

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE AND CANNABIS BOARD
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MEETING

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IN THE MATTER OF: :
 :
Darel Dawson :
t/a VIPPEACE/Peace :
in the Air :
2118 18th Street NW : Cease and Desist
ANC 1C : Hearing
Case #24-ULC-00014 :
 :
(Request for Expedited :
Hearing on Board :
Order No. 2024-616) :
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Friday
October 4, 2024

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

PRESENT:

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

ALSO PRESENT:

JOSE ORELLANA, DC ABCA Staff
DAREL DAWSON, Licensee
BERNARD TRUSDALE, Licensee
YUTONG ZHOU, Licensee Counsel
RUSS BROWN, Landlord
ANDREW SCHULWOLF, Landlord Counsel
INVESTIGATOR JASON PERU, DC ABCA

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

2 10:03 a.m.

3 CHAIRPERSON ANDERSON: Good morning.

4 As chairperson of the Alcoholic Beverage and
5 Cannabis Board for the District of Columbia,
6 and in accordance with DC Code Section 2571 et
7 seq. of the Open Meetings Act, OMA, I'm
8 welcoming you to the regular scheduled meeting
9 of the Alcoholic Beverage and Cannabis Board.

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

17 Pursuant to the OMA requirements,
18 notice of today's meeting was provided 48 hours
19 in advance of the meeting on ABCA's website and
20 on the District Central Meeting Calendar. The
21 notice included the time, date, agenda, and
22 call-in or log-in information for public
23 participation.

24 This electronic meeting has been
25 hosted by a Webex account provided by the

1 District of Columbia Government. Please
2 address any questions or complaints to the OOG
3 at 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
7 who are also participating electronically.
8 Please respond when I announce your names. Mr.
9 James Short.

10 MEMBER SHORT: Mr. James Short,
11 present.

12 CHAIRPERSON ANDERSON: Mr. Silas
13 Grant.

14 MEMBER GRANT: Mr. Silas Grant,
15 present.

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

25 Once your case is called, I will take

1 a moment for IT specialists to elevate the
2 rights for each party to enable their camera
3 and microphone. Then and only then will you
4 have the ability to enable your equipment. If
5 your case has not been heard, you will remain
6 mute and your camera will be disabled.

7 At the conclusion of each case, the
8 parties will have the option to leave. If the
9 party chooses to stay, all cameras and
10 microphones for the concluded case will be
11 disabled. Should you have any questions or
12 require technical assistance during the
13 hearing, please submit them using the question
14 and answer feature.

15 All right. Our first case this
16 morning, it's a cease and desist hearing. Case
17 No. 24-ULC-00014. It's Darel Dawson, trade
18 name, t/a VIPPEACE/Peace in the Air, and this
19 is the request for an expedited hearing on
20 Board Order No. 2024-616.

21 Good morning, Mr. Orellana. Can you
22 please elevate the rights of the parties in
23 this case?

24 MR. ORELLANA: Good morning. Darel
25 Dawson, your access has been elevated.

1 Supervisor Investigator Jason Peru, your access
2 has been elevated. And I believe we're waiting
3 for the landlord.

4 CHAIRPERSON ANDERSON: Okay. As soon
5 as that person has -- you're able to elevate,
6 please do.

7 MR. ORELLANA: Will do.

8 CHAIRPERSON ANDERSON: Thank you.
9 Could everyone, if you have a camera, can you
10 please turn the camera on, please? Or better,
11 I need everyone to turn their camera on because
12 I need to see who I'm speaking to. So I'm
13 waiting for Mr. Dawson. Is there an attorney
14 here also? I don't see that person elevated.
15 I think Mr. --

16 MR. ORELLANA: Would that be Yutong
17 Zhou?

18 CHAIRPERSON ANDERSON: I think he's
19 here. Yes.

20 MR. ZHOU: Good morning, sir.

21 CHAIRPERSON ANDERSON: I think the
22 landlord wants to be elevated. I don't know
23 the landlord's name.

24 MR. DAWSON: I'm sending him the link
25 right now. I sent him the link to view it. I

1 didn't know he was going to be actually in it.

2 So I'm sending that to him right now.

3 CHAIRPERSON ANDERSON: All right.

4 Thank you.

5 MR. ORELLANA: He's elevated,

6 Chairman.

7 CHAIRPERSON ANDERSON: Okay. He's

8 already elevated. He just needs to -- the

9 landlord needs to turn his camera on and unmute

10 himself. Mr. Dawson, is that Russ Brown? Is

11 that the landlord, sir?

12 MR. DAWSON: Yeah, Russ Brown is the -

13 - yes, he's representing the landlord.

14 CHAIRPERSON ANDERSON: All right. So

15 he needs to turn his camera on. Okay. Good

16 morning, everyone. Okay. I would like

17 everyone to identify themselves for the record

18 by please spell and state your name, and I'll

19 start with you, Mr. Zhou. Tell me one more

20 time. You know, if you're going to appear in

21 front of me frequently, I need to know how to

22 pronounce your name. So one more time for me,

23 I guess, sir, please.

24 MR. ZHOU: It's Zhou. It sounds like

25 J-O-E.

1 CHAIRPERSON ANDERSON: Oh, Zhou, okay.
2 So please spell and state your name for the
3 record.

4 MR. ZHOU: Yeah, Yutong Zhou is Y-U-T-
5 O-N-G, that's first name. And last name, Z-H-
6 O-U.

7 CHAIRPERSON ANDERSON: And your client
8 is Mr. Dawson?

9 MR. ZHOU: Yeah, my client is Mr.
10 Dawson, VIPPEACE and Peace in the Air.

11 CHAIRPERSON ANDERSON: Mr. Dawson, can
12 you please spell and state your name for the
13 record?

14 MR. DAWSON: D-A-R-E-L D-A-W-S-O-N,
15 Darel Dawson.

16 CHAIRPERSON ANDERSON: And what's your
17 relationship, Mr. Dawson, to this
18 establishment?

19 MR. DAWSON: Owner.

20 CHAIRPERSON ANDERSON: Thank you. Mr.
21 Brown, please spell and state your name for the
22 record and your relationship.

23 MR. BROWN: R-U-S-S B-R-O-W-N. I'm
24 the property manager for 2118 18th Street, LLC.

25 CHAIRPERSON ANDERSON: Mr. Peru --

1 MR. BROWN: We're -- I'm sorry, I
2 didn't mean to interrupt here, but we're still
3 waiting on our lawyer to join the call. I just
4 had forwarded him the link when I got it.

5 CHAIRPERSON ANDERSON: Okay. All
6 right. I didn't realize that. That I didn't
7 know there we were waiting for another
8 attorney. So, Mr. Peru, can you spell and
9 state your name for the record?

10 MR. PERU: Jason Peru, J-A-S-O-N.
11 Last name, P-E-R-U.

12 CHAIRPERSON ANDERSON: Mr. Brown, who
13 is it that we're looking for -- we're waiting
14 for, sir? The name of the person, so our IT
15 specialist will know once the person -- elevate
16 the person.

17 MR. BROWN: Sure. His name is Andrew
18 Schulwolf.

19 CHAIRPERSON ANDERSON: Mr. Schulwolf.
20 Okay.

21 MR. BROWN: Yeah.

22 CHAIRPERSON ANDERSON: Okay. So we'll
23 wait. Do you know how long it will take for
24 the attorney to log on, sir?

25 MR. BROWN: I'm not sure. I just sent

1 him over the information.

2 MR. ORELLANA: Invite in the chat,
3 Chairman.

4 CHAIRPERSON ANDERSON: Thank you. And
5 there is an invitation also in the chat, so he
6 can log on. There's a new person there,
7 Bernard. Is that the attorney?

8 MR. ZHOU: I'll respond, that's
9 actually VIPPEACE's owner.

10 CHAIRPERSON ANDERSON: Oh, I'm sorry.
11 Well, does that person need to be elevated?

12 MR. ZHOU: Yeah.

13 CHAIRPERSON ANDERSON: All right. So
14 let me have everyone turn their camera on,
15 please. So Mr. Schulwolf, if you have -- can
16 you please turn your camera on, sir?

17 MR. TRUSDALE: Hello.

18 CHAIRPERSON ANDERSON: Can you spell
19 and state your name for the record, sir? And
20 who do you represent?

21 MR. TRUSDALE: Bernard Trusdale. B-E-
22 R-N-A-R-D T-R-U-S-D-A-L-E. I represent
23 VIPPEACE.

24 MR. SCHULWOLF: Me? Sorry.

25 CHAIRPERSON ANDERSON: Mr. Schulwolf,

1 can you please spell and state your name,
2 please?

3 MR. SCHULWOLF: Yes, can you hear me?
4 It's Andrew Schulwolf. Last name S-C-H-U-L-W-
5 O-L-F. Can you hear me?

6 CHAIRPERSON ANDERSON: Yes, sir.

7 MR. SCHULWOLF: I just logged in one
8 minute ago. I've never got the login
9 information. I'm actually in the middle of
10 another hearing in court. So, in another court
11 matter. I don't know. My client's even on the
12 line. I don't know what the status is at the
13 moment. I was told I'd get a login information
14 yesterday. I did not get any.

15 CHAIRPERSON ANDERSON: Well, all
16 right. This is a cease and desist order. I
17 don't know. Did you, sir, request a hearing on
18 -- did your client request a hearing for this
19 case? And I guess I'm just trying to get some
20 clarification. So since you're -- well, we
21 issued cease and desist to the -- we put the
22 landlord on notice that we believe that there
23 is a legal cannabis establishment that they
24 rent into.

25 And so the purpose of this hearing is

1 that the tenant is here challenging our cease
2 and desist order. So I'm just trying to find
3 some clarification. What's the purpose of the
4 landlord here? Is there any representation the
5 landlord needs to make regarding this issue?

6 MR. SCHULWOLF: Well, the landlord is
7 here because the landlord has been noticed as a
8 party. So that's why the landlord is here.
9 Mr. Dawson is a party, and the landlord has
10 been noticed as a party. We've got an order to
11 cease and desist. That is both against Mr.
12 Dawson and apparently the landlord, my client.

13 So that's why I'm present. That's why
14 I spoke with Ms. Walker last week, right before
15 the hearing, I believe was the 27th. She told
16 me that got continued to today, that she would
17 provide me with login information yesterday. I
18 did not receive it. I emailed Ms. Walker and
19 apparently she's out till October 7th. I've
20 been calling all morning to get the login
21 information. I finally got it, but that's why
22 I'm here and I have no idea if my client is on
23 the other line as well. Maybe --

24 CHAIRPERSON ANDERSON: There's a Mr.
25 Bernard -- there's a Russ Brown on the line,

1 sir.

2 MR. SCHULWOLF: Yes. Okay.

3 CHAIRPERSON ANDERSON: So, yes. So
4 he's on. So I guess what I'm trying to find
5 out is what representation, if any, does the
6 landlord wish to make regarding the cease and
7 desist?

8 MR. SCHULWOLF: The landlord is not
9 opposed to cease and desist as against the
10 tenant. The landlord sending notice to the
11 tenant I guess to terminate the month tenancy
12 or the trying to see expire I think at the end
13 of this -- in this month. And so the landlord
14 has no objection to -- I'm sorry, that's not
15 accurate. The landlord did send a 30 day
16 notice to vacate at the end of September
17 because of this issue. So I apologize. That
18 was a misstatement.

19 So the landlord has done what it needs
20 to do to have the tenant comply with your
21 administration, and I assume you're familiar
22 with the rules and regulations, the landlord
23 tenant court. It's not that simple to take
24 action against the tenant to cause them to
25 vacate the premises. A landlord take complaint

1 for possession as we filed is a several month
2 process.

3 But the point being is that the
4 landlord has undertaken action in response to
5 the cease and desist order to cause the tenant
6 to comply with that order. So the landlord has
7 no objection to the order as long as it doesn't
8 impact the landlord.

9 CHAIRPERSON ANDERSON: And so, Mr.
10 Schulwolf, did you request a hearing? Once
11 your client received the cease and desist, did
12 your client request a hearing?

13 MR. SCHULWOLF: No, we formally did
14 not request a hearing. We just received notice
15 that the hearing would be taking place. So we,
16 I believe rightly, assumed that we should be
17 present because we're a party. So we -- okay,
18 we did not request a hearing.

19 CHAIRPERSON ANDERSON: Yes, you are a
20 party, sir, but you didn't request a hearing.
21 I think that's one of the reasons why you
22 didn't necessarily get the formal notification,
23 because the landlord could have also requested
24 a hearing to defend its position, which you
25 stated you did not do.

1 MR. SCHULWOLF: Understood. But I
2 received an email from Ms. Walker last week
3 that she would provide me and my client with
4 the login information yesterday, but that's
5 unfortunate to not happen. Then I'll request a
6 hearing now, if that helps.

7 CHAIRPERSON ANDERSON: Well, I don't
8 have -- I'm just trying to clarify the records.
9 Mr. Schulwolf, Ms. Walker is an administrative
10 official, and she's an administrative person in
11 the office. You are familiar with our legal
12 office. So if you sent an email to an
13 administrative person who did not respond, I
14 believe you could have sent an email to our
15 General Counsel and you would have gotten a
16 response. So I know that in these proceedings.
17 I know that you have had several conversations
18 with our Associate General Counsel.

19 MR. SCHULWOLF: That's not on these.
20 Not in this particular proceeding, but. All
21 right. So I guess my mistake was relying on
22 Ms. Walker's email that she would send me the
23 login information. So for that, I apologize.

24 CHAIRPERSON ANDERSON: All right. So
25 let me ask you a question, sir. Is this

1 sufficient for you, or do you want to request a
2 separate hearing?

3 MR. SCHULWOLF: This is sufficient.
4 This is sufficient, sir.

5 CHAIRPERSON ANDERSON: All right. So
6 you have made certain representation to the
7 Board. Can I ask that you provide -- you
8 stated that you sent a 30 day letter to -- I'm
9 sorry, a 30 day notice to your tenant. Can you
10 provide the agency, our legal office with a
11 copy of the documents that you filed to support
12 the representation that you made today, sir?

13 MR. SCHULWOLF: Certainly.

14 CHAIRPERSON ANDERSON: And could
15 someone put the email address for ABCA in the
16 chat so you can officially have the email
17 address that you can send the documents that
18 you -- the representation. So the email
19 address is in the chat, sir. So I would ask
20 that you provide our agency, the Board, with a
21 copy of the documents that you reference in
22 your presentation this morning. Okay?

23 MR. SCHULWOLF: Not a problem. Happy
24 to do it.

25 CHAIRPERSON ANDERSON: All right,

1 thank you. Okay. Mr. Zhou. So this is the
2 cease and desist. And so, it's the cease and
3 desist that has been the licensee -- I'm sorry,
4 the unlicensed facility requested this hearing.
5 And so you, Mr. Zhou, on behalf of your client,
6 you can go first. You can basically, if you
7 want to make an open statement, and then you
8 can call whatever witnesses that you wish to
9 call.

10 MR. ZHOU: Okay. Thank you, Mr.
11 Chairman. So I submitted several pieces of
12 evidence to ABCA Legal's email this morning.
13 And one of the piece of evidence is affidavit
14 from Mr. Trusdale, who's the owner of the
15 basement premise VIPPEACE. And four other
16 pieces of evidence for two separate basic
17 business licenses for two different premises.
18 The first floor on the basement.

19 And additionally, there are two more
20 certificates of occupancy, one for the first
21 floor and one for the basement. So that's the
22 evidence I submitted. I just want to make sure
23 that the Board got it.

24 CHAIRPERSON ANDERSON: The Board is in
25 receipt of the documents that were provided

1 this morning. Is that Mr. Trusdale, I need --
2 if you want -- since Mr. Trusdale is here, I'm
3 not going to accept. Well, we have the
4 documents. However, if you want them to move
5 into evidence, I need to swear Mr. Trusdale in
6 before I'm going to put that affidavit in
7 evidence.

8 So if you want that doc -- well, we
9 have the document. But if you want the
10 document to be moved into evidence, I need him
11 to testify to the accuracy of the document.
12 Okay?

13 MR. ZHOU: Yeah, we'll be okay.

14 CHAIRPERSON ANDERSON: All right. So
15 tell me how do you plan to contest this? So as
16 I said before, I do have the documents that
17 were submitted. So tell me, what do you want
18 to do? Do you want to call in witnesses? How
19 do you want to move forward?

20 MR. ZHOU: Yeah. So I'll make my
21 opening statement first.

22 CHAIRPERSON ANDERSON: Sure. Yes,
23 sir.

24 MR. ZHOU: Yeah, thank you. So I want
25 to make certain factual disputes as to the

1 finding in fact in cease and desist order
2 issued on, this is August 3rd, I think, and
3 primarily to Section 3. In Section 3, the
4 factual findings says that there's a website,
5 and the website there -- so we deliver service,
6 there's this dispensary. There's all types of
7 purchases. There's all types of photos and
8 everything.

9 However, as we stated in the
10 affidavit, and Mr. Trusdale will test later,
11 after the May 2nd visit from ABCA and Mr. Peru,
12 Mr. Trusdale actually no longer operates the
13 website anymore, and then removed all the
14 cannabis related animals, all the cannabis
15 related drinks from the premises. And the
16 website no longer operates as of July 26, 2024.
17 And that's why the website evidence here is not
18 really applicable to the cease and desist order
19 as to not form a basis to each of the cease and
20 desist order.

21 And also going further than the
22 website, the cease and desist order is kind of
23 unclear as to why there are these green leafy
24 substances or find on the website or leaf found
25 on the premises. However, at the end of the

1 day, VIPPEACE, the basement premise is not
2 operating as a cannabis commercial operation.
3 It is operating as a music operation. The
4 premise is selling NFT tokens for music,
5 downloads for music, share music listening.

6 And in the end, the shop sometimes
7 transfers cannabis products without
8 remuneration to certain clients of theirs. And
9 furthermore, Mr. Trusdale can attest to this
10 too, it seems like there was a confusion as to
11 VIPPEACE and Peace in the Air. Even though I
12 represent both, but they are two separate
13 premises as the certificates of occupancy show
14 and business license show.

15 And it seems that Mr. Peru only
16 visited the basement, VIPPEACE, during the
17 visit on July 26th. And that's why this
18 evidence should not apply for the first
19 requirement of Peace in the Air. Yeah, that's
20 my opening statement. And I think Mr. Trusdale
21 can be sworn in to attest to the accuracy of
22 the affidavit.

23 CHAIRPERSON ANDERSON: Okay. So
24 you're calling a witness, and who's the witness
25 you're calling, sir?

1 MR. ZHOU: Mr. Bernard Trusdale.

2 CHAIRPERSON ANDERSON: Mr. Trusdale,
3 can you raise your right hand, sir.

4 (Witness sworn.)

5 CHAIRPERSON ANDERSON: Okay. Your
6 witness, sir. Go ahead.

7 MR. ZHOU: Just one second. Hi, Mr.
8 Trusdale. I will just go with line by line for
9 the affidavit that you signed. Are you the
10 owner of VIPPEACE located in the basement of
11 2118 18th Street NW, Washington DC 20009?

12 MR. TRUSDALE: Yes.

13 MR. ZHOU: On July 26, 2024, did you
14 arrive on the premises around noon?

15 MR. TRUSDALE: Yes.

16 MR. ZHOU: Upon arrival, did you see
17 Mr. Peru there?

18 MR. TRUSDALE: Yes.

19 MR. ZHOU: Is Mr. Peru present in the
20 hearing right now?

21 MR. TRUSDALE: Yes.

22 MR. ZHOU: Let's backtrack a little
23 bit. On May 2, 2024, did you also see Mr. Peru
24 on the premises?

25 MR. TRUSDALE: Yes.

1 MR. ZHOU: Did Mr. Peru instruct you
2 to remove all cannabis related edibles and
3 drinks from the premises?

4 MR. TRUSDALE: Yes.

5 MR. ZHOU: And did you do so? Did you
6 remove that?

7 MR. TRUSDALE: Yes.

8 MR. ZHOU: Did Mr. Peru also instruct
9 you to remove other products from the premise?
10 Like, for example, the music cards or say green
11 leafy substances?

12 MR. TRUSDALE: No.

13 MR. ZHOU: And we can -- let's go back
14 to July 26 when Mr. Peru visited again. Was
15 Mr. Peru in the basement of the premise?

16 MR. TRUSDALE: Yes.

17 MR. ZHOU: Did Mr. Peru visit the
18 first floor of the premise?

19 MR. TRUSDALE: I'm not sure.

20 MR. ZHOU: Okay. And before 2024, did
21 you operate the website for VIPPEACE?

22 MR. TRUSDALE: We had someone
23 operating the website.

24 MR. ZHOU: And after the first visit
25 of Mr. Peru on May 2, 2024, were you still

1 operating the website? Were you still having
2 someone operate the website?

3 MR. TRUSDALE: In between the first
4 and the second visit, we no longer had the
5 person operating the website.

6 MR. ZHOU: So the information on the
7 website was no longer updated as of July 26th?

8 MR. TRUSDALE: No, sir.

9 MR. ZHOU: And it goes without saying
10 that it doesn't operate anymore?

11 MR. TRUSDALE: No, sir.

12 MR. ZHOU: All right. That's the end
13 of my question as to the affidavit that Mr.
14 Trusdale signed on October 3rd.

15 CHAIRPERSON ANDERSON: All right,
16 thank you. Mr. Trusdale, I just want to get
17 some clarification from you. It's your
18 testimony that gifting does occur at Peace in
19 the Air, is that correct? That gift enough
20 cannabis occur on the property?

21 MR. TRUSDALE: I don't represent Peace
22 in the Air, sir. These are two separate
23 stores.

24 CHAIRPERSON ANDERSON: All right.
25 What store is it that you work for? What's the

1 name of your business, Sir?

2 MR. TRUSDALE: I work with VIPPEACE.

3 CHAIRPERSON ANDERSON: I'm sorry,
4 what's that? VIP?

5 MR. TRUSDALE: VIPPEACE.

6 CHAIRPERSON ANDERSON: Okay. So when
7 Mr. Peru visited the property, was cannabis
8 found on the property when Mr. Peru visited the
9 property?

10 MR. TRUSDALE: On which date? On
11 neither dates sir, no.

12 CHAIRPERSON ANDERSON: So you're
13 saying on July 26, when Mr. Peru appeared, no
14 cannabis was found on the property, and just
15 money?

16 MR. TRUSDALE: Yes, sir, no cannabis
17 was on premises.

18 CHAIRPERSON ANDERSON: All right. And
19 in your business, VIPPEACE, do you do gifting
20 of cannabis?

21 MR. TRUSDALE: I plead the fifth.

22 CHAIRPERSON ANDERSON: Okay. In your
23 business of VIPPEACE, how much cannabis, if
24 any, do you keep on the property to gift?

25 MR. TRUSDALE: I plead the fifth.

1 CHAIRPERSON ANDERSON: Okay. Mr.
2 Orellana, can you give Mr. Peru the ability to
3 -- Mr. Peru, do you have your case report with
4 you, sir? Can you share your case report with
5 us, please.

6 MR. PERU: Sure. Give me one second.

7 CHAIRPERSON ANDERSON: Okay. Thank
8 you. So I need you Mr. Peru to -- all right.
9 Can you go to I guess Exhibit 5.

10 MR. PERU: It's going to get funny.
11 Is this it? Is this the --

12 CHAIRPERSON ANDERSON: Yeah, that's
13 the exhibit.

14 MR. PERU: Okay.

15 CHAIRPERSON ANDERSON: Mr. Trusdale,
16 do you recognize this document? Have you ever
17 seen Mr. Peru --

18 MR. TRUSDALE: This is not in
19 VIPPEACE, whose photos are not from VIPPEACE.

20 CHAIRPERSON ANDERSON: Okay. All
21 right.

22 MR. TRUSDALE: Can you go to the
23 second photo so I can have a closer picture?

24 CHAIRPERSON ANDERSON: I'm sorry.
25 What are you asking for, sir?

1 MR. TRUSDALE: I can see the first
2 picture. Can you go to the second picture so I
3 can see --

4 CHAIRPERSON ANDERSON: Yeah, I'm --

5 MR. TRUSDALE: No, sir, those photos
6 are not from VIPPEACE.

7 CHAIRPERSON ANDERSON: Okay. So
8 you're saying that you do not back Exhibit 5.
9 it's not from VIPPEACE. Let me see. What
10 about Exhibit 8? So you're saying -- let's go
11 to Exhibit 6. And so you're also saying that
12 Exhibit 6 is not from VIPPEACE establishment.
13 Is that correct, sir?

14 MR. TRUSDALE: Those are not -- that
15 photo or nothing in that photo is from
16 VIPPEACE.

17 CHAIRPERSON ANDERSON: What about
18 exhibit -- let me see. Mr. Peru, can you go on
19 to Exhibit 7?

20 MR. PERU: Just real quick. So it
21 doesn't, because the way the photos are saved -
22 -

23 CHAIRPERSON ANDERSON: I know. I'm
24 having the same type of problems too. So I'm
25 unable to --

1 MR. PERU: Convert to Adobe. So it
2 gets tricky. There you go. That's Exhibit 7.

3 CHAIRPERSON ANDERSON: All right. So
4 can you enlarge Exhibit 7, please. You're
5 saying that you also do not recognize Exhibit
6 7, Mr. Trusdale?

7 MR. TRUSDALE: Can you zoom in,
8 please?

9 CHAIRPERSON ANDERSON: Can you enlarge
10 it please, Mr. Peru.

11 MR. TRUSDALE: Exhibit 7 looks like it
12 appears to be, let me see, old photos from the
13 website.

14 CHAIRPERSON ANDERSON: Okay. And so
15 you're saying that the -- so you stated that
16 the website -- provide again some clarification
17 regarding your website again, sir.

18 MR. TRUSDALE: We had a person that
19 was working the website. They stopped working,
20 and we no longer use the operator website.

21 CHAIRPERSON ANDERSON: So when is it
22 that you stopped utilizing the website?

23 MR. TRUSDALE: I'm not exactly sure.

24 CHAIRPERSON ANDERSON: Okay. All
25 right. Let me see. Hold on. Let me see

1 something. Hold on, sir. You can close the
2 screen please, Mr. Peru. Do we have any
3 questions by any board members of Mr. Trusdale?
4 All right. If we don't have any questions of
5 any board members, Mr. Zhou, do you have any
6 redirect, sir, based on the questions that were
7 asked?

8 MR. ZHOU: No, sir. Thank you.

9 CHAIRPERSON ANDERSON: Mr. Trusdale,
10 thank you very much for your testimony, sir.
11 Do you have another witness you wish to call?

12 MR. ZHOU: No, sir.

13 CHAIRPERSON ANDERSON: Okay. All
14 right. So the Board will call Mr. Peru. Mr.
15 Peru, can you raise your right hand please.

16 (Witness sworn.)

17 CHAIRPERSON ANDERSON: Can you say
18 your name for the record please?

19 MR. PERU: Supervisor Investigator
20 Jason Peru, J-A-S-O-N P-E-R-U.

21 CHAIRPERSON ANDERSON: And where are
22 you currently employed, sir?

23 MR. PERU: With the Alcoholic Beverage
24 and Cannabis Administration in Washington DC.

25 CHAIRPERSON ANDERSON: And how long

1 have you been employed at the agency?

2 MR. PERU: 11 and a half years.

3 CHAIRPERSON ANDERSON: And what's your
4 current duties and responsibilities, sir?

5 MR. PERU: I am in the enforcement
6 division, currently responsible for cannabis
7 enforcement.

8 CHAIRPERSON ANDERSON: How long have
9 you been doing this, sir?

10 MR. PERU: I've been doing cannabis
11 enforcement for about 4 and a half years now.

12 CHAIRPERSON ANDERSON: Okay. Now,
13 what is the business under review today? And
14 what do you know about this business? I think
15 this is a cease and desist -- this is Board
16 order No. 2024-616. And it's Darel Dawson
17 VIPPEACE/Peace in the Air. So tell us, what if
18 anything, you know about this business, sir?

19 MR. PERU: Yes, sir. This is a
20 location that we visited. That is the both
21 locations are at the same address. At 20 --
22 I'm sorry, my case report is not up because of
23 the sharing. At 21 -- I want to get it right.
24 I want to keep correcting the record here.

25 At 2118 18th Street NW, there is a

1 basement place, which is VIPPEACE, and then
2 Peace in the Air, which is upstairs. Two
3 locations at the same address. We visited with
4 the multi-agency cannabis task force. On
5 multiple occasions, the first occasion being,
6 as we discussed earlier, on May 2nd --

7 CHAIRPERSON ANDERSON: Hold on Mr.
8 Peru. I need you to tell me. You said there's
9 a location in the basement. There's a location
10 upstairs, and so I need you to be specific and
11 tell us what location is -- tell us, sir,
12 specifically what location you visited. And
13 what did you see in that specific location,
14 sir? And the name -- and if you're saying
15 there's a different name, please say the
16 basement and what name it has, the first floor,
17 what name it has, and whether or not you
18 visited both locations, sir. Okay?

19 MR. PERU: Okay. Sorry, I thought
20 that was on -- the 2118 18th Street has two
21 unlicensed businesses operating that was on my
22 list. VIPPEACE, which is in the basement, and
23 Peace in the Air, which is upstairs. Both
24 locations were visited by the multi-agency task
25 force, VIPPEACE and Peace in the Air. Both

1 locations were visited on -- the upstairs and
2 downstairs were visited for the first time in
3 May.

4 During that visit in May, there was a
5 variety of -- at both locations, there was a
6 variety of cannabis product to include gummies,
7 edibles, THC flower, and other cannabis
8 products. After that inspection from the
9 multi-agency cannabis task force, I issued a
10 warning to the business.

11 CHAIRPERSON ANDERSON: What business
12 did you issue a warning to?

13 MR. PERU: To both businesses, sir.
14 I'm sorry. Both businesses received the
15 warning. Peace in the Air and VIPPEACE both
16 received warnings from myself.

17 CHAIRPERSON ANDERSON: But let me ask
18 you a question. But are these two separate
19 businesses, to the best of your knowledge?

20 MR. PERU: During our visit, the same
21 address existed. And there was no business
22 license for the first floor. There was no
23 business license or CFO for the basement. So
24 there was no determination dividing the
25 businesses stating that they were not one and

1 the same. So it's all one address.

2 And the premise appears to be -- the
3 luxury brand, the luxury product is in the
4 basement, VIPPEACE, and the normal storefront
5 is upstairs is Peace in the Air. That's the
6 perception of it and that was the understanding
7 by the task group based on documents that were
8 not provided to us during the visit.

9 As my report reflects, DLCP issued
10 NOIs for no business license for the first
11 floor, Peace in the Air. And there was no
12 business license or CO posted in VIPPEACE in
13 the basement during that visit, and Department
14 of Health embargoed products at both locations.

15 So it was a little, you know, it took
16 us -- once we put the pieces of the puzzle
17 together determining, it was never told that it
18 was different owners even. It was all one and
19 the same according to -- speaking with
20 employees and individuals that were present,
21 that it was all one and the same. That there
22 weren't separate owners. And, you know, the
23 name and the separation of the luxury of the
24 brands were kind of what we saw.

25 So, moving forward, I returned to the

1 establishment with the task force on July 26.
2 And during the inspection on July 26, it
3 revealed that the location still continued to
4 sell cannabis flower and products. Like most
5 locations after our first visit, they talk
6 about edibles, that they no longer have edibles
7 because Health embargoed the edibles.

8 So we did not see any edibles during
9 the second visit. But during the second visit,
10 still there was no business license provided
11 for the first floor and no business license or
12 CO provided for the basement, VIPPEACE.

13 CHAIRPERSON ANDERSON: Let me ask you
14 a question. What do you mean there was no
15 business license provided? You specifically
16 asked for a copy of a business license?

17 MR. PERU: Yes. So, Mr. Chair,
18 Department of Licensing and Consumer
19 Protection, DLCP, investigators are part of
20 this task force. That's their focus when we're
21 doing these investigations. We do these
22 inspections of unlicensed locations. DLCP's
23 focus is to look for --

24 CHAIRPERSON ANDERSON: What's DLCP?

25 MR. PERU: This is Department of

1 Licensing and Consumer Protection. They issue
2 the licenses in the city and they also
3 associate with the certificate of occupancy
4 that is issued by Department of Buildings, DOB.
5 So DLCP is part of that task force as stated in
6 my report as part of the cannabis task force.
7 And they specifically in these businesses will
8 ask and request for business licenses and COs.

9 And during the second visit as well,
10 that was not provided to us. That's why it's
11 noted in my report. If they got one since my
12 visit, I am not aware of that, sir. I cannot
13 testify to that.

14 CHAIRPERSON ANDERSON: All right. So
15 let me ask you a question. Let me back up a
16 little bit. So why did you visit this specific
17 location the first time? Why did you visit
18 this location? I mean, what was the basis of
19 you to investigate this location?

20 MR. PERU: They're on my list of
21 unlicensed cannabis locations in the city that
22 have, via either social media, internet
23 searches, or complaints, have been added to a
24 list of locations that possibly or allegedly
25 are selling cannabis or cannabis flower and

1 unlicensed product. So it was on my list that
2 day.

3 CHAIRPERSON ANDERSON: Yeah. So you
4 stated that -- the first time you visited, what
5 did you see when you visited it? When was the
6 first time you visited?

7 MR. PERU: May 2nd.

8 CHAIRPERSON ANDERSON: And what did
9 you see the first time you visited?

10 MR. PERU: The front of the stores on
11 both stores -- so let's just be clear. The
12 first and second floor are set up pretty much
13 the same in reference to they have a retail in
14 the front. Clothing, you know, retail goods,
15 T-shirts, some semi luxury good items, you
16 know. And that's what you see when you first
17 walk in. We have to be buzzed in. We have to
18 be led in to both the first and second floor.

19 Once you enter the premise, in the
20 back, there's a back room. The back room is
21 where the products were on display. And that's
22 where you would go to choose your cannabis or
23 edibles during the first visit. So both first
24 and second floor both had retail. And as a
25 storefront, and in the back in a room was the

1 display cases and the cannabis areas.

2 CHAIRPERSON ANDERSON: And so did you
3 issue a warning this first visit?

4 MR. PERU: Yes.

5 CHAIRPERSON ANDERSON: And what was
6 the basis of issuing the warning, sir?

7 MR. PERU: Well, the warning, like I
8 tell everybody, this is a 14 day notice of a
9 warning that states that you are operating an
10 unlicensed cannabis operation, and you have 14
11 days to comply.

12 There are two ways to comply. You can
13 stop operations and cease operations, or you
14 can get a cannabis license. I stated that,
15 like I tell everybody, just applying for a
16 license does not allow you to operate. So I
17 described that to the employees and individuals
18 that were present and issued the warning.

19 CHAIRPERSON ANDERSON: Now,
20 specifically who was running the business when
21 you appeared there in May?

22 MR. PERU: Well, there was employees.
23 As you can see, you know, there's a lot of
24 noncooperation in this case about providing --
25 no one wants to provide identification.

1 Really, people don't want to really want to be
2 identified or be responsible for the actions
3 that I'm taking. So the employees made phone
4 calls. I can't tell you honestly if I spoke to
5 either of the owners represented here today on
6 the phone during that first visit.

7 I know they contacted individuals, but
8 I've never -- Mr. Bernard looks familiar to me
9 that he was there during one of my visits. I
10 can't be certain. He does look familiar to me.
11 It's been a while. But other than that, I did
12 not speak with them. I can't confirm that I
13 spoke with them on the phones.

14 CHAIRPERSON ANDERSON: All right.
15 Now, the exhibits that you have in your report,
16 I'm going to ask you go back over the exhibits
17 again. What visit was this from? Was it from
18 the first visit or second visit, the exhibits
19 in your report?

20 MR. PERU: I believe the exhibit --
21 let me go back, Mr. Chair.

22 CHAIRPERSON ANDERSON: Well, you can
23 share with us your report again.

24 MR. PERU: I'm trying to adjust it
25 again. Okay. let me see.

1 CHAIRPERSON ANDERSON: I need everyone
2 to mute their line. If you're not testifying,
3 please mute your line. Okay. So let me ask
4 you a question, Mr. Peru. When you issued the
5 warning, who did you -- did you leave the
6 warning with someone? Who did you leave it to?

7 MR. PERU: Yeah, the warning is always
8 left with the employee that's present.

9 CHAIRPERSON ANDERSON: Okay. So you
10 have what has been identified as Exhibit 6 on
11 your report. Can you identify what -- tell us
12 what Exhibit 6 is, sir?

13 MR. PERU: So Exhibit 5 and 6 are
14 photos from Peace in the Air upstairs, during
15 the second visit, where the edibles are no
16 longer in the case, but now there is just
17 flower that remains.

18 CHAIRPERSON ANDERSON: But you're
19 saying flower. How do you know it's a flower?
20 Tell me what is in the exhibit, sir?

21 MR. PERU: Well, there's -- you see
22 containers that's identifiable as a magnifying,
23 or maybe even a smelling feature, that you can
24 look at the flower in a magnified capacity.
25 There's different brands, Lemon Cherry Gelato,

1 which is a known cannabis brand. Lemon Cherry
2 Truffles. Different cannabis flowers that you
3 see in the pictures.

4 And in the display case in those
5 containers with the green tops and the
6 magnifier, there is flower. So you can look at
7 your flower, see your flower and then decide
8 which flower you want to purchase, is the
9 typical reason for these type of displays.

10 CHAIRPERSON ANDERSON: Now, let me ask
11 you a question. Have you visited any legal
12 cannabis medical dispensers in DC?

13 MR. PERU: Yes, sir. I mean, I
14 inspected all the licensed medical dispensers
15 in DC.

16 CHAIRPERSON ANDERSON: And do you see
17 this type of setup in any legal medical
18 cannabis in DC?

19 MR. PERU: Yes, sir.

20 CHAIRPERSON ANDERSON: At the
21 dispensary?

22 MR. PERU: Yes, sir. It's quite
23 common. They have this type of displays with
24 the containers that you can view the product.

25 CHAIRPERSON ANDERSON: So based on

1 your visit to legal medical cannabis in DC, the
2 visit at this establishment is consistent to
3 what you have seen at legal medical cannabis
4 dispensers in the district. Is that correct?

5 MR. PERU: Yes, sir.

6 CHAIRPERSON ANDERSON: All right. Do
7 you have another exhibit? What's the next
8 exhibit that we have? I'm sorry, and
9 specifically what date did you see this
10 display?

11 MR. PERU: This was during my second
12 visit on July -- I have to go back to the
13 report and zoom back in. You can imagine I
14 visit a lot of places. So I don't want to --
15 dates are coming up a blur. I have to look at
16 reports for reference. July 26th is when that
17 second visit occurred.

18 CHAIRPERSON ANDERSON: On July 26th,
19 who did you have interface with in this
20 specific visit? Do you recall?

21 MR. PERU: Yeah. So, you know, as my
22 report reflects, I can't confirm. Obviously,
23 in a face to face, I didn't speak with anybody.
24 But the employee called Mr. Dawson, and that's
25 who I spoke with on the phone. And we went

1 over my visits, my past visits and my current
2 visits, and described to him why I was back and
3 what the next steps would be, progressive
4 actions that could possibly occur in this case.

5 My second visit is what led to the
6 case report, which then led to the cease and
7 desist issued by the Board. So, Mr. Dawson was
8 notified. Like, I give everybody the same
9 exact spiel that, you know, hey, we're back.
10 You got a warning. It's been over a month. In
11 this case, you can see the lapse from May 2nd
12 to July 26th. So far past 14 days you continue
13 to operate as an unlicensed cannabis retailer
14 with unlicensed cannabis product.

15 And potentially the next step would be
16 a cease and desist issued. And after the cease
17 and desist, there could be lead to -- possibly
18 lead to a closure if operations is continued.
19 And I give everybody the same consistent spiel
20 whenever I'm doing these inspections, sir.

21 CHAIRPERSON ANDERSON: So the photos
22 that you showed, were they upstairs or
23 downstairs?

24 MR. PERU: That was from -- during
25 that visit, that was from upstairs, Peace in

1 the Air. We were refused access to VIPPEACE
2 and their back room where they had cannabis.
3 The door was locked and they refused to open
4 it.

5 CHAIRPERSON ANDERSON: You're talking
6 about the downstairs?

7 MR. PERU: Downstairs, VIPPEACE. We
8 were denied access and we were not -- they
9 would not open the back door for us and show us
10 where the display room was that we saw the
11 first visit. So that's why there's no photos
12 in this report, sir.

13 CHAIRPERSON ANDERSON: So upstairs,
14 the photos in the exhibit are from upstairs.
15 Is that correct?

16 MR. PERU: Correct. The other
17 exhibits are from websites.

18 CHAIRPERSON ANDERSON: And so the
19 website, so identify -- let me see. What
20 exhibit is that?

21 MR. PERU: Exhibit 1 is showing the
22 first picture of the website --

23 CHAIRPERSON ANDERSON: The website for
24 whom?

25 MR. PERU: VIPPEACE, the basement

1 location.

2 CHAIRPERSON ANDERSON: And when was
3 this picture taken of this website?

4 MR. PERU: In or around before the
5 report was drafted, because I think I put on
6 Monday, August 5th. So August 5th is when I
7 took that particular screenshot.

8 CHAIRPERSON ANDERSON: And when you
9 took the screenshot on Monday, August 5th, was
10 there any indication that this was not an
11 active website?

12 MR. PERU: No, this is clearly an
13 active website when that screenshot was taken.

14 CHAIRPERSON ANDERSON: But how do you
15 know that it was an active website?

16 MR. PERU: Well, because I scrolled
17 through it. I was able to go all the way to
18 check out as a customer. I never checked out
19 and bought anything, but it allowed me to put
20 stuff in my cart, and it allowed me to select
21 different products to include edibles.

22 So, you know, you can see in the
23 photo. Clearly the photo has a picture of
24 drinks. So there was multiple offerings on the
25 websites of both VIPPEACE and Peace in the Air.

1 The second exhibit too. Their website was
2 active and up and running as well.

3 CHAIRPERSON ANDERSON: And
4 specifically, what was it that the website was
5 pointing to? What could you order on the
6 website?

7 MR. PERU: Cannabis flower and
8 cannabis products to include flowers and eight
9 edibles and cartridges. There's multiple
10 products available on Peace in the Air and
11 VIPPEACE.

12 CHAIRPERSON ANDERSON: But how do you
13 know this was cannabis products?

14 MR. PERU: The labeling --

15 CHAIRPERSON ANDERSON: Is it because
16 of the representation made on the website?

17 MR. PERU: Correct. I mean, the
18 advertisement. I mean, if you read the first
19 statement on that website, order with our weed
20 delivery service. Weed is known to be called -
21 - cannabis being called weed. It also says, or
22 visit our weed dispensary. They call
23 themselves a dispensary, in the lower level of
24 DC and Adams Morgan neighborhood.

25 So the website, it says, reading from

1 verbatim from it, it says here that it has
2 quick and easy online ordering process, walk in
3 delivery, and curbside pickup. Cash only for
4 pickup in store shopping. Free local delivery,
5 safe, easy and fast. And the last line says I-
6 71 compliant. We gift in DC, Maryland and
7 Virginia. That's what the website says.

8 CHAIRPERSON ANDERSON: So was there an
9 address you could pick up -- you could go to
10 purchase or pick up the cannabis?

11 MR. PERU: Yes, sir. Right there on
12 the very top it says order with our weed
13 delivery service or visit our weed dispensary
14 at 2118 18th Street NW, lower level, DC in the
15 Adams Morgan neighborhood.

16 CHAIRPERSON ANDERSON: And again, when
17 did you access this website, sir?

18 MR. PERU: August 5th is the day that
19 I was on there.

20 CHAIRPERSON ANDERSON: And again, in
21 accessing the website, specifically, what were
22 you able to do on August 5th?

23 MR. PERU: Scroll through products,
24 look at shop. I was able to look at different
25 items available for purchase. And place things

1 in a cart and move to checkout like I was about
2 to purchase.

3 CHAIRPERSON ANDERSON: Okay.

4 MR. PERU: Mr. Chair, can I elaborate
5 on this website?

6 CHAIRPERSON ANDERSON: Go ahead, sir.

7 MR. PERU: As of this morning, the
8 website was active still the same. Can I share
9 something from a screenshot that I took this
10 morning?

11 CHAIRPERSON ANDERSON: Sure. Go
12 ahead.

13 MR. PERU: So this is taken this
14 morning. So this is you can see, it's called
15 Peace in the basement. The same as the
16 previous photos in the exhibits. This is the
17 mapping that says think outside the box. We're
18 here to help, if you need assistance, delivery
19 service Maryland, the same address.

20 VIPPEACE DC weed dispensary 2118 18th
21 Street list you hours. This is Piece, in the
22 basement. This is what's also on the website,
23 edible gifts. Walk in deliveries. Same thing,
24 order delivery or shop at our store 2118 18th
25 Street, lower level.

1 As you continue to my look at my
2 photos, product is available on the website.

3 As I stated, I continued to go through
4 checkout. You can see here it says Wonderland
5 Gummies, passion fruit for \$55. I put it in
6 the cart and I got to the area of checkout, but
7 did not complete checkout.

8 This is another screenshot from
9 VIPPEACE. This is all from this morning. How
10 specials shows a bunch of variety of cannabis
11 flower. That's on the website as well, and
12 then Peace in the Air as well. Same thing with
13 Peace in the Air's active website.

14 Peace in the Air, their statement
15 above right under here says Peace in the Air is
16 Washington DC's premier I-71 compliant store
17 with 420 gifting in DC. We take pride in our
18 recreational cannabis shop and weed delivery
19 menu making us the best dispensary in DC. Same
20 thing with them. A variety of cannabis flower
21 concentrates and edibles. You can see edibles
22 to the right, concentrate here, and different
23 flowers here. Same thing, I was able to go all
24 the way through checkout, add stuff in the
25 cart.

1 And they were going to charge me \$140
2 for La Azul half. You know, so that's what I
3 saw this morning on the website to prepare and
4 to see if in fact they were still operating the
5 website. That's all I have.

6 CHAIRPERSON ANDERSON: All right,
7 thank you. When you went back in July, what
8 makes you believe that the store was operating
9 as a retailer? Did you see a cash register, a
10 QR code, for payment or any type of similar
11 device?

12 MR. PERU: Yeah, I mean, there was an
13 employee there. There was a -- I can't
14 remember the detail back then if there was a
15 register or not. I didn't take a photo of it
16 clearly as part of my exhibits. Cash payment,
17 you know, whether it's been accepted or not.
18 Their website says that cash in person only.
19 But like I stated, you know, in the past is
20 that during our inspections, we don't allow,
21 for safety purposes and to disrupt the
22 business, we don't allow patrons to enter the
23 business and conduct business while we're in
24 there.

25 If somebody is in there when we enter,

1 we allow them to complete their transaction and
2 leave, but we prevent people from coming in
3 while we're inside the business.

4 CHAIRPERSON ANDERSON: Okay. Now, let
5 me ask you a question -- let me go back to the
6 website. What are you purchasing on the
7 website? Are you purchasing cannabis or are
8 you purchasing another item, and that cannabis
9 has been provided as a gift? What are you
10 purchasing on the website?

11 MR. PERU: As you can see by the
12 photos I took, it went directly to the
13 checkout. There was no option to say, hey, buy
14 this T-shirt for \$100 and then choose your free
15 gift of free roll or cannabis. That was not an
16 option on either of the websites.

17 I chose my product. I had it to my
18 cart, and it allowed me to move forward to
19 checkout. There was nothing that stated or
20 showed that a gift of or a purchase of an item,
21 and that cannabis was the gift. If any gift
22 came, it came from purchasing the cannabis,
23 which I wouldn't know of because I didn't go
24 that far.

25 CHAIRPERSON ANDERSON: All right.

1 Now, does VIPPEACE/Peace in the Air, has ABCA
2 issued a license for them to sell cannabis?

3 MR. PERU: No, they have not. The
4 application -- I checked with licensing this
5 morning. That's what I was trying to look for,
6 my message with licensing this morning, just to
7 confirm. And as of this morning, there was no
8 application submitted for 2118 18th Street or
9 under Mr. Dawson.

10 Just for clarification, licensing
11 confirmed because 2116 18th Street, FunkyPieces
12 has already got placarded and moved to the
13 process for licensure. In fact, FunkyPieces
14 reached out to me this past week to do a
15 walkthrough.

16 So they're moving forward with
17 licensure for 2116 18th Street. Therefore,
18 2118 could not obtain a cannabis retail license
19 based on the 400 foot requirement between
20 retailers that was put forward in the law.

21 CHAIRPERSON ANDERSON: Okay. Now,
22 during your either visits to the facility,
23 either upstairs or downstairs, do you recall
24 anyone making any statement identifying the
25 products, stating that what was being sold was

1 cannabis?

2 MR. PERU: I don't think anybody on
3 this call did know ever that it was a cannabis
4 business. Mr. Dawson, you know, I believe
5 through a conversation, if that was him on the
6 phone, was in fact that, you know, they stopped
7 doing edibles. And that, you know, the
8 assumption that flower and whatnot was okay.
9 Not that everything has to be seized.

10 So I don't think there was ever a --
11 there was never a statement made by any
12 employees, anybody I spoke to that said we're
13 not selling cannabis. This isn't cannabis.
14 That was never made to me, sir.

15 CHAIRPERSON ANDERSON: Now, are you
16 familiar with the smell of cannabis?

17 MR. PERU: Yes, sir.

18 CHAIRPERSON ANDERSON: And did you
19 smell cannabis in the store when you were
20 there?

21 MR. PERU: Yeah, it was faint in the
22 front of the house. But as you walk obviously
23 the back room, I mean cannabis is a very
24 distinct smell. You can't eliminate that even
25 if you tried. But the rooms where the cannabis

1 was displayed at definitely had the odor of
2 cannabis.

3 CHAIRPERSON ANDERSON: Do you recall -
4 - this is probably my last question to you.
5 Just again, describe the products that you --
6 you stated that you were unable to go to the
7 basement during your last visit. Is that
8 correct?

9 MR. PERU: Yes, sir.

10 CHAIRPERSON ANDERSON: But to the best
11 of your knowledge, the ownership of the
12 basement and the first floor was
13 indistinguishable. Is that correct?

14 MR. PERU: Correct, sir.

15 CHAIRPERSON ANDERSON: All right.

16 MR. PERU: Just to be clear, we were
17 denied access to the back room of VIPPEACE in
18 the basement. He didn't want us to interfere
19 his business altogether. And he did not want
20 to open the back door, the room for us where we
21 saw cannabis the first time.

22 CHAIRPERSON ANDERSON: So you're
23 talking about the basement?

24 MR. PERU: Correct.

25 CHAIRPERSON ANDERSON: So you were

1 only able to see the front of the --

2 MR. PERU: Correct. The retail only,
3 yes.

4 CHAIRPERSON ANDERSON: And what is it
5 that you saw at the front?

6 MR. PERU: Nice clothes. You know,
7 they have a bunch of retail and gifts to sell.
8 I mean, it looks like a nice semi-luxury store
9 offering goods for sale.

10 CHAIRPERSON ANDERSON: I mean, did you
11 see anything looking like there was a music
12 business or some type of music operation going
13 on down there at the front?

14 MR. PERU: I can't recall anything
15 music. Maybe that's a theme, but I don't
16 remember music being a -- standing out, jumping
17 out at me.

18 CHAIRPERSON ANDERSON: So basically,
19 from what you recall when you -- the front of
20 the business appeared to be a luxury -- I'm
21 sorry. Specifically again, what is it the
22 front of the building -- when you went
23 downstairs, what is it again specifically you
24 see?

25 MR. PERU: The appearance of like a

1 semi-luxury boutique. The way it's like a
2 clothing boutique is what it was set up as in
3 the front of the house. When you enter the
4 doors, you enter into like a semi-luxury
5 clothing boutique.

6 CHAIRPERSON ANDERSON: With their
7 prices? I mean, were they for sale or what?
8 To the best of your knowledge, were there
9 prices on the goods?

10 MR. PERU: I did not go through the
11 clothing, I'm not going to lie. I didn't focus
12 on the clothing and what that stuff was. Yeah,
13 if they were offering -- what they were priced
14 at.

15 CHAIRPERSON ANDERSON: Okay. All
16 right. Any questions by any board members? Go
17 ahead, Mr. Short.

18 MEMBER SHORT: Thank you, Mr.
19 Chairman. Good morning, Inspector Peru.
20 During your visits with the other DC government
21 agencies, you mentioned the certificate of
22 occupancy. What is the purpose of businesses
23 in the District of Columbia having certificate
24 of occupancy?

25 MR. PERU: It defines what the space

1 can be used for and defines the type of
2 business that's using that space. And it
3 defines the load of how many individuals can be
4 in that location.

5 MEMBER SHORT: So at both locations
6 upstairs and in the basement, there were no C
7 of Os present?

8 MR. PERU: Correct. We were not
9 provided a CO doing those visits.

10 MEMBER SHORT: And so any legitimate
11 business in the District of Columbia must have
12 a C of O, correct?

13 MR. PERU: Any occupied business
14 absolutely needs. It's required to open
15 business. It's a requirement for licensure.
16 It's a requirement for licensure with ABCA,
17 alcohol and cannabis to have a CO.

18 MEMBER SHORT: Is it also a way for
19 the District of Columbia government to collect
20 appropriate taxes on the sales made in
21 legitimate businesses?

22 MR. PERU: I couldn't speak directly
23 on that reference to CO. I know the business
24 license and paying sales and use tax --

25 MEMBER SHORT: Oh, forgive me. Let me

1 rephrase that. So there were no basic business
2 licenses in either establishment either,
3 correct?

4 MR. PERU: Correct. We were not
5 provided one, correct.

6 MEMBER SHORT: So if they had a basic
7 business license to operate in the District of
8 Columbia, that would be a way for the District
9 of Columbia government to collect the
10 appropriate taxes on any sales and money
11 transfer between business and customers. Is
12 that correct?

13 MR. PERU: Yes, sir. A business
14 registered would have to then pay sales and use
15 tax and pay taxes on the business. Yes, sir.

16 MEMBER SHORT: So would it be correct
17 for me to surmise that these persons were
18 operating in illegal business no matter what
19 they were trying to do. They were not
20 registered with the district government at the
21 times of your visits. Is that correct?

22 MR. PERU: If they did not have a
23 business license or active, correct. It would
24 be an unlicensed operation of a business in
25 general, retail or cannabis.

1 MEMBER SHORT: So would it also be
2 correct to surmise if they weren't in
3 possession of marijuana or cannabis in their
4 business, they still could be shut down. Is
5 that correct, for not having a C of O or basic
6 business license?

7 MR. PERU: DLCP or DOB could take
8 enforcement actions against a business for
9 being unlicensed. Yes, sir.

10 MEMBER SHORT: Now, it was also
11 mentioned that some of these businesses operate
12 in Maryland and Virginia. Is that correct?

13 MR. PERU: That's what their website
14 said. I don't have direct knowledge of that,
15 but that's what the website offered.

16 MEMBER SHORT: But if they are
17 operating in Maryland and Virginia, they'd have
18 to pay taxes there also, correct?

19 MR. PERU: If they're licensed, yes.

20 MEMBER SHORT: If they're licensed.
21 Thank you for a very great report, Investigator
22 Peru. And again, we look forward to you
23 continuing your service to the city through
24 ABCA. Thank you very much. Mr. Chairman,
25 that's all I have.

1 CHAIRPERSON ANDERSON: Mr. Grant?

2 MEMBER GRANT: Thank you to everyone
3 and also good morning in particular to
4 Investigator Peru. Thank you for the report
5 and the testimony thus far. Just had a
6 question about your efforts today to look at
7 social media and at the website. There's been
8 mention of other products that are not
9 consistent with the description that may be
10 close to leaves or cannabis. I believe music
11 and maybe clothing, I believe it is.

12 Did you see any of those items
13 prominently displayed on the website or on
14 social media when you looked today?

15 MR. PERU: Their shopping, like
16 there's a drop down shop box. And the drop
17 down shop box only has all specials carts and
18 concentrates, edible gifts, pre-roll gifts,
19 flower gifts, rewards and accessories. So
20 there's an accessory portion of that on that
21 website. But the accessories are referring to
22 paraphernalia as part of the smoking
23 experience. Cones and papers, I do not see on
24 the website that I am currently on.

25 The main page has some nice VIPPEACE

1 hats. And, you know, it shows you an image of
2 VIPPEACE parties. It says come party with us.
3 Ugly sweater, puff and paint. A luxury car is
4 on there. We're proud of ourselves for being
5 the only to deliver quality products, but
6 superior. And they show a luxury car.

7 So, you know, a lot of advertisement
8 and marketing reference to luxury brands. But
9 no luxury brands I'm available to purchase or
10 see where it's at, you know, that -- anytime I
11 click on a button for shop now, it just takes
12 me to concentrates, gifts, pre-rolls, flowers
13 and gifts. And that's all I'm able to get to.
14 So, sorry, I know it's a long answer I gave
15 you, but I just wanted to clarify that that's
16 all I'm able to see on that website.

17 MEMBER GRANT: So would it be safe to
18 conclude that the site and the social platforms
19 are predominantly filled with products that
20 could be mistaken for cannabis products?

21 MR. PERU: I think it's clear that the
22 products being offered are in fact cannabis
23 products.

24 MEMBER GRANT: Okay. Thank you. No
25 further questions, Mr. Chair.

1 CHAIRPERSON ANDERSON: All right,
2 thanks. Mr. Zhou, do you have any questions to
3 ask Mr. Peru? You're on mute Mr. Zhou.

4 MR. ZHOU: Thank you, Mr. Chairman.
5 Good morning, Mr. Peru. Good to see you again.

6 MR. PERU: Morning, sir.

7 MR. ZHOU: Yeah. Let me go through
8 some questions for the business first. So you
9 said you visited both the basement and the
10 first floor on May 2nd. Would you mind
11 describing to me again how the first floor
12 looks like and how the basement looks like,
13 please?

14 MR. PERU: Both floors are kind of
15 identical with different decor. The basement
16 does have a more luxury boutique-y feel of
17 retail and clothing with the cannabis display
18 room in the back. And the first floor has a
19 more casual retail store with items for sale
20 with the cannabis display room in the back as
21 well.

22 MR. ZHOU: Thank you. And on July
23 22nd, that's when you returned for a second
24 visit, was the first floor the same?

25 MR. PERU: Yeah, the first floor was

1 the same. Retail in the front and the cannabis
2 room in the back. The difference was that the
3 edibles were no longer present.

4 MR. ZHOU: And was the first floor the
5 only premise that you visited on the second
6 visit?

7 MR. PERU: No, we went to the second -
8 - we went to the basement, VIPPEACE. We gained
9 entry, but were confronted and not very
10 welcomed to be in there. And we were not given
11 access to the back room. They had the door
12 closed and locked of where the cannabis product
13 was before. We even asked to verify,
14 Department of Health needed to verify that
15 there was no more edibles and we were refused
16 to be shown any of that.

17 MR. ZHOU: So when you enter the
18 basement, there's a back room, there's a front
19 room. You were able to go to the front room
20 where the general public were able to visit,
21 right?

22 MR. PERU: Yeah, the retail shop, yes.

23 MR. ZHOU: And you were there for
24 government purposes, for official purposes,
25 acting for the city, right?

1 MR. PERU: Yes, doing our joint
2 inspection.

3 MR. ZHOU: Did you ask permission from
4 anybody appearing to have authority to enter
5 into the back room?

6 MR. PERU: Yeah, I did.

7 MR. ZHOU: Were you refused consent?

8 MR. PERU: They refused to show us the
9 back room during the second visit, yes.

10 MR. ZHOU: Did the back room appear to
11 be available to general public?

12 MR. PERU: It wasn't -- essentially,
13 it's just a door. It looks like a coat closet
14 kind of situation. You walk through the
15 retail, instead of going to a bathroom, you'd
16 come across this door and the door would then
17 be -- the door was open the first time we came.
18 So that would mean that anybody entering could
19 walk straight back there and enter it. But the
20 door during the second visit was closed and
21 locked.

22 MR. ZHOU: Thank you, that was good.
23 Let's go back to the first floor a little bit.
24 So you said you saw a lot of clothing, you saw
25 luxury goods. Did you see the music cards on

1 the first floor?

2 MR. PERU: It's kind of a blur, I
3 cannot recall. I cannot recall.

4 MR. ZHOU: Okay, no problem. Did you
5 go through the clothing? Did you go through
6 the luxury goods? Did you see if they were
7 available for purchase?

8 MR. PERU: No, I didn't. It looked
9 like a store for me. It looked like a store
10 that you could walk in there and buy a
11 sweatshirt or a hat. It appeared to be that
12 type of retail shop, absolutely, in the front.

13 MR. ZHOU: So besides the cannabis or
14 the green leafy substance that's part of it, it
15 doesn't look any different from say a clothing
16 retail store?

17 MR. PERU: The front of the house,
18 correct, it does not.

19 MR. ZHOU: Thank you. And let's go to
20 the website a little bit. So during your first
21 visit, around that time, May 2, 2024, did you
22 take a look at the website for VIPPEACE or
23 Peace in the Air?

24 MR. PERU: I can't remember. Back in
25 May, before the day I issued the warning, I

1 cannot remember if I checked the website before
2 we went out that day.

3 MR. ZHOU: Okay, no problem. But on
4 July 22nd, you did visit the website. When was
5 that?

6 MR. PERU: It was after that when I
7 was drafting the reports, I think August was
8 the date that I actually went on there. That's
9 why I put that on there just to confirm. But,
10 yes, in August is when I looked at the website
11 last.

12 MR. ZHOU: Okay. So it was August
13 5th, right? Remember, correct me if I'm wrong.

14 MR. PERU: Thank you, yes.

15 MR. ZHOU: And also, you took a look
16 today this morning --

17 MR. PERU: Correct, I did.

18 MR. ZHOU: And when you answered Mr.
19 Chairman's question, you said the website
20 looked the same.

21 MR. PERU: Yeah. I mean, if you look
22 at my exhibits, I mean, the drinks weren't
23 there in that first picture. But everything
24 else, the name Piece in the basement, you know,
25 and all the signage, the logos appear to be the

1 same as before.

2 MR. ZHOU: Do you have any experience
3 designing website yourself? Like say using
4 Squarespace, Wix, or any of this type of
5 things?

6 MR. PERU: No, sir.

7 MR. ZHOU: Okay. So do you know how
8 long a URL registration is valid for?

9 MR. PERU: I am not aware of how long
10 it's valid for, but I know when people take a
11 website down, the link is no longer broken and
12 you cannot go to it.

13 MR. ZHOU: Yeah, absolutely. But
14 wouldn't the website look the same if the
15 website is no longer being updated?

16 MR. PERU: Well, if you look at my
17 exhibit and my one picture of the products
18 available, the drinks are in that picture.
19 When you look at my photos from today, those
20 drinks are not in the picture. So it appeared
21 to me that the website has been updated since I
22 last looked at it in August, if that's what
23 you're asking me, sir.

24 MR. ZHOU: Yeah. So during the
25 meantime, you didn't log back into the website

1 at any time?

2 MR. PERU: No, sir, I was not trying
3 to shop or look at -- I know a hearing was
4 scheduled. So I suspended actions, correct.

5 MR. ZHOU: No problem. And you must
6 be familiar with another recent enforcement
7 action that's very popular in the city, not
8 popular, say notorious in the city, Supreme
9 Terpene enforcement?

10 MR. PERU: The closure --

11 MR. ZHOU: Yeah.

12 CHAIRPERSON ANDERSON: What's the
13 relevancy of this Supreme Terpene regarding --
14 we're talking about Peace in the Air or
15 VIPPEACE. Why is this relevant?

16 MR. ZHOU: I want to ask about their
17 website as well.

18 CHAIRPERSON ANDERSON: I still don't
19 see the relevancy, but go ahead.

20 MR. ZHOU: Have you visited their
21 website recently after their padlock?

22 MR. PERU: I don't want to discuss
23 investigations. Mr. Chair, reference to
24 businesses that are still pending. We have an
25 active padlock which is an active case. A

1 hearing has not occurred with Supreme Terpene.
2 So I would like to not have to answer questions
3 regarding this investigation.

4 CHAIRPERSON ANDERSON: That's right.
5 Mr. Zhou, I have asked you before. I don't see
6 it's relevant. I mean, what is --

7 MR. ZHOU: So I just want to say,
8 after the business got padlocked, their website
9 is still up and running and their website is
10 active. But that isn't necessarily -- I
11 actually tried to place an order right now.
12 You can still place order. That doesn't mean
13 the business is still selling those products.

14 CHAIRPERSON ANDERSON: Well, we're
15 talking about VIPPEACE/Peace in the Air. The
16 representation that was made by the owner was
17 that the website is not active. And so,
18 whether or not another facility that has a
19 padlock and whether or not their website is
20 active or not, it's not relevant to this case.
21 So let's move on, please. Okay. And there's
22 nothing in the record regarding this issue. So
23 let's move on, please.

24 MR. ZHOU: Can the record reflect that
25 the question was objected by the chair?

1 CHAIRPERSON ANDERSON: The record, as
2 you know sir, there is a transcript. And so
3 everything is in the record. So your objection
4 for the record is noted.

5 MR. ZHOU: Thank you very much, sir.
6 Let's go to the next questions. So let's go
7 back to the first floor again. So, on the
8 first floor, you said -- can we go to the
9 exhibit, please? I actually need to take a
10 look myself as well.

11 CHAIRPERSON ANDERSON: Yeah, Mr. Peru
12 right here.

13 MR. PERU: Sure. Let me get this back
14 up. Sorry, my phone is ringing. Let me turn
15 the ringer off. Okay. Which is that you want
16 to go through, sir?

17 MR. ZHOU: The picture you took on the
18 first floor.

19 MR. PERU: This one.

20 MR. ZHOU: Is that Exhibit 7?

21 MR. PERU: That is Exhibit 5 and 6.

22 MR. ZHOU: Okay. Actually --

23 MR. PERU: Exhibit 7 is the website.

24 MR. ZHOU: Oh. Actually, let's go on
25 7 first. Sorry, I know you have to change

1 that.

2 MR. PERU: Yeah, it's fine. I'll just
3 adjust this. Okay, I'm here.

4 MR. ZHOU: Thank you. So the cease
5 and desist order says Exhibit 7 further shows
6 more dry green leafy substances for sale and a
7 product described as snow caps to THCA premium,
8 which is a reference to a type of THC. Mr.
9 Peru, do you know the difference between THCA
10 and THC?

11 MR. PERU: What are you reading from,
12 sir? Because that's not part of my report.

13 MR. ZHOU: That's in the cease and
14 desist order, but let's forget about that.
15 Just a question. Do you know the difference
16 between THCA and THC?

17 MR. PERU: I have a pretty good
18 understanding of the alleged differences, yes.

19 MR. ZHOU: Okay. Can you describe the
20 difference, please?

21 MR. PERU: THCA is allegedly supposed
22 to contain less than a certain amount of THC.
23 In certain jurisdictions, THCA is allowed to be
24 sold as a hemp derivative type product.
25 However, growers have told me that THCA

1 contains the same. By the time it's sold and
2 processed and dried and sold for sale, because
3 it's not tested at that point, that the THCA
4 then becomes -- THC is more present.

5 So once again, scientifically I'm not
6 a grower. You asked me what I knew about it,
7 so I'm just trying to share with you my
8 knowledge of it and that's my knowledge of it,
9 sir.

10 MR. ZHOU: Thank you. No problem.
11 But we can talk about the legal significance of
12 THCA and THC and mainly the difference between
13 them. Are you familiar with the 2018 Farm Bill
14 that legalized hemp?

15 CHAIRPERSON ANDERSON: Mr. Zhou, and
16 I'm not sure if you're aware of this, the
17 District of Columbia has not changed its
18 regulations, sir. So, as far as we're
19 concerned in DC, it is still cannabis and it's
20 illegal. So I know that you want to go to the
21 definition of the Farm Bill, but once the Farm
22 Bill came out, states had the option to change
23 its law. And the district did not change its
24 law, sir. So it is still an illegal -- hemp is
25 still illegal in the District of Columbia, sir.

1 MR. ZHOU: I'm actually getting there.

2 CHAIRPERSON ANDERSON: All right.

3 MR. ZHOU: Yeah. And also thank you
4 for coming in, Mr. Chair. But the thing I'm
5 getting into is a lot of THCA products, even
6 though we say THC, ultimately they're CBD
7 products. And Mr. Peru, for the last time I'll
8 probably ask you this question. You know the
9 smell of cannabis, right?

10 MR. PERU: I do.

11 MR. ZHOU: But can you tell from the
12 smell the difference between CBD products that
13 contain THCA and THC products?

14 MR. PERU: My answer has not changed,
15 sir. I cannot tell. I do not know any
16 difference between the smells. If there is,
17 I'm not aware of it.

18 MR. ZHOU: All right, thank you. I'm
19 sorry, I just have to ask again for a different
20 time, for it to be on the record. So when you
21 visited Peace in the Air on the first floor,
22 did you conduct any testing or presumptive
23 field test, or did you bring it to the lab to
24 confirm the THC content of the green leafy
25 substance that you observed?

1 MR. PERU: I did not. But based on
2 your statements and questioning to me, just to
3 confirm for the record, is that most product
4 that is THCA or Delta-8, Delta-9 is labeled as
5 such to let the buyer or consumer know what
6 they're getting. Even the website, even this
7 morning as I pulled up that other shot as we
8 were talking, describes the percentage amount
9 of THC, right?

10 That particular, just to be clear
11 because we're talking about it, is that, when
12 you look at this image here, 37 percentage
13 sativa, 60 percentage indica, which is two
14 known type of flowers. And then it says here,
15 20 percentage THC.

16 So that's the -- when we're talking
17 about the difference. And in this image that I
18 have in my exhibit, those other labeling were
19 not showed. But it has been in my experience
20 that the labeling would reflect CBD, THCA or
21 Delta-8, Delta-9. So just to be clear. But
22 yes, correct, I did not see either of that on -
23 - I did not see that present during my
24 inspection.

25 MR. ZHOU: Do you cease any green

1 leafy substance and bring it to testing?

2 MR. PERU: That visit we did not.

3 MR. ZHOU: Okay, no problem. Let's
4 see. Did you weigh the product? Did you weigh
5 the green leafy substance on the first floor
6 during your second visit?

7 MR. PERU: No, sir, we did not.

8 MR. ZHOU: Okay, no problem. Thank
9 you. And the next line of question concerns
10 like I-71, because next line for cease and
11 desist order says the photos further show that
12 products illegally misleading and falsely claim
13 compliance with I-71 that this district ballot
14 initiative decriminalizing smallest amounts of
15 cannabis. I'm sure you are familiar with I-71,
16 but how familiar are you with I-71, the ballot
17 initiative and the tax in the law?

18 MR. PERU: I would say it's fairly
19 familiar.

20 MR. ZHOU: So can you largely describe
21 to me what the statute says about transfer of
22 cannabis?

23 MR. PERU: I cannot cite the statute
24 verbatim. I know that the I-71 initiative was
25 a voted upon for recreational use. And in that

1 bill, there was a loophole that allowed gifting
2 that everyone capitalized on, and that's how
3 the I-71 shops in DC started to appear.

4 MR. ZHOU: Okay. I can help respect
5 the most relevant part. It says, essentially
6 the court is transfer without remuneration.
7 That's the say we're gifting or whatever ABCA
8 currently relies on. And during your visit to
9 this first floor on the second visit, did you
10 witness any transfer with remuneration?

11 MR. PERU: No, there was no customers
12 present during our visits. And like I said,
13 when we're visiting these locations, we do not
14 allow for disruption and for safety anybody to
15 enter the store while we're in there.

16 MR. ZHOU: All right, thank you. And
17 my last one question goes to your general
18 experiences in the city. So as the chair has
19 mentioned that you have visited and inspected
20 quite a bit of licensed medical cannabis
21 retailers, right?

22 MR. PERU: Yes, sir.

23 MR. ZHOU: And same time you have
24 inspected quite a number of unlicensed medical,
25 not medical, just unlicensed cannabis

1 retailers, correct?

2 MR. PERU: Yes, sir.

3 MR. ZHOU: And did you assist any of
4 those unlicensed retailers with application for
5 a retailer license for cultivation license
6 before a conventional license?

7 MR. PERU: I'm not understanding your
8 question.

9 MR. ZHOU: Did you assist any
10 establishment in applications in transitioning
11 to --

12 MR. PERU: That's a generalized
13 question, because part of my job, we get
14 emails, I do pre inspections. I get calls all
15 the time for guidance of where to find
16 documents, where to look up information where
17 the application occurs, for maps. GIS mapping
18 is part of the application. So everybody that
19 contacts us, if it's referred to me or it comes
20 across me, then, yes, information is provided
21 to these individuals and in order for them to
22 move forward.

23 MR. ZHOU: So you will say the general
24 level of assistance is just providing
25 information?

1 MR. PERU: To guide them, correct.

2 MR. ZHOU: Did you help any applicants
3 fill out their application forms?

4 CHAIRPERSON ANDERSON: Mr. Zhou, why
5 is this relevant? Where are we going with this
6 line of questioning?

7 MR. ZHOU: It's to show bias.

8 CHAIRPERSON ANDERSON: Bias in what
9 sense, sir?

10 MR. ZHOU: Bias in differential
11 treatments to different unlicensed
12 establishments as their lives.

13 CHAIRPERSON ANDERSON: But you're just
14 asking a question. There's no -- you're cross-
15 examining a witness. There's nothing in the
16 evidence to say that this witness has been --
17 you have not put any type of proffer and the
18 evidence in the record to say that this witness
19 might be biased. So I don't see why this is
20 relevant.

21 So you have asked three questions and
22 I don't see the relevancy of this line of
23 questioning. And so I'm going to -- unless you
24 can put something. And there's an application.
25 Mr. Peru testified earlier that they have not

1 applied. They have no current application. So
2 it's not relevant, sir. So I'm going to end
3 this line of questioning.

4 MR. ZHOU: Thank you, Mr. Chairman.
5 But just also let the record reflect that Mr.
6 Chairman asked Mr. Peru questions regarding Mr.
7 Peru's inspection of licensed retailers. This
8 is the end of my line of questioning. Thank
9 you very much.

10 CHAIRPERSON ANDERSON: All right.
11 Thank you. Mr. Peru, I just want to ask you
12 just one follow up question regarding -- you
13 were asked whether or not the products were
14 tested. Based on what you saw in the
15 establishment or on the website, and what you
16 saw on the establishment, especially on the
17 first visit, the labeling of the products gave
18 you every indication that it was cannabis. Is
19 that correct?

20 MR. PERU: Yes, sir.

21 CHAIRPERSON ANDERSON: All right. Any
22 follow up questions by the board members. All
23 right, thanks. Thank you, Mr. Peru. The Board
24 doesn't have any other witness. Mr. Zhou, you
25 can, if you want to make a closing statement.

1 And, yeah.

2 MR. ZHOU: In the end, my closing
3 statement is just reiterating my opening
4 statement that the first floor and basement are
5 two different premises. I submitted evidence
6 of certificates of occupancy, even though in
7 this hearing, it was a lash over and over
8 again. There was no certificates of occupancy
9 I submitted. The Board can check all
10 themselves. Can check on Scout DC. You can
11 check out the DOB e-record. These certificates
12 of occupancies do exist.

13 The Board can also check out the Scout
14 DC about the basic business licenses I
15 submitted for the first floor and second floor
16 as well.

17 And last, I just want to reiterate,
18 this website doesn't constitute substantial
19 evidence. The website doesn't show -- the
20 website, I'll say the same, the website is not
21 being updated, and in the end there were
22 insufficient information on the website between
23 May 2nd and July 26 during the two visits. And
24 also, given the second visit, Mr. Peru was
25 denied entrance as the basement employs

1 constitutional right to deny a search, but not
2 a warrant.

3 So there was no evidence as to the
4 basement's operation whatsoever in cease and
5 desist order or in the report. And for the
6 first floor operation, there's no substantial
7 evidence as to Mr. Peru's knowledge of THC, the
8 green leafy substance, or, in general, the I-71
9 laws on transfer. And that's my closing
10 statement. Thank you, Chair. And thank you,
11 Mr. Peru, for your time. Thank you.

12 CHAIRPERSON ANDERSON: Thank you, Mr.
13 Zhou. I just want the record to reflect that
14 no matter what decision the Board makes today,
15 our cease and desist is regarding the sale of
16 cannabis.

17 If either business, as long as they
18 have the proper licenses from the appropriate
19 agency to sell luxury goods or any other goods
20 that they wish to sell, our cease and desist
21 does not impact the basic operation of this
22 business to continue if they want to sell
23 music, if they want to sell luxury, whatever it
24 is that they are selling either in the store or
25 on their website.

1 All our cease and desist is to inform
2 the business that they cannot sell cannabis.
3 So that's what I just want to clarify, that it
4 is regarding the sale of cannabis. It's
5 regarding the sale of cannabis or the gifting
6 of cannabis without a license. But if the
7 representation is that they're a business
8 selling luxury goods, if they are a music
9 operation and they are NFT tokens, as you're
10 stating, they can continue doing that.

11 But as long as there's no exchange of
12 cannabis, then we have no authority to prevent
13 a business from operating if they have the --
14 yeah. As long as they have the appropriate
15 licenses from whatever agency they need. I
16 just want the record to reflect that, why we're
17 here today. Okay. Is that clear to you, sir?

18 MR. ZHOU: No, not really, because --

19 CHAIRPERSON ANDERSON: What I'm saying
20 is, sir, the cease and desist is to say you
21 cannot sell cannabis without having a license.
22 You cannot gift cannabis without having a
23 license from our agency. And if the
24 representation is --

25 MR. ZHOU: So let's say if I want to

1 gift my cannabis, to say --

2 CHAIRPERSON ANDERSON: I said --

3 MR. ZHOU: -- the agency will stop
4 that?

5 CHAIRPERSON ANDERSON: It's illegal,
6 sir, to gift cannabis, even in DC. I know that
7 one is saying that from commercial. I mean,
8 from a commercial establishment. We're talking
9 about a commercial establishment. But I don't
10 think that -- it's unclear to me whether or not
11 your position is that one of the -- I think I
12 asked a specific question to Mr. Trusdale
13 regarding whether or not there are cannabis on
14 the property for gifting and he pled the fifth.

15 So, and I take that for what it is, in
16 the sense that everyone has the right to plead
17 the fifth, and that's fine. That's why I moved
18 on. So I don't know whether or not he has not
19 admitted or denied whether or not there's
20 gifted or not. But all I'm saying, sir, is
21 that it's illegal within DC for it to be done,
22 even commercially.

23 I know that under businesses that are
24 saying that they are I-71 compliant, that that
25 was what was being utilized for years for this

1 operation to move to move forward. However,
2 the law is that you need to have a license, and
3 even you can't store cannabis for whatever
4 purpose in the commercial facility.

5 I mean, you still can't store -- I
6 mean, all I'm saying, sir, is that I just want
7 it to be clear, that when our cease and desist
8 orders are issued, is to state that you cannot
9 give or you cannot sell cannabis in the
10 District of Columbia without having -- at least
11 commercially without having a license. That's
12 all I'm saying. Okay? That's what I'm saying.

13 MR. ZHOU: I'm just saying, let's just
14 agree to disagree. Yeah.

15 CHAIRPERSON ANDERSON: Okay, fine.
16 All right. Okay. As chairperson of the
17 Alcoholic Beverage and Cannabis Board for the
18 District of Columbia, in accordance with DC
19 Official Code Section 2575 of the Open Meetings
20 Act, I move that ABC Board hold a closed
21 meeting for the purpose of seeking legal advice
22 from our counsel on Case No. 24-ULC-00014.

23 And this is again the request for
24 expedited hearing on Board order No. 2024-616
25 pursuant to DC Official Code Section 2575b4a of

1 the Open Meetings Act and deliberating upon
2 Case No. 24-ULC-00014 VIPPEACE/Peace in the Air
3 for the reasons cited in DC Official Code
4 Section 2575b13 of the Open Meetings Act. Is
5 there a second?

6 MEMBER SHORT: Mr. Short, I second.

7 CHAIRPERSON ANDERSON: Mr. Short has
8 seconded the motion. We have a roll call vote.
9 Mr. Short?

10 MEMBER SHORT: Mr. Short, I agree.

11 CHAIRPERSON ANDERSON: Mr. Grant?

12 MEMBER GRANT: Mr. Grant, I agree.

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

19 Thank you very much for your
20 presentation, Mr. Zhou, and for your witnesses.
21 And the Board will take this matter under
22 advice and will issue a decision shortly. All
23 right.

24 MR. ZHOU: Thank you very much.

25 CHAIRPERSON ANDERSON: Have a great

1 day. Thank you. Before I call the next case,
2 we're going to go off the record for five
3 minutes. It's 11:45. We'll be back on the
4 record at 11:50.

5 (Whereupon, the above-entitled matter
6 went off the record at 11:45 a.m.)
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