

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE AND CANNABIS BOARD
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MEETING

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IN THE MATTER OF: :
 :
Visionary Management :
Association, LLC :
t/a Aurora Market :
2006 Rhode Island Ave NE : Fact Finding
Retailer MC - ANC 5B : Hearing
License #128027 :
 :
(Review of Social Equity :
Application for New :
Internet Retailer License):
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Wednesday
August 14, 2024

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

PRESENT:

DONOVAN W. ANDERSON, Chairperson
SILAS GRANT, JR., Member
JAMES SHORT, JR., Member

ALSO PRESENT:

JOSE ORELLANA, DC ABCA Staff
PABLO ORTIZ, Applicant
SEAN GORDY, ANC 5B

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

2 11:14 a.m.

3 CHAIRPERSON ANDERSON: All right. The
4 next case on our calendar, we have a fact finding
5 hearing on Aurora Market, License Number 128027.
6 Mr. Orellana, good morning again, can you please
7 elevate the rights of the parties in this case?

8 MR. ORELLANA: Sure thing. Mr. Pablo
9 Ortiz, your access has been elevated, and Chief
10 of Licensing, Sean Gordy, your access has been
11 elevated. That is all Chair.

12 CHAIRPERSON ANDERSON: All right.
13 Thank you. Mr. Gordy, can you spell and state
14 your name for the record and your relationship
15 with the agency?

16 MR. GORDY: Yes, Mr. Chairman, good
17 morning. My name is Sean Gordy, S-E-A-N, G-O-R-
18 D-Y, Chief Licensing Officer for the Alcoholic
19 Beverage and Cannabis Administration.

20 CHAIRPERSON ANDERSON: Good morning,
21 Mr. Gordy. Mr. Ortiz, can you please spell and
22 state your name for the record and your
23 relationship to this establishment, sir?

24 MR. ORTIZ: Good morning, Chairman
25 Anderson, Board members, as well as Mr. Gordy.

1 My name is Pablo Ortiz, P-A-B-L-O, O-R-T-I-Z.

2 CHAIRPERSON ANDERSON: All right. What
3 is your relationship to the case, Aurora Market,
4 sir? Just tell me what is your relationship.

5 MR. ORTIZ: Yes, Chairman Anderson, I
6 am the owner of Visionary Management Association,
7 doing business as Aurora Cannabis.

8 CHAIRPERSON ANDERSON: So Visionary
9 Management, and so you are applying for a
10 cannabis license.

11 MR. ORTIZ: Yes, sir.

12 CHAIRPERSON ANDERSON: What type of
13 license are you applying for?

14 MR. ORTIZ: This will be a Internet
15 retailer's license.

16 CHAIRPERSON ANDERSON: Is this the only
17 -- is this the only cannabis license that you are
18 applying for, sir?

19 MR. ORTIZ: Yes, sir.

20 CHAIRPERSON ANDERSON: Now, do you
21 currently have any other license in the District
22 of Columbia that has been issued by our agency?

23 MR. ORTIZ: Yes, sir. I do own a
24 retail grocery store that has two licenses from
25 ABRA that is at a separate location. We had a

1 Class A license as well as a Class C tavern
2 license.

3 CHAIRPERSON ANDERSON: What business is
4 that?

5 MR. ORTIZ: That is Aurora Market.

6 CHAIRPERSON ANDERSON: What is this
7 location?

8 MR. ORTIZ: That location is located at
9 500 Irving Street, NW, Washington DC 20010 in
10 Ward 1.

11 CHAIRPERSON ANDERSON: Now where is
12 Visionary Market?

13 MR. ORTIZ: Located at 500 Irving
14 Street, NW, Chairman.

15 CHAIRPERSON ANDERSON: So you are
16 planning to serve -- so you have a C, a CT, and a
17 A, and now you are applying for a Internet
18 retailer license to sell cannabis in the same
19 location, so explain that to me, sir.

20 MR. ORTIZ: No, sir, that is incorrect.
21 The Internet retailer license that we have
22 applied for that we are in discussion for is
23 located at a different location. That address is
24 2006 --

25 CHAIRPERSON ANDERSON: Hold on, hold

1 on, hold on. But I thought I asked you -- you
2 told me that Visionary Market, so what is the
3 Visionary Market, and what is the address for
4 that -- all right. Okay, what is the Visionary
5 Market? Tell me about that application.

6 MR. ORTIZ: Yes, Chairman, I will
7 clarify. So Visionary Management Association is
8 a parent company. We have two d/b/a's, one as
9 Aurora Market located at 500 Irving Street, NW,
10 and a second d/b/a for the proposed location for
11 the Internet retailer license will be at 2006
12 Rhode Island Avenue, NE, Washington DC 20018.

13 CHAIRPERSON ANDERSON: So the cannabis
14 location would be where?

15 MR. ORTIZ: It will be located at the
16 2006 Rhode Island Avenue, NE location, Chairman.

17 CHAIRPERSON ANDERSON: Okay, sir. So
18 2006 Rhode Island Avenue, NE. What else is at
19 that location? Is there any other active or
20 pending license at this location?

21 MR. ORTIZ: There is another business,
22 separate entity, that I had a retail grocery
23 store there as well with another Class B license.

24 CHAIRPERSON ANDERSON: Are you
25 affiliated with that -- is there an affiliation

1 with that business at that location?

2 MR. ORTIZ: At that location it is
3 solely owned by another individual at that
4 location, and they own and operate on the first
5 floor and our proposal will be to operate our
6 Internet retailer in the basement or second
7 floor.

8 CHAIRPERSON ANDERSON: Are you related
9 in any way to the operator of that business?

10 MR. ORTIZ: The operator of that
11 business there is a relationship. That is my
12 wife who owns and operates that business.

13 CHAIRPERSON ANDERSON: What business is
14 that, sir?

15 MR. ORTIZ: That is another Aurora
16 Market location under a different LLC.

17 CHAIRPERSON ANDERSON: So Aurora Market
18 at 2006 Rhode Island that is by a separate LLC,
19 and you are saying they are separate and apart,
20 it is operated by your wife. Do you have any, I
21 mean, outside of the fact that it is your wife,
22 do you have any management relationship with that
23 business?

24 MR. ORTIZ: No, they are both
25 independently owned and operated.

1 CHAIRPERSON ANDERSON: Mr. Gordy, --
2 hold on. Let's see.

3 (Pause)

4 CHAIRPERSON ANDERSON: Let me get some
5 clarification. Who owns Aurora Enterprises LLC
6 that applied for substantial change from a, I
7 guess, from a Retailer B to a Retailer -- yes, is
8 that your business, sir? I just want to get some
9 clarification.

10 MR. ORTIZ: Chairman Hill, that is the
11 business that is owned by my wife, Rahil Casa
12 (phonetic).

13 CHAIRPERSON ANDERSON: Okay. Hold on.
14 (Pause.)

15 CHAIRPERSON ANDERSON: All right. So
16 tell me about -- because this is one agency we
17 are aware of applications being filed by yourself
18 and your wife for certain addresses, so let me
19 ask you, sir, -- you had provided some
20 information to -- okay, so tell me about the 2000
21 Rhode Island Avenue, all right. So at that
22 address you want to operate a Internet retail --
23 your plan for a Internet retailer license, is
24 that correct?

25 MR. ORTIZ: Yes, Chairman.

1 CHAIRPERSON ANDERSON: All right, and
2 that is at the -- if approved, what other
3 businesses will be at that address?

4 MR. ORTIZ: The only business that
5 would be at that address is the existing
6 business, which is the Aurora Market under Aurora
7 Enterprises, and that will be occupying the first
8 floor. Internet retailer, we would operate in
9 the basement floor.

10 CHAIRPERSON ANDERSON: All right, so
11 you are saying that it is for the separate
12 entrance, so how can I get -- specifically tell
13 me about the business, in the sense of you have
14 the -- is there any physical -- how is the
15 basement separated from the rest of the business?

16 MR. ORTIZ: Yes, Mr. Chairman. So main
17 entrance for Aurora Market would be ground floor
18 facing the Rhode Island Avenue side, 2006, and
19 then essentially we would operate the Internet
20 retailer on the opposite side where we would have
21 backdoor access to the retailer side.
22 Essentially there is couple ways to essentially
23 secure access via additional walls as well as an
24 extra entry point so we can physically secure
25 access to both locations independently.

1 CHAIRPERSON ANDERSON: Currently you
2 cannot independently access -- you cannot
3 independently access the basement of the building
4 without going through the first floor, is that
5 correct?

6 MR. ORTIZ: No, that is incorrect. We
7 could actually independently access each location
8 as of today.

9 CHAIRPERSON ANDERSON: But can I easily
10 move from the basement to the first floor without
11 exiting the building?

12 MR. ORTIZ: Currently, yes. In our
13 proposed plans we identified how we would lay
14 out, and we were just waiting for, of course, the
15 final verification if we could implement that
16 plan, or essentially it just be the means of
17 adding a entryway, a physical entryway to
18 separate the two floors.

19 CHAIRPERSON ANDERSON: Okay. Well let
20 me ask you a question. So what is your intended
21 business model to operate one or more medical
22 cannabis business at the same location, meaning
23 either you or your wife, what will be at the 2006
24 Rhode Island Avenue? Specifically what will be
25 at that address? You are saying that there is a

1 Retailer A/CT business that I think your wife
2 owns, and your -- I'm sorry, go ahead.

3 MR. ORTIZ: So, yes, just to clarify,
4 at this location we only have the retailer's
5 license Class B that is doing the substantial
6 change to Class A under Aurora Enterprises. The
7 CT license and the other alcohol licenses at the
8 other location at 500 Irving Street, sir.

9 CHAIRPERSON ANDERSON: All right, so at
10 the 2006 Rhode Island Avenue the long-term plan
11 is that Retailer A will be -- because that is the
12 placard to change for Retailer A at that
13 establishment, is that correct?

14 MR. ORTIZ: Yes, Chairman, and it is
15 not solely a liquor store we actually are a
16 retail grocery store, and then we have that
17 license in addition.

18 CHAIRPERSON ANDERSON: All right, that
19 is fine. All right, and in the same building in
20 the basement you are applying for an Internet
21 license to sell cannabis, is that correct?

22 MR. ORTIZ: Yes, Chairman, that is
23 correct.

24 CHAIRPERSON ANDERSON: Those are the
25 only two businesses that would be at this

1 address.

2 MR. ORTIZ: Yes, Chairman.

3 CHAIRPERSON ANDERSON: All right. So
4 you are saying that your long-term plan, if these
5 licenses are approved, is that there would be
6 complete separation of the businesses, that you
7 could independently access the basement where the
8 Internet retailer cannabis will be and that will
9 be separate and apart from the first floor where
10 the alcohol business will be, is that correct?

11 MR. ORTIZ: Yes, that is correct,
12 Chairman.

13 CHAIRPERSON ANDERSON: You are shaking
14 your head to say yes you agree, but we have a
15 court reporter so that is one of the reasons I
16 asked, because the court reporter cannot see that
17 you are agreeing with me. So I need you to give
18 an answer so the transcript can accurately
19 reflect that. Now are you applying for medical
20 cannabis retailer license?

21 MR. ORTIZ: Are you referring to store
22 front or Internet?

23 CHAIRPERSON ANDERSON: Store front.

24 MR. ORTIZ: Yes. So on my wife's side
25 for that, yes, we would apply for that at that

1 location, and if that one was approved what we
2 would do is relocate the existing grocery store
3 about a half mile up the street to a new proposed
4 location on Rhode Island, and then we would
5 operate the first floor as the store front
6 retailers and then bottom will continue to
7 operate as Internet.

8 CHAIRPERSON ANDERSON: But I guess the
9 bottom line is that but is that you or your wife?
10 So you would have the Internet, and your wife
11 your have -- or is it that you have the other
12 business?

13 MR. ORTIZ: That would be correct.

14 (Pause.)

15 CHAIRPERSON ANDERSON: So if approved,
16 what interest, if any, do you have in your wife's
17 business?

18 MR. ORTIZ: They are both independently
19 owned and operated.

20 CHAIRPERSON ANDERSON: So you are
21 saying you do not have any interest, other than
22 the fact that -- other than the fact that she is
23 your wife you do not have any interest in her
24 business.

25 MR. ORTIZ: We have found that it is

1 easier to separate business endeavors in this
2 way.

3 CHAIRPERSON ANDERSON: Are you also
4 stating that you have no management or control of
5 your wife's business.

6 MR. ORTIZ: I do not have any
7 management or control of that business, however,
8 if she asked me for advice, of course, with my
9 experience and of course I would lend that to
10 her, but nothing officially.

11 CHAIRPERSON ANDERSON: Does she have
12 any management and control of your business?

13 MR. ORTIZ: Absolutely not.

14 CHAIRPERSON ANDERSON: I am asking the
15 question because you might have it in hers, but
16 she might have it in yours.

17 MR. ORTIZ: No, sir.

18 CHAIRPERSON ANDERSON: Mr. Gordy, maybe
19 you can share with us why are we here today, from
20 your perspective? You are over licensing and so
21 you are aware of the licenses that were applied
22 by Mr. Ortiz and also by his wife, and also the
23 locations that are being proposed, so tell us
24 what is it that you have in front of you as far
25 as applications, sir?

1 MR. GORDY: Will do. Thank you, Mr.
2 Chairman. Good morning, Mr. Ortiz, how are you?

3 MR. ORTIZ: I am doing well, Mr. Gordy.
4 It is good to see you.

5 MR. GORDY: Good to see you too. Not
6 bad, thank you. Good to see you. Mr. Chairman,
7 so what we have on file to date, and I am glad
8 Mr. Ortiz was a bit more transparent, are several
9 applications submitted by both entities that he
10 mentioned, Aurora Enterprises, as well as the
11 Vision Management, which Mr. Ortiz is the sole
12 operator, 100 percent owner of Vision Management,
13 and his wife that he mentioned, Rahil Casa, is
14 100 percent owner of Aurora Enterprises. Both
15 aspires to operate at 2006 Rhode Island Avenue,
16 and on as late as July 12th we asked of Mr. Ortiz
17 some additional information in terms of how
18 businesses will operate out of the same space.
19 He provided us with four maps and diagrams, et
20 cetera. So with those two businesses, now three,
21 with an alcohol license operating at the one
22 location we found that Mr. Ortiz is in fact
23 intertwined with the application for the
24 retailer, and his wife is intertwined with the
25 Internet retailer. Intertwining meaning that

1 there are background checks for both in both
2 applications, personal information authorization,
3 business information authorization releases. So
4 there are documentations scattered throughout
5 both applications that make mention both. In
6 addition to --

7 CHAIRPERSON ANDERSON: Why is that
8 important? Why is that problematic if it is?

9 MR. GORDY: That is of issue, I mean,
10 Mr. Ortiz represented that he is not involved,
11 nor his wife, in either business. We found that
12 that is not actually accurate, albeit they both
13 are 100 percent owners there is information
14 leading us to believe that they will be
15 intimately involved in both entities, both
16 operations.

17 (Simultaneous speaking.)

18 MR. GORDY: Go ahead. I'm sorry, Mr.
19 Chairman, you had a question.

20 CHAIRPERSON ANDERSON: No, I'm sorry.
21 Go ahead, sir.

22 MR. GORDY: In addition to the 2006
23 location, we also have applications from Ms. Casa
24 for a manufacturer's license as well as a
25 cultivator's license, which will be located at

1 6101 Blair Road, NW. Albeit the application for
2 the manufacturer, for example, is in Ms. Casa's
3 name or Aurora Enterprises as the entity, Ms.
4 Casa being 100 percent owner. The two year lease
5 signed and executed by the landlord with the
6 entity is actually signed and in Mr. Ortiz's
7 name. So we found that the 6101 Blair Road
8 operation will not only intimately involve Mr.
9 Ortiz, but Ms. Casa is also involved, as well as
10 their documentation is intertwined with both
11 applications.

12 CHAIRPERSON ANDERSON: So Mr. Gordy,
13 what is it that the rules -- What does the rules
14 require as regarding what relationship can we
15 have between our manufacturer, compensation, and
16 Internet? What specific -- what is it that the
17 rules state?

18 (No audible response.)

19 CHAIRPERSON ANDERSON: Are you
20 speaking, Mr. Gordy?

21 MR. GORDY: I'm sorry, I was muted.

22 CHAIRPERSON ANDERSON: I thought you
23 were speaking.

24 MR. GORDY: I was. I was just merely
25 stating that in Chapter 5424 spousal interest in

1 a license requires that an affidavit to show
2 spouse will not have any interest or managerial
3 control over an establishment of another spouse
4 or involved. As I mentioned, and that is why we
5 are here, the husband has applied for all
6 applications, or the wife has, and frequently
7 mentions how he will help run the business, as
8 well as the documentation. So we have not
9 received an affidavit to that effect, and we
10 certainly would like to know more about how his
11 wife, or Mr. Ortiz, will bifurcate these
12 businesses and operate independently of one
13 another.

14 CHAIRPERSON ANDERSON: Mr. Ortiz, you
15 have heard the concerns that are -- you have
16 heard what the regulations require and you have
17 heard the concerns of licensing, so how is it
18 that you plan to do this? I know your wife is
19 not here today, and I do not think you can speak
20 for her, because it is her business, but -- from
21 her side of the business, but how do you plan to
22 bifurcate your business model from her business,
23 and as Mr. Gordy stated, there is a cultivation
24 license that was applied that you are on the
25 lease, but I think your wife applied for it. So

1 if you are on the lease how does that work if
2 that is not your business, if you are not
3 intimately involved in that business if you are
4 on the lease, sir?

5 MR. ORTIZ: Thank you, Chairman, and
6 thank you, Mr. Gordy. Actually, we do not have a
7 lease and are no longer are pursuing Blair Road
8 at this time. Additionally, I am uncertain as to
9 how that correlates with the Internet retailer
10 license being approved, as these are separate
11 licenses that we are discussing, at a completely
12 different location. At this time, essentially,
13 all businesses are running, owned and operated by
14 each of us independently. Now, in regard to any
15 correspondence with ABCA I was inquired if I can
16 provide or work on behalf to provide the same
17 documents, because they are correlating or
18 essentially the same documents for all licenses,
19 to provide that correspondence to them and
20 provide those documents on behalf of Rahil. If
21 it is a situation in which she has to be the one
22 being the primary contact to correspond to ABCA
23 to ensure that we have that separation to be in
24 compliance, and that is something that we can
25 easily adjust and have her take lead on, but at

1 this time we are not pursuing that location for
2 cultivation at Blair Road, as mentioned by Mr.
3 Gordy, at this time.

4 CHAIRPERSON ANDERSON: Mr. Gordy, why
5 is it relevant? I think Mr. Ortiz is saying,
6 well, I am applying for a retailer Internet
7 license so why are we talking about my wife's
8 businesses or any of the licenses that I am
9 applying for. Why is that relevant, sir, tell
10 us?

11 MR. GORDY: It is relevant because as
12 I mentioned, the spousal interest, again, is of
13 concern, and if Mr. Ortiz is representing that
14 they are independently operated and owned as
15 stand alone entities, as he initially began his
16 testimony he actually did not make mention of his
17 wife's LLC until pressed a little bit. So those
18 locations being co-located at 2006 Rhode Island
19 Avenue, again, his documentation is intertwined
20 with her entity, and vice versa. If he to his
21 statement is going to provide additional
22 documentation to totally separate the entities
23 then that is what is required. Outside of that,
24 what I would like to know, Mr. Chairman, if I
25 could ask a question please?

1 CHAIRPERSON ANDERSON: Go ahead, Mr.
2 Gordy. Go ahead, please.

3 MR. GORDY: Thank you. I would like to
4 know, Mr. Ortiz, if you and your wife are
5 operating an Internet retailer's business and you
6 are also applying for licensure under a retailer
7 brick and mortar business then what is the
8 necessity for the Internet with the retailer when
9 the opportunity exist to add an endorsement to
10 the retailer to provide delivery services under
11 the retailer licenses. So we just also want to
12 know a little bit more about the business model
13 itself, Internet retailer interfacing with the
14 retailer.

15 MR. ORTIZ: Thank you, Mr. Gordy. So
16 in regards to the connection with documentation
17 we actually applied under social equity. So she
18 is qualifying under the social equity program
19 which is why we are able to have intertwined
20 documentation. I believe that may be the reason
21 why you see this during the application, and
22 please correct me if there is something else that
23 may have caused that confusion, Mr. Gordy. In
24 regards to the endorsements, again, we are going
25 to be able to secure each floor so that way it is

1 only accessed by the business itself, and that is
2 how we are able to actually do the endorsements.
3 Of course, that would be predicated upon the
4 inspection and ensure that we are in compliance
5 with all the requirements of your program, Mr.
6 Gordy.

7 CHAIRPERSON ANDERSON: I think you
8 misunderstood the question, sir. One of the
9 questions he asked is that if you have a brick
10 and mortar you can do delivery, or your wife's
11 business can do delivery, so why do you need an
12 Internet retailer license if a brick and mortar
13 license is granted that you can also do delivery.
14 That was the question I think he had asked.

15 MR. ORTIZ: Please forgive me, and
16 thank you for the clarification. Essentially,
17 they are two independent businesses.

18 CHAIRPERSON ANDERSON: Any other
19 questions you want to ask, Mr. Gordy?

20 MR. GORDY: No, sir, I think that is
21 it.

22 CHAIRPERSON ANDERSON: Let me ask, Mr.
23 Gordy, can -- I think Vision Management, which is
24 your company, sir, do you have any interest in
25 alcohol? Do you have a alcohol license?

1 MR. ORTIZ: Under a separate d/b/a,
2 under the other location. We do have a alcohol
3 license, Class --

4 CHAIRPERSON ANDERSON: No, I'm saying
5 do you or your wife -- I am asking is it your
6 business -- are you the one that own the alcohol
7 license, that is what I am just trying to ask.

8 MR. ORTIZ: Yes, Chairman, that is
9 correct. I do have a license in my business's
10 name, yes, Chairman.

11 CHAIRPERSON ANDERSON: Okay. All
12 right, fine. So, Mr. Gordy, can you own an
13 alcohol license and a cannabis license?

14 MR. GORDY: Yes, sir, you can, --

15 CHAIRPERSON ANDERSON: All right.

16 MR. GORDY -- as long as they are
17 separate locations, separate certificate of
18 occupancy, totally divested of one another.

19 CHAIRPERSON ANDERSON: Okay. Fine.
20 All right, any questions by any board members?
21 Go ahead, Mr. Short.

22 MEMBER SHORT: Thank you, Mr. Chairman.
23 Good morning still, Mr. Ortiz.

24 MR. ORTIZ: Good morning, Mr. Short.

25 MEMBER SHORT: Thank you. Mr. Ortiz,

1 during Mr. Gordy's presentation he mentioned that
2 he was, or he had requested a spousal,
3 independent spousal affidavit. Did you ever
4 produce an affidavit licensing to Mr. Gordy?

5 MR. ORTIZ: Mr. Short, to my knowledge
6 I was not aware of that requirement, however, if
7 I did receive that I would have provided it, Mr.
8 Short.

9 MEMBER SHORT: You were never requested
10 to provide that.

11 MR. ORTIZ: Not to my awareness. I do
12 not remember or recall that request, Mr. Short.

13 MEMBER SHORT: Not a problem. Mr.
14 Gordy, if Mr. Ortiz and his wife were to provide
15 an affidavit for you would that make things a
16 little clearer?

17 MR. GORDY: Yes, sir, that is something
18 that we can review with the Board to see if that
19 is permissible.

20 MEMBER SHORT: So, Mr. Ortiz, if
21 requested by a licensee would you provide the
22 spousal independent affidavit?

23 MR. ORTIZ: Yes, Mr. Short, I would.

24 MEMBER SHORT: Thank you. Thank you.
25 Mr. Chairman, that is all I have.

1 CHAIRPERSON ANDERSON: Thank you. Any
2 questions? Any other -- go ahead, Mr. Grant.

3 MEMBER GRANT: Yes, how are you?

4 MR. ORTIZ: Doing well, Mr. Grant, and
5 yourself?

6 MEMBER GRANT: Doing good. I know you
7 mentioned during your portion of the testimony
8 that you and your wife operate independent of one
9 another with your respective entities. Just had
10 a couple of questions about that for my own
11 clarity. I mean, obviously you stated during
12 your testimony that you will give general advice,
13 or serve as an informal advisor in her endeavors
14 and vice versa, is that correct?

15 MR. ORTIZ: Yes, that would be correct,
16 Mr. Grant.

17 MEMBER GRANT: Along those lines are
18 you responsible for making any financial
19 transactions on behalf of your wife's businesses?

20 MR. ORTIZ: All of our accounts are
21 separated financially.

22 MEMBER GRANT: Are you ever compensated
23 for any work that you do on behalf of her
24 business?

25 MR. ORTIZ: No, I am not, Mr. Grant.

1 MEMBER GRANT: Okay. Those are all my
2 questions for now, Mr. Chair.

3 CHAIRPERSON ANDERSON: All right.
4 Thank you. Any further questions, Mr. Grant --
5 I'm sorry, Mr. Gordy?

6 (No audible response.)

7 CHAIRPERSON ANDERSON: Mr. Gordy, what
8 is it in order for it to be clear in your mind,
9 the ownership of these businesses, what is it
10 that you would require from Mr. Ortiz moving
11 forward?

12 MR. GORDY: Well, if of course to
13 provide additional clarity. You mentioned that
14 you applied on the social equity -- she applied
15 on the social equity, that will be helpful, along
16 with the affidavit that we just mentioned. Also,
17 if you do not mind, would like a little more
18 clarity on, again, what is preventing from
19 applying -- the retailer applying for the
20 delivery endorsement, because essentially a
21 retailer can do just as much as a Internet
22 retailer could with the delivery endorsement. So
23 just a bit more clarity would be helpful for me,
24 as well as the Board, to make a decision
25 ultimately on which licenses are issued.

1 CHAIRPERSON ANDERSON: Now, but who is
2 applying for -- so Mr. Ortiz is applying for a
3 retailer, but it is wife's -- I'm sorry, Mr.
4 Ortiz is applying for an Internet business, but
5 it is his wife who is applying for a brick and
6 mortar, is that correct?

7 MR. GORDY: That is correct.

8 CHAIRPERSON ANDERSON: Are they in the
9 same location?

10 MR. GORDY: They are.

11 CHAIRPERSON ANDERSON: All right. So,
12 Mr. -- you do not have to answer that, and I
13 think this is what Mr. Gordy is asking for, your
14 wife's business, if approved, she can get a
15 delivery endorsement. So her business can do
16 what you are planning to do in the basement, or
17 wherever your business is. So I guess why is it
18 that -- why do you need this license? Again, it
19 is still -- it is your wife, it is a different
20 business, but I guess what we are asking is that
21 -- and I think that is the concern that Mr. Gordy
22 is having, why is it -- because you are in the
23 same location, maybe if you are in a different
24 location maybe that would be somewhat different,
25 but you are in the same location, and you have a

1 business who you are related to the business by
2 marriage, they can do everything that you are
3 doing in the license that you are requesting, so
4 why do you need that license, that specific
5 license? I think that is one of the questions
6 that has been asked. You do not have to give
7 that answer now, sir, but that is the
8 clarification, I think, that Mr. Gordy is looking
9 for.

10 MR. ORTIZ: Thank you, Chairman, and
11 Mr. Gordy. I think that we need to focus on and would
12 at least be helpful is if there was another
13 business that applied for a storefront while we
14 occupied the basement of that location for
15 Internet retailer we would not have this
16 discussion, right? In this case I look at it as
17 that these are two separate business entities,
18 yet we are combining the two efforts in regards
19 to question of delivery services. With that
20 being said, we are looking at it as it is, which
21 is two separate entities, serving and performing
22 different business functions, there is no
23 correlation or connection to the endorsements
24 that they would have. Furthermore, upon issuance
25 of these licenses there is no consideration to

1 the fact that we may not stay at these locations,
2 and we should not be, I guess, hindered in our
3 ability to perform at this initial entry
4 location, which is a secured location, versus
5 what we may be doing in the future and may
6 relocate. So essentially what we are trying to
7 do is receive all of the endorsements, all the
8 licenses separately, and then that allows us to
9 now grow in our future and give us more
10 opportunities to relocate or do other things.
11 Our initial process is just to co-locate out of
12 ease of use, as well as the fact that we already
13 have the location secured and approved for
14 license issuances for each entity.

15 (Simultaneous speaking.)

16 MR. GORDY: Mr. Ortiz, I can appreciate
17 that --

18 CHAIRPERSON ANDERSON: Hold on. Hold
19 on, Mr. Gordy. Hold on one minute, please.

20 MR. GORDY: Sure.

21 CHAIRPERSON ANDERSON: Mute your line,
22 please. Mr. Ortiz, I think the elephant in the
23 room that she is you wife, so that is the
24 difference, okay? She is your wife, so therefore
25 you are applying for licenses that -- the type of

1 licenses that are being applied for you in your
2 individual capacity cannot apply for those
3 licenses, okay? So the Board has to make sure
4 that you are not trying to find a loophole around
5 the process by having businesses that your wife
6 applied for separate license, and you applied for
7 a separate license. Of course, a wife can have
8 his or her business and vice versa, so no one is
9 saying that anything is wrong with that. The
10 Board just has to make sure that the process that
11 has been followed, that you are not trying to
12 circumvent the process by in a sense that you are
13 having -- in a sense that if you have -- you
14 cannot have the -- I'm sorry, you cannot have a
15 standalone business and a retailer license -- an
16 Internet license. I do not think the law
17 requires you to have that, okay? So that is what
18 we are trying to make sure that -- we are trying
19 to do our due diligence. Once this license is
20 granted, sir, ABCA will not be in that business
21 every day. Once this license is granted we are
22 not going to be there. We can only go by the
23 assurances that you are going to provide to us to
24 state that I am not involved in my wife's
25 business and vice versa, because if maybe

1 something goes wrong that is how maybe if that is
2 not -- if the representation that you are
3 providing today if something goes wrong in the
4 sense that -- like an alcohol space a lot of
5 times when there is a crime of violence or some
6 major violation occur that is when the true
7 owners shows up. So what we are trying to do in
8 this process, sir, is to make sure that we do our
9 due diligence to provide you with some guidance
10 to let you know what is it that you cannot do,
11 and you are providing us the assurance that these
12 are separate business, I do not have any --
13 outside of the fact that she is my wife I do not
14 have any day-to-day management and control of her
15 business, and she also does not have any day-to-
16 day management control of my business, okay? So
17 I need you to keep that in mind that, yes, if she
18 was not your wife -- if she was not your wife,
19 maybe if she was your -- well, we probably would
20 still have the same analysis if it was a son, a
21 daughter, a mother, or father that these are the
22 same type of questions that we are asking,
23 because we are aware that -- we are aware, okay?
24 Mr. Gordy, you were saying something. Go ahead,
25 sir.

1 MR. GORDY: Yes, sir, Mr. Chair. Thank
2 you. May I add to the Chairman's point, you
3 mentioned that ultimately that you guys would
4 move and that the business model was to be at
5 that location for a period of time and then move.
6 We have no idea that that is going to happen to
7 the Chairman's point. We have no idea what your
8 business model is beyond what you have applied
9 for. Aside from that, we do not have any
10 licenses that are co-located as an Internet and a
11 retailer in the same location, which brings me
12 back to my original question is the clarity on
13 why an Internet cannot operate -- I'm sorry, why
14 a retailer cannot operate with a deliver
15 endorsement to basically fulfill the same
16 obligations or business model that an Internet
17 retailer would. Then finally, my last point
18 would be that if it was about securing licenses
19 at this point and putting them in the same place,
20 as you know, we also offered conditional
21 licenses. So one could have been a conditional
22 and the other could have been the brick and
23 mortar. So those are things that we have to take
24 into consideration from where we sit as
25 applicants apply for licenses. You may have a

1 business model, but it may not fit what we have
2 to offer.

3 MR. ORTIZ: Thank you, Mr. Gordy for
4 that additional clarification. I think really
5 just the point that I would like to elevate is
6 the fact that they are not the same delivery
7 because they are two different distinct
8 businesses, and I think framing it saying that
9 they have the same capability, I guess, is where
10 I need some clarification on.

11 CHAIRPERSON ANDERSON: I think what Mr.
12 -- they are in the same location I think that is
13 an issue, because you are sharing the same
14 location, and I think that is what Mr. Gordy is
15 saying. You are sharing the same location. The
16 other business that is your wife's business, if
17 that license is granted, she can get -- if she is
18 the one who applied for that endorsement she can
19 get that endorsement on her business to do
20 exactly what it is you are trying to do in the
21 basement of the building. That is what we are
22 saying.

23 MR. ORTIZ: Okay. Thank you for the
24 clarification.

25 CHAIRPERSON ANDERSON: All right. Your

1 wife is not here for her to represent from her
2 side, sir, and you cannot speak for her because
3 it is her separate business, but the Board and
4 the Agency is informing you what is it that we
5 expect from you in the sense of if we grant you
6 licenses. So you are making these assurances
7 that you do not have any management and control
8 of your wife's business, and that your business
9 is separate and apart from your wife. So those
10 are the assurances that you are making to the
11 Board today from your perspective. You cannot
12 make those representations about your wife
13 because she is not there, but the representations
14 is that if you -- that you have no control in her
15 business and you have no financial stakes outside
16 of the fact that she is your wife, that day-to-
17 day management in her business. So my assumption
18 is that, and you never assume, that if she does
19 not -- well, I am not even going to make an
20 assumption because she is not here to speak about
21 her business model and whether or not -- maybe,
22 Mr. Gordy, at some point maybe we need to have
23 the licenses that the wife has requested that
24 maybe we need to have. Maybe you need to request
25 this type of information from her, and maybe she

1 needs to come in front of the Board so she can
2 give the Board her assurances that she does not
3 have any management and control of any of the
4 businesses that her husband owns, and that they
5 are separate and apart.

6 MR. GORDY: I agree with Mr. Chairman.

7 CHAIRPERSON ANDERSON: All right. So
8 is there any other representation you need to
9 make today, Mr. Ortiz?

10 MR. ORTIZ: No not at this time if we
11 have addressed all the concerns that Mr. Gordy
12 has brought to the Board.

13 CHAIRPERSON ANDERSON: Do you have a
14 question, Mr. Short?

15 MR. SHORT: I guess what I am hearing
16 that there will be separate businesses, one in
17 the basement, and one upstairs, and currently
18 there is no separation in the building, is that
19 correct, Mr. Ortiz?

20 MR. ORTIZ: We have provided the
21 proposed plans, essentially it is adding a wall
22 and then a entrance point --

23 MR. SHORT: So --

24 MR. ORTIZ: -- for ABCA review before
25 we operate.

1 MR. SHORT: So the Department of
2 Buildings would also ask you to give them some
3 floor plans and some construction drawings, is
4 that correct? To separate the two different
5 businesses, one in the basement and one upstairs.

6 MR. ORTIZ: Yes, those plans have been
7 provided when the -- on my wife's side of Orr
8 (phonetic) Enterprises when the building was
9 inspected and the floor plans and designs.

10 MR. SHORT: So currently there is no
11 separation, is that correct?

12 MR. ORTIZ: That is correct. Yes, Mr.
13 Short. We are pending on the final verification
14 approval of our plans so we can implement them
15 before operation, Mr. Short.

16 MR. SHORT: So can you provide a copy
17 of those plans to our licensing division?

18 MR. ORTIZ: Mr. Short, yes, those have
19 been provided to Mr. Gordy's team.

20 MR. SHORT: Okay. Thank you. I had to
21 ask, that did not come up and I think that is
22 important that we make sure that all the
23 government agencies, especially the separation of
24 businesses, because the inspectors would expect
25 that. A lot of times people get businesses and

1 they sell them after they get a license and then
2 the next person comes in and says well this
3 person was already operating, why do I have to
4 submit plans. So we are not saying that that
5 would happen in your case, but at any rate, we
6 are just making sure we do due diligence as our
7 Chairman said in our responsibilities in this
8 licensing issue. Thank you very much, Mr.
9 Chairman. That is all I have.

10 CHAIRPERSON ANDERSON: You are welcome,
11 Mr. Short. All right. Mr. Ortiz, Mr. Gordy will
12 follow up with you with next steps, and he will
13 probably follow up with your wife with next steps
14 regarding her license application. Okay, sir?
15 All right, thank you for your presentation today.
16 Have a great day. Thank you, Mr. Gordy.

17 MR. GORDY: All right, you are welcome.
18 Thank you. Take care, Mr. Ortiz.

19 MR. ORTIZ: Thank you, Mr. Gordy, you
20 too.

21 (Whereupon, the above-entitled matter
22 went off the record at 12:01 p.m.)
23
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: Aurora Market

Before: DC ABCA

Date: 08-14-24

Place: teleconference

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Court Reporter

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