

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

2 10:02 a.m.

3 CHAIRPERSON ANDERSON: We're on the
4 record. Good morning. As chairperson of the
5 Alcoholic Beverage and Cannabis Board for the
6 District of Columbia, and in accordance with D.C.
7 Code Section 2571 et seq. of the Open Meetings
8 Act, OMA, I'm welcoming you to the regularly
9 scheduled meeting of the Alcoholic Beverage and
10 Cannabis Board.

11 This meeting's 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 2577A of the D.C.
17 Code.

18 Pursuant to the OMA requirements,
19 notice of today's meeting was provided 48 hours
20 in advance of the meeting on ABCA's website and
21 on the District Central Meeting Calendar. The
22 notice included the time, date, agenda, and call-
23 in or 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 names. Mr. James
9 Short?

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

12 CHAIRPERSON ANDERSON: Mr. Silas Grant?

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

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

23 Once their case is called, I will take
24 a moment for our IT specialist to elevate the
25 rights for each party to enable their camera and

1 microphone. Then and only then will you have the
2 ability to enable your equipment. If your case
3 is not being heard, you will remain mute and your
4 camera will be disabled.

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

13 The first case that we have this
14 morning, a cease and desist hearing. This is
15 Case Number 24-ULC-00032, Yerba Buena, and this
16 is a request for a hearing pursuant to Board
17 Order Number 2024-677. Good morning Mr.
18 Orellana, can you please elevate the rights of
19 the parties in this case?

20 MR. ORELLANA: Good morning, Chairman.
21 Cameron Mixon, your access has been elevated,
22 Supervisory Investigator Jason Peru, your access
23 has been elevated, and Wendrad Adane, your access
24 has been elevated. That is all, Chair.

25 CHAIRPERSON ANDERSON: Good morning,

1 thank you.

2 INVESTIGATOR PERU: Good morning, my
3 camera is on. I don't know why we can't see me.

4 CHAIRPERSON ANDERSON: Maybe you're
5 not standing in front of the camera, Mr. Peru. I
6 can see your background, so if I can see your
7 background, then I should be able to see you if
8 you're in front of the camera.

9 INVESTIGATOR PERU: I agree, sir. I
10 agree.

11 CHAIRPERSON ANDERSON: Why don't you
12 log off and then log back on?

13 INVESTIGATOR PERU: Okay, all right.
14 I'll be back.

15 CHAIRPERSON ANDERSON: All right,
16 thank you.

17 MR. ADANE: Sorry, I think it's
18 logging me in and out.

19 CHAIRPERSON ANDERSON: I can see you,
20 sir, so just hold tight, please.

21 MR. MIXON: Mr. Chair, if we may,
22 there's another principal of the business.
23 Nesrin Abaza also is on the call, if she could be
24 elevated?

25 CHAIRPERSON ANDERSON: And what's the

1 name?

2 MR. MIXON: Nesrin Abaza.

3 CHAIRPERSON ANDERSON: Okay. Is it a
4 male or a female? I'm sorry, Mr. Mixon.

5 MR. MIXON: A female.

6 CHAIRPERSON ANDERSON: She needs to
7 unmute herself and come on camera. Okay, thanks.
8 So I'm still waiting for Mr. Peru, then we'll
9 start. Do we know what's going on with Mr. Peru?

10 MR. ORELLANA: Waiting for him to log
11 back on.

12 CHAIRPERSON ANDERSON: Thank you. I
13 mean, I can't wait. I mean --

14 MR. ORELLANA: He's almost back on.

15 CHAIRPERSON ANDERSON: Okay.

16 MR. ORELLANA: Or going to.

17 CHAIRPERSON ANDERSON: All right. You
18 need to now change your background, Mr. Peru. At
19 least I know you're in the office. So if you're
20 able to change your background? All right. Mr.
21 Mixon, could the folks, everyone come back on
22 camera, please? Mr. Adane?

23 What happened to your friend, Mr.
24 Mixon?

25 MR. MIXON: I will check on him. I

1 thought he was also on camera. Just Mr. Chair,
2 if it's all right, I believe we can proceed, I
3 believe Mr. Adane can hear us. And I don't
4 expect today's hearing to be all too long.

5 CHAIRPERSON ANDERSON: All right, well
6 let me have the parties to do some stuff for the
7 record, starting with you, Mr. Mixon. Can you
8 please spell and state your name for the record?

9 MR. MIXON: Yes. Cameron Mixon with
10 Veritas Law Firm, that's C-A-M-E-R-O-N M-I-X-O-N,
11 and counsel to Hookah Union, LLC.

12 CHAIRPERSON ANDERSON: And who's your
13 client, sir?

14 MR. MIXON: The business being assessed
15 here today, Wendrad Adane and Nesrin Abaza.

16 CHAIRPERSON ANDERSON: All right, so
17 let me -- Ms. Abaza, can you please spell and
18 state your name for the record, please, ma'am?

19 You need to unmute yourself, ma'am.

20 MS. ABAZA: Nesrin, N-E-S-R-I-N, last
21 name is A-B-A-Z-A, Abaza.

22 CHAIRPERSON ANDERSON: And what's your
23 relationship to the establishment, ma'am?

24 MS. ABAZA: I'm owner.

25 CHAIRPERSON ANDERSON: Mr. Adane, can

1 you please spell and state your name for the
2 record and your relationship to the
3 establishment?

4 MR. ADANE: Wendrad Adane, W-E-N-D-R-
5 -A-D, first name, and last name is Adane, A-D-A-
6 N-E, and owner.

7 CHAIRPERSON ANDERSON: All right,
8 thank you. All right, Mr. Mixon, on September 25
9 the Board issued a cease and desist warning in
10 this case note, Case Number 24-ULC-00032, because
11 the allegation was that the establishment was,
12 after being given a warning, continued to serve
13 cannabis products with -- the allegation --
14 without a license.

15 And so you have requested this
16 hearing, sir, and so can you let us know why did
17 you request this hearing, and what is it that
18 you're seeking from the Board today?

19 MR. MIXON: Yes, thank you, Mr. Chair.
20 My intention here is to not have a factual
21 dispute about the record established in Mr.
22 Peru's report and the finding facts in the order
23 of the cease and desist, rather we wanted to come
24 here today to represent to the Board that the
25 cease and desist order is no longer needed there.

1 At this time my clients are prepared
2 to attest to this, that any unlicensed activity
3 of sale, exchange, delivery of cannabis that may
4 have supported the issuance of the underlying
5 order is no longer in effect, it's no longer
6 taking place, that the establishment is clear of
7 any unlicensed controlled substances.

8 And to note to the Board that there's
9 an application that has been received by the
10 agency submitted July 5, 2024, and it remains --
11 or my client's attention as an applicant to
12 proceed forward with receiving a medical cannabis
13 retailer license to operate consistent with Title
14 7.

15 At the time that the Board continues
16 to process applications that were submitted in
17 the July and August open application period, it's
18 my understanding that at this time, only 33 of
19 the retailer applications that were submitted
20 over the course of the summer period were allowed
21 to move forward to acceptance, and we wanted to
22 express to the Board hat is the intention of the
23 subject business to become a licensee at the time
24 that the application's allowed to be processed.

25 CHAIRPERSON ANDERSON: Now, just some

1 clarification. So you're saying that they
2 applied July 5, 2024. Have they been issued any
3 type of license, or where is the application, to
4 the best of your representation?

5 MR. MIXON: I understand that my client
6 nor the -- my office was not involved the
7 submission of this application, but that the
8 agent who assisted them in the application back
9 in July, and she made no representations that the
10 application has proceeded to acceptance. They
11 just really have been completely unsure, and
12 there was a lot of confusion around the process,
13 and that there's been a just lack of
14 correspondence about its status and when it would
15 be able to move forward, whether it was even
16 sufficiently complete to the agency's
17 expectation, you know, no discussion of
18 placarding.

19 It's just kind of been in this pause
20 and this such -- they were operating in a limbo,
21 where they were unsure of where it was going to
22 go or what their responsibilities were with
23 respect to being an applicant were.

24 CHAIRPERSON ANDERSON: I guess I just
25 want -- let me ask. Mr. Peru, I just want to ask

1 you just one question, sir. Just state your name
2 for the record, and your relationship with this
3 case, sir.

4 INVESTIGATOR PERU: Investigator Jason
5 Peru, J-A-S-O-N P-E-R-U. And I am the author of
6 the report to the investigation.

7 CHAIRPERSON ANDERSON: Okay. So the
8 only question I want to ask you at this juncture
9 is that, do you know whether or not this
10 applicant had applied for a license, and do you
11 know where is this application?

12 INVESTIGATOR PERU: I do not, I know
13 that applications -- what I can say is that I
14 know that applications submitted July 5 have not
15 yet been processed. July 1 was the opening
16 application period. We had it out there, like
17 Mr. Mixon said, that there were 33 applications
18 being accepted. I'm not sure if that's going to
19 be expanded or not. However, applications applied
20 July 5 have not yet been processed by licensing,
21 to my knowledge, therefore I do not have
22 knowledge of that application.

23 CHAIRPERSON ANDERSON: Okay. Thank
24 you for that representation. So Mr. Mixon, so,
25 the allegation in the cease and desist order

1 should have ended September 25, with that on
2 August, I think -- let me see, on August --

3 MR. MIXON: August 9, I believe.

4 CHAIRPERSON ANDERSON: Yeah, on August

5 --

6 (Simultaneous speaking.)

7 CHAIRPERSON ANDERSON: I guess the
8 first date was August 9 that -- I'm looking at
9 the order, okay. That August 9 there was an
10 inspection and there was an allegation that
11 cannabis was being sold and a warning was issued.
12 Is that correct? Is your client confirming? So
13 you've basically stated that your client has
14 confirmed factually everything that's in the
15 cease and desist notice. Is that correct?

16 MR. MIXON: We don't dispute that.

17 CHAIRPERSON ANDERSON: Okay. So, I
18 guess is your client aware that they cannot sell
19 cannabis without having a license, a medical
20 dispensary license?

21 MR. MIXON: They're on notice of that.

22 CHAIRPERSON ANDERSON: I guess the
23 reason you said there was some confusion, so
24 what's the confusion on the part of your client,
25 what are they confused about?

1 MR. MIXON: Well, I hope this doesn't
2 come as a surprise, but I believe that we're in a
3 kind of awkward transition period in which
4 perspective licensees are not sure if the
5 timeline and the responsibilities with respect to
6 transitioning to licensed operations, and that
7 there has been a three-month period in which an
8 application has not been processed, it can
9 understandably arise that applicants are
10 insufficiently aware of what they're allowed to
11 do in the interim and how their business is
12 expected to change by law.

13 CHAIRPERSON ANDERSON: But, all right.
14 All right, the allegations that they applied for
15 a license on July 5, 2024, and Mr. Peru went to
16 the establishment on August 9, 2024, saw that
17 cannabis was being sold, and issued a warning.
18 So if you receive a letter on August -- you
19 receive a notice, a visit from the agency in
20 August, on August 9, 2024, just states that I'm
21 giving you a warning that you are illegally
22 selling cannabis.

23 I mean, what does that warning mean?
24 What other confusion is it that your client has?
25 If someone came to you on August 9, issued a

1 warning to say that you cannot sell, possess
2 cannabis in a commercial space without a license,
3 and then the agency went back again on September
4 17, which is over a month later, and the same
5 activity is occurring. I mean, where is the
6 confusion?

7 MR. MIXON: To my understanding, a
8 number of unlicensed operators who have not made
9 it to the application approval stage or issuance,
10 are not sufficiently aware that the prohibition
11 on unlicensed commercial activity extends to what
12 was previously believed to be legally sufficient
13 gifting under the Initiative 71 standard.

14 The message has been received and I
15 believe more and more are coming into notice as
16 Hookah Union, LLC is, and that we're fully
17 prepared to say today that unlicensed activity is
18 not taking place, and that essentially there's no
19 need for a cease and desist order, no activity is
20 ongoing, that would need to be ceased or require
21 ABCA enforcement.

22 CHAIRPERSON ANDERSON: So what is
23 being requested today of the agency? There's no
24 issue to cease and desist. What is that's being
25 requested today from the agency?

1 MR. MIXON: That cease and desist be
2 lifted, and that I understand that it's not a
3 Board function to order at the conclusion of one
4 of these hearings, but to communicate to the
5 Board the urgency by which applications are
6 needed to go forward for previously unlicensed
7 operators to become able to operate in compliance
8 with the law.

9 CHAIRPERSON ANDERSON: So the
10 representation that's being made, it's that as to
11 we're -- today's October 16, and Mr. Peru was at
12 the establishment on September 17, which was a
13 month ago, and he still -- an undercover agency
14 agent bought product, \$33 worth of product. So
15 at what point, when is it that the activity
16 that's in this Board order ceased?

17 MR. MIXON: I'm not aware of further
18 activity beyond any point I referenced in Mr.
19 Peru's report. It was that day immediately on
20 Mr. Peru's observations.

21 CHAIRPERSON ANDERSON: All right. The
22 Board has concerns about illegal activity
23 resuming and if the agency wants to come back to
24 this establishment and see that the activities
25 continue, that will not be looked upon favorably.

1 MR. MIXON: That's understood by the
2 applicant, and in fact, they're not currently
3 operating as today.

4 CHAIRPERSON ANDERSON: And so we want
5 to emphasize that the cease and desist is the
6 only notice, that the Board will file the case in
7 the Superior Court if it continues, or for that
8 you're aware, padlock this facility if it's
9 determined that our order is being violated in
10 the sense that we'll enact you are doing
11 delivery, or that the business itself is not
12 operational, are they doing curbside delivery in
13 the sense that, can we go on your website and
14 order products and they be delivered? This is
15 something that the Board will also take in
16 consideration.

17 So I know that you're saying that the
18 business is no longer in operation, however, is
19 the business in operation online? And so are
20 customers able to go online and order products?
21 Put products in their cart and check out, and
22 it's delivered? These are all things that are
23 important to the Board that we'll take this in
24 consideration, if that's a factor.

25 MR. MIXON: That's understood. The

1 applicant offers no delivery. And in fact, being
2 an unlicensed operator is not the primary
3 business model, the establishment, it is
4 otherwise a cafe. The intention is to resume
5 operations again in a way that is not
6 inconsistent with medical cannabis law during the
7 duration, the interim between now and the time
8 that a license is issued. It's an in-person
9 business for them to sell coffee.

10 CHAIRPERSON ANDERSON: And our cease
11 and desist does not impact whatever legitimate
12 business operates on the grounds. I mean, the
13 cease and desist order basically states that
14 without a license -- this is a commercial space -
15 - you cannot sell medical cannabis in any form.
16 You cannot sell hemp. Just the arguments made by
17 certain individuals is that federal law legalizes
18 hemp, however, states are required to change its
19 laws if they want to legalize hemp.

20 MR. MIXON: Yes, understood.

21 CHAIRPERSON ANDERSON: And the
22 District of Columbia has not changed this law.
23 So hemp, it's considered cannabis, and it is an
24 illegal product within the District of Columbia
25 without a license. But just want to let you know

1 as far as hemp is concerned. So the argument
2 cannot be we're only selling hemp.

3 I'm not saying that the establishment
4 is doing that, but I was just saying that just to
5 put them on notice that under D.C. law hemp is
6 considered cannabis, and that's illegal to sell
7 or serve in a commercial space. And possessing
8 more than I think two ounces is illegal. Yes, Mr.
9 Peru, do you have comments or a question? Yes
10 sir?

11 INVESTIGATOR PERU: Yeah, I just
12 wanted to add two things, I did confirm with
13 licensing that the application was submitted July
14 5, and like I said, it has not been processed
15 yet, being that when it was actually submitted.
16 And secondly, I wanted to speak on, if I could,
17 the online sales of the business?

18 CHAIRPERSON ANDERSON: What
19 representation do you want to make about online
20 sales, sir?

21 INVESTIGATOR PERU: Well, just
22 confirming based on what you stated, I did in
23 preparation for this hearing, review the website
24 and the website was still active with product,
25 for cannabis flower, cannabis edibles. I was

1 able to get as far as putting stuff in my cart
2 and going to check out.

3 So, you know, just for clarification
4 to the license or the unlicensed operator and
5 counsel that as part of, you know, investigations
6 and to further process, the cease and desist
7 order has determinedly stated that, you know, if
8 anything is, the way the law is written the next
9 phase would be potential padlocking of the
10 business and ceasing of products if they're found
11 to be in operation past the cease and desist,
12 right? So I just wanted to add that for
13 clarification since we're discussing the
14 intentions of this unlicensed operator. That's
15 all, Mr. Chair.

16 CHAIRPERSON ANDERSON: Thank you, Mr.
17 Peru. And also we have as part of the process,
18 the landlord is also notified, and as part of our
19 process the landlord can also be fined \$10,000
20 for allowing the continued operation of an
21 illegal business on their property without a
22 license. So, and it's not just a matter of
23 padlocking, it's also that the landlord can be
24 fined \$10,000 for its continued, you know? All
25 right, so any questions by any Board members?

1 Yes, Mr. Short?

2 MEMBER SHORT: Thank you, Mr. Chairman.
3 Investigator Peru, again, can you repeat when did
4 you go online, and what date and time did you go
5 online, and was this unlicensed business, which
6 received a cease and desist, still operating?

7 INVESTIGATOR PERU: Yes, sir. I
8 reviewed the website last night in preparation
9 for my hearing today.

10 MEMBER SHORT: And were they still
11 operating?

12 INVESTIGATOR PERU: Correct, the
13 appearance that I could go as far as putting
14 items in my cart and going through checkout to
15 purchase, and they listed the address, the
16 current address as the pickup location.

17 MEMBER SHORT: Okay. My last question
18 will be did Board Order 2024-677 in the cease and
19 desist order that was issued prohibit these
20 persons from doing that?

21 INVESTIGATOR PERU: Correct, all
22 activities of unlicensed operation.

23 MEMBER SHORT: So for the record, they
24 are still illegally operating regardless of the
25 cease and desist order that was issued by ABCA?

1 INVESTIGATOR PERU: As of last night,
2 it would appear to be so, that they're online
3 still, yes.

4 MEMBER SHORT: Thank you very much.
5 All I have, Mr. Chair.

6 CHAIRPERSON ANDERSON: Thank you, Mr.
7 Short. Any other questions by any other Board
8 members? Yes, Member Grant?

9 MEMBER GRANT: Investigator Peru,
10 thank you again for the report. I got two topics
11 or two questions I wanted to ask.

12 CHAIRPERSON ANDERSON: Hold on, Mr.
13 Grant, because I did not swear -- if we have this
14 in the record if you asking the potential
15 questions then we probably need to swear Mr. Peru
16 in, because that we have not done. We had just
17 had representations by Mr. Mixon, but let me
18 swear Mr. Peru in.

19 Mr. Peru, do you swear or affirm to
20 tell the truth and nothing but the truth?

21 INVESTIGATOR PERU: I do.

22 CHAIRPERSON ANDERSON: All right,
23 thank you. All right, go ahead, Mr. Grant.

24 MEMBER GRANT: Thank you for that, Mr.
25 Chair.

1 Again, Mr. Peru, good morning. I've
2 got two questions that cover two areas for my own
3 clarity that I want to be able to figure out if
4 you could provide some clarity on my behalf.

5 So, earlier in his discussion, Mr.
6 Mixon talked about confusion from the applicant
7 in terms of the turnaround time for the
8 submissions and getting status updates. As an
9 agency, are there any standard operating
10 procedures in place, or requirements in terms of
11 returning emails or phone calls when an applicant
12 calls about a status update?

13 INVESTIGATOR PERU: Oh, absolutely.
14 I think the agency is very responsive via emails.
15 There's multiple ways that you can submit through
16 the licensing portal, the licensing inbox, email
17 inbox, and then determine the status of an
18 application, and request the status of an
19 application.

20 MEMBER GRANT: But on that request for
21 a status update, is there a requirement
22 internally for you all to respond within a
23 certain period of time?

24 INVESTIGATOR PERU: I think a
25 reasonable amount of time is what's expected.

1 There's not an exact specific time to respond
2 back to an email, on.

3 MEMBER GRANT: Okay, all right. On to
4 a different topic, just now you mentioned that in
5 preparation for this hearing you went to the
6 website and you could still add items to the
7 cart. And this is not the first time that I've
8 heard you mention this process in preparation for
9 hearings.

10 Is there anything that the agency
11 could do further to explain to folks in this
12 situation what they should cease doing in terms
13 of their digital presence online? Is there any
14 additional communication? Because we keep
15 hearing you say that you're going in and ordering
16 products, or at least getting to that process
17 where you could order products. If folks are
18 still operating in that way, is there any more
19 clarity we could provide?

20 INVESTIGATOR PERU: I think that's a
21 good question, Mr. Grant. I think maybe
22 additional languages in the cease and desist
23 order that specifically address online sales. I
24 don't recall seeing that specifically.

25 That may add some clarity to these

1 locations, but then again, you know, I think Mr.
2 Mixon represented the confusion with what the
3 allowances are currently in general to the
4 unlicensed, sell, give, carry away businesses of
5 cannabis in the District that has -- we've been
6 tasked a big task to re-educate and enforce new
7 laws that have prior to this did not exist, and,
8 you know, I've heard this before, that's why, you
9 know, I have direct knowledge, and that's why I
10 do in fact circle back with online presence to
11 see if just because a storefront has stopped
12 allowing customers to come in if they've gone to
13 another method, right?

14 MEMBER GRANT: Just one quick follow-
15 up question. In preparation for the hearings
16 you've done, as far as putting the products into
17 the cart, have you ever actually been able to
18 make the transaction or the purchase?

19 INVESTIGATOR PERU: Not from this
20 website, I have not. Other websites, yes,
21 because they don't require paying online. Most
22 of the time, you have a cash option, right, so
23 you can pick up in-person. But yes, I have gone
24 as far in other investigations to do that.

25 MEMBER GRANT: Okay.

1 MS. ABAZA: May I say something?

2 CHAIRPERSON ANDERSON: No, ma'am. You
3 have Mr. Nixon as your lawyer.

4 MS. ABAZA: Okay.

5 CHAIRPERSON ANDERSON: He's here to
6 protect you. Maybe if you give him a call and
7 talk to him, then if he tells you that you can
8 say something, then you're allowed to say
9 something, but please speak to your attorney
10 first, ma'am, okay? For your own protection,
11 okay?

12 MEMBER GRANT: I have no further
13 questions. Thank you, Mr. Peru.

14 CHAIRPERSON ANDERSON: Okay. Yes, Mr.
15 Short?

16 MEMBER SHORT: Thank you, Mr.
17 Chairman. For the record, Investigator Peru, do
18 you have in front of you the order from the
19 Board, 677? Can you pull that up?

20 INVESTIGATOR PERU: Give me one
21 second. Yeah, I did have it up until my reboot
22 happened. Give me a second.

23 Yes, sir, I have it up now.

24 MEMBER SHORT: Okay, can you read for
25 the record, especially in light of the questions

1 that were just asked by the Board, just read the
2 order itself. What is the Board order read in
3 the very last paragraph in the order? Can you
4 read that for us for the record?

5 INVESTIGATOR PERU: Sure. The very
6 last paragraph.

7 MEMBER SHORT: The order itself.

8 INVESTIGATOR PERU: Are you referring
9 to Number 13, sir?

10 MEMBER SHORT: Okay. On my --

11 INVESTIGATOR PERU: Number 14.

12 MEMBER SHORT: Well, yeah. Number 14
13 is the last paragraph, but then the order itself
14 under 14.

15 INVESTIGATOR PERU: Okay, I see that.

16 MEMBER SHORT: The order itself, yes.

17 INVESTIGATOR PERU: Yes, sir. It says
18 here, therefore, the Board on this 25 day of
19 September 2024 hereby orders Hookah Union, LLC,
20 trading as Yerba Buena, Wendrad Adane and Mr. --
21 1807 14th Street, retail LLC and their agents to
22 immediately cease and desist fully the illegal
23 purchase, sale, exchange, delivery, or any other
24 form of commercial transactions involving
25 cannabis or allowing and permitting such activity

1 to occur.

2 The parties are also advised that
3 information obtained as part of ABCA's
4 investigation or hearings related to the
5 proceedings may be shared with other law
6 enforcement agencies or used in future
7 administrative civil and criminal proceedings.
8 The ABCA shall deliver a copy of this order to
9 the parties by hand delivery or certified mail in
10 accordance with D.C. Official Code 71671.12AA.

11 MEMBER SHORT: Okay. In light of your
12 reading that and in light of the order being
13 issued, is there any question about whether or
14 not someone can still sell, serve, or deliver
15 through the online services after this is issued
16 to any businesses found to be illegal?

17 INVESTIGATOR PERU: I believe that the
18 order is clear. I understand it to read that,
19 sir. You know, it says other form of commercial
20 transactions. So, you know, that tells me that
21 that includes online retail, as well. But any
22 form is what that tells me. That's my
23 interpretation, sir.

24 MEMBER SHORT: Well, it reads very
25 plainly, and I would hope that the attorney in

1 this case or anyone else could explain to their
2 clients what the order actually means, and that
3 they could not still be as of last night online
4 and the business doing cannabis business in the
5 District of Columbia. Is that correct?

6 INVESTIGATOR PERU: Yes, sir.

7 MEMBER SHORT: Thank you very much.

8 Mr. Chairman, that's all I have at this time.

9 CHAIRPERSON ANDERSON: Thank you.

10 MR. MIXON: Mr. Chair, may I --

11 CHAIRPERSON ANDERSON: Yes, Mr. Mixon?

12 MR. MIXON: May I ask my client a few
13 questions for the record?

14 CHAIRPERSON ANDERSON: Ms. Abaza?

15 MR. MIXON: Abaza, yes.

16 CHAIRPERSON ANDERSON: Abaza. Can you
17 raise your hand, your right hand, please? Do you
18 swear of affirm to tell the truth and nothing but
19 the truth?

20 MS. ABAZA: I do.

21 MR. MIXON: Ms. Abaza, what can you
22 tell us about the payment, the -- sorry, the
23 website page Mr. Peru was just discussing. Did
24 that allow for transactions?

25 MS. ABAZA: My understanding that

1 that was supposed to be ceased immediately and I
2 believe there was no way that you can pay, and we
3 were not operating. Unfortunately the
4 misunderstanding was with our party that handles
5 the website. It was supposed to be removed and
6 it wasn't removed, they blocked the portal of
7 payment. So as of now it was removed, which I
8 just sent a message, please, why isn't that
9 removed? And they have removed it. That has
10 been completely shut down.

11 MR. MIXON: Thank you. And for
12 notice of the Board, without the business being
13 operated at the retail location that, which
14 ceased after Mr. Peru's last visit, there was no
15 way for actual transactions to take place. And I
16 hope it's the Board's position that having a
17 website that just features licensed substances as
18 visual representations is not the same thing as
19 commercializing it.

20 CHAIRPERSON ANDERSON: Any other
21 representation you want to make, Mr. Mixon,
22 before we bring this mater to closure?

23 MR. MIXON: No, I believe that
24 essentially covers all the ground that we have
25 here today. My client would admit to having made

1 some mistakes and immediately worked to rectify,
2 and just asks that the agency recognize this and
3 the series of other situations like it where
4 enforcement actions are becoming necessary
5 unfortunately because there is not a sufficient
6 processing of applications to meet demand for
7 licensing activity.

8 CHAIRPERSON ANDERSON: Thank you for
9 your presentation, Mr. Peru -- I'm sorry, Mr.
10 Mixon. We've been in this process a good number
11 of years which I know in a sense that -- anyway,
12 all right. Let me ask anything. Anyway, the
13 Board -- well, I'll bring this matter to closure
14 and let me bring this case to a closure. All
15 right. Hold on, please.

16 As chairperson of the Alcoholic
17 Beverage and Cannabis Board for the District of
18 Columbia, in accordance with D.C. Official Code
19 Section 2575 of the Open Meetings Act, I move
20 that ABC Board hold a closed meeting for the
21 purpose of seeking legal advice from our counsel
22 on Case Number 24-ULC-00032, Yerba Buena, for the
23 reasons cited in D.C. Official Code Section
24 2575B4A of the Open Meetings Act, and
25 deliberating upon Case Number 24-ULC-00032, Yerba

1 Buena, for the reasons cited in D.C. Official
2 Code Section 2575B13 of the Open Meetings Act.
3 Is there a second?

4 MEMBER SHORT: Mr. Short, I second.

5 CHAIRPERSON ANDERSON: Mr. Short has
6 seconded the motion. We'll have a roll call
7 vote. Mr. Short?

8 MEMBER SHORT: Mr. Short, I agree.

9 CHAIRPERSON ANDERSON: Mr. Grant?

10 MEMBER GRANT: Mr. Grant, I agree.

11 CHAIRPERSON ANDERSON: And Mr.

12 Anderson, I agree. The motion has passed 3 to 0.
13 The ABC Board will now recess this proceeding to
14 hold a closed meeting pursuant to Section 2575 of
15 the Open Meetings Act. And the Board will look
16 at the law in light of the representation made
17 today, and we'll make a determination whether or
18 not insufficient information was provided today
19 to lift the cease and desist order. Okay? All
20 right. Thank you very much for your
21 presentation. Have a great day. All right.

22 MR. MIXON: Thank you.

23 CHAIRPERSON ANDERSON: All right.

24 (Whereupon, the above-entitled matter
25 went off the record at 10:50 a.m.)

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In the matter of: Yerba Buena

Before: DC ABCA

Date: 10-16-24

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