

22 MS. FLETCHER: Thank you, Mr. Sims.  
23 Is anyone else present from the establishment?

24 MR. LEWIS: Good morning.

25 MS. FLETCHER: Good morning.

1 MR. LEWIS: Good morning. Todd Lewis  
2 on behalf of Positronics.

3 MS. FLETCHER: Okay. If you could  
4 just state your name one more time and spell it  
5 for the record, please?

6 MR. LEWIS: T-O-D-D. Lewis, L-E-W-I-  
7 S.

8 MS. FLETCHER: Thank you, Mr. Lewis.  
9 Anyone else for Positronics?

10 MR. JENNINGS: Yes. Marcus Jennings.

11 MS. FLETCHER: Okay. State your name  
12 one more time and spell it, please.

13 MR. JENNINGS: Marcus, M-A-R-C-U-S,  
14 Jennings, J-E-N-N-I-N-G-S.

15 MR. SANCHEZ: Ms. Fletcher, my name is  
16 Francisco Sanchez and I'm an advisor to the  
17 group.

18 MR. WELCH: And, Ms. Fletcher, my name  
19 is Patrick Welch.

20 MS. FLETCHER: Excuse me, one second.  
21 Mr. Sanchez, you're a representative for which  
22 group?

23 MR. SANCHEZ: For the group that's  
24 being introduced. Patrick Welch, Marcus  
25 Jennings, Daniel Sims.

1 MS. FLETCHER: Oh, okay. There's a --  
2 I'm hearing some noise in somebody's background.  
3 If you could put yourself on mute, thank you.

4 One second, Mr. Sanchez. And what was  
5 the first name, again?

6 MR. SANCHEZ: Francisco.

7 MS. FLETCHER: Thank you, Mr. Sanchez.  
8 And you're representing Positronics?

9 MR. SANCHEZ: Yes, I'm here as an  
10 advisor to the group.

11 MS. FLETCHER: Oh, okay. To the  
12 individuals who just introduced themselves from  
13 Positronics?

14 MR. SANCHEZ: That's correct.

15 MS. FLETCHER: Thank you. There's  
16 someone else -- was there someone else present on  
17 behalf of Positronics?

18 MR. WELCH: Yes, Ms. Fletcher. My  
19 name is Patrick Welch.

20 MS. FLETCHER: Thank you, Mr. Welch.  
21 Could you spell your name for the Court Reporter,  
22 please?

23 MR. WELCH: Welch, W-E-L-C-H. First  
24 name Patrick, P-A-T-R-I-C-K.

25 MS. FLETCHER: Thank you. Anybody

1 else?

2 Okay, so what I'm going to do now is  
3 find out who's present on behalf of ANC 2C.

4 MR. MCCARTY: Hi, Ms. Fletcher.  
5 Commissioner Steven McCarty for ANC 2G. And  
6 that's Steven, S-T-E-V-E-N, M -- McCarty, C-C-A-  
7 R-T-Y, on behalf of ANC 2G.

8 MS. FLETCHER: Thank you very much.  
9 We also have -- first of all, ANC 2G does have  
10 standing as a protestant.

11 We also have a group of residents. Is  
12 anyone present on behalf of the group of  
13 residents?

14 MR. THOMAS: Good morning, Ms.  
15 Fletcher. Ian Thomas on behalf of the group of  
16 five-plus residents.

17 MS. FLETCHER: Mr. Thomas, could you  
18 spell your name for the Court Reporter, please?

19 MR. THOMAS: Oh, certainly. First  
20 name is I-A-N, last name is T-H-O-M-A-S.

21 MS. FLETCHER: Are there any other  
22 members present from the group today?

23 MR. THOMAS: I believe there should be  
24 at least five on the line.

25 MS. FLETCHER: Well, if each of those

1 --

2 MR. WILLIAMS: Yes, Ms. Fletcher --

3 MS. FLETCHER: Yes?

4 MR. WILLIAMS: John Williams.

5 MS. FLETCHER: Spell your name, Mr.  
6 Williams, please.

7 MR. WILLIAMS: J-O-H-N. Williams, W-  
8 I-L-L-I-A-M-S.

9 MS. FLETCHER: Thank you. And the  
10 next person?

11 MS. KIRKS: Charlotte Kirks.

12 MS. FLETCHER: Ms. Kirks, would you  
13 spell your name, please?

14 MS. KIRKS: Yep, it's C-H-A-R-L-O-T-T-  
15 E. Kirks, K-I-R-K-S.

16 MS. FLETCHER: Thank you. And the  
17 next person?

18 MS. FLEMING: Betsy Fleming.

19 MS. FLETCHER: Spell that, Ms.  
20 Fleming.

21 MS. FLEMING: B-E-T-S-Y, F-L-E-M-I-N-  
22 G.

23 MS. FLETCHER: The next person?

24 MS. BUDJEVAC: Jelena Budjevac. First  
25 name J-E-L-E-N-A, last name B-U-D-J-E-V-A-C.

1 MS. FLETCHER: Thank you. And there's  
2 another person?

3 MS. LI: Yes, it's Li --

4 (Simultaneous speaking.)

5 MR. FLEMING: Ryan Fleming -- oh.

6 MS. LI: It's Li Li. It's spelled L-  
7 I, L-I.

8 MS. FLETCHER: That's the first name?

9 MS. LI: First name is L-I, last name  
10 is L-I. My full name is Li Li.

11 MS. FLETCHER: Oh, okay. Thank you.  
12 Anyone else?

13 MR. FLEMING: Ryan Fleming. R-Y-A-N,  
14 last name is F-L-E-M-I-N-G.

15 MS. FLETCHER: Thank you, Mr. Fleming.

16 MR. FLEMING: Thank you.

17 MS. FLETCHER: Anyone else?

18 Okay. Mr. Thomas?

19 MR. THOMAS: Yes, ma'am.

20 MS. FLETCHER: The -- I have to tell  
21 you, that in medical cannabis cases, at this time  
22 only Advisory Neighborhood Commissions can file  
23 the protest. Apparently the group was not aware  
24 of that before today, but I have to make that  
25 known now.



1                   And, Mr. Thomas, I will send you the  
2 relevant regulation that states that. And if you  
3 like, I can tell you what it is. But then, I'll  
4 send it to you, as well.

5                   MR. THOMAS: Yeah, thank you, Ms.  
6 Fletcher. If you can just put it on the record  
7 so we have it.

8                   MS. FLETCHER: I sure will. It's DC  
9 Official Code 7-1671(A)(H), Sections one, two,  
10 and three. And I'll send that to you. But Mr.  
11 Thomas, do you or any of the residents have any  
12 questions for me?

13                   MR. THOMAS: No, if that's the reason  
14 why we're not being granted standing, I just  
15 wanted to put that on the record.

16                   The only other thing I would ask is,  
17 that -- and my assumption is, and my  
18 understanding from prior dealings with ABCA is,  
19 that this will occur. But if a formal order  
20 could be issued denying us standing, that would  
21 be appreciated so that we can avail ourselves of  
22 any sort of appellate rights --

23                   MS. FLETCHER: Yes.

24                   MR. THOMAS: To do so.

25                   MS. FLETCHER: And that's exactly what

1 will happen, Mr. Thomas. And that order will be  
2 sent to you.

3 MR. THOMAS: Perfect. Thank you very  
4 much.

5 MR. LEWIS: We do take issue with Mr.  
6 Thomas representing the group in the first place.  
7 I believe there's a conflict of interest --

8 (Simultaneous speaking.)

9 MS. FLETCHER: And so -- excuse me.  
10 I should tell you. Before you speak, if you  
11 could state your name for the Court Reporter.  
12 Was that Todd Lewis?

13 MR. LEWIS: Yes, ma'am. Good morning  
14 Todd Lewis on behalf of --

15 (Simultaneous speaking.)

16 MS. FLETCHER: So, what did you say,  
17 again?

18 MR. LEWIS: Positronics --

19 MS. FLETCHER: Can you state --

20 MR. LEWIS: We do take issue with Mr.  
21 Thomas and his firm representing the group in the  
22 first place. Perhaps I could talk to Mr. Thomas  
23 offline. I did try to reach him this morning  
24 about the conflict.

25 MS. FLETCHER: Well, yeah, that is

1 something, Mr. Lewis, that you and Mr. Thomas  
2 would resolve beyond ABCA. But at this point,  
3 the group being represented by Mr. Thomas does  
4 not have standing. A Board Order is going to be  
5 issued dismissing the group, and Positronics will  
6 receive a copy of that as well. But if there's  
7 any communication that you want to have with Mr.  
8 Thomas outside of ABCA, that would be fine.

9 The other thing I should tell you is  
10 this. Upon receipt of the Board Order, as Mr.  
11 Thomas stated, he has the right to ask the Board  
12 to reconsider the decision that was made today.  
13 And if he does, Mr. Thomas, if you would send a  
14 copy of that to Mr. Sanchez, and you would have  
15 an opportunity to respond to that request for  
16 reconsideration.

17 Mr. Sanchez, I don't have your email  
18 address, if you want to give that to me now.

19 MR. SANCHEZ: Yes, ma'am.  
20 FrankJSanchez@gmail.com.

21 MS. FLETCHER: Did you say F-R-A-N-C-  
22 K?

23 MR. SANCHEZ: No, just K. F-R-A-N-K,  
24 middle initial J --

25 MS. FLETCHER: And then the letter J?

1 MR. SANCHEZ: Yes, ma'am. And then  
2 Sanchez --

3 MS. FLETCHER: And then S-A-N-C -- S-  
4 A-N-C-H-E-Z?

5 MR. SANCHEZ: Yes, ma'am, all  
6 together. No dots, no hyphens, at gmail.com.

7 MS. FLETCHER: And you're representing  
8 Positronics?

9 MR. SANCHEZ: Yes, ma'am.

10 MR. THOMAS: Just for clarity sake, is  
11 Mr. Sanchez their counsel or is Mr. Lewis, or is  
12 both?

13 MR. SANCHEZ: I'm not here as a  
14 lawyer, I'm here as a --

15 (Simultaneous speaking.)

16 MS. FLETCHER: And so -- excuse me,  
17 one second. Mr. Sanchez, before you answer that.  
18 Let me clarify for the Court Reporter that, that  
19 was Mr. Thomas asking that question. Mr. Thomas,  
20 could you state that question again, please?

21 MR. THOMAS: Certainly, Ms. Fletcher.  
22 I just wanted to know for the purposes of making  
23 sure that things are served properly, whether Mr.  
24 Sanchez is representing Positronics in addition  
25 to Mr. Lewis or if he's serving in some other

1 sort of capacity. And I believe he tried to  
2 answer my question, but I just want to put it on  
3 the record so I know where I'm sending  
4 everything.

5 MR. SANCHEZ: I'm not here in a legal  
6 capacity, I'm here as an advisor to the group.

7 MR. THOMAS: Got it. Thank you.

8 MS. FLETCHER: Well, thanks for --  
9 thank you for that clarification. And so, who  
10 should I send the WebEx invitation for mediation  
11 and where should all other invites go?

12 (No audible response.)

13 MS. FLETCHER: Mr. Sims?

14 MR. SIMS: Absolutely. Yeah, please  
15 sent them to me --

16 (Simultaneous speaking.)

17 MS. FLETCHER: You received an -- is  
18 that you speaking, Mr. Sims?

19 MR. SIMS: Yes, ma'am.

20 MS. FLETCHER: Because you received an  
21 invite from me to attend today, right?

22 MR. SIMS: Yes, ma'am.

23 MS. FLETCHER: And --

24 MR. SIMS: Yeah, you can send all the  
25 invitations to my email address, if you would

1 like.

2 MS. FLETCHER: Okay, will do that.  
3 Would you like for us to copy Mr. Sanchez?

4 MR. SIMS: Yes, please.

5 MS. FLETCHER: So, the WebEx invites  
6 beyond today will be sent to Daniel Sims and  
7 Francisco Sanchez.

8 MR. SIMS: Excellent, thank you very  
9 much.

10 (Simultaneous speaking.)

11 MR. SANCHEZ: Thank you.

12 MS. FLETCHER: You are very welcome.  
13 We're going to set some dates for upcoming  
14 proceedings. Mr. Thomas, you and all the other  
15 residents are welcome to stay on the line and see  
16 what happens beyond this point, but you're free  
17 to leave if you like. I'm going to schedule a  
18 date for mediation, a status hearing, and a  
19 protest hearing.

20 And if by some chance, Mr. Thomas, the  
21 Board was to decide to grant standing to the  
22 group, if that were to happen then you would be  
23 contacted to participate in mediation.

24 MR. THOMAS: Perfect. Well, thank  
25 you, Ms. Fletcher. I appreciate it. As always,

1 I appreciate the professionalism. Thank you.

2 MS. FLETCHER: My pleasure. Thank you  
3 very much. Take care.

4 MR. THOMAS: You, as well.

5 MS. FLETCHER: The status hearing in  
6 this case is set for September 11, 2024 at 10:30  
7 a.m. The protest hearing is set for September  
8 25, 2024 at 1:30 p.m. I will give you the next  
9 available date for mediation, which needs to take  
10 place prior to the status hearing on September  
11 11. The next date for mediation is Monday,  
12 August 12 at 11:30 a.m. That's the next  
13 available date. If that doesn't work, give you  
14 another date.

15 And Mr. Sanchez, let me ask you  
16 something --

17 (Simultaneous speaking.)

18 MR. MCCARTY: Commissioner Steven  
19 McCarty --

20 MS. FLETCHER: I'm sorry, who's --  
21 what was that?

22 MR. MCCARTY: Commissioner Steven  
23 McCarty. I'm just affirming that Monday, August  
24 12 at 11:30 a.m. Eastern does work for me.

25 MS. FLETCHER: Okay, thank you very

1 much. Mr. Sims and Mr. Sanchez, what about  
2 Positronics?

3 MR. SANCHEZ: That date works for me.  
4 I don't know about Mr. Sims and Mr. Welch and Mr.  
5 Jennings.

6 MR. SIMS: Yeah, it sounds great for  
7 -- Monday, August 12 -- I'm sorry, what was the  
8 time again?

9 MS. FLETCHER: 11:30 a.m.

10 MR. SIMS: 11:30 a.m. Perfect. No  
11 problem.

12 MS. FLETCHER: Well then, I will --

13 MR. JENNINGS: Works for me as well.

14 MS. FLETCHER: And who said that?

15 MR. JENNINGS: Marcus Jennings.

16 MS. FLETCHER: Thank you. I'm trying  
17 to keep track myself. That was for the Court  
18 Reporter --

19 (Simultaneous speaking.)

20 MR. JENNINGS: No problem.

21 MS. FLETCHER: Mediation is set for  
22 Monday, August 12 at 11:30 a.m. And I will send  
23 the WebEx invitations -- I'm going to send the  
24 WebEx invitation for mediation to Mr. Sims and  
25 Mr. Sanchez. Is that sufficient or should I send



1 it to others?

2 Just so that you know, Mr. Sims and  
3 Mr. Sanchez, you may -- the invitation that I  
4 send to you, you may forward to any other  
5 individuals that you want to attend, as well.

6 MR. SANCHEZ: Ms. Fletcher, I think  
7 that will be fine to send it to Mr. Sims and I,  
8 and we can pass it on to others. Thank you.

9 MS. FLETCHER: Thank you, Mr. Sanchez,  
10 for that.

11 (Simultaneous speaking.)

12 MR. SIMS: Absolutely.

13 MS. FLETCHER: Thank you very much,  
14 Mr. Sims.

15 MR. SIMS: You got it. Thanks.

16 MS. FLETCHER: Well then, I will see  
17 you on Monday, August 12 at 11:30. Thank you for  
18 coming.

19 MR. SIMS: Perfect, thank you.

20 MR. SANCHEZ: Thanks, Ms. Fletcher.

21 MS. FLETCHER: Thank you very much.

22 MR. SIMS: Thank you.

23 MS. FLETCHER: Bye, everybody.

24 MR. SIMS: Bye-bye.

25 PARTICIPANT: Have a good day.

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MS. FLETCHER: You, too. Thank you.  
The roll call hearing in the matter of  
Positronics is over.

(Whereupon, the above-entitled matter  
went off the record at 10:23 a.m.)

<b>A</b>	<b>cannabis</b> 1:2,9,13 3:7 8:21 <b>capacity</b> 13:1,6 <b>care</b> 15:3 <b>case</b> 1:8 3:4 15:6 <b>cases</b> 8:21 <b>certainly</b> 3:20 6:19 12:21 <b>chance</b> 14:20 <b>Charlotte</b> 2:4 7:11 <b>clarification</b> 13:9 <b>clarify</b> 12:18 <b>clarity</b> 12:10 <b>Class</b> 3:7 <b>Code</b> 9:9 <b>COLUMBIA</b> 1:1 <b>coming</b> 17:18 <b>Commissioner</b> 6:5 15:18,22 <b>Commissions</b> 8:22 <b>communication</b> 11:7 <b>concentration</b> 3:11 <b>conducting</b> 3:13 <b>conflict</b> 10:7,24 <b>contacted</b> 14:23 <b>copy</b> 11:6,14 14:3 <b>correct</b> 5:14 <b>counsel</b> 12:11 <b>Court</b> 3:18 5:21 6:18 10:11 12:18 16:17	<b>excuse</b> 4:20 10:9 12:16	<b>H</b>
<b>A-N-C-H-E-Z</b> 12:4 <b>a.m</b> 3:2 15:7,12,24 16:9 16:10,22 18:5 <b>ABC</b> 1:17 <b>ABCA</b> 9:18 11:2,8 <b>above-entitled</b> 18:4 <b>ABRA-127977</b> 1:8 3:6 <b>Absolutely</b> 13:14 17:12 <b>addition</b> 12:24 <b>address</b> 11:18 13:25 <b>adverse</b> 3:9 <b>advisor</b> 4:16 5:10 13:6 <b>Advisory</b> 8:22 <b>affirming</b> 15:23 <b>agent</b> 1:14,17 3:14 <b>Alcoholic</b> 1:2,13 <b>ANC</b> 1:7 2:5 6:3,5,7,9 <b>answer</b> 12:17 13:2 <b>Anybody</b> 5:25 <b>Apparently</b> 8:23 <b>appellate</b> 9:22 <b>Applicant</b> 2:4,6 <b>Application</b> 1:10 3:8 <b>appreciate</b> 14:25 15:1 <b>appreciated</b> 9:21 <b>asking</b> 12:19 <b>assumption</b> 9:17 <b>attend</b> 13:21 17:5 <b>audible</b> 13:12 <b>August</b> 1:12 15:12,23 16:7,22 17:17 <b>avail</b> 9:21 <b>available</b> 15:9,13 <b>aware</b> 8:23	<b>D</b>	<b>F</b>	<b>happen</b> 10:1 14:22 <b>happens</b> 14:16 <b>hearing</b> 1:3,7 3:13 5:2 14:18,19 15:5,7,10 18:2 <b>Hi</b> 6:4 <b>hyphens</b> 12:6
<b>B</b>	<b>D-A-N-I-E-</b> 3:20 <b>Daniel</b> 2:6 3:16 4:25 14:6 <b>date</b> 14:18 15:9,11,13 15:14 16:3 <b>dates</b> 14:13 <b>day</b> 17:25 <b>DC</b> 9:8 <b>dealings</b> 9:18 <b>decide</b> 14:21 <b>decision</b> 11:12 <b>denying</b> 9:20 <b>dismissing</b> 11:5 <b>Distribution</b> 3:5 <b>Distributions</b> 1:6 <b>DISTRICT</b> 1:1 <b>dots</b> 12:6	<b>F-L-E-M-I-N-</b> 7:21 <b>F-L-E-M-I-N-G</b> 8:14 <b>F-R-A-N-C-</b> 11:21 <b>F-R-A-N-K</b> 11:23 <b>file</b> 8:22 <b>find</b> 6:3 <b>fine</b> 11:8 17:7 <b>firm</b> 10:21 <b>first</b> 5:5,23 6:9,19 7:24 8:8,9 10:6,22 <b>five</b> 6:24 <b>five-plus</b> 6:16 <b>Fleming</b> 2:2,3 7:18,18 7:20,21 8:5,5,13,13 8:15,16 <b>Fletcher</b> 1:14,17 3:3,12 3:17,22,25 4:3,8,11 4:15,18,20 5:1,7,11 5:15,18,20,25 6:4,8 6:15,17,21,25 7:2,3,5 7:9,12,16,19,23 8:1,8 8:11,15,17,20 9:6,8 9:23,25 10:9,16,19,25 11:21,25 12:3,7,16,21 13:8,13,17,20,23 14:2 14:5,12,25 15:2,5,20 15:25 16:9,12,14,16 16:21 17:6,9,13,16,20 17:21,23 18:1 <b>formal</b> 9:19 <b>forward</b> 17:4 <b>Francisco</b> 2:6 4:16 5:6 14:7 <b>FrankJSanchez@gm...</b> 11:20 <b>free</b> 14:16 <b>full</b> 8:10	<b>I</b>
<b>B-E-T-S-Y</b> 7:21 <b>B-U-D-J-E-V-A-C</b> 7:25 <b>background</b> 5:2 <b>behalf</b> 3:14 4:2 5:17 6:3 6:7,12,15 10:14 <b>believe</b> 6:23 10:7 13:1 <b>Betsy</b> 2:2 7:18 <b>Beverage</b> 1:2,13 <b>beyond</b> 11:2 14:6,16 <b>Board</b> 1:2,14 11:4,10 11:11 14:21 <b>Board's</b> 1:14,17 3:13 <b>Budjevac</b> 7:24,24 <b>BUDJEVAV</b> 2:2 <b>Bye</b> 17:23 <b>Bye-bye</b> 17:24	<b>E</b>	<b>invitations</b> 13:25 16:23 <b>invite</b> 13:21 <b>invites</b> 13:11 14:5 <b>issue</b> 10:5,20 <b>issued</b> 9:20 11:5 <b>issues</b> 3:9	<b>J</b>
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In the matter of: Positronics

Before: DC ABCA

Date: 08-05-24

Place: teleconference

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