

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE AND CANNABIS BOARD
+ + + + +
MEETING

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IN THE MATTER OF: :
 :
Metro Art & Sculp :
Collab, LLC :
1528 U Street NW :
ANC 2B :
 :
Case #24-ULC-00011 :
 :
(Request for Expedited :
Hearing on Board Order :
No. 2024-592) :
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Thursday
September 19, 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:

JAMESON CHARLES, DC ABCA Staff
JASON PERU, Supervisory Investigator, DC ABCA
JONATHAN PORTER, Business Owner
YUTONG ZHOU, Counsel for Business

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

2 10:09 a.m.

3 CHAIRPERSON ANDERSON: Good morning,
4 we're on the record. As Chairperson of the
5 Alcoholic Beverage and Cannabis Board for the
6 District of Columbia and, in accordance with DC
7 Code Section 2-571 (et. seq.) of the Open
8 Meetings Act (OMA), I am welcoming you to the
9 regular scheduled meeting of the Alcoholic
10 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 2-577(a) of the DC
17 Code.

18 Pursuant to the OMA requirements,
19 notice of today's meetings was provided 48 hours
20 in advance of the meeting on ABCA's website and
21 on the District's Central Meeting Calendar. The
22 notice includes the time, date, agenda and call-
23 in or login information for public participation.
24 This electronic meeting is being hosted by a
25 WebEx account provided by the District of

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

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

10 MEMBER SHORT: Mr. James Short present.

11 CHAIRPERSON ANDERSON: Mr. Silas Grant.

12 MEMBER GRANT: Mr. Silas Grant present.

13 CHAIRPERSON ANDERSON: The Board has
14 three members in attendance for the conduct of
15 business today and that constitutes a quorum.

16 Before we get underway with today's
17 hearing calendar, I need to make a few
18 instructions very clear so that the conduct of
19 these hearings is understood by everyone.

20 There are two cases scheduled for our
21 calendar today. Once your case is called, I will
22 take a moment for our IT specialist to elevate
23 the rights for each party to enable their camera
24 and microphone. Then, and only then, will you
25 have the ability to enable your equipment. If

1 your case is not being heard, you will remain
2 mute and your camera will be disabled. At the
3 conclusion of each case, the parties will have
4 the option to leave. If the party chooses to
5 stay, all cameras and microphones for the
6 concluded case will be disabled. Should you have
7 any questions or require technical assistance
8 during the hearing, please submit them using the
9 Question and Answer feature.

10 Our first case this morning is a cease
11 and desist hearing. It's case number 24-ULC-
12 00011, Metro Art and Sculp Collab, LLC, 1528 U
13 Street, NW.

14 Good morning, Mr. Charles. Can you
15 please elevate the rights of the parties in this
16 case?

17 MR. ZHOU: Good morning.

18 CHAIRPERSON ANDERSON: Hold on one
19 minute please, sir. I believe I'm waiting for
20 Investigator Peru.

21 MR. CHARLES: Good morning, Mr.
22 Chairman. Every person for the case that's in
23 the chat has been elevated.

24 CHAIRPERSON ANDERSON: Hold on. We
25 still need Investigator Peru. We need to find

1 him.

2 MR. CHARLES: Jason Peru has been
3 elevated, Mr. Chair.

4 CHAIRPERSON ANDERSON: Thank you, sir.
5 Good morning, everyone. This is the cease and
6 desist hearing regarding Metro Art and Sculp
7 Collab. This is a request for an expedited
8 hearing pursuant to Board Order Number 2024-592.
9 Let me start with the individual who requested
10 the hearing, I see a Mr. Zhou, Mr. Porter, so Mr.
11 Porter, can you please spell and state your name
12 for the record and your relationship to this
13 establishment.

14 MR. PORTER: My name is Jonathan
15 Porter, J-O-N-A-T-H-A-N Porter P-O-R-T-E-R. I am
16 the owner of the establishment.

17 CHAIRPERSON ANDERSON: Mr. Zhou, can
18 you please spell and state your name for the
19 record, sir, and your relationship? Hello? Sir,
20 I'm waiting for you. Mr. Porter, can you text
21 him to let him know I can say him, I'm waiting
22 for him to say something?

23 MR. PORTER: Sure, hold on one second,
24 please.

25 MR. ZHOU: I'm sorry, I think my

1 connection just lost a little bit, did I miss
2 something?

3 CHAIRPERSON ANDERSON: I've been
4 waiting for you the entire time, sir.

5 MR. ZHOU: Sorry.

6 CHAIRPERSON ANDERSON: All I'm waiting
7 is for you to spell and state your name for the
8 record and your relationship to --

9 MR. ZHOU: Oh, I'm sorry (Simultaneous
10 speaking.) I just got reconnected. My name is
11 Yutong Zhou, Y-U-T-O-N-G Z-H-O-U. I'm the
12 counsel for MASC and Mr. Porter.

13 CHAIRPERSON ANDERSON: Okay. I'm
14 sorry, you're the counsel, so you're
15 representing? I just wanted to -- who do you
16 represent? The establishment?

17 MR. ZHOU: The establishment and Mr.
18 Porter as well.

19 CHAIRPERSON ANDERSON: So, is there a
20 difference between the establishment and Mr.
21 Porter? I'm asking --

22 MR. ZHOU: Right, I mean the
23 establishment is his own person for purpose, it's
24 his business entity.

25 CHAIRPERSON ANDERSON: Okay, so you

1 represent the business entity and you also
2 represent Mr. Porter as the owner of the business
3 entity. Is that correct?

4 MR. ZHOU: Right, yes.

5 CHAIRPERSON ANDERSON: All right. Mr.
6 Peru, please spell and state your name for the
7 record.

8 INVESTIGATOR PERU: Supervisor
9 Investigator Jason Peru, J-A-S-O-N P-E-R-U.

10 CHAIRPERSON ANDERSON: All right, hold
11 on one minute, please. All right, I think I
12 pronounced your name right the first time, say it
13 one more time for me, sir. Your last name.

14 MR. ZHOU: Zhou, like J-O-E, you can
15 pronounce it.

16 CHAIRPERSON ANDERSON: Okay, Mr. Zhou.
17 You requested this hearing on behalf of your
18 client, so let us know, why is it that you are
19 requesting that the Board lift it's cease and
20 desist order, sir.

21 MR. ZHOU: Yes, I mainly requested the
22 hearing to dispute the fact finding contained in
23 the cease and desist order and the main point of
24 this is to question Mr. Peru, the witness, for
25 certain findings that he made in the findings of

1 fact portion of the order.

2 CHAIRPERSON ANDERSON: Well, I mean,
3 I guess the bottom line is that you requested a
4 hearing --

5 MR. ZHOU: Right.

6 CHAIRPERSON ANDERSON: So, you need to
7 tell us why you did and then where you in
8 offense, we are in defense, the Agency would be
9 in defense, so you requested the hearing, so the
10 Board has Mr. Peru as a witness if the Board has
11 questions of him that the Board will raise, will
12 ask Mr. Peru questions. You did not demand that
13 Mr. Peru appear here today to testify, so,
14 therefore he's not your witness to call. If the
15 Board doesn't call him as a witness, unless you
16 had requested him as a witness so you can call
17 him to question him, sir.

18 MR. ZHOU: All right, but I think this
19 is an order initiated by the Board but I could in
20 these kind of context of cases, according to DC
21 Administrative Procedure Act, I think the Board -
22 - I mean it's kind of weird here of who exactly
23 is the prosecutor, who's the plaintiff, has the
24 burden of proof to say we are engaging in certain
25 activities.

1 CHAIRPERSON ANDERSON: Hold on. We're
2 an independent agency so we do not, hold on.
3 Give me one minute. We're not the Office of
4 Administrative Hearings, this is a separate
5 process. I am aware that we do follow the APA
6 so, but this is not the Office of Administrative
7 Hearings. This is a separate office. Do you
8 have any independent evidence, independent of Mr.
9 Peru, to contest what's in his findings and fact.
10 I mean, of course, if you -- the Board at some
11 point will contact him, will call him to defend
12 his report, but you requested this hearing, sir.

13 Since you requested this hearing, you
14 need to put your evidence on to say why is it
15 that you're disputing what's already in the
16 record, what's in our case report. You need to
17 put evidence in the record to dispute the
18 findings of Mr. Peru. The Board will call Mr.
19 Peru and ask some questions of him and then you
20 can cross examine him. You'll have the ability
21 to cross examine him, but because you requested
22 this hearing, you did not compel the attendance
23 of Mr. Peru to say that he's your witness and so,
24 therefore, you can call him and you can cross
25 examine him and do whatever. We're here. If the

1 Board doesn't call him as a witness, there's no
2 witness for you to cross examine. So, you tell
3 me where we want to go from there.

4 MR. ZHOU: All right, okay. This is
5 a case, according to DC Administrative Procedure
6 Act, Section 2-509, I will submit through counsel
7 oral evidence right now. So, essentially the two
8 things I mainly want to dispute are in the fact
9 finding number three, it says on July 23rd, SI
10 Peru returned to the premises for a following up
11 inspection. He's --

12 CHAIRPERSON ANDERSON: Hold on, give
13 me one minute, please. Let me see if I can find
14 what you're reading from so I can follow along.
15 Hold on one minute, please, sir.

16 MR. ZHOU: Yes.

17 CHAIRPERSON ANDERSON: Okay, so you're
18 reading from the cease and desist order that the
19 Board issued on, let me see what date was this,
20 on July 24, that's the one? (Simultaneous
21 speaking.) The 31st of July?

22 MR. ZHOU: Yes.

23 CHAIRPERSON ANDERSON: Is that what
24 you're reading from?

25 MR. ZHOU: Yes.

1 CHAIRPERSON ANDERSON: So, tell me
2 where you are, sir. What are you reading now?

3 MR. ZHOU: I'm in findings of fact,
4 line item number three.

5 CHAIRPERSON ANDERSON: Okay. Okay, go
6 ahead, sir.

7 MR. ZHOU: So, I was reading, SI Peru
8 returns to the premises for a follow up
9 inspection and found that the establishment was
10 continuing to sell cannabis products containing
11 THC. For example, blah, blah, blah. I'm
12 disputing the fact that Mr. Peru actually found
13 any THC products and our defense is that Mr. Peru
14 did not possess enough knowledge or expertise to
15 determine the content of the products in the jar.

16 Furthermore, we are disputing the next
17 several lines too. He says, another photo shows
18 a lollipop called Dum-Dums, mimicking a well
19 known and similarly brand of candy. The label
20 states the product contains marijuana, a Schedule
21 I controlled substance. We're disputing this
22 fact that Mr. Peru actually did not examine the
23 packaging and actually there was not even a
24 lollipop in the package.

25 Also, we're disputing the legal

1 conclusion that somehow found its way into
2 findings of fact that there's no indication that
3 the products being displayed for sale confirm
4 Chapter 6(b) and the associated regulations,
5 manufacturing, testing, labeling and packaging
6 requirements. In the end, we also dispute the
7 finding that there's no indication in the
8 Applicant's records that 1528 U Street has been
9 issued any license. Also, the finding that
10 ABCA's records show that there is no pending
11 application for the location and we actually did
12 not file an application at 924 5th Street, NW.

13 These are the facts that I am
14 disputing.

15 CHAIRPERSON ANDERSON: I'm sorry,
16 you're saying when was an application filed?

17 MR. ZHOU: We filed the application,
18 let me see, it was April 30th.

19 CHAIRPERSON ANDERSON: And what type
20 of application was filed? April 30, 2024?

21 MR. ZHOU: Yes, yes, April 30, 2024.
22 It was a social equity application with a
23 landlord affidavit attached to the application
24 with the location of 1528 U Street, NW, DC.

25 CHAIRPERSON ANDERSON: Did the

1 Applicant receive a license from the agency?

2 MR. ZHOU: We received the -- so,
3 here's kind of the problem. Even though we
4 submitted the location, we were issued
5 Conditional License Number 128717 and it was Ms.
6 Cluff who processed our application.

7 CHAIRPERSON ANDERSON: So, you're
8 saying that a conditional license was issued --

9 MR. ZHOU: A conditional license, I
10 think, was wrongly issued because we actually
11 applied with a location.

12 CHAIRPERSON ANDERSON: But, what is
13 the location that was visited by Mr. Peru?

14 MR. ZHOU: It was 1528 U Street, NW,
15 the same location with the landlord affidavit we
16 provided.

17 CHAIRPERSON ANDERSON: 1528 U Street.

18 MR. ZHOU: Northwest.

19 CHAIRPERSON ANDERSON: Northwest. And
20 a conditional license was issued for what
21 address?

22 MR. ZHOU: We actually didn't apply
23 for the conditional, we applied for a normal
24 license with the location and then we even
25 submitted a landlord affidavit, but on August 30,

1 we were issued a conditional license.

2 CHAIRPERSON ANDERSON: For what
3 address?

4 MR. ZHOU: I'm sorry?

5 CHAIRPERSON ANDERSON: You were issued
6 a conditional license. A conditional license,
7 it's my understanding, if you are issued a
8 conditional license, you're stating that you did
9 not have a location. (Simultaneous speaking.)

10 MR. ZHOU: (Simultaneous speaking.)
11 Sir, you know conditional licenses are issued to
12 license holders who do not have locations.

13 CHAIRPERSON ANDERSON: But did you --
14 I'm sorry, an application was filed on April 20.
15 Tell me what type of application was filed on
16 April 20, 2024.

17 MR. ZHOU: April 30. April 30.

18 CHAIRPERSON ANDERSON: Oh, April 30,
19 2024, what type of license was applied for?

20 MR. ZHOU: Right, we applied for a
21 standard, social equity.

22 CHAIRPERSON ANDERSON: Standard? A
23 standard social equity, all right.

24 MR. ZHOU: Yeah.

25 CHAIRPERSON ANDERSON: And, the

1 address was 1528 U Street, NW that was the
2 address that was applied for in your application.
3 Is that correct?

4 MR. ZHOU: Yes.

5 CHAIRPERSON ANDERSON: And you're
6 saying that on August what date?

7 MR. ZHOU: August 30, 2024.

8 CHAIRPERSON ANDERSON: You received a
9 conditional license?

10 MR. ZHOU: Yes.

11 CHAIRPERSON ANDERSON: And what
12 address was listed in the conditional license?

13 MR. ZHOU: I'm sorry, I didn't catch
14 that.

15 CHAIRPERSON ANDERSON: Was it stated
16 that there was an address or was it stated that
17 there was no address?

18 MR. ZHOU: It was stated the location
19 TBD, so there was no address.

20 CHAIRPERSON ANDERSON: So, August 30,
21 when did someone contact the Agency to say, oh by
22 the way, this is a wrong license because we do
23 have a location so it should not be a conditional
24 license. A standard license should have been
25 issued.

1 MR. ZHOU: Yes, Mr. Porter did.

2 CHAIRPERSON ANDERSON: And what
3 response did Mr. Porter receive from the Agency?

4 MR. ZHOU: I don't think Mr. Porter
5 received a response yet.

6 CHAIRPERSON ANDERSON: When did Mr.
7 Porter contact the Agency?

8 MR. ZHOU: I don't have the exact with
9 me.

10 CHAIRPERSON ANDERSON: Mr. Porter is
11 there and will Mr. Porter -- you represent Mr.
12 Porter, you can have him answer the question if
13 he can or you answer the question since Mr.
14 Porter is here. I'm sorry --

15 MR. PORTER: Am I on mute?

16 CHAIRPERSON ANDERSON: You can speak,
17 sir, if you're going to speak just identify
18 yourself for the record if you're going to speak,
19 sir.

20 MR. PORTER: My name is Jonathan
21 Porter and I'm just pulling up the emails right
22 now, if you'd give me one second. So, the last
23 email I received was from Nichelle Cluff, that
24 was on August 30, saying that I received a -- I'm
25 sorry, September 16, was the last email I

1 received from Nichelle.

2 CHAIRPERSON ANDERSON: Hold on, hold
3 on one minute please. Mr. Porter, let me have
4 you raise your hand please.

5 MR. PORTER: May --

6 CHAIRPERSON ANDERSON: I'm going to
7 put you under oath.

8 MR. PORTER: Have me do what?

9 CHAIRPERSON ANDERSON: I'm going to
10 put you under oath, sir, since you're testifying.

11 MR. PORTER: I need to ask my attorney
12 is he okay with that.

13 MR. ZHOU: No.

14 MR. PORTER: All right, well, no.

15 CHAIRPERSON ANDERSON: So, you don't
16 want to --

17 MR. PORTER: No.

18 CHAIRPERSON ANDERSON: I don't want to
19 throw you and so, therefore, these are -- all
20 right. (Simultaneous speaking.)

21 MR. ZHOU: Mr. Porter will not take
22 the stand today.

23 CHAIRPERSON ANDERSON: All right, hold
24 on, okay. All right, I guess at this point,
25 you're still presenting your opening. Okay?

1 Your defense, sir, did you provide us any
2 documents? Okay, you're contesting the cease and
3 desist.

4 MR. ZHOU: Uh-huh.

5 CHAIRPERSON ANDERSON: Did you provide
6 any documents to the Agency in this particular
7 case to support your position in the sense that
8 you've basically stated that we applied for
9 license on April 30 and you provided a copy of
10 whatever you applied for. Did you provide us
11 also with a copy to say that you received a
12 response from the Agency to say that you received
13 a conditional license for the same address? Did
14 you also provide us the response provided to the
15 Agency to say, oh by the way, I applied for a
16 standard license because I do have a location and
17 so, therefore, you need to issue a standard
18 license application for this address. Did you
19 provide any documentation to the Agency to
20 support your position for this hearing today,
21 sir?

22 MR. ZHOU: No, but the DC
23 Administrative Act, DC Code Section 2509 states
24 that either party shall have the right to present
25 in person or by consulting case or defense by

1 oral and documentary evidence. So, I'm
2 submitting as evidence my oral evidence in front
3 of you. Also, in addition, there was no
4 invitation to submit evidence by me from the
5 Agency as the normal practice for Agency. I
6 received no notice of that.

7 CHAIRPERSON ANDERSON: But
8 (Simultaneous speaking.)

9 MR. ZHOU: I'd still like to further
10 submit evidence through oral evidence in
11 (Simultaneous speaking.)

12 CHAIRPERSON ANDERSON: But, all right
13 hold on, hold on. Hold on, Mr. Zhou. You're an
14 attorney, as an attorney you can't present
15 evidence. What I mean, you cannot produce oral
16 evidence. You have to provide -- you can make
17 representation as an attorney. That's one of the
18 reasons why, because you're not providing me the
19 documents, you have the witness and so therefore,
20 that's why I was swearing in the witness so the
21 witness can testify to say this. But, as an
22 attorney, all you can do is make representation,
23 sir. You can't testify.

24 MR. ZHOU: So, Mr. Anderson, are you
25 saying ABCA and the ABC Board are exempt from the

1 DC Administrative Procedure Act?

2 CHAIRPERSON ANDERSON: That's not what
3 I'm saying, sir. I'm saying (Simultaneous
4 speaking.)

5 MR. ZHOU: Well, the DC Administrative
6 Procedure Act states clearly and I quote again,
7 "either party shall have the right to present in
8 person or by counsel his case or defense by oral
9 --

10 CHAIRPERSON ANDERSON: Yeah,
11 (Simultaneous speaking.) you are right, Mr. Zhou.
12 Of course, you can provide, but an attorney
13 cannot testify. (Simultaneous speaking.)

14 MR. ZHOU: I'm not testifying.

15 CHAIRPERSON ANDERSON: I'm sorry?

16 MR. ZHOU: I'm not testifying, I'm
17 just stating, like, why I requested the hearing,
18 why we're disputing these facts.

19 CHAIRPERSON ANDERSON: And that's fine
20 and I don't have a problem with that. I don't
21 have a problem with them, what I'd ask you is
22 that you're making certain representations and
23 I'd ask do you have the documentary evidence to
24 support the representations that you're making.
25 So, if you have the documentary evidence, I can

1 ask you to provide those to the Agency to our
2 legal office immediately. I can take a break, so
3 the legal office can share it with the Board and
4 so I can look at these documentary evidence that
5 you have. You haven't provided the documentary
6 evidence, so therefore, you have a witness and so
7 if the witness wants to testify about the
8 documentary evidence and I said, okay, let me
9 swear the witness in and you said no, you're not
10 going to allow it. So, you're not even allowing
11 me to have the witness on the stand for me to
12 swear him in for him to verify the documents.

13 You're not providing me the
14 documentary evidence, okay? You're making the
15 allegations and I said, okay, if you have the
16 documents, provide me the documents. I'm fine
17 with them, but because you don't have the
18 documents and you have the witness and I said,
19 okay, fine the witness can provide the
20 information, let me swear the witness in and
21 you're telling me that, no, I can't swear the
22 witness in. Therefore, because I can't swear the
23 witness in then these are just unsubstantiated
24 information you're providing.

25 I don't have a problem, sir, as an

1 attorney for you to make representations on
2 behalf of your client. You can do that, that's
3 fine. But I'm aware and you're aware that's not
4 evidence. These are just representations.
5 Evidence is either a witness testifying under
6 oath or you're providing me documents that we can
7 both look at. Then I will ask, once you provide
8 these documents, then I can ask questions of the
9 witness regarding the documents. That's all I'm
10 asking. I don't have a problem, sir, I'm aware
11 of the APA.

12 We follow the rules and regulations
13 here, but you can make, as an attorney, you can
14 represent, but an attorney can't testify unless
15 you take the attorney hat off, I swear you in and
16 then you testify. That's the only difference I'm
17 making, sir. You can make as many
18 representations as you want today, but they're
19 just representations. It's not testimony.

20 MR. ZHOU: Yeah, I can submit the
21 documents.

22 CHAIRPERSON ANDERSON: So, if you have
23 the documents, I can have you email the documents
24 right now to our legal office and I'll get the
25 email address. Can someone write the email

1 address in the chat for ABCA legal, so the
2 attorney can send the documents in and then make
3 that available to the Board so we can review
4 them. I'm sorry, what is the email address for
5 ABCA legal, please? Hold on.

6 You can email them, sir, to
7 abca.legal@dc.gov. You can also send a copy to
8 Jonathan.Berman@dc.gov. You can send it to him
9 also at that email address, he will submit it to
10 the Board. I'll receive them as soon as you send
11 them and I can review them and then we can move
12 forward from there, sir.

13 While we're waiting, sir, I guess the
14 bottom line is that you're saying that you
15 dispute it, so are you done with your
16 presentation?

17 MR. ZHOU: Give me one moment, we'll
18 just wait until I send over the --

19 CHAIRPERSON ANDERSON: Okay, all
20 right.

21 MR. ZHOU: Documents. Thank you so
22 much.

23 CHAIRPERSON ANDERSON: All right,
24 fine. Let me know when the documents have been
25 sent, sir.

1 MR. ZHOU: I will. I will.

2 CHAIRPERSON ANDERSON: Do you want us
3 -- we can go off the record, it's 10:42 until
4 10:50. Do you want us to do that?

5 MR. ZHOU: Sir, just please give me
6 another five minutes. We can probably figure
7 this out.

8 CHAIRPERSON ANDERSON: No, that's
9 fine. This is what we'll do, it's 10:42 --

10 MR. ZHOU: Oh, okay, let's do that,
11 let's do that, thank you.

12 CHAIRPERSON ANDERSON: It's 10:42,
13 we'll be off the record until 10:50. All you
14 need to do is just mute your phone and turn your
15 video off. We are off the record until 10:50.
16 Okay? All right.

17 (Whereupon, the above-
18 entitled matter went off the
19 record at 10:42 a.m. and
20 resumed at 10:50 a.m.)

21 CHAIRPERSON ANDERSON: All right,
22 we're back on the record. Mr. Zhou, have you
23 submitted the document?

24 MR. ZHOU: Yep.

25 CHAIRPERSON ANDERSON: Mr. Zhou?

1 MR. PORTER: He said yes.

2 CHAIRPERSON ANDERSON: I didn't hear

3 --

4 MR. ZHOU: You can't hear me, I'm
5 sorry.

6 CHAIRPERSON ANDERSON: I can hear you
7 now, sir. Did you submit the documents, sir?

8 MR. ZHOU: Yes, yes.

9 CHAIRPERSON ANDERSON: All right, hold
10 on. All right, so the Agency told me that they
11 received the documents, so let me wait for the
12 documents to be forwarded and then we can have --
13 hold on. Let me forward them to another computer
14 so I can review them so we can talk about it
15 while I'm online.

16 MR. ZHOU: Also, Mr. Anderson, Mr.
17 Porter would like to take the stand.

18 CHAIRPERSON ANDERSON: That's your
19 call, sir. You don't have to. You can call if
20 you want to call him as a witness. As you know,
21 if he's going to testify, I'm going to swear him
22 in, but that is your call if you want to call him
23 as a witness. There's no requirement for you to
24 do that. I was just saying that because we're
25 talking about documents that were not in evidence

1 and so.

2 All right, so I received a letter.
3 The letter is to Mr. Porter. It was addressed to
4 Mr. Porter at 1528 U Street, NW, Suite 1 and it
5 was dated August 14. The Alcoholic Beverage and
6 Cannabis Board approved the application for a
7 conditional license. So, a conditional license
8 was granted for one year because there was no
9 location identified in the application. It
10 basically says a conditional license does not
11 permit you to purchase, possess, cultivate,
12 manufacture or sell medical cannabis products.

13 All right, so you want to correct the
14 cease and desist to say that there was no -- let
15 me see, when was this? This letter was -- hold
16 on, let me see something. Let me go back to the
17 application. All right, go ahead, sir. You're
18 making representations and you say you want to
19 call a witness. So, tell me where we're at.

20 MR. ZHOU: Yes, so we didn't apply for
21 a conditional license in the beginning because
22 one of the other documents I sent over is a
23 landlord affidavit signed May 8, 2024, to support
24 the application and that one was to secure the
25 location of 1528 U Street, NW. Yes, I would like

1 to call Mr. Porter.

2 CHAIRPERSON ANDERSON: All right, you
3 want to call him now?

4 MR. ZHOU: Yeah.

5 CHAIRPERSON ANDERSON: Mr. Porter, can
6 you raise your right hand, please? Do you swear
7 or affirm to tell the truth and nothing but the
8 truth? I can't hear you, sir. You're on mute.
9 You are on mute. I can see your mouth moving,
10 but I can't hear you.

11 MR. PORTER: Yes, yes, I had to unmute
12 it, I'm sorry.

13 CHAIRPERSON ANDERSON: Okay, go ahead,
14 sir. Your witness, sir.

15 MR. ZHOU: Yes, so, Mr. Porter, you
16 did apply with ABCA, filled out an application
17 with ABCA with the location of 1528 U Street, NW,
18 right?

19 MR. PORTER: Yes and I submitted the
20 landlord affidavit signed by my landlord, Charles
21 Souliotis.

22 MR. ZHOU: But it seems that Ms. Cluff
23 made the mistake as to the status of the
24 application?

25 MR. PORTER: Yes, I believe that. We

1 had originally applied for this license, like we
2 said on April 30, and I didn't receive
3 confirmation about even receiving this license
4 until August whatever that last email says in
5 August. I got COVID the following week, which is
6 why we had to reschedule this hearing and I
7 didn't respond to Mrs. Cluff because I knew we
8 were going to have this meeting right here, is
9 what I knew we were having the hearing right here
10 for this response right here. Now, I amazingly
11 received this conditional license a couple days
12 after Mr. Peru revisited, so this is where we
13 are.

14 MR. ZHOU: Yes, and also in the season
15 this is ordered, the order mentioned 924 5th
16 Street, NW. You did not apply for a license at
17 that location, correct?

18 MR. PORTER: No, sir. As a matter of
19 fact, on the actual MCP Facility Application, it
20 states at the time created at 5/28 at 9:54 p.m.,
21 I applied for a social equity license, the
22 business address stated on that application right
23 here 1528 U Street, NW. Current license class
24 none, new applicant is what was sent from you
25 guys.

1 MR. ZHOU: And also, the mention of
2 924 5th Street, NW caused a lot of confusion to
3 you, I presume, and that perhaps can explain why
4 there was no contact made directly between you
5 and Nichelle Cluff before this hearing so that
6 you can resolve it at a later date. Mr. Porter?

7 MR. PORTER: Yes, I agree with that
8 statement.

9 CHAIRPERSON ANDERSON: I didn't -- I'm
10 sorry. What statement did you agree with, sir?

11 MR. PORTER: I agree with the
12 statement the fact that I submitted this
13 information and I did not receive the information
14 back until August 30, and I was (Simultaneous
15 speaking.) and I was confused because this whole
16 entire process is a confusing endeavor, just to
17 say the least. The information that's provided
18 from Mr. Peru is contradictory to that provided
19 by Nichelle Cluff, although you guys are all in
20 the same group, ABCA here. I'm just the only
21 business owner trying to navigate this process.

22 MR. ZHOU: Mr. Porter, to continue,
23 did Mr. Peru ever tell that applying for a
24 license will get MASC out of trouble?

25 MR. PORTER: Yes, that was his initial

1 first statement upon arrival to our business, to
2 my business manager, that all you (Simultaneous
3 speaking.)

4 CHAIRPERSON ANDERSON: Hold on, Mr.
5 Porter, (Simultaneous speaking.) Mr. Porter,
6 hold on one minute. The court reporter cannot
7 hear someone, I'm not sure who the court reporter
8 cannot hear. Who is it that you cannot hear?
9 Hold on. Just hold on, please. The court
10 reporter put something in the chat. Hold on,
11 please. I need to the court reporter to tell me
12 what's going on. I just see the court reporter
13 said, please stop, so just hold on.

14 All right, the court reporter is now
15 back on board. I apologize, Mr. Porter. Mr.
16 Zhou, if you need to repeat the question to him,
17 maybe you can do that, please.

18 MR. ZHOU: Yes, absolutely. So, Mr.
19 Porter, did Mr. Peru tell you that applying for a
20 license will get your business out of trouble
21 during his visit on April 25, 2024?

22 MR. PORTER: Yes, that would be
23 immediate -- yes.

24 MR. ZHOU: And did, Mr. Peru visit
25 again July 23, 2024?

1 MR. PORTER: Yes.

2 MR. ZHOU: Okay, that's my
3 questioning.

4 CHAIRPERSON ANDERSON: Okay so, Mr.
5 Porter, you're saying you never contacted the
6 Agency to state that they made an error in the
7 type of license that was issued to you. Is that
8 correct, sir?

9 MR. PORTER: Well, I was confused by
10 the police --

11 CHAIRPERSON ANDERSON: No, I'm asking
12 you a different question, sir.

13 MR. PORTER: Okay.

14 CHAIRPERSON ANDERSON: I'm asking you
15 about the application. You stated that you
16 applied on April 30 for the license, that's what
17 you told me.

18 MR. PORTER: Yes.

19 CHAIRPERSON ANDERSON: Is that
20 correct?

21 MR. PORTER: Yes, sir.

22 CHAIRPERSON ANDERSON: And then you're
23 saying you got -- once you got the conditional
24 license application approval from our Agency, did
25 you share with Mr. Peru that you had a

1 conditional license application from the Agency?
2 Did you ever share that with Mr. Peru?

3 MR. PORTER: Yes.

4 CHAIRPERSON ANDERSON: When did you
5 share that with Mr. Peru?

6 MR. PORTER: When he talked to me the
7 second time, when he came in July.

8 CHAIRPERSON ANDERSON: And what did
9 you tell him?

10 MR. PORTER: When he showed up in
11 July.

12 CHAIRPERSON ANDERSON: And what did
13 you share with Mr. Peru, sir?

14 MR. PORTER: That I applied for a
15 license.

16 CHAIRPERSON ANDERSON: For that
17 address or for a different address?

18 MR. PORTER: I didn't -- for that, I
19 didn't tell -- I didn't say any address. I told
20 him that I applied for the license that he said
21 that we needed to apply for. Now, I assumed that
22 the license was at the address of record because
23 the documentation from you guys states that
24 address on there.

25 CHAIRPERSON ANDERSON: All right. So,

1 when did you notice that the license -- I guess
2 the bottom line is that, do you know what a
3 conditional license is, sir? Do you know what
4 type of license was granted to you?

5 MR. PORTER: No, I haven't been able
6 to look up the information yet. I just received
7 it two weeks ago, on August 19, like I mean, I
8 have to find out what this is. I've been sick --

9 CHAIRPERSON ANDERSON: That's
10 something (Simultaneous speaking.), sir. August
11 19 is a month ago. (Simultaneous speaking.)

12 MR. PORTER: Well, it's (Simultaneous
13 speaking.)

14 CHAIRPERSON ANDERSON: I apologize,
15 sir.

16 MR. PORTER: It was issued on August
17 30, if you really want to be specific on when it
18 was issued. It was issued August 30 and today
19 is, it's two weeks ago approximately.

20 CHAIRPERSON ANDERSON: All right, so
21 you have not -- it's correct that you have not
22 contacted in the Agency to say that the wrong
23 type of license was granted to you. Is that
24 correct?

25 MR. PORTER: No, not in the two weeks

1 that I received it, no, I knew I had the hearing
2 coming up.

3 CHAIRPERSON ANDERSON: I guess, let me
4 ask you a question, sir, even if you applied for
5 a license and I'm not stating whether or not you
6 were actually selling products, I'm not going to
7 go there, so what does it mean to apply for a
8 license? Does that mean that you can sell? All
9 right, let me ask you a question, you applied for
10 -- why did you apply for a cannabis license?

11 MR. PORTER: I'm not answering those
12 questions. I plead the 5th.

13 CHAIRPERSON ANDERSON: You applied for
14 a license, sir, (Simultaneous speaking.) I'm just
15 asking why did you apply for a license?

16 MR. PORTER: What difference does it
17 make why I applied for a license? I might've
18 wanted a license. It doesn't make any difference
19 why I applied for a license.

20 CHAIRPERSON ANDERSON: Is it correct
21 that you applied for a medical cannabis license
22 because you want to legally sell cannabis in the
23 District of Columbia, sir? Is that the reason
24 why you applied for a license, sir?

25 MR. PORTER: Do I need to answer that

1 question, Yu?

2 CHAIRPERSON ANDERSON: You don't have
3 to answer any questions you don't want to answer,
4 sir. You can say I'm not answering that
5 questions (Simultaneous speaking.).

6 MR. PORTER: You keep asking the
7 question. You want to ask me the question.

8 CHAIRPERSON ANDERSON: I'm sorry, sir?

9 MR. PORTER: I don't want to answer
10 that question.

11 CHAIRPERSON ANDERSON: All right,
12 that's fine. When you received the conditional
13 license, the conditional license says that you
14 cannot -- and one of the things that you can say,
15 sir, you can also state that I plead the 5th,
16 that doesn't mean anything. That's something
17 that you have that right to state, sir. I don't
18 have a problem with that, it's not taken positive
19 or negatively. That is your right. It's a
20 constitutional right that you have and I have to
21 respect that right if I ask a question and you do
22 not answer it. So, I'm fine with that, sir. Let
23 me see --

24 MR. PORTER: I'm only going to invoke
25 the 5th to specific questions. I'm only going to

1 answer specific questions that are deemed I need
2 to answer.

3 CHAIRPERSON ANDERSON: And that is
4 your right, sir. I don't have a problem with
5 that, so that's why I'm not -- I don't have a
6 problem with that.

7 MR. PORTER: Thank you so much. I
8 appreciate it.

9 CHAIRPERSON ANDERSON: I'm
10 acknowledging that you do have that right and I'm
11 fine with that, okay? That's all.

12 MR. PORTER: We've all got that right,
13 thank you.

14 CHAIRPERSON ANDERSON: Okay. This is
15 an administrative hearing, this is not a court of
16 law. This is an administrative hearing it's a
17 little bit different, but you still have those
18 constitutional rights, sir. All right, hold on.
19 Let me ask you a question, sir. Do you admit
20 that you were operating an unlicensed
21 establishment?

22 MR. PORTER: I'm not answering any
23 question. I'm not answering that question. I
24 plead the 5th.

25 CHAIRPERSON ANDERSON: Okay, fine. Do

1 you admit that the products for sale were
2 cannabis when Mr. Peru visited in April and July
3 ?

4 MR. PORTER: I plead the 5th.

5 CHAIRPERSON ANDERSON: What was your
6 business model? Tell me, in April and July, what
7 products were you selling when you were operating
8 your business at 1528 U Street, NW?

9 MR. PORTER: We sell artwork, we're an
10 art gallery.

11 CHAIRPERSON ANDERSON: And so
12 (Simultaneous speaking.) I'm sorry, I apologize,
13 sir, go ahead.

14 MR. PORTER: Art and statues and all
15 kinds of different things.

16 CHAIRPERSON ANDERSON: And so you make
17 money by selling art, is that your position, sir?

18 MR. PORTER: That's one of the
19 avenues, yes, sir.

20 CHAIRPERSON ANDERSON: Okay. So, let
21 me ask, you stated that you were not selling
22 cannabis in your business. Is that correct?

23 MR. PORTER: I plead the 5th, sir.

24 CHAIRPERSON ANDERSON: Okay.

25 MR. PORTER: I thought we were asking

1 me questions about the application.

2 CHAIRPERSON ANDERSON: Well --

3 MR. PORTER: Not for (Simultaneous
4 speaking.)

5 CHAIRPERSON ANDERSON: Unfortunately,
6 Mr. Porter, when you're on the stand, I can ask
7 you any questions I want answered and you can
8 (Simultaneous speaking.) and you can elect not to
9 answer them, sir. That's fine.

10 MR. PORTER: Okay.

11 CHAIRPERSON ANDERSON: So, you can't
12 tell me I can only ask you certain questions, but
13 you can elect not to answer and that's fine.

14 MR. PORTER: I appreciate it.

15 CHAIRPERSON ANDERSON: Okay. Who is
16 the landlord of 1528 U Street, NW?

17 MR. PORTER: John Souliotis is who I
18 believe is the owner.

19 CHAIRPERSON ANDERSON: Can you spell
20 the name? And it's for the court reporter that's
21 why.

22 MR. PORTER: I'm not exactly sure how
23 to spell it. I know his first is spelled J-O-N
24 Souliotis, I can't spell that. I'm sorry. I
25 don't know.

1 CHAIRPERSON ANDERSON: All right,
2 that's fine.

3 MR. ZHOU: I can spell that. I can
4 try and just help here. It's John is J-O-H-N and
5 the last name is S-O-U-L-I-O-T-I-S.

6 CHAIRPERSON ANDERSON: Thank you, Mr.
7 Zhou. Now, are you the one -- who owns the lease
8 for the property?

9 MR. PORTER: I own the lease.

10 CHAIRPERSON ANDERSON: (Simultaneous
11 speaking.) I'm sorry.

12 MR. PORTER: I'm leasing. I don't own
13 the property.

14 CHAIRPERSON ANDERSON: No, I said who
15 owns the lease. So, is it Jonathan Porter who
16 signs the lease or is it the entity? That's what
17 I'm trying to find out.

18 MR. PORTER: It was me that signed the
19 lease, Jonathon Porter.

20 CHAIRPERSON ANDERSON: So, Jonathan
21 Porter is the person who owns the lease, who
22 signed the lease. Okay. Do you know, sir,
23 whether or not your landlord is aware of this
24 action that's going on today?

25 MR. PORTER: I'm not sure if he's

1 aware. I'm sure he's been served papers, but I'm
2 not a hundred percent sure whether he knows or
3 not, sir.

4 CHAIRPERSON ANDERSON: So, has your
5 landlord, to the best of your knowledge and
6 recollection, has your landlord filed any action
7 in Landlord Tenant Court against your business or
8 yourself?

9 MR. PORTER: My landlord has sent me
10 a cease and desist as well based on Mr. Peru.

11 CHAIRPERSON ANDERSON: Okay. So, what
12 is your business intent going forward after
13 today, sir?

14 MR. PORTER: I have to establish
15 what's going on with the city right now. I don't
16 know if I have a business in the city anymore.

17 CHAIRPERSON ANDERSON: Is it your
18 intent to continue to sell whatever the products
19 that you have been selling in your business, is
20 it your intent to move forward with those sales?

21 MR. PORTER: Yes, sir.

22 CHAIRPERSON ANDERSON: I guess one of
23 the problems that I have and Mr. Peru in his
24 report stated that he saw and I think your
25 attorney had presented, had contested, some of

1 the factual assertions that Mr. Peru had raised
2 because Mr. Peru, I think, stated that he saw
3 lollipops and he saw products that said they were
4 THC and so you're saying that you don't sell
5 cannabis in your establishment, so why is it that
6 Mr. Peru would state that he observed cannabis or
7 products advertising cannabis at 1528 U Street?

8 MR. PORTER: You have Mr. Peru right
9 there on the bottom right corner, you can ask
10 him, sir.

11 CHAIRPERSON ANDERSON: I'm going to
12 ask him, sir, but I have you and it's your
13 business that he came in (Simultaneous speaking.)

14 MR. PORTER: I have no idea. I have
15 no idea.

16 CHAIRPERSON ANDERSON: Okay and you
17 don't know why Mr. Peru would state that the
18 packaging that he saw in your business indicated
19 that cannabis was being sold in your property?

20 MR. PORTER: I don't know anything
21 about what was going on in Mr. Peru's head, sir.
22 I'm sorry.

23 CHAIRPERSON ANDERSON: Okay, that's
24 fine, sir. All right. Are you by yourself in
25 the room, sir, that you're currently are? Are

1 you by yourself or is there someone else there
2 with you?

3 MR. PORTER: I don't have to answer
4 any questions. Why are you worried about what's
5 going on over here, sir?

6 CHAIRPERSON ANDERSON: All right, Mr.
7 Porter. One reason for the question, sir, is I
8 just want to make sure that when someone is
9 testifies that they're testifying, that this is
10 their testimony and that someone is just not
11 prompting them to say how they should answer a
12 question. Even if we were in court, and your
13 attorney was there, your attorney can't tell you
14 how to answer a question, you'd have to answer
15 and your attorney would make representations,
16 especially when an attorney would make
17 representations for you. That's one of the
18 reasons why I ask the question, sir.

19 All right, are there any questions
20 that any of the Board members wishes to ask Mr.
21 Porter? All right, hearing none, Mr. Zhou, in
22 light of the questions I asked, do you have any
23 redirect of your witness, sir?

24 MR. ZHOU: No.

25 CHAIRPERSON ANDERSON: Mr. Zhou, you

1 provided us -- the documents you provided to us,
2 are you submitting those documents as evidence
3 that should be part of the evidence presented in
4 this case?

5 MR. ZHOU: Yes.

6 CHAIRPERSON ANDERSON: All right,
7 okay. I guess, the documents if the application
8 that was submitted -- are you saying that the
9 documents that were provided, is it an incorrect
10 -- did the document provide the incorrect
11 information or did the Agency misinterpret what
12 was on the document? Which one are you stating?
13 Because since your client stated that he applied
14 for a standard license, the Agency responded with
15 a conditional license, so are you saying that the
16 error that was made, was it an error made by your
17 client when they submitted the application or was
18 the error made by the Agency when they reviewed
19 the application submitted?

20 MR. ZHOU: I believe the error was
21 made by the Agency because in the application, as
22 I submitted as evidence to you, that we included
23 a landlord affidavit. You only submit the signed
24 landlord affidavit following a standard
25 application. You don't need that while filing a

1 conditional license.

2 CHAIRPERSON ANDERSON: Okay and the
3 landlord affidavit that was submitted, it had the
4 1528 U Street address. Is that correct?

5 MR. ZHOU: Let me double check. Yes,
6 it does.

7 CHAIRPERSON ANDERSON: It does? All
8 right, okay. We will look at that. Is there any
9 other presentation? I'll give you an opportunity
10 to close later on, but at this juncture is there
11 any other evidence, direct evidence, that you
12 want to provide, sir?

13 MR. ZHOU: Let's see, I think I will
14 just close. I will just reiterate my
15 presentation once more.

16 CHAIRPERSON ANDERSON: Yeah, you'll
17 have an opportunity to close. I'm going to call
18 Supervisory Investigator Peru. Mr. Peru, can you
19 raise your right hand, please? Do you swear or
20 affirm to tell the truth and nothing but the
21 truth?

22 INVESTIGATOR PERU: I do.

23 CHAIRPERSON ANDERSON: Mr. Peru, where
24 are you currently employed?

25 INVESTIGATOR PERU: I'm employed at

1 the Alcoholic Beverage and Cannabis
2 Administration (ABCA) as a Supervisory
3 Investigator.

4 CHAIRPERSON ANDERSON: And so what
5 does that mean, you're a Supervisory
6 Investigator, sir?

7 INVESTIGATOR PERU: I manage a team of
8 alcohol investigators and those responsibilities
9 that come with it and I also conduct inspections
10 of licensed and unlicensed cannabis locations in
11 the District of Columbia.

12 CHAIRPERSON ANDERSON: All right, sir,
13 we have a hearing today on Metro Art and Sculp
14 Collaborative at 1528 U Street, NW. Are you
15 familiar with this establishment, sir?

16 INVESTIGATOR PERU: Yes, sir, I am.

17 CHAIRPERSON ANDERSON: How did you
18 become familiar with this establishment?

19 INVESTIGATOR PERU: It was on my list
20 of unlicensed locations operating in the District
21 of Columbia and I visited the location with the
22 Cannabis Task Force.

23 CHAIRPERSON ANDERSON: How many times
24 did you visit this location, sir?

25 INVESTIGATOR PERU: I went to that

1 location on numerous occasions. The first time I
2 visited was to issue a warning.

3 CHAIRPERSON ANDERSON: When was the
4 first time you visited?

5 INVESTIGATOR PERU: So, yeah,
6 Chairman, you mind if I just -- if I can just go
7 down the list of a time line so that --

8 CHAIRPERSON ANDERSON: Yes.

9 INVESTIGATOR PERU: Everything can be
10 clear on the record, sir?

11 CHAIRPERSON ANDERSON: Yes, that's
12 fine, yes.

13 INVESTIGATOR PERU: Okay, so on April
14 25, I first visited the location.

15 CHAIRPERSON ANDERSON: I need to put
16 in the record what specific location that you
17 visited, sir.

18 INVESTIGATOR PERU: I'm sorry, sir.
19 On April 25, I visited Metro Art and Sculp
20 Collab/MASC DC Weed, at 1528 U Street, NW, with
21 the Multi-agency Cannabis Task Force, which
22 includes members of DLCP (Department of Licensing
23 and Consumer Protection), member of Department of
24 Health (DOH) and with MPD.

25 We visited the location and upon

1 entering the establishment, we spoke with the
2 manager, who was very cooperative during all my
3 visits. I issued a warning for the business
4 selling cannabis and cannabis products without a
5 license. During the warning, like I tell all
6 businesses that I'm issuing the warning to, the
7 warning letter states that you have 14 days to
8 come into compliance. The only two ways to come
9 into compliance would be to shut down operations
10 or to get a license from ABCA which is not an
11 overnight process. I've told everybody that when
12 I visit the location. I then issue the warning
13 and then I exit the establishment.

14 When I was there issuing the warning,
15 there were multiple different varieties of
16 cannabis flower, products, edibles. The
17 Department of Health and DLCP issued infractions
18 against the location as well for that day and
19 then I exited the establishment.

20 I did not return, even though the
21 warning letter says 14 days, there was a time
22 lapse based on the number of unlicensed
23 businesses in the District, so I did not return
24 to the business until July 23.

25 I visited on April 25, according to

1 counsel, they applied for a license on April 30.
2 I just want to clarify the record that during my
3 visit with the manager, I did and maybe even Mr.
4 Porter, I can't recollect our conversation
5 verbatim, however, that location is not allowed
6 to get a license because it was within 400 feet
7 of another location. In fact, they're probably
8 within 30-40 feet, Doobie District. Because of
9 that, and Doobie District was placarded back in
10 December of 2023, because they applied as an
11 unlicensed operator, which was the open
12 application period from November to January. So,
13 Doobie District already had placards and were in
14 the process with ABCA, so, if they submitted the
15 application after my visit and warning on April
16 30, that location was not viable for a cannabis
17 retail license because of Doobie District being
18 within 400 feet per the statute.

19 When I returned on my next visit to
20 the location on July 23, and I was informed then
21 that they had applied for a conditional license
22 from Mr. Porter via phone, I explained to Mr.
23 Porter those exact things. I'm pretty consistent
24 on my speeches that I give to everybody and
25 education that I like to think that I give,

1 educate on the laws in the District and the
2 process without misleading to that the process is
3 not overnight and that applying does not allow
4 you to continue to operate or operate a business.
5 Application is the beginning process of the
6 period.

7 So, during that visit on July 23, once
8 again, they did reveal that they continued to
9 have product. They did remove the gummies as per
10 Health's guidelines after the first visit;
11 however, they still had cannabis flower and
12 cannabis products and the manager basically, you
13 know, said that he thought they were good because
14 they got rid of the edibles. I explained to him
15 that this is reference to all cannabis products
16 and unlicensed products and that because, in
17 fact, they continued to sell, the progressive
18 actions per the statute were warning, a cease and
19 desist and then potentially lead to a closure of
20 a business and padlocking. That was explained to
21 the manager and most likely Mr. Porter when I
22 spoke to him on the phone. So, I exited the
23 establishment and then drafted a report for the
24 Board.

25 I will make a correction to the record

1 of my report that I've learned this morning, is
2 that there was a mix up on the two applications.
3 He only has the -- so according to ABCA
4 Licensing, his conditional license that he was
5 approved for was approved on August 14, long
6 after my even second visit and after the cease
7 and desist. He was approved August 14 for the
8 conditional license and received a letter from
9 ABCA in reference to the conditional license and
10 the terms of that conditional license. That
11 letter he received from ABCA was on August 30,
12 saying that he was approved and it also says,
13 pursuant to the Medical Cannabis Amendment Act of
14 2022 and regulations set forward in Title 22(c),
15 a one year conditional license has been issued to
16 you as an Applicant, that does not currently have
17 a proposed location.

18 A conditional license, in bold, it
19 says does not permit you to purchase, possess,
20 cultivate, manufacture or sell medical cannabis
21 or medical cannabis products. The conditional
22 license requires you, within one year from the
23 date of this Board approved letter: to submit to
24 ABCA a lease or similar documentation, a security
25 plan, 3) A CofO for the proposed location, 4) A

1 permanent medical cannabis facility application,
2 and 5) Any remaining or additional licensed or
3 endorsement fees owed to ABCA.

4 So, that was sent to him on August 30,
5 I mention that to say is that my report does
6 reflect and correction to the record I would like
7 to make, sir, is that I've said that on Thursday,
8 July 25 that I confirmed with ABCA Licensing that
9 Mr. Porter had two pending social equity medical
10 cannabis licenses. That is incorrect. He only
11 had the one pending conditional license and the
12 924 5th Street was not Mr. Porter. I want to
13 just correct that to my report. It was my
14 mistake.

15 CHAIRPERSON ANDERSON: All right. Mr.
16 Peru, when you wrote the report, were there
17 exhibits attached?

18 INVESTIGATOR PERU: Yes, sir, there
19 were exhibits attached.

20 CHAIRPERSON ANDERSON: Are you able to
21 share the exhibits with us today?

22 INVESTIGATOR PERU: Yes, sir. Give me
23 one second, let me --

24 CHAIRPERSON ANDERSON: Mr. Charles,
25 can you allow Mr. Peru to share his screen,

1 please?

2 MR. CHARLES: Access enabled, Mr.
3 Chair.

4 CHAIRPERSON ANDERSON: Thank you, sir.
5 All right, so I need you tell us what it is. Go
6 through the exhibits and show us and explain to
7 us what it is that we're seeing, sir, okay?

8 (Whereupon, the above-entitled matter
9 went off the record at 11:28 a.m. and resumed at
10 11:29 a.m.)

11 INVESTIGATOR PERU: Yes, sir. We're
12 going to adjust it so it can be seen properly.
13 So, this exhibit, this is a copy of the warning
14 letter that was issued on Thursday, April 25, by
15 myself at 1528 U Street, this exhibit.

16 Scrolling down, this is the copy of
17 the service form that was signed to his manager.
18 Like I said, for the record, his manager, during
19 all visits, was very cooperative and cooperative
20 with the agencies and D.C. government when they
21 were there.

22 Mr. Wells signed the service of the
23 warning letter. He was also present when I
24 issued the cease and desist, Mr. Wells was, and
25 both times, he contacted Mr. Porter. Mr. Porter

1 and I never met face to face. It's only been via
2 phone. So, these pictures and these exhibits, as
3 we get to this picture here, this is from --

4 CHAIRPERSON ANDERSON: What is Exhibit
5 3? Tell me exactly what I'm looking at, sir.

6 INVESTIGATOR PERU: Yes, so this is,
7 so when you walk into the location, there's a
8 front of the store, front of the business with
9 desks and employees. That's where they're
10 sitting. There's a back room. This is the back
11 room that has display cases. I have a photo from
12 the first visit that was not part of the report,
13 being that the second visit is when it confirmed
14 operation, which you see the photos here.

15 So, these photos here show a variety
16 of cannabis display flower containers, which is
17 commonly used by licensed and unlicensed
18 locations. It's a magnifying glass on the top.
19 The green top to it has a magnifier so that
20 customers can view the flower up close, so that's
21 what you're seeing here in Exhibit No. 3.

22 As we scroll down to Exhibit No. 4,
23 it's showing you another view of a different type
24 of prepackaged products. You saw the loose
25 flower there, and now you're seeing packaging of

1 loose product with names on it, and --

2 CHAIRPERSON ANDERSON: What are the
3 names?

4 INVESTIGATOR PERU: The names here are
5 Sprinklez blueberry -- it's hard to read exactly
6 on that. Navigating photos in Adobe is quite
7 tricky. Then you have NASA Runtz Aerospace, then
8 you have Sprinklez cotton, Sprinklez candy, and
9 then you have something marshmallow, then you
10 have these Dum-Dums. Exhibit 5 would be the
11 Dum-Dums, and the Dum-Dums, on the back of the
12 Dum-Dums, Dank Mob packaging.

13 It says this package contains
14 marijuana, a Schedule 1 controlled substance.
15 Keep out of reach of children and animals.
16 Marijuana may only be possessed or consumed by a
17 person 21 years or older unless the person is a
18 qualified patient.

19 Marijuana use while pregnant or
20 breastfeeding may be harmful. Consumption of
21 marijuana impairs your ability to drive and
22 operate machinery. And that's the product that
23 was viewed during that visit on July 23. That's
24 all of the exhibits in that particular report,
25 sir.

1 CHAIRPERSON ANDERSON: All right,
2 thank you. Now, let me, I guess, let's go back
3 to -- so how many ounces? Like, I guess, let me
4 go back to the exhibit. Did it state what the
5 ounces are, how many grams the product contains?
6 Was that located on the packaging?

7 INVESTIGATOR PERU: I don't -- some of
8 it was unclear with these packagings. Let me
9 see. Yeah, it does. So, 3.5 grams is the common
10 number, also known as an eighth of cannabis
11 flower. That's how it's packaged, and yes, the
12 exhibit does show the marshmallow is 3.5. All of
13 them actually say 3.5 grams, sir, which is
14 essentially an eighth of cannabis flower.

15 CHAIRPERSON ANDERSON: Now, let's go
16 back. In Exhibit 4, the packages, what were the
17 weights of the packages in Exhibit 4?

18 INVESTIGATOR PERU: Exhibit 4, yeah,
19 I'm not -- I do not see the -- Exhibit 4, that
20 exhibit, yeah, I don't have the front of it, I
21 don't believe. I can check my actual files to
22 see if I took a picture of the front, but the
23 back, I took a picture of the rear because it
24 does, it clearly states that it's a Schedule 1
25 controlled substance and that it contains

1 cannabis, and that's why I used that as an
2 exhibit, sir.

3 CHAIRPERSON ANDERSON: All right,
4 let's go back to Exhibit 3. How many boxes do
5 you see in Exhibit 3?

6 INVESTIGATOR PERU: Well, Exhibit 3,
7 the packaging that's out on the corner, there's
8 three packages there that's actually out.

9 CHAIRPERSON ANDERSON: I'm sorry,
10 repeat what you just said, sir?

11 INVESTIGATOR PERU: So, in Exhibit 3
12 -- I'm sorry, Exhibit 3. I'm sorry, I was
13 looking at the wrong exhibit. Yeah, Exhibit 3,
14 you can see this is how it looked when I walked
15 in, right? Nothing -- at this point, I walked in
16 and I snapped the picture from immediate view.

17 CHAIRPERSON ANDERSON: Let's go back
18 to Exhibit 3, please.

19 INVESTIGATOR PERU: Yes, sir, I am.
20 I'm thinking of Exhibit 3, sir.

21 CHAIRPERSON ANDERSON: No, I want you
22 to share that on the screen.

23 INVESTIGATOR PERU: Oh, okay. Okay,
24 so Exhibit 3, this photo here, you can see the
25 flower up top. You can see the packaging I took

1 pictures of up close. Everything was out sitting
2 as such when I showed up there, and then you can
3 see other packaging of product in this case here.

4 I could not tell you exactly what
5 these items in this case are based on the photos
6 that I took in this image. You can see -- I
7 mean, even zooming in, it says whole, melly, and
8 so you can see if you read here, it says indica.
9 It says the grams here on the bottom. So, indica
10 is a flower strain, right, is a flower type.
11 Sativa and indica are the two that you see
12 prominently, so.

13 CHAIRPERSON ANDERSON: What are the
14 weight in the packages? Are you able to read
15 that?

16 INVESTIGATOR PERU: No, those
17 packages' weights, I mean, it says -- the picture
18 is unclear. I mean, it's hard to say if it says
19 2.5 or 3.5. It's unclear in these photos, sir.

20 CHAIRPERSON ANDERSON: Okay, by the
21 pictures, you're unable to state what are the
22 weights of the products that you took pictures
23 of?

24 INVESTIGATOR PERU: Yeah, I mean, I'm
25 unable based on the packaging. Based on the

1 packaging, I cannot say weights. I mean, even --
2 you would have to -- I mean, the packaging can be
3 labeled as such, but then you'd have to, you
4 know, physically weigh the packaging on a scale.
5 You know, these pictures --

6 CHAIRPERSON ANDERSON: I can't hear
7 you, sir, or did I do something? I cannot hear
8 you, Mr. Peru. Am I the only one having a
9 problem here, Mr. Peru?

10 MR. ZHOU: Sir, I also can't hear.

11 CHAIRPERSON ANDERSON: We can't hear
12 you, Mr. Peru.

13 INVESTIGATOR PERU: Can you hear me
14 now?

15 CHAIRPERSON ANDERSON: Yes, I can hear
16 you, sir. Go ahead.

17 INVESTIGATOR PERU: So, what I was
18 saying is the packaging, any flower that's, you
19 know, any prepackaged flower, you would have to
20 open up the package and really weigh it to get a
21 true, accurate weight, to see if the markings on
22 the package is the same as what the product is
23 stating.

24 And once again, we did not seize or
25 confiscate any of the product that day.

1 Therefore, we cannot have a true, accurate
2 weight. We did not do a closure. Therefore,
3 product was not taken, a cease and desist for the
4 operating and the selling of what was seen inside
5 the establishment, sir.

6 CHAIRPERSON ANDERSON: All right,
7 okay, let me see if I have any other questions
8 that I want to ask you, Mr. Peru. Hold on.
9 Let's see. I guess I just want to ask a
10 question, Mr. Peru. What made you believe that
11 the products that you observed in the store was
12 cannabis? I mean, why were you able -- what made
13 you believe that it was? To Mr. Peru. Mr. Peru?
14 Mr. Short? Mr. Peru? Okay, Mr. Peru is
15 rebooting his --

16 MEMBER SHORT: Sir, did you --

17 CHAIRPERSON ANDERSON: I didn't see
18 you on the screen, sir. I just wanted to make
19 sure you're there.

20 MEMBER SHORT: Thank you.

21 MR. ZHOU: May we take a little five
22 to ten-minute break? I'll just get some water if
23 that's okay.

24 CHAIRPERSON ANDERSON: All right, hold
25 on. Let me -- can we finish with Mr. Peru and

1 then -- all right, can we finish with Mr. Peru
2 and then we'll take a break?

3 MR. ZHOU: Okay, sir.

4 CHAIRPERSON ANDERSON: I don't want to
5 stop. Unless it's an emergency, then I can stop.

6 MR. ZHOU: No, it's not an emergency.
7 I was just thinking he was rebooting. It's okay.

8 INVESTIGATOR PERU: Sorry about that.
9 My laptop just dropped on me and started
10 rebooting for no reason.

11 CHAIRPERSON ANDERSON: Okay.

12 INVESTIGATOR PERU: So, here I am,
13 sorry.

14 CHAIRPERSON ANDERSON: All right, I
15 think the question I was asking, Mr. Peru, what
16 makes you believe that the products that you saw
17 was cannabis?

18 INVESTIGATOR PERU: The markings on
19 the packaging, the flower content, the appearance
20 of the flower, the smell of the flower is
21 indicative of cannabis flower. Everything about
22 the packaging and the display images are known to
23 be cannabis.

24 CHAIRPERSON ANDERSON: All right, so
25 what makes you believe that this particular store

1 was operating as a retailer?

2 INVESTIGATOR PERU: Well, they were,
3 at one point, they were advertising, but the
4 website is currently not online that I could
5 find, and customers were coming in and leaving.
6 During our visits, both visits, people were at
7 the door being buzzed in and then people were
8 leaving out.

9 There was a couple -- I think the
10 first visit has customers' transactions being
11 completed and then walking out with paper bags.
12 You know, we never -- when we enter these
13 businesses, right, as a first, I call it the
14 educational visit as a first visit, we don't stop
15 transactions in the middle of them occurring.

16 We let customers finish up, you know,
17 and we let people leave the business, but then
18 while we're doing the inspection for safety
19 procedures and protocol, we do not let anybody
20 enter the business during our inspections, so MPD
21 will secure the front door of the business to
22 make sure nobody comes off the streets and
23 enters. That's for safety reasons.

24 But beyond that, activity was seen of
25 customers leaving. Nobody was seen during any of

1 my visits leaving with a piece of art or anything
2 else besides a package that contained unknown
3 contents. I mean, I didn't stop anybody. I
4 didn't look in anybody's bags. That's, you know,
5 admitted to that, but yes, sir.

6 CHAIRPERSON ANDERSON: Did you see
7 like a cash register?

8 INVESTIGATOR PERU: Yeah, there was.
9 I actually saw people -- I saw cash. I saw the
10 employee right in the front at the beginning --
11 right when you walk in, there are several desks.
12 One of them, he had cash in his hand and counting
13 cash. There was -- you know, they had a pretty
14 good system that they had.

15 CHAIRPERSON ANDERSON: Did you see any
16 prices?

17 INVESTIGATOR PERU: No, I don't recall
18 seeing prices.

19 CHAIRPERSON ANDERSON: I mean, do you
20 see -- what type of advertisement, if any, of the
21 business did you see?

22 INVESTIGATOR PERU: Well, I didn't see
23 prices in the store at the time. Online, I can't
24 testify and recall verbatim what I saw online and
25 put that on the record.

1 CHAIRPERSON ANDERSON: But did you
2 see, like in the store, like an offer of
3 discounts or anything like that, any type inside
4 the store?

5 INVESTIGATOR PERU: Yeah, I believe
6 there was something about specials, I believe. I
7 can't remember exactly what the specials were.

8 CHAIRPERSON ANDERSON: Sir, if you
9 don't remember, then that's fine.

10 INVESTIGATOR PERU: Yeah.

11 CHAIRPERSON ANDERSON: Now --

12 INVESTIGATOR PERU: I know that the --
13 just because you're asking me, I know that they
14 have a social media presence, right, and they're
15 on, you know, they're on Instagram. You know, on
16 Instagram, it's advertisements indicative of
17 selling cannabis.

18 You know, Happy Monday, We Smoke Weed,
19 Happy 420, Mass Ave., Weed D.C., that's all on
20 their Instagram social media platform, so that's
21 there currently. That's the only thing I could
22 find that's still up and running.

23 There is a link to, you know, by Mass
24 Ave. with a menu, but when I get there, it kind
25 of doesn't -- you have to create a log in and

1 chat, or send an email or message to schedule a
2 pickup or orders is what it says on their
3 website, on that website, but there was no
4 advertisement of product that I could see next to
5 those social media things.

6 CHAIRPERSON ANDERSON: So, during your
7 visits, do you recall hearing anyone make any
8 statements identifying the products or stating
9 that they were selling cannabis during any of
10 your visits?

11 INVESTIGATOR PERU: The manager never
12 denied anything that they were selling. The
13 manager was, like I said, very cooperative. He
14 thought that they were, you know, okay to do
15 this, and then even after the second visit and
16 the edibles being removed, he thought because DO
17 Health embargoed all of the product and the
18 edibles, he thought that they were fine to sell
19 cannabis flower, and he even thought that the
20 owner was, I guess, making moves in order to get
21 a license therefore, which allowed them to
22 continue to operate.

23 I would like to add -- I know I kind
24 of stopped at my time frame, but they did mention
25 the landlord. So, the landlord did reach out to

1 me after receiving the letter, and according to
2 the landlord, they thought that the business was
3 trying to get a medical cannabis retail license,
4 hence the affidavit he spoke on, but they were
5 not aware that they did not have a license, and
6 that's where the landlord stated that they have
7 now started actions against the business for
8 violating the terms of the lease for operating an
9 unlicensed business. So, the landlord did reach
10 out and did send me the same documents and
11 letters that was sent to the applicant.

12 CHAIRPERSON ANDERSON: All right, now
13 are you familiar with the smell of cannabis, sir?

14 INVESTIGATOR PERU: Yes, sir, I am.
15 I've been to ever District grow, licensed grow in
16 the city. I've been to every flower room that's
17 licensed in the city, and I'm very versed on the
18 smell of cannabis flower.

19 CHAIRPERSON ANDERSON: Now, during
20 your visits to this particular retailer, did you
21 smell cannabis in the store?

22 INVESTIGATOR PERU: Yes, sir.

23 CHAIRPERSON ANDERSON: And I want to
24 go back -- well, you have already answered that,
25 all right. Just one last thing, did any of the

1 products -- I know that we went through your
2 exhibits, and so did any of the products resemble
3 regular candy, food, beverage, or snack items?

4 INVESTIGATOR PERU: You saw the
5 packaging, sir, in the pictures. I mean,
6 obviously, the pictures were definitely -- the
7 packaging was definitely kid-friendly. You know,
8 we have regulations on the licensed market that
9 specifically identify types of packaging to be
10 approved by ABCA. That packaging would not
11 qualify as an approved packaging if they move
12 forward with a license.

13 CHAIRPERSON ANDERSON: All right, I
14 don't have any other questions. Any questions by
15 the board members? Go ahead, Mr. Short.

16 MEMBER SHORT: Yes, thank you, Mr.
17 Chairman. I guess it's still good morning,
18 Investigator Peru.

19 INVESTIGATOR PERU: Good morning, sir.

20 MEMBER SHORT: Investigator Peru, can
21 you explain about what authority, and the number
22 of persons and agencies that work along with you
23 when you do your business for ABCA?

24 INVESTIGATOR PERU: Yes, the law
25 passed that gave ABCA the underlying authority to

1 inspect, conduct inspections at unlicensed shops
2 and to issue progressive discipline actions
3 against these locations.

4 I head up the Cannabis Task Force,
5 which includes DLCP, which has the authority over
6 the business license and C of O for the business,
7 and Department of Health, which has any
8 involvement with anybody selling any kind of food
9 item, whether it's water, or potato chips, or
10 adulterated food like infused cannabis products.

11 So, D.C. Health, their primary role in
12 these inspections are referencing any kind of
13 drinks, edible, or anything that can be ingested
14 considered to be an edible or food product item
15 not to be sold, and they embargo those items.

16 So, Health did that during the first
17 visit like I stated, and DLCP issued infractions
18 against the license not operating within the
19 purview of the CO, and also for the trade name
20 not being registered apparently, according to
21 DLCP documents that were provided to me for their
22 NOI issue.

23 MEMBER SHORT: Okay, and also
24 approximately, if you can, how many legal medical
25 cannabis establishments have you visited in

1 Washington, D.C.?

2 INVESTIGATOR PERU: I'm sorry, legal,
3 sir, or illegal?

4 MEMBER SHORT: Legal, legal.

5 INVESTIGATOR PERU: Legal, I've been
6 to all of the current licensed establishments.
7 As they open, I've got to do pre-checks to them,
8 and I conduct inspections at them on a regular
9 basis. I believe we're up to -- I should know
10 this top of my head. It's either 11 or 12
11 because we had a couple close and them some open,
12 so I've been to all of them.

13 MEMBER SHORT: Okay, so that would
14 give you a pretty good idea, or with your
15 professional work that you do through ABCA, to be
16 able to classify an illegal cannabis business
17 versus a legal cannabis business. So, at 1528 U
18 Street, NW, Washington, D.C., how would you
19 classify that particular business since you've
20 been there on several occasions?

21 INVESTIGATOR PERU: As an unlicensed
22 cannabis retailer.

23 MEMBER SHORT: Thank you very much.
24 That's all I have, Mr. Chairman.

25 CHAIRPERSON ANDERSON: Thank you. Go

1 ahead, Mr. Grant.

2 MEMBER GRANT: Mr. Peru, how are you?

3 INVESTIGATOR PERU: Good morning,
4 good, sir.

5 MEMBER GRANT: Good. So, just a
6 moment ago, Board Member Short talked a bit about
7 the other products. Well, you both had a
8 conversation about the other products that are
9 ingestible, like foods and things of that nature.
10 To the extent that you can, can you walk me
11 through your observation process when there are
12 other products that are on sale that are not
13 ingestible, i.e., artwork or any other products
14 that may be onsite?

15 INVESTIGATOR PERU: It depends. Every
16 store is set up differently, you know. This
17 location has a very sterile front office, front
18 retail, front area, not a lot of retail and
19 product out.

20 You know, you can see in the pictures,
21 in those cases, there's obviously some type of
22 artwork in those cases, and there is some nice,
23 big artwork paintings or pictures that I can
24 recall in the facility, but this place did not
25 have obvious retail areas, right? So, some

1 places, you walk in and there are shirts, and
2 glass, and other things besides any kind of
3 cannabis or THC product. This place did not have
4 that.

5 So, when we're going into a location
6 like this -- and like I said, they have -- the
7 sales floor for the unlicensed product is hidden
8 in the back, right? It's a back room. It's not
9 in the front of the store. You have to walk all
10 the way to the rear of the business to get to it,
11 so it's not immediately accessible or seen when
12 you walk into the main area.

13 But a place like this, you know, the
14 first thing, I mean, when we were looking at
15 product that's on display in the case, you know,
16 we -- everything is identifiable. Most things
17 are identifiable to be either gummies, right, and
18 you can feel the packaging, you can feel the
19 gummies, whether it's mushroom gummies or THC
20 gummies.

21 Most edible items are pretty much
22 labeled as such, and you can tell that they're a
23 chocolate bar, or they're a gummy, or if they're
24 a drink, so it's pretty evident that that's what
25 those items are.

1 And that's where Health basically will
2 ask the location well, okay, is this all of the
3 edibles that you have? If it is, okay, great.
4 We get a box and put them in a box. If it's not,
5 show me the other edibles that you have, and
6 that's how Health embargoes that type of stuff.

7 So, after the first visit and the
8 embargoement, you know, based on the statute and
9 the progressive actions that we're obligated to
10 follow, the cannabis flower is not removed or
11 placed into a box. Anything that's nonedible is
12 allowed, per se, to remain on the sales floor.

13 MEMBER GRANT: But just to follow up,
14 when you walk into an establishment, a part of
15 your job is to notice, just for your own
16 reporting purposes, other products that may be on
17 sale?

18 INVESTIGATOR PERU: Correct, yeah,
19 it's definitely to note any items that are
20 obvious for sale --

21 MEMBER GRANT: Okay.

22 INVESTIGATOR PERU: -- in a retail
23 space, yes.

24 MEMBER GRANT: I think you kind of
25 alluded to it, but just for clarity, was the

1 artwork clearly noted for sale when you walked
2 in?

3 INVESTIGATOR PERU: You know, I
4 thought about that prior to this hearing and I
5 cannot recall any pricing on the artwork or
6 anything that really advertised the sale of art,
7 but I cannot recall that.

8 MEMBER GRANT: One last question along
9 those lines, you did mention that there was at
10 least one large piece of art, if not multiple
11 large pieces that were clearly visible. In your
12 estimation, was the display of the art at the
13 same magnitude of the display of the items behind
14 the glass?

15 INVESTIGATOR PERU: I would say no
16 based on the artwork, the large pieces that I
17 recall seeing would not be -- were a lot larger
18 than the many loose products and packaging that
19 we saw.

20 MEMBER GRANT: Okay, thank you for
21 answering my questions. Mr. Chair, I have no
22 further questions.

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

25 MR. ZHOU: Can I request a little

1 break for five to ten minutes, please?

2 CHAIRPERSON ANDERSON: Oh, okay, all
3 right, remember we have another hearing today and
4 I have a timeline. So, all right, it is 11:56.
5 We're off the record until 12:10?

6 MR. ZHOU: 12:05 is good enough,
7 12:05.

8 CHAIRPERSON ANDERSON: 12:05, so we're
9 off the record then until 12:05, all right.

10 MR. ZHOU: Thank you, Chairman.

11 CHAIRPERSON ANDERSON: You're welcome.

12 (Whereupon, the above-entitled matter
13 went off the record at 11:56 a.m. and resumed at
14 12:05 p.m.)

15 CHAIRPERSON ANDERSON: We're back on
16 the record, Mr. James. Can you please remove the
17 screen? Thank you. All right, you can go ahead,
18 Mr. Zhou.

19 MR. ZHOU: Thank you, Mr. Chairman.
20 Good morning, Mr. Peru, Investigator Peru.

21 INVESTIGATOR PERU: Good morning, sir.

22 MR. ZHOU: Let me just start off, so
23 are you the sole investigator at ABCA right now
24 that deals with cannabis?

25 INVESTIGATOR PERU: I'm the supervisor

1 investigator that deals with cannabis, correct.

2 MR. ZHOU: So, how many stores,
3 licensed and unlicensed, this year, would you say
4 you have visited, just a rough number?

5 INVESTIGATOR PERU: I've visited over
6 probably 110 unlicensed shops, and I've visited
7 12 to 13 upcoming licensees or current licensees.

8 MR. ZHOU: So, you would characterize
9 that you, yourself, are pretty familiar with, you
10 know, the cannabis industry in general and the
11 D.C. cannabis industry specifically?

12 INVESTIGATOR PERU: Correct, I've been
13 doing the licensed shops since 2020 when we got
14 the program.

15 MR. ZHOU: Do you use cannabis
16 yourself?

17 CHAIRPERSON ANDERSON: Objection,
18 that's irrelevant. Let's move in.

19 MR. ZHOU: It goes to witness
20 credibility.

21 CHAIRPERSON ANDERSON: Mr. Peru is an
22 investigator, and whether or not he utilizes the
23 product, sir, that's irrelevant, and let's move
24 on. I'm not going to allow Mr. Peru to answer
25 that question, okay? Let's move on.

1 MR. ZHOU: Okay, no problem. It's
2 okay, but let the record reflect that I said that
3 goes to witness credibility. So, are you
4 familiar with different strains of cannabis?

5 INVESTIGATOR PERU: I'm familiar that
6 different strains of cannabis exist, correct.

7 MR. ZHOU: So, for example, if I gave
8 you some examples, would you know what they are?
9 Like, for example, do you know Sour Diesel?

10 INVESTIGATOR PERU: I've seen these
11 brands and these different genetics and strains
12 throughout my visits to locations.

13 MR. ZHOU: Okay, just a simple yes or
14 no question, have you heard of Sour Diesel?

15 INVESTIGATOR PERU: Yes, it sounds
16 familiar.

17 MR. ZHOU: Have you heard of Purple
18 Kush?

19 INVESTIGATOR PERU: I have.

20 MR. ZHOU: Have you heard of ACDC?

21 INVESTIGATOR PERU: No.

22 MR. ZHOU: Have you heard of Diamond
23 or Dash Diamond?

24 INVESTIGATOR PERU: I've heard of
25 something Diamond that's white, but I don't know

1 if that's the brand.

2 MR. ZHOU: Okay, that is fair enough.
3 Do you know that the ACDC I mentioned is actually
4 a CBD strain that doesn't contain any THC?

5 INVESTIGATOR PERU: And I said I
6 wasn't familiar with it.

7 MR. ZHOU: Thank you. Well, if you
8 say you are now familiar with this Dash Diamond,
9 how did you list in your report that this Dash
10 Diamond contains THC?

11 INVESTIGATOR PERU: There are so many
12 brands on the market, without testing a product
13 -- admittedly so, like I stated in my testimony
14 earlier, product was not taken and was not tested
15 next to the packaging that says what it contains.

16 MR. ZHOU: Well, this type, for the
17 packaging, what did it say for this Dash Diamond
18 that you have in your report?

19 INVESTIGATOR PERU: Which exhibit are
20 you referring to, sir?

21 MR. ZHOU: It's not an exhibit. It's
22 an order to cease and desist section number three
23 in the fact finding.

24 INVESTIGATOR PERU: So, is it part of
25 my exhibit in the report, the cease and desist

1 report?

2 MR. ZHOU: Yes, it should be on your
3 report, page number two, I think, according to
4 the citation in the order.

5 INVESTIGATOR PERU: I didn't write the
6 order. I wrote the report. The order came from
7 the board.

8 MR. ZHOU: I'm citing the report.
9 It's report number 24-ULC-00011, which should be
10 on page two. You cited Dash Diamond sativa.

11 INVESTIGATOR PERU: Let me see, page
12 two. Exhibit 2 or page two?

13 MR. ZHOU: Page two, page two of the
14 report, not exhibit.

15 INVESTIGATOR PERU: What paragraph are
16 we talking about, sir?

17 MR. ZHOU: I don't have the report in
18 front of me. I have the citation in the order.

19 INVESTIGATOR PERU: Oh, so you're
20 referring to the -- so I'm looking at, which I
21 shared with you guys earlier, my report. In my
22 report, I am not seeing -- I'm in the report and
23 I am looking at my report on page two that starts
24 off with on Tuesday, July 3, SI Peru turned to
25 the unlicensed establishment. I have that. I do

1 not see in that part of my report the reference
2 you're referring to, sir. I'm sorry, so I cannot
3 --

4 CHAIRPERSON ANDERSON: Mr. Zhou, are
5 you referring to the order, paragraph three of
6 the order, that you objected to certain -- is
7 that the same document you're talking about, sir?

8 MR. ZHOU: No, I'm talking about the
9 report, because section three in the order cites
10 to the report, page two, but that's okay. We
11 were actually going to mention that. So, I think
12 one of the board members actually asked, but I
13 just want to make sure again that you are
14 familiar with cannabis smell?

15 INVESTIGATOR PERU: I am.

16 MR. ZHOU: Can you tell from the smell
17 the difference between CBD and THC products?

18 INVESTIGATOR PERU: No.

19 MR. ZHOU: Yeah, but do you know that
20 unadulterated and unflavored CBD products
21 actually smells exactly like cannabis, like THC?

22 INVESTIGATOR PERU: Sure.

23 MR. ZHOU: So, you didn't actually
24 test this product, Dash Diamond?

25 INVESTIGATOR PERU: Correct, nothing

1 was taken and tested, correct.

2 MR. ZHOU: How did you come to the
3 conclusion that it contains THC?

4 INVESTIGATOR PERU: I still don't know
5 what product you're referring to, sir. If it's
6 not in my picture and exhibit that I can refer to
7 --

8 MR. ZHOU: It doesn't have to be that
9 specific product, just any product --

10 (Simultaneous speaking.)

11 INVESTIGATOR PERU: Well, but no, but
12 you're asking me -- no, again, I'm sorry, you're
13 asking me specifically about this Dash Diamond.
14 You kept mentioning this, but I do not have any
15 reference point to base it off of. So, I don't
16 know the packaging. I don't know where -- like I
17 said, I cannot answer a question regarding a
18 product that I am not aware of, sir.

19 MR. ZHOU: Okay, thank you. That was
20 good enough. So, for other products in the
21 store, how do you know they contain THC?

22 INVESTIGATOR PERU: Well, most of them
23 state that they contain THC, and they describe
24 the indica or sativa strains of THC, which most
25 times, you know, it will say if it's hemp

1 derivative, delta-8, delta-9, THCA.

2 Most products' packaging does list
3 what you're referring to in reference to if it's
4 a non-THC or contains less than a certain amount,
5 because you're referring to hemp, CBD, and
6 non-THC, less than percentage allowed product is
7 what you're saying.

8 MR. ZHOU: Yes, so in the exhibits,
9 Exhibit 3 if I remember correctly, there were six
10 jars, right? Did those six jars mark THC on
11 them?

12 INVESTIGATOR PERU: Those six jars,
13 let me look back to the exhibit, sir. Let me
14 see. As your question revealed, I go to a lot of
15 places, so I cannot remember them all by --

16 MR. ZHOU: That's okay.

17 INVESTIGATOR PERU: -- memory. I do
18 not claim to have a perfect long memory looking
19 at these products. One of them says Daily
20 Special hybrid on it. One of them says sativa.
21 It says \$20 premium on it.

22 So, when I zoom in, thanks for
23 pointing that out to me, when I zoom in, I do see
24 prices on it. It says \$20 premium hybrid,
25 cookies, indica, sativa. So, it does -- I don't

1 see the word THC based on my images, but the
2 language, as you stated earlier, is indicative of
3 a cannabis THC flower.

4 MR. ZHOU: So, do you know there are
5 also sativa CBD and indica CBD?

6 INVESTIGATOR PERU: I am aware. It's
7 a -- yes, I'm aware.

8 MR. ZHOU: All right, so how can you
9 just tell right now, right here that those are
10 THC sativa and THC indica instead of CBD sativa
11 and CBD indica?

12 INVESTIGATOR PERU: Without testing,
13 there's no definite to say which type of --
14 whether they're what you're saying or they're
15 something else.

16 MR. ZHOU: Thank you. Let's shift
17 gears a little bit to the Dum-Dums. So, the
18 order cites report Exhibit No. 5, Dum-Dums
19 mimicking a well-known and similarly-named brand
20 of candy. So, I see you have a picture of that,
21 so why don't you -- I mean, the first question,
22 have you had Dum-Dum lollipops before?

23 INVESTIGATOR PERU: Yeah, the smaller
24 lollipops, yeah, of course.

25 MR. ZHOU: So, yeah, good, so when you

1 went into the store and you see this Dum-Dum
2 packaging, did you pick the package up?

3 INVESTIGATOR PERU: I cannot remember
4 where this product was laying or where in the
5 store it was, if it was -- I'm looking at my
6 photos to see if it's -- let me see. Yeah, I
7 can't tell by my photos where the packaging was.
8 I cannot recall the location. Either I turned it
9 over, so I did have to physically touch it to
10 turn it over to take the picture, obviously, but
11 I cannot exactly recall where it was recovered
12 from --

13 MR. ZHOU: That's okay.

14 INVESTIGATOR PERU: -- or where it was
15 laying.

16 MR. ZHOU: That's no problem, but do
17 you vaguely, do you remember at all if you
18 touched the package and then what the package
19 feels like?

20 INVESTIGATOR PERU: I do not remember.

21 MR. ZHOU: Okay, did you touch any of
22 the other packages?

23 INVESTIGATOR PERU: I cannot recall.

24 MR. ZHOU: Okay, let me shift gears
25 once more a little bit. So, Mr. Peru, I'm sorry,

1 Investigator Peru, have you been to other, like
2 art galleries or art sales in D.C. in general?

3 INVESTIGATOR PERU: You mean
4 unlicensed cannabis facilities that also sell art
5 or just art galleries?

6 MR. ZHOU: Art galleries.

7 INVESTIGATOR PERU: Yes, I have been
8 to just art galleries that are not selling THC,
9 yes, sir.

10 MR. ZHOU: So, when you've been to
11 these art galleries that sell art products, do
12 you see those art galleries marking their art
13 pieces with prices?

14 INVESTIGATOR PERU: Sometimes there's
15 a plaque underneath the art posted on the walls
16 that does identify the price of the art, yes,
17 sir.

18 MR. ZHOU: So, usually what are the
19 prices ranges for this art?

20 INVESTIGATOR PERU: The ones that I've
21 been to, way out of my price league, over
22 thousands of dollars, the ones that I've seen and
23 been to.

24 MR. ZHOU: So, actually for some other
25 art galleries that actually don't mark prices,

1 it's actually more welcoming in a way, right,
2 because you can ask, you can inquire about price
3 instead of actually seeing oh, I can't buy that?

4 INVESTIGATOR PERU: I can't speak on
5 what -- come on, I can't speak on art and what
6 art galleries should or shouldn't look like or
7 display.

8 MR. ZHOU: That's fair enough.

9 INVESTIGATOR PERU: I'm not an art
10 expert, sir, I am not.

11 MR. ZHOU: That's fair enough, yeah.
12 So, for the premises on 1528 U Street, have you
13 inquired about the art prices when you were there
14 as an investigator or when other gallery
15 employees were there?

16 INVESTIGATOR PERU: I remember
17 admiring some of the art that I thought was some
18 cool pictures. I do recall that, and I don't
19 remember asking them prices, but their website
20 has nothing about -- I couldn't find any art
21 prices on their website even, so, you know.

22 MR. ZHOU: So, what is the website
23 URL, if you remember?

24 INVESTIGATOR PERU: I don't have to
25 remember it. I can tell you right now --

1 MR. ZHOU: Yes, please.

2 INVESTIGATOR PERU: -- that it's
3 referring to.

4 MR. ZHOU: Yeah.

5 INVESTIGATOR PERU: Buymasc.com,
6 buymasc.com.

7 MR. ZHOU: And it's currently down,
8 right?

9 INVESTIGATOR PERU: That's the
10 website. No, the website is up. It's just the,
11 showing the art and the products offering is not
12 up.

13 MR. ZHOU: Okay, no problem. And you
14 also mentioned about the Instagram handles. So,
15 do you know the Instagram handle for the
16 premises?

17 INVESTIGATOR PERU: I can tell you,
18 since you're bringing up the Instagram, that
19 since I brought up the Instagram, they have taken
20 down photos that I originally noted, since you're
21 bringing it up, sir.

22 MR. ZHOU: So, what photos did you see
23 on there before?

24 INVESTIGATOR PERU: I read them out to
25 the board and they were the postings of Mass Weed

1 D.C., On Mondays, Smoke Weed, Happy 420 is what I
2 read to the board earlier, sir.

3 MR. ZHOU: What are the dates of those
4 photos?

5 INVESTIGATOR PERU: I cannot see that
6 because they are now taken down.

7 MR. ZHOU: Okay, okay, so when you
8 answered Mr. Grant's question, that you said
9 there was not a lot of retail up front and it did
10 not have an obvious retail area, would you just
11 please describe to me again how the premises
12 looked like when you went there on July 23?

13 INVESTIGATOR PERU: I mean, it's
14 pretty clean and sterile. I mean, there's, I
15 think, three, maybe two or three desks set up.
16 When you walk in, you've got to be buzzed in at
17 the door to come in. And there was, you know,
18 random big pictures of artwork that may be
19 leaning against the wall on the floor.

20 And yeah, and then you walk through
21 the space. It's kind of, you know, a typical
22 D.C.-style rowhome. You come in through the
23 front, you walk through, and then in the very
24 back is where the cannabis shop was.

25 MR. ZHOU: Okay, so was the back room

1 open to the public? Was the door open?

2 INVESTIGATOR PERU: I cannot recall if
3 it was open or the manager opened it for me. I
4 cannot recall.

5 MR. ZHOU: Did you ask the manager for
6 permission to go into the back room?

7 INVESTIGATOR PERU: I cannot recall if
8 the manager opened -- if I went to the back room,
9 it's the manager opened it for me. If the door
10 was open, I'm doing an inspection of the
11 premises, then I probably just walked in.

12 MR. ZHOU: So, you did not ask for
13 permission?

14 INVESTIGATOR PERU: If the door was
15 open and I'm doing an inspection of a licensed or
16 unlicensed business in the District of Columbia,
17 then walking through the premises to identify if
18 cannabis is present is what all of the agencies
19 do, including DLCP and Department of Health. So,
20 I did not ask -- I cannot recall the conversation
21 I had with the cooperative manager that day.

22 MR. ZHOU: Okay, no problem. So,
23 let's say if the door was open, was it readily
24 apparent that you could see cannabis or anything
25 like THC, CBD, whatever it is, a green, leafy

1 substance in the back room?

2 INVESTIGATOR PERU: Oh, yeah, you saw
3 the display case. I have photos from the display
4 case during the first day. If you want me to
5 display those, I'm more than happy to share, but
6 those photos are very different than my July 23
7 visit. The July 23 visit, when those photos are
8 from my second visit, admittedly so, a lot of
9 product was removed from the display case. What
10 you see in those photos is all I saw on display,
11 sir.

12 MR. ZHOU: Let me rephrase the
13 question a little bit. I'm sorry. I probably
14 didn't ask it clearly. It was, actually, I meant
15 before you entered into the back room, was it
16 readily apparent, while you were in the retail
17 area, you could see the green, leafy substance in
18 the back room?

19 INVESTIGATOR PERU: No, it's very
20 discreet. You have to go into that room to see
21 that, yes, sir.

22 MR. ZHOU: Thank you. Okay, let me
23 shift gears a little bit to the conversation you
24 had with my clients. So, why did you tell my
25 client that getting a license would get him out

1 of trouble?

2 INVESTIGATOR PERU: Never, I can say
3 never pretty confidently, those words used,
4 getting out of trouble. What I said was that you
5 have two options in order to gain compliance.
6 One is to get a license and two is to shut down.

7 I also most likely told your client in
8 conversation that if he would have applied during
9 the unlicensed period like Doobie District did,
10 who is now blocking him from being able to stay
11 at that location, that Doobie District, per the
12 statute, was given a safe haven clause put in for
13 any kind of enforcement actions from ABCA until
14 such times.

15 So, I most likely told your client
16 that as well. Telling your -- and I'm certain,
17 even if your client told me he applied for a
18 conditional license or had a conditional license,
19 I would tell him that that does not allow him to
20 continue to sell cannabis products, sir.

21 MR. ZHOU: Thank you. So, why -- so
22 you told my client that he cannot continue to
23 occupy the location because there is another
24 pending location within 400, right next door,
25 right?

1 INVESTIGATOR PERU: That's not the
2 words I used. I said that he could not get a
3 retail, a cannabis retail license for that
4 location because he's within 400 feet of another
5 already placarded license, in the license process
6 business. So, that location received placards
7 from us back in December of 2023.

8 MR. ZHOU: Did you inform my client
9 that he could actually get an internet retail
10 license, which doesn't consider the 400-foot
11 rule?

12 INVESTIGATOR PERU: You know what, in
13 my -- I'd like to think I give people a lot of
14 education and give them opportunities to find
15 ways to be able to stay in their space. I may
16 have mentioned an internet license to him
17 possibly.

18 MR. ZHOU: Okay, that's no problem.
19 Okay, so let's go back to the green, leafy
20 substance for a little bit too. So, in Exhibit
21 3, you see there are six jars, right?

22 INVESTIGATOR PERU: Sure, let me open
23 that back up, sir, just to see what we're talking
24 about here. I count one, two, three, four, five,
25 six jars which appear to have a green, leafy

1 substance inside, yes, sir.

2 MR. ZHOU: And you said each jar
3 contains how much weight?

4 INVESTIGATOR PERU: Oh, I never spoke
5 on the jar, how much weight's in the jar. I was
6 referring to packaging, but the jars are for
7 display purposes only, so I don't think the
8 weight in those jars are relevant. The packaging
9 talks about 3.5 grams, which is equal to an
10 eighth of cannabis flower.

11 MR. ZHOU: And how many packages did
12 you see that were there?

13 INVESTIGATOR PERU: Visibly, those
14 photos describe my snapshot of what I saw when I
15 walked in that back room. I did not go through
16 any storage, the storage area that was next to
17 it. D.C. Health confirmed that the embargoed
18 products were not back on display, but we did not
19 search the premises or go into any other areas
20 where the rest of the packaging may occur, or may
21 be stored.

22 Obviously, it would be reasonable for
23 me to think that if there's cannabis flower on
24 display in six jars with a magnifier letting the
25 customer see the flower and decide which flower

1 they want, that once they decide which strain or
2 flower they want, that then they would retrieve
3 the prepackaged flower and then it be provided to
4 the client. So, what I saw is what you see in
5 the photos, sir.

6 MR. ZHOU: Okay, sir, did you weigh
7 any of the package?

8 INVESTIGATOR PERU: We did not seize
9 anything, so nothing was weighed.

10 MR. ZHOU: Okay, so there is no
11 reasonable way to say that there were more than
12 two ounces of green, leafy substance on the
13 premises?

14 INVESTIGATOR PERU: Well, I'm no math
15 genius. I would have to, we would have to bring
16 out a calculator and divide up how many packages
17 are there and every box that we see there to
18 really talk about it, but I'm going to say there
19 was definitely more than two ounces on the
20 premises.

21 MR. ZHOU: How did you come to that
22 conclusion? Your exhibit only shows three
23 packages. Well, I'm no math genius, but 16
24 packages equal to two ounces, and you only had --
25 let's assume that even they are 3.5 grams, but

1 you only have three packages in your exhibit.

2 INVESTIGATOR PERU: Well, that's not
3 true. If you look at my exhibit on the right
4 side, in that display case, there's a number of
5 other packages and boxes that could contain
6 pre-rolls or cigarettes, so without -- and the
7 jars up top on the right-hand side that are some
8 other kind of product.

9 I mean, there's -- it's impossible to
10 look at this photo and say, for any of us, to
11 come up with an accurate number or even a
12 presumed number of what the weight would be, but
13 based on my experience of actually seizing and
14 weighing product, and based on my experience of
15 seeing and weighing product, and watching them
16 weigh product and flower at licensed facilities,
17 that that total amount would equal to most likely
18 over two ounces.

19 MR. ZHOU: I think you mentioned that
20 you actually did not even pick up the Dum-Dum
21 package, right?

22 INVESTIGATOR PERU: I can't recall.
23 I think -- I took a picture of it. I maybe
24 positioned it to where the light, so I could
25 actually see it and take a picture. I cannot

1 recall that.

2 MR. ZHOU: So, if you didn't touch
3 them, how do you know the packages have cannabis
4 or any green, leafy substance in them?

5 INVESTIGATOR PERU: The packages were
6 not flat and did not appear to be just packaging.
7 They contained something inside the package.
8 That's evident. I think even in the photos, you
9 can tell that it's not flat, completely flat.

10 MR. ZHOU: Okay, no problem. Well,
11 let's shift gears again. Let's talk about
12 enforcement, and so how -- I think you mentioned
13 that you've been to 100-some stores right now,
14 right?

15 INVESTIGATOR PERU: Approximately.

16 MR. ZHOU: Okay, are you familiar with
17 the store with the name of YANA Wellness?

18 INVESTIGATOR PERU: I'm not going to
19 discuss, Mr. Chair, any other licensed
20 establishments besides the one that we're talking
21 about today. I have open investigations and
22 pending investigations I'm not going to speak on.

23 CHAIRPERSON ANDERSON: All right, Mr.
24 Zhou, why is this relevant to this establishment?

25 MR. ZHOU: It goes to witness bias.

1 CHAIRPERSON ANDERSON: What do you
2 mean witness bias? We haven't proved -- I mean,
3 this is about a cease and desist issue for this
4 establishment, this particular establishment --

5 MR. ZHOU: Yes.

6 CHAIRPERSON ANDERSON: -- and I don't
7 think it's relevant you're asking him about
8 another establishment that you have not proven or
9 shown any relationship between this establishment
10 and the establishment that are you about to ask
11 him about, so I am not going to allow that
12 question in unless you can show me some nexus
13 between this establishment and the one you were
14 questioning, because this is not --

15 And again, this is cross examination,
16 so, I mean, you have not proven or shown that
17 this witness is -- there has been no question to
18 show bias, so I'm not quite sure where this
19 question is coming from.

20 MR. ZHOU: I'll show witness bias
21 through how Mr. Peru interacted with that store
22 compared to how Mr. Peru interacted with the
23 premises at 1528 U Street, NW.

24 CHAIRPERSON ANDERSON: I'm not going
25 to allow that to happen. I mean, I think that

1 one of the things that Mr. Peru has put in
2 evidence this entire time is he has stated, in
3 dealing with the management at this
4 establishment, that the management was very
5 cooperative. It was a pleasant experience.

6 So, I'm not going to allow that
7 because, I mean, I think if there was testimony
8 about hostility, maybe, but based on -- one of
9 the things that Mr. Peru has done through his
10 entire testimony today is that he talked about
11 how cooperative, how pleasant his visit with the
12 manager of this establishment has been, so I'm
13 not going to allow that question. Let's move on,
14 sir.

15 MR. ZHOU: Let me cite again to the
16 D.C. Administrative Procedure Act. The mayor and
17 every agency shall exclude irrelevant,
18 immaterial, unduly repetitive evidence, but the
19 relevant evidence standards defined by case law
20 in D.C., by *Foreman v. U.S.*, D.C. Court of
21 Appeals Case 792 A.2d 1043, it says that relevant
22 evidence means any evidence having any tendency
23 to make the existence of any fact that is of
24 consequence more or less probable than it would
25 be without the evidence. Just let the record

1 reflect that the Chairman is not letting me go on
2 with this line of questioning and I'll stop
3 there. So --

4 (Simultaneous speaking.)

5 CHAIRPERSON ANDERSON: Your objection
6 is noted for the record, but go ahead. We can
7 move on, all right.

8 MR. ZHOU: Yeah, just putting that on
9 the record to preserve it on appeal, sorry. And
10 for, let's see, so Mr. Peru, as the investigator
11 for ABCA, I guess your main focus is on retail
12 right now, I presume, correct?

13 INVESTIGATOR PERU: Retail as opposed
14 to -- that's not -- no, we --

15 (Simultaneous speaking.)

16 MR. ZHOU: Manufacturing?

17 INVESTIGATOR PERU: Correct, I have
18 done -- I have -- licensed manufacturing and
19 licensed cultivation centers have been visited by
20 myself as well, and new businesses that have
21 applied for manufacturing licenses have been -- I
22 have conducted pre-inspections at as well,
23 correct.

24 MR. ZHOU: So, the order here, even
25 though it is in the part of, you know, fact, the

1 order stated that there is no indication that the
2 products being displayed conform with Chapter 16B
3 and the associated regulations of manufacturing,
4 testing, labeling, and packaging requirements.
5 So, would you say you are fairly familiar with
6 the packaging requirements in Chapter 16B and
7 also Regulation 22C?

8 INVESTIGATOR PERU: Fairly familiar.

9 MR. ZHOU: Fairly? So, what are the
10 only two colors allowed on packaging in a
11 licensed, fully legal cannabis shop?

12 INVESTIGATOR PERU: Did you say
13 colors?

14 MR. ZHOU: Yes, what colors? There
15 are a few colors that are allowed, only two.

16 INVESTIGATOR PERU: Oh, I'm not aware
17 of that, so, see. Go ahead, sir.

18 MR. ZHOU: It's black and white. What
19 is the maximum amount of THC that an edible
20 package can contain?

21 INVESTIGATOR PERU: We're talking
22 about edibles now, edibles?

23 MR. ZHOU: Yes.

24 INVESTIGATOR PERU: Off the top of my
25 head, I'm unaware.

1 MR. ZHOU: 500 milligrams. So, either
2 way, how did you make -- if you are not familiar
3 with these statutes, the regulations, how did you
4 come to the conclusion that 1528 U Street does
5 not conform with the labeling and packaging
6 requirements of Chapter 16B?

7 INVESTIGATOR PERU: I think I stated
8 that earlier in reference to the cartoon-like
9 images of the packaging. That would be --

10 MR. ZHOU: Okay.

11 INVESTIGATOR PERU: That would be
12 indicative of a child's, a children's type of
13 candy.

14 MR. ZHOU: All right, and let's see.
15 Okay, my last question, my last line of
16 questioning, I'm sorry, goes to you mentioned you
17 saw an employee there counting cash, right?

18 INVESTIGATOR PERU: Yes.

19 MR. ZHOU: Did you see any cash
20 transaction with the green, leafy substance that
21 you refer to?

22 INVESTIGATOR PERU: No, I stated that
23 there was customers in the store doing both
24 visits, either exiting or finishing up
25 transactions inside, and that then left with a

1 brown paper bag or a bag of some sort. That's
2 what I stated.

3 MR. ZHOU: Okay, sorry, just give me
4 one second. This is actually one in the last
5 line of questioning. You are familiar with the
6 I-71 law in D.C., right? It's codified in
7 Chapter 48, no, Title 48 in D.C. law, in D.C.
8 code.

9 INVESTIGATOR PERU: The recreational
10 law I-71, yes, sir.

11 MR. ZHOU: Yes, so you know that each
12 adult can possess up to two ounces of cannabis
13 without criminal penalty?

14 INVESTIGATOR PERU: Correct.

15 MR. ZHOU: How many, on July 23, how
16 many adults were on the premises?

17 INVESTIGATOR PERU: I know for certain
18 two. I can't remember if the third guy was there
19 that day.

20 MR. ZHOU: So, you said there were
21 three or --

22 INVESTIGATOR PERU: I know for sure,
23 two. I cannot remember --

24 (Simultaneous speaking.)

25 INVESTIGATOR PERU: -- so two.

1 MR. ZHOU: Okay.

2 INVESTIGATOR PERU: Let's go with two
3 because I can --

4 MR. ZHOU: Okay.

5 INVESTIGATOR PERU: -- I can identify
6 two, the manager and the other individual who was
7 there both visits.

8 MR. ZHOU: Okay, but like you said,
9 you didn't weigh the products, so how did you
10 know there were more than four ounce of green,
11 leafy substance on the premises?

12 INVESTIGATOR PERU: I stated that I
13 did not know, but this is a commercial building
14 and not a personal home, or residential, or
15 personal possession on public space. This was in
16 a commercial space, and I'm not aware -- without
17 measurements, sir, once again, I can't speak on
18 these ounces that you're referring to.

19 MR. ZHOU: All right, that's fair
20 enough. No more questions, Mr. Chairman.

21 CHAIRPERSON ANDERSON: All right,
22 thank you. All right, let's see, I have just a
23 few follow-up questions, Mr. Peru, and then
24 you're free to go. Hold on. Mr. Peru, there was
25 a lot of conversation regarding CBD earlier. Is

1 it correct that CBD is deemed cannabis in the
2 District of Columbia?

3 INVESTIGATOR PERU: That is correct,
4 sir.

5 CHAIRPERSON ANDERSON: Regarding the
6 Dum-Dum, do you recall if the label on the
7 Dum-Dum states that it contains marijuana and
8 that this might impair driving? Do you recall?

9 INVESTIGATOR PERU: Sir, I read it
10 verbatim, sir, on record. I could read it again
11 if you would like. It does say that it contains
12 --

13 CHAIRPERSON ANDERSON: Yes, please do.

14 INVESTIGATOR PERU: Yes, sir. I can
15 do that for you. It says government warning --

16 CHAIRPERSON ANDERSON: You're reading
17 from the label on the Dum-Dum, sir? Is that --

18 INVESTIGATOR PERU: Yes, sir. I'm
19 reading from the label on the Dum-Dum, which is
20 the exhibit in my report. It has the California
21 little triangle, cannabis, exclamation point on
22 the bottom, and then it states the following --
23 Exhibit No. 5.

24 It states the following: government
25 warning. This package contains marijuana, a

1 Schedule 1 controlled substance. Keep out of
2 reach of children and animals. Marijuana may
3 only be possessed or consumed by a person 21
4 years of age or older, unless the person is a
5 qualified patient.

6 Marijuana use while pregnant or
7 breastfeeding may be harmful. Consumption of
8 marijuana impairs your ability to drive and
9 operate machinery. Please use extreme caution.

10 And just for the record, most times
11 CBD is not considered a Schedule 1 substance.
12 Most CBD and hemp farmers, and individuals would
13 not consider CBD a Schedule 1 substance either.

14 CHAIRPERSON ANDERSON: Now, do you
15 know if CBD is known to cause intoxication?

16 INVESTIGATOR PERU: CBD is a
17 derivative of the cannabis plant that has
18 different types of effects compared to THC
19 itself.

20 CHAIRPERSON ANDERSON: So, do you know
21 whether or not it can cause intoxication? If you
22 don't know --

23 INVESTIGATOR PERU: No, I wouldn't
24 want to speak on scientific or doctor-type
25 things, sir.

1 CHAIRPERSON ANDERSON: Do you know
2 whether or not THC is known to cause
3 intoxication?

4 INVESTIGATOR PERU: Yes, THC is known
5 to affect the person's brain directly.

6 CHAIRPERSON ANDERSON: All right, any
7 other questions by any board members? All right,
8 Mr. Peru, thank you. Any questions? All right,
9 Mr. Peru, thank you very much for your testimony.
10 Don't go too far because --

11 INVESTIGATOR PERU: I won't.

12 CHAIRPERSON ANDERSON: -- we have
13 another hearing, all right.

14 INVESTIGATOR PERU: I'll see you then.

15 CHAIRPERSON ANDERSON: All right,
16 thank you very much. All right, so the board
17 doesn't have any witnesses. Mr. Zhou, this is
18 your hearing. You have the last say, sir.

19 MR. ZHOU: Thank you, Mr. Chairman.
20 Yeah, for my last closing, I'll just keep it very
21 short. So, in the end, we want to reiterate that
22 I strongly request the ABCA Board to dismiss the
23 cease and desist order because, one, there is no
24 substantial evidence to prove that there was THC
25 on premises, and second, there was no substantial

1 evidence to prove that there was any edible
2 product on premises.

3 And third, I want to also say that the
4 Board made a legal conclusion in its finding of
5 facts about the premises' compliance with Chapter
6 16B. The Board also made a factual error as to
7 the application status and the application that
8 1528 U Street, NW requested, and I think for
9 those reasons, the cease and desist order should
10 be dismissed, and while I preserve all the issues
11 I mentioned in cross examination on appeal.

12 CHAIRPERSON ANDERSON: Thank you, sir.
13 All right, so I'll bring this matter to closure.
14 As Chairperson of the Alcoholic Beverage and
15 Cannabis Board for the District of Columbia, and
16 in accordance with D.C. Official Code Section
17 2575 of the Open Meetings Act, I move that the
18 ABC Board hold a closed meeting for the purpose
19 of seeking legal advice from our counsel on Case
20 Number 24-ULC-00011, Metro Art and Sculp
21 Collaborative, LLC, pursuant to D.C. Official
22 Code Section 2575(b)(4)(a) of the Open Meetings
23 Act, and deliberating upon Case Number
24 24-ULC-00011, Metro Art and Sculp Collaborative,
25 LLC, for the reasons cited in D.C. Official Code

1 Section 2575(b) (13) of the Open Meetings Act. Is
2 there a second?

3 MEMBER SHORT: Mr. Short, I second.

4 CHAIRPERSON ANDERSON: Mr. Short has
5 seconded the motion. I will now take a roll call
6 vote on the motion before us now that has been
7 seconded. Mr. Short?

8 MEMBER SHORT: Mr. Short, I agree.

9 CHAIRPERSON ANDERSON: Mr. Grant?

10 MEMBER GRANT: Mr. Grant, I agree.

11 CHAIRPERSON ANDERSON: Mr. Anderson,
12 I agree. As it appears that the motion has
13 passed, I hereby give notice that the ABC Board
14 will recess this proceeding to hold a closed
15 meeting pursuant to Section 2575 of the Open
16 Meetings Act.

17 Mr. Zhou, thank you very much for your
18 presentation today. Mr. Porter, thank you for
19 appearing today. The Board will make a decision
20 on whether or not we will lift the cease and
21 desist. Thank you very much. Have a great day.

22 (Whereupon, the above-entitled matter
23 went off the record at 12:44 p.m.)

24

25

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In the matter of: Metro Art and Sculpt Collab

Before: DC ABCA

Date: 09-19-24

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