

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

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IN THE MATTER OF: :
: :
American Legends, LLC, :
t/a All American Papers / :
All American Cookies / :
American Budz :
504 H Street NE : Summary Action
ANC 6C : Hearing
Case #24-ULC-00027 :
: :
(Unlicensed Cannabis :
Retailer) :
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Tuesday
October 22, 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
COLLIN CENCI, DC OAG
INVESTIGATOR JASON PERU, DC ABCA
OFFICER AHMED ANUNAY, MPD

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Applicant

	DIR	CROSS	REDIR	RECROSS
(None)				

DC OAG

	DIR	CROSS	REDIR	RECROSS
Officer Ahmed Anunay	44	--	--	--
Investigator J. Peru	54	--	--	--

EXHIBITS

Applicant

No.	Description	Marked/Rcvd
(None)		

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

2 1:58 p.m.

3 CHAIRPERSON ANDERSON: All right, the
4 next case in our calendar is a summary suspension
5 hearing. Case No. 24 ULC-00027, All American
6 Papers/All American Cookies/American/American
7 Budz and a licensed cannabis retailer.

8 All right, so Mr. Orellana, can you
9 please elevate the rights of the Government and
10 the requestor, the individual who requested the
11 hearing and any other witnesses that needs to be
12 here?

13 MR. ORELLANA: All right Cenci, your
14 access has been elevated. And Timothy Rychucky,
15 your access has been elevated. That appears to
16 be all, Chairman.

17 CHAIRPERSON ANDERSON: Thank you.

18 MR. CENCI: Mr. Orellana, I should
19 have also Investigator Peru and another witness,
20 Ahmed Anunay.

21 MR. ORELLANA: Thank you. Ahmed
22 Anunay, your access has been elevated. And
23 Supervisor Investigator Peru, Jason Peru, your
24 access has been elevated. That is all Chairman.

25 CHAIRPERSON ANDERSON: Thank you. Can

1 everyone turn their camera on if they can? If
2 the -- Mr. Rychucky, can you turn your camera on,
3 please? All right. All right, good afternoon
4 everyone. So, let me have everyone introduce
5 themselves. So, let's start with the Government.

6 MR. CENCI: Morning Chair, or good
7 afternoon, Chairperson Anderson, Collin Cenci,
8 C-O-L-L-I-N, C-E-N-C-I, Assistant' Attorney
9 General at the Office of Attorney General for the
10 District of Columbia, joined by witnesses, Jason
11 Peru, and Ahmed Anunay.

12 CHAIRPERSON ANDERSON: All right, good
13 afternoon, Mr. Cenci. Mr. Peru, can you please
14 spell and state your name for the record? You're
15 on mute, Mr. Peru. I still can't hear you, sir.

16 MR. PERU: Jason Peru, JASON, PERU.

17 CHAIRPERSON ANDERSON: And where are
18 you currently employed, sir?

19 MR. PERU: So, Supervisory
20 Investigator with ABCA.

21 CHAIRPERSON ANDERSON: Mister, all
22 right, Mr. Anunay, I apologize, sir. Can you --
23 you were on screen, but then you disappeared.
24 Mr. A-N-U-N-A-Y, can you please back on screen
25 and spell and state your name for the record,

1 sir?

2 MR. ANUNAY: Yes, I'm sorry, I'm
3 having difficulties. First name Ahmed,
4 A-H-M-E-D, last name Anunay, A-N-U-N-A-Y.

5 CHAIRPERSON ANDERSON: Mr. Anunay, I
6 apologize, sir. All right, Mr. Rychecky, can you
7 please and state your name for the record?

8 MR. RYCHECKY: Rychecky, that's
9 R-Y-C-H-E-C-K-Y.

10 CHAIRPERSON ANDERSON: And who are
11 you, sir, in relation to this establishment?

12 MR. RYCHECKY: I was Manager, up until
13 recently.

14 CHAIRPERSON ANDERSON: What do you
15 mean, Manager? Are you an owner of this
16 establishment, sir?

17 MR. RYCHECKY: No, I was just here to
18 represent and ask for a continuance due to, I
19 guess, the serving issues that happen with our
20 company.

21 Apparently, the customer, or not a
22 person that thought that they were employee just
23 because they always hung around, I guess was
24 served papers pertaining to this. But as an
25 employee, I never saw them, and none of my other

1 co-workers saw them. So, I'm trying to ask for a
2 continuance on that.

3 CHAIRPERSON ANDERSON: But, but, sir,
4 you are a Manager. You're not owner.

5 MR. RYCHECKY: No.

6 CHAIRPERSON ANDERSON: I don't know
7 who you are. So, the allegation, you're saying
8 someone who was an employee, no one ever saw
9 them. So, whoever might have accepted service
10 was not an employee, but you are a manager.
11 You're not an owner.

12 MR. RYCHECKY: Right.

13 CHAIRPERSON ANDERSON: So, the owner
14 then will come, the owner can come next,
15 tomorrow, and to say, I don't know who
16 Mr. Rychecky is. He's not an owner. He was not,
17 he was not authorized.

18 So have you, have you provided, I
19 mean, have you provided our Agency, or, better
20 yet, has the owner, provided our Agency with a
21 letter to say, I am the owner of this
22 establishment, and that Mr. Rychecky is
23 authorized to represent us today?

24 MR. RYCHECKY: No, I do not have that
25 letter.

1 CHAIRPERSON ANDERSON: So, I don't
2 know who you are, sir. I've never met you. I
3 mean, I've never -- this is my first time, I
4 don't know who you are. And so without I'm
5 sorry, I apologize, but what, I -- hold on, hold
6 on. So, who is the owner of this establishment?

7 MR. RYCHECKY: That would be -- I'm
8 sorry, did you mean a designated?

9 CHAIRPERSON ANDERSON: No, no. All
10 right, sir, in order for in order for you to be a
11 designated representative, I need the owner to
12 put something in writing. So, someone needs to.
13 The owner --

14 MR. RYCHECKY: Is that the owner Ramon
15 and J.P., is that they sent me a designation of
16 attorney or agent?

17 CHAIRPERSON ANDERSON: Sir, but I'm,
18 I'm -- sir, I'm asking you who's the owner.
19 Who's the owner of the establishment? Who asked
20 you to represent them today? Can you answer that
21 question, sir?

22 MR. RYCHECKY: Well, he goes -- I'm
23 trying to think of the name. I think it was Lee
24 Pauly?

25 CHAIRPERSON ANDERSON: But listen,

1 sir. Okay, hold on, hold on.

2 MR. RYCHECKY: It was gentleman named
3 Ramon, a gentleman named --

4 CHAIRPERSON ANDERSON: Listen, listen,
5 sir, listen. All right. Okay, this is, we're --
6 this is serious. This is serious. And I'm not
7 even going to address the Government at the
8 moment. Because this is procedurally, I have
9 someone in front of me who says that they're the
10 Manager.

11 And I'm asking the Manager, who is the
12 owner? Who do you represent? And you can't even
13 tell me who the owner is you're representing. I
14 mean, so therefore we must have something from
15 the owner to say that I, John Doe, I'm the owner
16 of this establishment.

17 I have designated Mary Sue to
18 represent me at the hearing. And okay, so I'm
19 having a conversation with Mary Sue. And that's
20 Mary Sue. Who is the owner you're representing?

21 And Mary Sue is like saying, I don't
22 know. No, that's -- I mean, this is, sir, this
23 is a formal administrative hearing. This is not,
24 you can't go to -- I mean, you cannot. I'm
25 sorry.

1 MR. RYCHECKY: All right, I apologize,
2 sir. There's multiple owners. There's, like I
3 said, I have like, first name basis. I don't
4 actually know their full names, unfortunately.

5 CHAIRPERSON ANDERSON: But you can't,
6 sir, you can't come to a hearing representing
7 someone, and you don't know who you're
8 representing. You don't know their full name,
9 sir, come on.

10 All right, one of the first things you
11 said today was that someone accepted service, but
12 no one saw that person, because that person is
13 not a is not an employee. I think that's what I
14 heard. And so you just said that to me, all
15 right?

16 And then now you're going to tell me
17 -- I'm asking you who you represent. Who owns
18 this place? And you're telling me that you don't
19 know. You're here representing the owner, and
20 you can't give me a name of the person you're
21 representing.

22 How am I supposed to believe you? I
23 don't know who you are. You could be anyone off
24 the street who shows up here today to say --
25 because, based on what you're saying tomorrow,

1 the owner can show up.

2 Whoever the owner is, can show up to
3 this Agency and just say, I don't know who that
4 individual is. He was not authorized to
5 represent me. So, if you --

6 In order to move forward with hearing,
7 sir, whatever you're asking for, you need to
8 provide a letter from the owner, who's going to
9 say, I'm the owner of this establishment, and Mr.
10 Rychucky can represent us at this hearing.

11 MR. RYCHECKY: Yes.

12 CHAIRPERSON ANDERSON: Yes, go ahead.

13 MR. RYCHECKY: I'll say, I literally,
14 I am just an employee trying to save a company
15 that I've worked hard for. I am nervous. I know
16 that they emailed you all the forms and stuff. I
17 just -- everything is just happening so fast.
18 And --

19 CHAIRPERSON ANDERSON: Who? Who?
20 Okay, you're an employee, so who employs you?
21 Who employs you at this at this place? You
22 said --

23 MR. RYCHECKY: I --

24 CHAIRPERSON ANDERSON: You're an
25 employee, trying to say -- who's your employer?

1 MR. RYCHECKY: That would be a
2 gentleman named Ramon, a gentleman named JP, and
3 then another gentleman named Lee Pauly. Like, I
4 was asked to come here today to speak on behalf
5 of asking for continuance due to, I guess
6 somebody, like I said earlier, somebody was
7 served papers that was not an employee.

8 So, we don't know what happened to the
9 papers or anything like that. That's kind of
10 where I'm at -- like, I'm just, honestly, just
11 trying to save a company so I can feed my family.

12 Yes, like the people that, the people
13 that were designated with the task of serving the
14 owners or serving whoever, well, they failed
15 because nobody in ownership to my knowledge, has
16 ever said anything to me as an employee that hey,
17 did anybody drop off any paperwork or anything
18 like that? Like, I don't -- like, I'm sorry.

19 CHAIRPERSON ANDERSON: All right. So,
20 the owner, or I guess, Mr. Pauly sent a letter
21 requesting a continuance. And this was sent
22 today. But there's nothing in this letter that
23 says that they want to designate you to represent
24 them.

25 MR. RYCHECKY: Okay.

1 CHAIRPERSON ANDERSON: I, I -- hold
2 on. I need to, I'm not even sure if I need to
3 even ask the Government their position. Or, but
4 I -- this is what I'm going to do. I'm going to
5 go to Executive Session. And I'll be back.

6 MR. CENCI: Before you go into
7 Executive Session, may I be heard?

8 CHAIRPERSON ANDERSON: Yes, Mr. Cenci.

9 MR. CENCI: I just wanted to make
10 clear for the record that if a continuance
11 request was sent today, I was not copied on it.
12 The District, of course, opposes a continuance
13 request.

14 At this point, as the record will show
15 from the Board's review, this case was initially
16 had a hearing requested by an unknown individual
17 from a letter that was not signed.

18 It only said All American papers at
19 the bottom provided a non-functional email
20 address that the Board could not respond to so
21 could not serve any sort of notice of that
22 hearing, and as such, the Board declined to
23 accept that letter as a request for a hearing.

24 Later within the Board's prescribed
25 time frame, this establishment did send a letter

1 that was signed, did contain the information that
2 was lacking from that original letter.

3 And when the District received that,
4 the District indicated it did not oppose
5 scheduling this for an evidentiary hearing based
6 on that. Mr. Chair, at this point, there is no
7 indication that that document is truthfully
8 signed.

9 We have an individual who is not named
10 as an owner of the business. This individual
11 stated, I believe just now, that he was not a
12 manager, he was, he was a manager until recently.
13 I don't know if we have time to explore that or
14 what that might mean for his relationship with
15 the establishment, but he is certainly not an
16 owner.

17 As you've noted for the record, he is
18 not authorized by any of the owners to represent
19 the establishment. This individual cannot be
20 allowed to make representations on behalf of the
21 establishment, make requests on behalf of the
22 establishment.

23 And it is our understanding, based on
24 representations that he is making today, that
25 they are false. I understand that we are not on

1 the record. We do not have evidence.

2 But on information and belief, based
3 on a police report that indicates a search
4 warrant that was conducted at this establishment
5 related to this summary closure, Mr. Timothy
6 Raymond Rychecky is listed as a subject who was
7 present when the search warrant was executed in
8 the narrative of that search warrant being
9 executed.

10 And ABCA representative was on scene
11 and posted a notice of summary closure for the
12 establishment. Mr. Rychecky is not telling the
13 truth when he says that no one was aware of this
14 notice of summary closure, that no one was aware
15 of this hearing taking place.

16 He was present when it was posted. We
17 do oppose a request for a continuance at this
18 point, given that it does not appear the
19 establishment even was being truthful when it
20 requested its hearing.

21 The District is changing its position
22 on its willingness to accept an evidentiary
23 hearing and would like to move for this case to
24 be put back into the status that it was, have the
25 request for a hearing denied, and have the

1 summary closure be upheld without evidence.

2 Thank you.

3 CHAIRPERSON ANDERSON: Thank you. All
4 right, I'm going to go into Executive Session.
5 So as Chairperson for the Alcoholic Beverage and
6 Cannabis Board for the District of Columbia in
7 accordance with D.C. Official Code Section 2-575,
8 of the Open Meetings Act I move that ABC Board
9 hold a closed meeting for the purpose of seeking
10 legal advice from our counsel on Case No.
11 24-ULC-00027, All American Papers/All American
12 Cookies/American Budz, pursuant to D.C. Official
13 Code Section 2-575(b) (4A) of the Open Meetings
14 Act. Is there a second?

15 MR. SHORT: Mr. Short, I second.

16 CHAIRPERSON ANDERSON: Mr. Short has
17 seconded the motion. I'll take a roll call vote.

18 (Roll call)

19 CHAIRPERSON ANDERSON: Mr. Short?

20 MR. SHORT: Mr. Short, I agree.

21 CHAIRPERSON ANDERSON: Mr. Grant?

22 MR. GRANT: (No audible response).

23 CHAIRPERSON ANDERSON: And Mr.
24 Anderson, I agree. The matter passes 3-0. You
25 stay put. You don't need to go anywhere. The

1 Board is going to sign off and we will be back.

2 Thank you.

3 (Whereupon, the above-entitled matter
4 went off the record at 2:16 p.m. and resumed at
5 2:23 p.m.)

6 CHAIRPERSON ANDERSON: Okay, we're
7 back on the record. Can I have everyone come
8 back on camera, please? The Board went into
9 Executive Session because there was a legal issue
10 regarding the actual, who Mr. Rychecky was. And
11 the Board was unable to --

12 There was issues regarding exactly who
13 the owner was of this establishment and whether
14 or not Mr. Rychecky was identified as an
15 individual who can represent the establishment.

16 I believe, at some point during this
17 hearing, and I'm not sure the Government is aware
18 of this, a letter of representation came in. And
19 -- I forget the name of the owner.

20 But we did receive the proper, a
21 proper representation letter from the owner
22 asking for continuance. I mean, this hearing was
23 scheduled. It has been scheduled for a while.

24 The continuance came in today, I think
25 at 1:22. And I guess I just want to put on the

1 record before, and then I last the Government
2 where their position is.

3 All right, Mr. Rychucky, so you have
4 been designated by -- let me see who's the owner
5 of the established, at least, who's the person
6 who requested. Hold on one moment, please.

7 Mr. Lee Pauly, P-A-U-L-Y is the last
8 name, has identified himself as an owner of this
9 establishment. And Mr. Pauly designated
10 Mr. Rychucky as the individual who can represent
11 the owner at this hearing.

12 And so, I think you're here, Mr.
13 Rychucky requesting a continuance. And what's
14 the basis of request? What's? Why is it that
15 this hearing was scheduled for 1:30 today and at
16 1:22, I believe, a continuance has been
17 requested? You need to unmute yourself, sir.

18 MR. RYCHECKY: Yes. I thank you again
19 for your time. I was only just recently brought
20 aware of this. And I just was asked to request a
21 continuance. I'm not aware that the request had
22 been sent in so late. But yes, I am here on the
23 sole reason to ask that this get, that we please
24 get a continuance.

25 CHAIRPERSON ANDERSON: But why? Why?

1 Why is -- what's the reasoning? I mean, you just
2 don't request a continuance just -- you have to
3 give a reason. Please give a reason as to why,
4 why you're asking for this continuance?

5 MR. RYCHECKY: I do know that some of
6 the owners, I believe, wanted to be here, but
7 they had scheduling conflicts. So, that's why
8 they kind of, last ditch effort, when schedules
9 conflicted, and they couldn't make it. They
10 reached out to me and asked me to step in and ask
11 for a continuance so that possibly a later date
12 that they can make it.

13 CHAIRPERSON ANDERSON: This is not the
14 first time this case has been continued, and the
15 hearing was scheduled, and it's my understanding
16 that the owner agreed to this date. Today's
17 Tuesday, the regular Board date is Wednesday, so
18 in order for the Board to meet -- are you there,
19 Mr. Rychecky?

20 MR. RYCHECKY: Yes, all good.

21 CHAIRPERSON ANDERSON: No, I just want
22 to make sure. You disappeared from the screen,
23 so just wanted to make sure you are still here.
24 And so, the Board, I mean, the three Board
25 members had to change their schedules to make

1 sure that we meet on a non-Board day.

2 Because the statute says that five
3 days after a hearing has been requested, we have
4 to have a hearing. And so, the Board has
5 basically, the Board members have basically
6 changed our schedule to accommodate the owner,
7 because the owner stated that they were available
8 to appear today.

9 And the hearing, as I said before, the
10 hearing was scheduled at 1:30. And we only
11 received notice today at 1:22 that a continuance
12 been is being requested.

13 And now you're saying because, because
14 of the unavailability of some owners. And so,
15 that's the basis of your request, is that it,
16 sir?

17 MR. RYCHECKY: Yes. I'm aware that,
18 I believe that they got the -- they've known
19 about it for like a week. So it's kind of like I
20 said, it was a scramble. And then I got asked to
21 step in and speak on their behalf.

22 CHAIRPERSON ANDERSON: Okay. What's
23 the Government's position?

24 MR. CENCI: Mr. Chair, I think that
25 I'm unfortunately a little bit without

1 information to fully respond. Again --

2 CHAIRPERSON ANDERSON: Based on
3 representation that was made today, that's all.

4 MR. CENCI: Yes, yes, yes. But again,
5 the District does not have a copy of this
6 continuance request. Does not have a copy of
7 whatever it is that designated Mr. Rychecky as a
8 representative.

9 I'm not sure if the interest is what
10 nominated made him to be the representative, if
11 there's a separate filing. If a filing was made
12 during this hearing, then clearly one of the
13 individuals is able to view the hearing, one of
14 these who says that they have authority to
15 represent the business, they're able to view the
16 hearing.

17 They're able to see what issue is
18 arising during the hearing. Then they were able
19 to make a filing based on what's happening at the
20 hearing.

21 And they're saying that they can't
22 appear, despite themselves using a conduit to
23 represent themselves at the hearing. It just
24 does not follow.

25 The District continues to oppose this

1 continuance request. I want to clarify for the
2 record that this matter was not continued before.
3 This matter was set for a hearing. The
4 first-time scheduling order, I believe, came out
5 last Wednesday or Thursday.

6 I believe the order actually was
7 issued on Wednesday. This was the first time
8 scheduling this hearing. But as the Board has
9 noted, it is not just the Board that has moved
10 their schedules to accommodate this.

11 Officer Anunay is a night shift MPD
12 officer. He worked until 7:00 a.m. this morning
13 and is awake during his hours that he would
14 normally be asleep to be present for this
15 hearing. He can accommodate. The Board can
16 accommodate. The business cannot accommodate
17 apparently.

18 This is the business' --it's not even
19 a license. It's the business' own interest that
20 it is failing to represent, that it is failing to
21 appear on behalf of.

22 The business should not be allowed to
23 simply kick its responsibilities down the road
24 further to an undefined date. And we maintain
25 our position before.

1 The District moves that this case
2 should be canceled, as there is no indication --
3 there's an indication now that the hearing
4 request that was made that allowed this hearing
5 date to be created was false and incorrect.

6 CHAIRPERSON ANDERSON: So your, so the
7 position of the Government is that, of course,
8 you're saying that you oppose the continuance.
9 But then you're, secondly, you're saying, you
10 again -- I'm sorry you're saying what again, sir?

11 MR. CENCI: Just reclarify for the
12 record a timeline of what has taken place here.
13 And I can get the exact dates in front of us as
14 well.

15 CHAIRPERSON ANDERSON: Yes, please.
16 Yes.

17 MR. CENCI: Court's indulgence. On
18 September 13th of this year, the notice of
19 summary closure was issued against the
20 establishment. They have five business days from
21 that date to request a hearing.

22 On September 20th, that is five
23 business days, an unknown individual submitted a
24 letter that said that they are requesting a
25 hearing to appeal the notice of summary action in

1 Case No. 24-ULC-00027.

2 That notice was not signed. That
3 notice did not have a functional email address
4 for the Board and for the Agency to contact the
5 establishment. That hearing request did not have
6 any information to indicate that whoever had sent
7 it was an owner or an authorized representative
8 of the business.

9 And so, based on the failings and the
10 lack of information in that hearing request, on
11 September 25th this Board denied the request for
12 a hearing. And that is Order No. 2024-659.

13 Denied the request for a hearing
14 because: 1) the notice was unsigned; 2) the filer
15 acting on behalf of the entity was unidentified;
16 3) the owners of the business were unidentified;
17 4) there was no mailing address indicated to send
18 communications; 5) the request failed to contain
19 any indication that the filer is legally
20 authorized to represent the entity or owner or
21 the filer is an owner of the business; and 6) the
22 request does not file the appropriate email
23 address as instructed in the notice.

24 So the Board denied the hearing
25 request based on that. Now, in that order, the

1 Board provided the establishment with one more
2 chance. They said that, you said that within the
3 reconsideration period, which is ten business
4 days, or ten days of service, I'm sorry, not ten
5 business days.

6 Ten days of service, from that order
7 being issued, that the establishment could
8 request a hearing that contained the information
9 that was deficient in the initial hearing
10 request.

11 On October 7th, which was the last day
12 that the establishment had under the Board's
13 order to make that hearing request, a letter was
14 sent.

15 A letter that says it was signed by
16 Lee Pauly, addressed himself as co-owner of All
17 American Papers. Now there is a website. It
18 does contain an address and a different email
19 address on it.

20 On October 11th, the District
21 responded to this hearing request and said that
22 it did not oppose treating this as an acceptable
23 hearing request and scheduling this matter for a
24 hearing.

25 And then on October 16th, this Board

1 issued the order to schedule that evidentiary
2 hearing. That's why we're here today. Based on
3 the representations that we are getting today, it
4 does not appear that this letter that was sent on
5 October 7th that was complying with the Board's
6 September 25th order, it does not appear that
7 that letter actually was sent by someone who's
8 authorized to represent the business. It's --

9 It contains Lee Pauly's name. But
10 based on the representations we're getting here,
11 we have an individual showing up who is being
12 authorized to represent the business only as the
13 hearing is ongoing, making representations that
14 there was no awareness of this hearing taking
15 place.

16 But then, there is awareness now,
17 because after the Board went to Executive Session
18 and came back, it's not there wasn't any
19 awareness, it's that the owners had conflicts.

20 How do the owners know they have
21 conflicts and be able to send the continuance
22 request in advance of the hearing by eight
23 minutes, so barely in advance, but in advance of
24 the hearing, if they weren't aware of the hearing
25 taking place?

1 There's misrepresentations happening
2 in the letter, the second letter, and happening
3 right now. It is not acceptable for the business
4 to conduct itself in this way.

5 The business has not given this Board
6 any indication that we should adhere to its
7 mercurial requests that we should allow it to
8 keep postponing this stringing the Board and the
9 District along until they get to a date that they
10 deem acceptable for a hearing. No.

11 This matter was scheduled for a
12 hearing. Everyone has moved to accommodate it,
13 except for the people whose interests are most at
14 play.

15 If they do not intend to appear for
16 this hearing, and they did not intend to request
17 the hearing as they were supposed to, as this
18 Board ordered them to do, the hearing should not
19 happen.

20 The request should be denied. The
21 District made its concession that this hearing
22 take place under false understanding. And that
23 should not be rewarded. Thank you.

24 CHAIRPERSON ANDERSON: And I guess,
25 Mr. Rychecky, you're just here as a placeholder?

1 You can't respond or are you in a position to
2 respond?

3 MR. RYCHECKY: At this time, I don't
4 have anything today. I'm sorry.

5 CHAIRPERSON ANDERSON: I'm trying to
6 figure that probably -- all right, this is
7 something that I've never faced before. And so,
8 I need to --

9 So the Board is going to go back in
10 Executive Session. And the Board will, the Board
11 is going to go back in Executive Session. And
12 then we will, then we'll make a decision on the
13 next, moving forward.

14 So as Chairperson of the Alcoholic
15 Beverage and Cannabis Board for the District of
16 Columbia, in accordance with D.C. Official Code
17 Section 2-575, of the Open Meetings Act, I move
18 that ABC Board hold a closed meeting for the
19 purpose of seeking legal advice from our council
20 on Case No. 24-ULC-00027, All American Papers/All
21 American Cookies/American Budz, pursuant to D.C.
22 Official Code Section 2-575(b)(4A) of the Open
23 Meetings Act. Is there a second?

24 MR. GRANT: Mr. Grant, I second the
25 motion.

1 CHAIRPERSON ANDERSON: Mr. Grant has
2 seconded the motion. We'll have a roll call
3 vote.

4 (Roll call)

5 CHAIRPERSON ANDERSON: Mr. Short?

6 MR. SHORT: Mr. Short, I agree.

7 CHAIRPERSON ANDERSON: Mr. Grant?

8 MR. GRANT: Mr. Grant, I agree.

9 CHAIRPERSON ANDERSON: Mr. Anderson,
10 I agree. The motion passed. The Board will go
11 into Executive Session, and we will come back and
12 back a ruling on the next step. We'll be right
13 back. Thank you.

14 (Whereupon, the above-entitled matter
15 went off the record at 2:40 p.m. and resumed at
16 2:45 p.m.)

17 CHAIRPERSON ANDERSON: I thank
18 everyone for the -- the Board went into Executive
19 Session to discuss with our lawyers, moving just,
20 just some, the legal parameters of the requests
21 that were made by both the licensee and also, I'm
22 sorry, by the requester for a hearing and the
23 Government.

24 A hearing was, a continuous request
25 came in today at one -- the hearing was scheduled

1 for 1:30, and at approximately 1:22 we got a
2 request for a continuance.

3 And I think subsequent to the request
4 for continuance, we also got a representative
5 representation letter where it stated that Mr.
6 Rychecky was authorized to represent the
7 applicant for the continuance in this hearing.

8 So the Agency did receive a letter
9 designating Mr. Rychecky as the person to
10 represent this, represent them today. The
11 Government, however, opposes the continuance
12 request. And so, therefore, I'm going to make a
13 motion that we, that the Board deny the request
14 for continuance. Is there a second?

15 MR. SHORT: I second.

16 CHAIRPERSON ANDERSON: Mr. Short has
17 seconded the motion. I will have a roll call
18 vote.

19 (Roll call)

20 CHAIRPERSON ANDERSON: Mr. Short?

21 MR. SHORT: Mr. Short, I agree.

22 CHAIRPERSON ANDERSON: Mr. Grant?

23 MR. GRANT: I agree.

24 CHAIRPERSON ANDERSON: And Mr.
25 Anderson, I agree. The matter passed, 3-0. So

1 we're denying the request for continuance. The
2 Government, however, has also made a motion.

3 Basically they're stating that they,
4 it was not their position that this hearing then
5 was properly requested, and that we should cancel
6 this hearing. I'm making a motion that we also
7 deny the request from the Government.

8 I believe that the Government is here.
9 They have two witnesses here. Is that we need to
10 move forward. I know that Mr. Rychucky that
11 you're saying that you're a placeholder.

12 But our position is that we're going
13 to move forward with the hearing today. And you
14 can make whatever representation that you can on
15 behalf of the licensee.

16 But we're going to move forward. So
17 I'm making a motion that we deny the request to
18 cancel the hearing and that we move forward with
19 the hearing today. Is there a second?

20 MR. SHORT: Mr. Short, I second.

21 CHAIRPERSON ANDERSON: Mr. Short has
22 seconded the motion. Let's have a roll call
23 vote.

24 (Roll call)

25 CHAIRPERSON ANDERSON: Mr. Short?

1 MR. SHORT: Mr. Short, I agree.

2 CHAIRPERSON ANDERSON: Mr. Grant?

3 MR. GRANT: I agree.

4 CHAIRPERSON ANDERSON: And Mr.

5 Anderson, I agree. The matter passed, 3-0.

6 Since the summary suspension hearing, we're going

7 to move forward. The Government appears, has to

8 witnesses. And so, therefore, I want, I need the

9 Government to present their case.

10 And Mr. Rychucky, you're here. And

11 you then can ask questions of the witnesses if

12 you so choose. But that's our position. We're

13 having a hearing, and you're here, and so you can

14 participate in this hearing the way you choose

15 you need to participate in the hearing.

16 MR. RYCHECKY: Okay.

17 CHAIRPERSON ANDERSON: Does the

18 Government wish to make a an open statement?

19 MR. CENCI: Just one brief preliminary

20 matter before we move on?

21 CHAIRPERSON ANDERSON: Yes, sir.

22 MR. CENCI: Mr. Chair, the District

23 would like to move in limine to have this Board

24 bar the establishment from testifying about any

25 charitable efforts that it may run on information

1 and belief --

2 The District understands the
3 establishment may present testimony or some kind
4 of evidence today that there are some charity
5 efforts that it runs in the District.

6 That evidence would not be relevant,
7 and it would be more prejudicial than probative
8 if it were to be admitted on to the record. This
9 is a case --

10 CHAIRPERSON ANDERSON: Yes, sir. Go
11 ahead, sir.

12 MR. CENCI: This is a case about the
13 establishment violating the laws governing the
14 sale of medical cannabis in the District. And so
15 it does not matter what the employees do with the
16 proceeds of the business. It does not matter
17 what the employees do in their spare time.

18 It doesn't make any fact, or a fact of
19 consequence more or less likely in this case.
20 And the establishment should not be allowed an
21 opportunity to attempt to introduce corollary
22 evidence to rehabilitate its image when we need
23 to focus on the facts of whether unlicensed sale
24 of cannabis took place in the District. So the
25 testimony should be excluded.

1 CHAIRPERSON ANDERSON: At this
2 juncture, I'm not going to make a ruling on this
3 at this juncture. The Government, however -- if
4 there is testimony, the Government can, at that
5 time, raise its motion again.

6 And the Board then will make a ruling
7 on whether or not whatever testimonies that we're
8 going to hear regarding the proffer that's made
9 by the Government was or was not relevant to this
10 case. So we'll --

11 So I'm not going to make a ruling on
12 that motion. However, the Government reserves
13 the right to act at the proper time to raise the
14 motion, and the Board will make a rule in at that
15 time. Okay?

16 MR. CENCI: Okay, understood. And we
17 are ready to proceed with opening statements.

18 CHAIRPERSON ANDERSON: Go ahead, sir.
19 OPENING STATEMENT - D.C. OAG

20 MR. CENCI: May it please the Board.
21 We are here today in a summary action matter for
22 a business with a few different names. It might
23 be called All American Papers, All American
24 cookies, American Budz. Whatever it is called,
25 it is a business that is located at 504 H Street,

1 Northeast Washington, D.C., 20002.

2 Today, the evidence is going to show
3 that the establishment operated for at least
4 several months as an unlicensed cannabis
5 establishment, while also selling Schedule 1
6 controlled substances.

7 Today, you're going to hear that this
8 establishment ignored a warning letter from ABCA,
9 a cease-and-desist order from this Board, and it
10 even attempted to ignore this notice of closure
11 we're here to address today.

12 The evidence will show you that on
13 April 10th, 2024, ABCA Investigator Jason Peru
14 conducted an inspection of the establishment
15 where he discovered what appeared to be products
16 containing cannabis and psilocybin, psychedelic
17 mushrooms, for sale.

18 That led him to issue a warning letter
19 from ABCA that instructed the establishment to
20 stop selling these products. You'll learn today
21 that they did not stop. And so, this Board
22 issued a cease-and-desist order to the
23 establishment on July 3rd, 2024.

24 Investigator Peru will tell you that
25 he served the establishment with that order. But

1 again, the establishment did not stop selling
2 those products.

3 And so, you'll hear how the District
4 conducted a controlled buy of product from the
5 establishment, which tested positive for the
6 presence of THC and amphetamines, which led to
7 this summary closure.

8 But you'll learn that the story
9 doesn't end. The evidence will show that the
10 establishment broke through ABCA's changed locks
11 twice in an attempt to violate this summary
12 closure notice.

13 It's because of this behavior that
14 ABCA issued the notice of summary closure against
15 the establishment. That notice concerns
16 allegations that the establishment: 1) operated
17 as an unlicensed cannabis retailer selling
18 cannabis and cannabis products; 2) ignored a
19 cease-and-desist notice issued against it; 3)
20 displayed on its website and within plain view of
21 the exterior of the establishment, signage and
22 imagery advertising related to cannabis; 4)
23 offered for sale psychedelic products containing
24 psilocybin; and 5) offered for sale products
25 containing amphetamines.

1 The District has the burden of proof
2 in this case. We need to show you that the
3 respondent presents an imminent danger to the
4 health and safety of the public by substantial
5 evidence in the record.

6 We're going to do that through the
7 testimony of our two witnesses, MPD Officer Ahmad
8 Anunay and ABCA Investigator Jason Peru. At the
9 end of this hearing, it will be laid bare the
10 type of operation that this business runs.

11 You will see that the establishment
12 sold cannabis products without a license. You
13 will see that the establishment sold Schedule 1
14 controlled substances. You will see that the
15 establishment ignored a warning, an order, and a
16 closure.

17 It's because of that at the end of
18 today's hearing, I'm going to ask you to find in
19 favor of the District of Columbia and uphold the
20 closure of this establishment. Thank you.

21 CHAIRPERSON ANDERSON: Mr. Rychecky,
22 are you still there?

23 MR. RYCHECKY: (No audible response).

24 CHAIRPERSON ANDERSON: Do you wish to
25 -- is there anything you wish to say, sir?

1 Before the Government -- you don't have to say
2 anything at this moment if you don't want to.
3 You can say later on because I'm going to give
4 you an opportunity to present your version of the
5 facts if you so choose.

6 MR. RYCHECKY: Yes, I would just like
7 to ask for a continuance. I was just informed
8 that I have to go and pick up my kids, so I can't
9 stay in this hearing longer. But yes, I was just
10 wanted to just see if there's any way we can do a
11 continuance. But, like that, yes.

12 CHAIRPERSON ANDERSON: All right, sir,
13 the Board has already moved move that this
14 hearing will not be continued. We're moving
15 forward with the hearing. We would like you to
16 stay and participate in the hearing.

17 But it is your choice, sir, if you
18 choose not to participate in the hearing. But
19 the Board -- but we are having this hearing
20 today. Okay?

21 MR. RYCHECKY: Got you. I totally
22 understand. Unfortunately, I cannot proceed
23 then. I have to go get my kids. Maybe that way,
24 the owner may possibly, hopefully, an owner can
25 get in on the next time. But I unfortunately

1 have to go.

2 CHAIRPERSON ANDERSON: Okay. Well,
3 we're moving forward with hearing. As I stated
4 before, a continuance -- this hearing was
5 scheduled for 1:30. A continuance motion came in
6 at 1:22.

7 And the Board denied the motion. And
8 we decided that we're moving forward. And so
9 we're we are moving forward with the hearing.
10 And their representative basically states that he
11 has some childcare responsibilities, and he has
12 to leave, and so.

13 But we're moving forward with the
14 hearing, sir. So it's noted for the record that
15 you were here. And you've basically stated that
16 you have childcare responsibilities. And so, you
17 have to leave.

18 MR. RYCHECKY: That is correct. I do
19 have a question. Would -- is there any ability
20 to get, like, the computers, filing cabinets,
21 tables, chairs, like just regular office stuff
22 out of my building, or is that kind of just gone
23 now?

24 CHAIRPERSON ANDERSON: He's asking
25 context, Government. You can contact the

1 Government and contact our Agency. I don't -- I
2 can't, I cannot respond to that. I can't provide
3 an answer. But I believe that, I believe that
4 something can be done. But a request needs to --
5 contact needs to be made.

6 MR. RYCHECKY: Okay.

7 CHAIRPERSON ANDERSON: To the
8 Government and to the Agency regarding how to,
9 whether or not the ability -- hold on, hold on.
10 The parties can, if the parties can contact the
11 Government and negotiate terms.

12 We're going to move forward, but it's
13 going to --the Board is going to, we're moving
14 forward with the hearing. And we have a certain
15 period of time to make a decision.

16 And the owner, at any point, can
17 contact the Government and negotiate terms. And
18 that would prevent us from, that would -- and if
19 we received any type of settlement proposed, the
20 Board would look at that.

21 But so I'll just say that the owner
22 can contact the Government. And if they, if they
23 can come, if they can come up with some type of
24 agreement and provide the Board with an offer and
25 compromise prior to us issuing a decision, that

1 is something that the Board would consider. So
2 you are you are open to have conversations with
3 the Government on next steps regarding those
4 issues there. Okay?

5 MR. RYCHECKY: All right, thank you
6 very much. I appreciate you all's time.

7 CHAIRPERSON ANDERSON: You're welcome.

8 MR. RYCHECKY: Sure.

9 CHAIRPERSON ANDERSON: All right.

10 Does the Government wish to call a witness?
11 Who's the first witness?

12 MR. CENCI: All right, Mr. Chair, I do
13 have to, I do have to make my record before we
14 move on given that the Agency, the establishment
15 has now left to hearing. There's no
16 representative.

17 We are going to move this Board to
18 essentially treat this matter as though this were
19 a Superior Court matter. The matter is
20 defaulted. The establishment is not contesting
21 the charges.

22 They do not have a representative here
23 to contest the charges. If they are not able to
24 provide that -- if the District were not to show
25 up, its case would be dismissed. The

1 establishment is not showing up. It should have
2 its, it should have any questions of liability
3 deemed conceded.

4 And this matter should simply be moved
5 into argument for questions of accepting all the
6 allegations in Investigator Peru's report, as
7 true as it is already in evidence, and will go
8 unquestioned because there are no witnesses from
9 the establishment. And with it being conceded,
10 give it to the Board for a decision to make an
11 appropriate discipline based on these facts.

12 CHAIRPERSON ANDERSON: I will take
13 your motion under advisement. I think that my
14 only concern with the posture of this case is
15 that the licensee did request a continuance.

16 And the Board denied that request for
17 a continuance. I believe if this was the case
18 where the licensee did not show up, I would be in
19 favor of granting the motion.

20 But the licensee, the representative
21 of the licensee was here. The Board ruled that
22 we are not going to grant the continuance based
23 on the timing of their, the reasons and the
24 timing for the continuance.

25 And so therefore, in order to have, as

1 you, as you're aware, this is a case that can be
2 appealed at the Court of Appeals. And I would
3 like at least for us to have a record, so if this
4 matter is appealed, that we do have an
5 administrative record that the Court can review
6 to make a determination.

7 I don't want this case to move
8 forward, if it moves forward, if it moves to an
9 appeal that there's no administrative record for
10 the Court to review. So I will take your motion
11 under advisement, but we need to move forward
12 with witnesses.

13 MR. CENCI: I understand. Thank you.

14 CHAIRPERSON ANDERSON: All right.

15 MR. CENCI: At this time, the District
16 calls MPD Officer Ahmad Anunay.

17 CHAIRPERSON ANDERSON: Mr. Anunay, can
18 you please raise your right hand, please?

19 WHEREUPON,

20 AHMED ANUNAY

21 was called as a witness by Counsel for the
22 Complainant and, having been first duly sworn,
23 assumed the witness stand, was examined and
24 testified as follows:

25 CHAIRPERSON ANDERSON: Your witness,

1 sir. Go ahead.

2 DIRECT EXAMINATION

3 BY MR. CENCI:

4 Q Mr. Anunay, could you please just
5 state and spell your first and last name for the
6 record?

7 A First name, Ahmed, spelled A-H-M-E-D,
8 last name Anunay, spelled A-N-U-N-A-Y.

9 Q Where do you work, sir?

10 A I work for the Metropolitan Police
11 Department, First District.

12 Q What's your position with the
13 Metropolitan Police Department?

14 A I'm a Patrol Officer.

15 Q How long have you been a Patrol
16 Officer?

17 A For about seven months.

18 Q What are some of your duties and
19 responsibilities as a Patrol Officer?

20 A Responding to calls for service, as
21 well as initiating when I see a violation of the
22 law.

23 Q Do you ever respond to any special
24 assignments as part of your job?

25 A Yes.

1 Q Are you familiar with drug field tests
2 as part of your job?

3 A Yes.

4 Q Do you have any training related to
5 conducting drug field tests?

6 A Yes.

7 Q What training do you have?

8 A While I was in my training cycle, I
9 was with a special unit that specialized in drug
10 field tests. And I watched, and proceeded to do
11 one on my own, a couple of my own.

12 Q Can you explain to the Board what a
13 drug field test is?

14 A It's virtually testing a substance and
15 receiving a color reaction that would deem that
16 what you're testing it for came back positive or
17 negative for what you were testing it against.

18 Q And so how does this test work with
19 the showing up positive or negative?

20 A It's a color. It's based on the
21 color, color change.

22 Q I want to talk about today's case.
23 Are you familiar with an establishment that's
24 located at 504 H Street, Northeast, Washington,
25 D.C., 20002 known as All American Papers/All

1 American Cookies/All American Budz?

2 A Yes.

3 Q How are you familiar with this
4 establishment?

5 A I've seen it in passing.

6 Q Officer, did you have any assignments
7 related to All American papers on September 10th,
8 2024?

9 A Yes.

10 Q What assignment did you receive on
11 that day?

12 A I assisted with a controlled buy.

13 Q What is a controlled buy?

14 A In this case, ABCA went to basically
15 check the validity of the substance that was
16 being sold for the health and safety of the
17 public, to make sure they weren't violating any
18 laws.

19 Q And so, did you arrive at or around
20 All American Papers on September 10th, 2024, in
21 response to this assignment?

22 A I was not at the location physically.
23 I was a block or two away.

24 Q So can you just describe what happened
25 after you arrived at that location a block or two

1 away from the establishment?

2 A I was met by Investigator Jason Peru,
3 and another Investigator. I forgot his name.

4 Q And if I could just cut in for a
5 moment. If there is another Investigator, I'd
6 just ask that you not mention the other
7 Investigator's name.

8 A Okay, yes. I was met at that, at the
9 location that was given to me. And I was briefed
10 on what was going to happen. And from there, the
11 control buy went into effect.

12 Q So what was the plan for the control
13 buy?

14 A The plan was for the other unnamed
15 Investigator to go and make the purchase. He was
16 going to come back to where we were located. We
17 were going to test the substances for the
18 violation, the potential violation, and document
19 the recordings.

20 Q Now, did this unnamed Investigator
21 conduct the controlled buy, as you had planned?

22 A Yes.

23 Q What happened after that control buy
24 took place?

25 A He came back to where we were. We

1 tested. We did a drug field test.

2 Q All right. When you received the item
3 from that Investigator -- so you're understanding
4 is that the item he provided you was purchased
5 inside of All American Papers?

6 A Yes. Via his testimony, yes.

7 Q What was the item that he provided to
8 you?

9 A A green leafy substance.

10 Q Was that green leafy substance
11 contained in anything?

12 A Packaging, yes, pre-packaging.

13 Q Would you recognize photo of that
14 packaging, if I were to show it to you?

15 A Yes.

16 MR. CENCI: Mr. Chair, before I move,
17 I just want to confirm that the case report is
18 already in evidence pursuant to 23 DCMR 1713.10?

19 CHAIRPERSON ANDERSON: Yes, it is.

20 MR. CENCI: And do I have permission
21 to share my screen with a copy of the case
22 report?

23 CHAIRPERSON ANDERSON: Mr. Orellana,
24 please allow Mr. Cenci to share his screen.

25 MR. CENCI: I'm sharing my screen with

1 what is pre-marked as Exhibit 10 within the case
2 report.

3 BY MR. CENCI:

4 Q Officer, do you see what's on my
5 screen?

6 A Yes.

7 Q What is this photograph?

8 A It's a photograph of what the unnamed
9 Investigator purchased.

10 Q When you were provided with this item,
11 was this package sealed?

12 A Yes.

13 Q And was this the package that
14 contained that green leafy substance that you
15 mentioned earlier?

16 A Yes.

17 Q Did you test the contents of that
18 green leafy substance that was in this package?

19 A Yes.

20 Q What were the results of that field
21 test?

22 A Tested positive for THC as well as
23 amphetamines.

24 MR. CENCI: I've stopped sharing my
25 screen.

1 BY MR. CENCI:

2 Q Mr. Investigator, I'm sorry, Officer,
3 after you tested that green leafy substance that
4 was positive for THC and amphetamines, what did
5 you do with the substance?

6 A I took it back to the First District
7 and put it on the book for evidence.

8 Q Did you test it a second time?

9 A Yes.

10 Q When? When did you test it a second
11 time?

12 A I tested it a second time when I
13 arrived at the First District.

14 Q Why did you test it a second time?

15 A The effect in the field, potentially
16 based on the test kits being a little dated, as
17 well as the elements, was just delaying the
18 effect. So that's why I tested it again when we
19 got back to the station.

20 Q When you tested it again at the
21 station, what were the results of that test?

22 A It was positive.

23 Q Positive for what?

24 A THC as well as amphetamines.

25 Q Officer, from the time that you

1 received that sealed package from All American
2 Papers to the time that you tested it in the
3 station, did the substance ever leave your
4 custody?

5 A No.

6 Q From the time that you received it at
7 the time that you tested at the station, was the
8 substance exposed to any other controlled
9 substance?

10 A No.

11 Q From the time that you received it to
12 the time that you tested it at the station, did
13 the substance come into contact with any other
14 controlled substance?

15 A No.

16 MR. CENCI: Thank you very much,
17 Officer. I have no further questions.

18 CHAIRPERSON ANDERSON: Any questions
19 by the Board members? Excuse me. Hearing none,
20 thank you, Officer for your testimony. You're
21 free to go.

22 (Witness excused)

23 CHAIRPERSON ANDERSON: All right,
24 Mr. Cenci, just what was the regulation that you
25 cited regarding the case report? I would just

1 want to clarify the record.

2 MR. CENCI: The regulation is 23 DCMR
3 1713.10.

4 CHAIRPERSON ANDERSON: That's Title
5 22. It's 9715.10 in Title 22. Okay? I just
6 want to correct the record with the correct
7 citation.

8 MR. CENCI: Yes, for the citation for
9 cannabis related hearings. My apologies.

10 CHAIRPERSON ANDERSON: Thank you.
11 Okay, all right. Okay.

12 MR. CENCI: Thank you for clarifying
13 the record. And I'm just confirming that that
14 was in evidence?

15 CHAIRPERSON ANDERSON: Yes, pursuant
16 to 9715.10 in Title 22. All right, and this is
17 all new for us, because this is actually the
18 first summary suspension hearings that we have
19 had regarding cannabis. Okay, all right. Does
20 the Government have another witness that we wish
21 to call?

22 MR. CENCI: Yes. At this time, the
23 District calls Supervisory Investigator, Jason
24 Peru.

25 CHAIRPERSON ANDERSON: Mr. Peru, can

1 you raise your right hand please?

2 WHEREUPON,

3 JASON PERU

4 was called as a witness by Counsel for the
5 Complainant and, having been first duly sworn,
6 assumed the witness stand, was examined and
7 testified as follows:

8 CHAIRPERSON ANDERSON: Your witness,
9 sir.

10 DIRECT EXAMINATION

11 BY MR. CENCI:

12 Q Good afternoon, Investigator. Could
13 you please state and spell your first and last
14 name for the record?

15 A Yes, Supervisory Investigator, Jason
16 Peru, J-A-S-O-N, P-E-R-U.

17 Q Where do you work?

18 A The District of Columbia, Alcoholic,
19 Beverage and Cannabis Administration.

20 Q If I call that ABCA, will you
21 understand what I mean?

22 A Yes.

23 Q What's your position with ABCA?

24 A I'm a Supervisory Investigator.

25 Q What are your duties and

1 responsibilities as a Supervisory Investigator?

2 A To supervise a team of Investigators
3 and to also conduct inspections of licensed and
4 unlicensed cannabis businesses in the District of
5 Columbia.

6 Q How long have you been involved with
7 cannabis enforcement?

8 A For the past four years.

9 Q I believe earlier you mentioned
10 licensed cannabis administration establishments.
11 Does any of your work involve establishments that
12 sell cannabis without a license?

13 A Correct. I conduct inspections of
14 unlicensed cannabis establishments as well.

15 Q How long have you been involved in
16 that kind of enforcement?

17 A That enforcement really started off
18 when the law changed in March of this year.

19 Q I'd like to, before we get into the
20 specifics of this case, talk generally about what
21 ABCA's processes are for dealing with these
22 unlicensed establishments. So what does ABCA
23 when it becomes aware of an establishment that's
24 selling cannabis without a license?

25 A Well, the location is added to a list

1 of unlicensed locations in the city. And ABCA
2 has part of the multi-agency Cannabis Task Force,
3 which includes other D.C. Government Agencies
4 conduct inspections of these unlicensed
5 locations.

6 Q So how do these inspections take
7 place?

8 A Well, members of DLCP, Department of
9 Licensing and Consumer Protection, Department of
10 Health, and MPD, we go to the locations. And we
11 essentially identify ourselves, D.C. Government
12 Agencies, and we proceed to conduct an inspection
13 of the unlicensed location.

14 Q What involvement does ABCA have when
15 you get to the actual inspection stage?

16 A Well, the primary focus is obviously
17 to look for the presence of unlicensed product,
18 whether it's cannabis products, or mushroom
19 products. And if that, those products are then
20 found to be on the premises, the statute requires
21 that ABCA gives a warning first.

22 Q All right. So how do you make a
23 determination if an establishment is actually
24 selling cannabis products?

25 A Well, if they have cannabis product on

1 display. They have the means to collect a
2 payment. They have payment methods, mostly,
3 sometimes posted, whether it's via Cash App,
4 Venmo, or other means of being able to obtain
5 some kind of payment.

6 Q So you mentioned that if there's a
7 determination that establishment is selling
8 cannabis, that you issue a warning. What does
9 the warning tell the establishment?

10 A Essentially, the warning says that you
11 have 14 days to come into compliance.

12 Q What does that mean to come into
13 compliance?

14 A Well, there's only two ways to really
15 do that. One way is to stop selling your
16 unlicensed products, and the other way is to
17 obtain a cannabis retail license with ABCA.

18 Q When you say obtain a cannabis retail
19 license with ABCA, is that something that
20 generally is accomplished within 14 days?

21 A No, most likely not.

22 Q And if a license is not attained
23 within those 14 days, what does the establishment
24 have to do to comply with the warning letter?

25 A The second option, the cease

1 operations.

2 Q What happens if an unlicensed
3 establishment continues to sell cannabis products
4 after a warning letter is issued?

5 A Per the statute, the next phase would
6 be to -- after investigation, a case report is
7 drafted and submitted to the ABC Board, and then
8 a cease and desist is issued.

9 Q How is a cease-and-desist order
10 issued?

11 A It's issued by the Board, and then it
12 is served by myself.

13 Q What does the cease-and-desist order
14 tell the establishment that it's issued against?

15 A That they have to cease and desist all
16 unlicensed cannabis or unlicensed product, to
17 include mushrooms, any operations.

18 Q So what happens after you serve the
19 cease-and-desist order?

20 A I'm sorry? I'm not understanding the
21 question.

22 Q Let me ask a different question. Who
23 do you serve the cease-and-desist order to?

24 A Against the establishment, and
25 whoever's present within the establishment. And

1 it's also sent out via electronic, if we have
2 proper email addresses, and sent out certified
3 mail to the landlords, and to any ownership
4 that's known.

5 Q So what happens if the establishment
6 continues to sell cannabis after the
7 cease-and-desist order is issued?

8 A Once we determine that, as you heard
9 the testimony of MPD Officer, we conduct an
10 undercover operation to confirm that the location
11 is still selling cannabis.

12 Once that's confirmed, a case report
13 is drafted for the Office of Attorney General.
14 And then, the next step per the statute is
15 closure, and locking of the business.

16 Q You mentioned an undercover
17 investigation. What does that look like?

18 A Sending in an undercover Investigator
19 to make a purchase of cannabis products. And
20 then that cannabis products is then tested.

21 Q Tested for what?

22 A Tested that it contains THC, and also
23 amphetamines.

24 Q Why is it tested for amphetamines?

25 A We've had past cases that product was

1 sent to MPD'S labs that came back positive with
2 traces of a synthetic amphetamine. So we decided
3 to start testing the flower for amphetamines and
4 for THC.

5 Q While this undercover operation is
6 taking place, where are you usually situated?

7 A Usually nearby, around the corner, out
8 of sight. I'm known to a lot of these places, so
9 I have to remain concealed.

10 Q About how soon after that Investigator
11 makes a purchase, do you obtain custody of the
12 items purchased in the establishment?

13 A Well, what we've, the -- actually, the
14 Investigator that's purchasing is meeting back up
15 with myself and MPD directly. I never take full
16 possession of the property. I just hand it off
17 for evidentiary purposes and chain of custody
18 purposes directly to the MPD officers in my
19 presence.

20 Q And my apologies for misstating it.
21 How soon after the purchase does MPD take custody
22 of the items purchased in the establishment?

23 A Immediately, immediately the
24 Investigator's instructed to return directly back
25 to us after the purchase is made.

1 Q What does MPD do with the item from
2 the establishment once it obtains custody of it?

3 A They log it into evidence, placing it
4 in an evidence bag in the field. If possible, we
5 field test it on the spot. If the field tests
6 are not acting proper or seem to be giving a
7 false response, they're retested a second time
8 back at the station.

9 Q Do you know how a field tests for
10 controlled substances works?

11 A I do.

12 Q Are you able to read the results from
13 those field tests?

14 A I am.

15 Q Can you tell when a field test
16 confirms that a product contains THC?

17 A Yes, the packaging and the field tests
18 instructions are very clear, very simple for
19 anyone to do. You know, even civilians can buy a
20 field test online if they wanted to. And I say
21 that only to say is because the results are
22 pretty simple in the changing of the colors,

23 Q If a product purchased from an
24 establishment contains THC, does that mean that
25 the establishment is selling a cannabis product?

1 A It does.

2 Q So what happens after you confirm that
3 an unlicensed establishment is selling cannabis
4 products from this undercover operation?

5 A Then I complete my investigation and
6 complete an investigative report.

7 Q What happens after you complete your
8 investigative report?

9 A It goes for review, and the OAG then
10 issues a notice of closure against the
11 establishment.

12 Q So then what happens after a notice of
13 closure gets issued?

14 A I coordinate with members of MPD. A
15 search warrant is obtained in conjunction with
16 the closure notice, and then we execute the
17 search warrant, and the notice of closure against
18 the unlicensed business.

19 Q I believe earlier you mentioned, the
20 establishment is locked. How does it get locked?

21 A ABCA has a locksmith that's been
22 obtained to assist with the changing of the locks
23 and securing the premises.

24 Q So when does that changing of the
25 locks take place?

1 A Once the business is secured, the
2 warrant is executed. All unlicensed, illegal
3 product is seized by MPD. Then the final thing
4 that happens is the locks are changed and the
5 building is secured. And I post a notice of
6 closure on the front of the establishment, and we
7 exit.

8 Q This may sound like an obvious
9 question, but does ABCA provide a key for the new
10 locks to the landlord?

11 A No, we do not.

12 Q Does ABCA provide a key for the new
13 locks to the business owner?

14 A No, we do not.

15 Q Are all of the locks for the
16 establishment changed, or is it just the front
17 door to the street?

18 A It depends on the establishment and
19 the layout, but it is. It's always going to be
20 all exterior doors are always changed. The
21 interior doors depending on the layout, if we
22 have to change them as well for extra security.

23 Q After those locks are changed, should
24 anyone besides ABCA be able to access the
25 property that the business was located at?

1 A No.

2 Q You mentioned earlier that you post
3 the notice of closure at the business. Where do
4 you post it at the establishment?

5 A Clear and visible in the front window
6 or door.

7 Q Do you post it on the inside of the
8 window or outside of the window of the
9 establishment?

10 A On the inside in hopes that it doesn't
11 get removed.

12 Q Well, should someone outside of the
13 establishment be able to take down or move the
14 notice of closure based on your method of posting
15 it inside of the window?

16 A They should not be able to.

17 Q Let's talk about today's case. Are
18 you familiar with an establishment located at 504
19 H Street, Northeast, Washington, DC, 20002, known
20 as All American Papers/All American Cookies/All
21 American Budz?

22 A I am.

23 Q And how are you familiar with it?

24 A I've conducted enforcement actions
25 against the location.

1 Q As part of your enforcement actions
2 did you conduct an investigation of the
3 establishment?

4 A Correct, I did.

5 Q In part of that investigation did you
6 review the establishments website?

7 A I did.

8 Q Did anything on the website indicate
9 to you that the establishment was selling
10 cannabis?

11 A Cannabis, cannabis products, and
12 mushroom products.

13 Q Would you recognize a screenshot of
14 the website if I were to show it to you?

15 A I would.

16 MR. CENCI: I reflect I'm sharing my
17 screen with copy of the case report that is
18 already in evidence. Directing your attention to
19 Exhibit 7. Apologies. I am directing your
20 attention to what's been marked within the report
21 as Exhibit 7. I'm just going to scroll.

22 BY MR. CENCI:

23 Q All right, Investigator, are these
24 screenshots of the establishment's website?

25 A Yes, they are.

1 MR. CENCI: Directing your attention
2 to the second page of Exhibit 7.

3 BY MR. CENCI:

4 Q Did anything in these screenshots
5 indicate to you the establishment was selling
6 cannabis products?

7 A Yes. I mean, this lists different
8 types of strains are being offered available for
9 sale.

10 Q Can you just say what specifically
11 indicated to you that these products for sale
12 were, in fact, cannabis?

13 A If you -- it says here, standard 200
14 milligram gummy watermelon sativa, and it lists
15 how many milligrams of it on it. And that's a
16 known type of cannabis product.

17 Q Just to clarify for the record, what
18 is a known type of cannabis product?

19 A The image that's displayed here where
20 it says the gummy watermelon sativa.

21 Q Now what is a sativa?

22 A It's a strain of cannabis.

23 Q What are the categories that are
24 listed on the top of the establishment's shop
25 page?

1 A There's a whole bunch of categories
2 here. Flower, vape batteries, vape pens,
3 gummies, mushroom chocolates, wax pre-rolls,
4 chocolate, diamonds, reading from the top of all
5 products, it even says CBD is here, listed here
6 as well.

7 Q Do any of these products indicate to
8 you that these are cannabis products for sale?

9 A Yes, sir.

10 Q And does it -- you mentioned mushrooms
11 earlier. Directing your attention to Exhibit 1
12 within the report. I'm sorry, Exhibit 2. Are
13 these also screenshots of the establishments
14 website?

15 A They are.

16 Q Did anything in these screenshots
17 indicate to you the establishment was selling
18 psilocybin?

19 A Correct. It's the selling of a
20 variety of different mushrooms, and the packaging
21 indicates that they're selling mushrooms.

22 Q Do these products that say they
23 contain mushrooms, do they have prices listed?

24 A Your image is kind of blurry. I can't
25 exactly --

1 Q Let me --

2 A But yes, I see, I see numbers. Yes,
3 there you go. Yes, I do see prices listed above
4 the little cart emblem.

5 Q And what to you indicates that these
6 products contain psilocybin?

7 A Well, this, this packaging actually,
8 unlike not all of them listed, but this one
9 actually talks about micro dosing, and it says
10 3.35 milligrams of psilocybin.

11 Q Just so we have it on the record, what
12 is psilocybin?

13 A A psychedelic compound found in
14 mushrooms.

15 Q Is psilocybin a Schedule 1 controlled
16 substance in the District of Columbia?

17 A It is.

18 Q Is that important for you to know?

19 A It is.

20 Q Why?

21 A Well, it's, it's, it's an illegal
22 substance that's being sold. It's a danger to
23 the public. And per the statute, businesses are
24 not allowed to sell Schedule 1 substances.

25 MR. CENCI: Thank you, Investigator,

1 I'm going to stop sharing my screen.

2 BY MR. CENCI:

3 Q So Investigator, if ABCA was aware
4 this establishment may have been selling
5 cannabis, did ABCA engage in this practice you
6 mentioned earlier that started with an
7 investigation and a warning?

8 A Correct.

9 Q So let's go through it one step at a
10 time. Did you conduct an inspection at the
11 establishment as part of this joint task team you
12 mentioned?

13 A We did.

14 Q When did you conduct this
15 investigation?

16 A The first inspection was done by the
17 task force -- I'm going to have to reference my
18 report, a lot of reports, and a lot of dates in
19 my mind. The first day was --

20 Q Wait. Will it refresh your
21 recollection about it if I were to just put on
22 the screen for you?

23 A Sure, sure, I appreciate that.

24 Q That's for you to review you report?

25 A Yes, please.

1 MR. CENCI: All right. So, the record
2 reflects, I am sharing my screen with a copy of
3 the Investigator's report. Directing your
4 attention to the bottom of page 1.

5 BY MR. CENCI:

6 Q Please read it silently to yourself
7 and let me know when your recollection is
8 refreshed.

9 A Yes, I see it. On Wednesday, April
10 10th was our first time visiting the location.

11 MR. CENCI: Okay. I'm going to stop
12 sharing my screen.

13 BY MR. CENCI:

14 Q So on April 10, 2024, did you visit
15 the establishment?

16 A I did.

17 Q And what did you observe during this
18 joint inspection of the establishment?

19 A That they had a variety of cannabis
20 flower, cannabis edibles, other cannabis
21 products, and also mushrooms.

22 Q So one thing at a time, again. What
23 indicated to you that the products in the
24 establishment were, in fact, cannabis products?

25 A I mean, it had a consistency of green

1 leafy substances. A lot of the product was
2 actually in packaging that was marked what it
3 contained, THC, psilocybin, or whatnot.

4 Q And you got a little a little ahead.
5 My next question was, what indicated that the
6 products, you say contained psilocybin, that they
7 actually did contain psilocybin?

8 A Because a lot of the packaging, as you
9 saw on that one evidentiary picture has, listed
10 it as an ingredient.

11 Q What indicated that the cannabis
12 products you saw were actually for sale?

13 A Well, the establishment was set up
14 like a retailer with glass display cases. There
15 was a register or pad that was nearby. There was
16 signage on ways, methods, to pay. So that would
17 indicate to me that they were receiving some kind
18 of funds for the products.

19 Q Was there any sort of prices listed by
20 the products you believe to be cannabis products?

21 A I believe there was a white board that
22 was in there, or maybe there was a menu. I can't
23 exactly recollect what images. I'd have to go
24 back to my case report to see what photos I took.

25 Q That's all right. So we talked about

1 the cannabis What about the psilocybin? What
2 indicated that those psilocybin products you saw
3 were available for sale?

4 A They were displayed the same, in the
5 same method as the cannabis products.

6 Q So after the inspection, did it appear
7 to you that the establishment was selling
8 cannabis products without a license?

9 A Absolutely.

10 Q So based on that, did you issue one of
11 those warning letters that you mentioned earlier?

12 A I did issue a warning.

13 Q Would you recognize a copy of that
14 warning letter?

15 A I would.

16 MR. CENCI: Let the record reflect,
17 I'm sharing my screen with the report.
18 Investigator, directing your attention to what's
19 marked in the report as Exhibit 4. Scroll
20 through.

21 BY MR. CENCI:

22 Q Is this the warning letter that you
23 issued to the establishment?

24 A It is.

25 Q Directing you to the top of the first

1 page of the letter. When was this warning letter
2 issued?

3 A April 10th, 2024.

4 Q Who was the warning letter issued to?

5 A Well, I listed all known possible
6 owners, Lee Pauly, JP Therman, and Ramon Roque.

7 Q So was it your understanding that
8 these three were all of the known owners for All
9 American Papers?

10 A Based on any documents or records we
11 could locate, yes.

12 Q What's the name of the entity that the
13 warning letter was issued to?

14 A American Papers LLC/American Papers.
15 American Legends, I'm sorry, LLC/American Papers.

16 Q What is the address of the business
17 that this warning letter was issued to?

18 A 504 H Street, Northeast.

19 Q What did this letter tell the
20 establishment?

21 A That they're in violation of District
22 law for selling unlicensed cannabis product, and
23 that they had to stop operations, and they had 14
24 days to come into compliance.

25 Q I direct your attention to the second

1 page of this letter. What were the specific
2 reasons that you listed in the letter? I guess,
3 I'll go through them one at a time. What are the
4 specific reasons that you listed in the warning
5 letter for why you issued it to the
6 establishment?

7 A In this particular case looks like I
8 checked several boxes. Would you like me to read
9 verbatim?

10 Q "Illegally selling cannabis or
11 knowingly engaging or attempting to engage in the
12 purchase, sell, exchange, or delivery of
13 cannabis" per D.C. Official Code, 7-1671.08(f),
14 48-904.01(a)(1)(B). The next one I checked --

15 Q Let's stop there. Why did you check
16 that first box?

17 A Because the establishment appeared to
18 be engaging, or attempting to engage, in a
19 purchase, sale and exchange of cannabis, and
20 cannabis and other products.

21 Q So let's go now to the second box.
22 What was the second reason that you checked?

23 A "Illegally manufacturing, cultivating,
24 possessing, administering, dispensing,
25 distributing, or using cannabis on the premises

1 in a manner not authorized by Chapter 16B of
2 Title 7 of D.C. Official Code, or Title 22-C of
3 the D.C. Municipal Regulations" of D.C. Official
4 Code 7-1671.08.

5 Q And why did you check that second box?

6 A Because they did, in fact, possess
7 cannabis products on the premises and appeared to
8 be selling or dispensing to customers or the
9 public.

10 Q Let's scroll down. And what was the
11 third reason that you checked for why you issued
12 this warning letter?

13 A "Illegally displaying advertising or
14 signs related to the price of cannabis,
15 displaying cannabis advertisements on the
16 exterior of a window or interior of any door, or
17 making cannabis advertisements visible to persons
18 on public or private space outside of the
19 premises", D.C. Official Code 7-1671.06(b) (E).

20 Q Why did you check that third box?

21 A Because the establishment had signage
22 on the exterior and a sandwich board on the
23 sidewalk advertising the services that they're
24 providing.

25 Q Would you recognize a photo of that

1 signage?

2 A I would.

3 Q I'm directing you now to, it's marked
4 as Exhibit 8 within in your report. All right,
5 so Investigator do you recognize this photograph?

6 A I do recognize that photo.

7 Q Is this a photo, the photograph of the
8 signage outside of the establishment that you
9 just mentioned?

10 A Just to clarify for the record, that,
11 that particular banner was not -- that same
12 banner was not there the day of the warning.
13 That banner was later placed, as you can see,
14 with a new name, American Budz Company on it
15 after.

16 So the sign, the sign it was changed
17 out. So that was there during the day of the
18 second visit and the day of the purchase of the
19 uncover buy and the day of the closure.

20 Q What signage was there on the day of
21 your first inspection?

22 A It was a sandwich board that was that
23 was outside.

24 Q Well, let's move ahead then and talk
25 about when you came back to see this sign. You

1 said that you conducted a second inspection.

2 When did you conduct a second inspection?

3 A Well, now the second visit was not
4 necessarily --it was we visited the
5 establishment. I'd have to reference the report
6 again, on a date, if that's, if that's okay?

7 MR. CENCI: That's all right. One
8 moment and I will change to your report. Let the
9 record reflect, I am showing the text of
10 Investigator Peru's report.

11 BY MR. CENCI:

12 Q Investigator, I'm directing your
13 attention to the second paragraph on page two.
14 Please read it silently to yourself and let me
15 know when your recollection is refreshed.

16 A Yes, so it looks like we returned, not
17 until Thursday, June 27th.

18 MR. CENCI: All right. Returning to
19 what's marked in the report as Exhibit 8.

20 BY MR. CENCI:

21 Q And so, Investigator, why did you
22 return on June 27th?

23 A I returned with the multi-agency
24 cannabis enforcement team to see if the
25 establishment had stopped selling cannabis and

1 cannabis products.

2 Q And so when you arrived to conduct
3 that inspection, did you see this sign?

4 A That, that day, the second inspection,
5 that sign was not -- that banner, I did not
6 recall that particular banner being up. It was a
7 -- the banner is different, and that's reflective
8 of, I'm sorry, the day of the undercover purchase
9 and the day of the closure.

10 Q Okay, my apologies. I misunderstood
11 what you were saying. I'll stop showing this.

12 A I'm sorry.

13 Q Well, we'll get back to that signage.
14 But let's talk then about this, this second
15 inspection.

16 A Yes.

17 Q So actually before we move on
18 regarding the warning letter, did you serve the
19 warning letter that you had drafted to the
20 establishment?

21 A Yes, I left a copy of the warning
22 letter with the employee that was in the
23 business.

24 Q Did you complete the warning letter
25 while you were still inside of the establishment

1 that day?

2 A Yes. On the first visit, yes.

3 Q So did you serve it to them on April
4 10th, 2024?

5 A Correct.

6 Q Did the employee, who you served it
7 to, did they identify themselves, who they were?

8 A I don't believe so. A lot of these
9 employees don't want to be listed on any kind of
10 records. So I don't believe I had identified
11 persons. I would have to look at the record and
12 see if, particularly, this particular case, an
13 employee actually was cooperative.

14 MR. CENCI: All Right. Let me record
15 reflect, I am re-sharing my screen with what is
16 Exhibit 5 within the case report.

17 CHAIRPERSON ANDERSON: I'm sorry, did
18 you say something, sir?

19 MR. CENCI: I said, let the record
20 that I'm sharing what's been marked as Exhibit 5
21 within the case report.

22 CHAIRPERSON ANDERSON: That's fine,
23 yes.

24 BY MR. CENCI:

25 Q All right, Investigator, do you see

1 the document on my screen?

2 A I do. I do.

3 Q What is this document?

4 A This is the service form that
5 accompanied the warning letter that I issued in
6 my writing.

7 Q What does the service form indicate
8 was served on the establishment?

9 A A warning letter on April 10th, 2024.

10 Q And who was this warning letter served
11 on?

12 A So it looks like the employee actually
13 provided me with identification, which is not
14 consistent. And it was just served on the
15 employee. His name, I'm sorry, Nadir Assad with
16 a Maryland driver's license.

17 MR. CENCI: All right. I'll stop
18 sharing my screen.

19 BY MR. CENCI:

20 Q So then you said you conducted the
21 June 27th follow up inspection. What did you see
22 at the June 27th follow up inspection?

23 A That the establishment continued to
24 offer for sale a variety of cannabis products.
25 They had placed a lot of the edibles and stuff

1 that were in the case during the first visit, out
2 of sight in drawers behind them. The products
3 that DOH embargoed were no longer embargoed. So,
4 yes, products were still offered, being offered
5 for sale.

6 Q So just to be clear for the record
7 was, were there cannabis -- were there any
8 products that you believe to contain cannabis
9 still present for sale in the establishment that
10 day?

11 A Yes.

12 Q And based on this, did it appear to
13 you that the establishment was still selling
14 cannabis products?

15 A Yes, it did.

16 Q So based on that inspection, did ABCA
17 proceed to obtain a cease-and-desist order
18 against the establishment, as you had discussed
19 earlier?

20 A Yes, we did.

21 Q Would you recognize a copy of the
22 cease-and-desist order?

23 A I would.

24 MR. CENCI: Let the record reflect I'm
25 sharing my screen with what is Exhibit 6 within

1 the report. And I'll scroll through for the
2 Investigator.

3 BY MR. CENCI:

4 Q All right, do you recognize this
5 document?

6 A I do.

7 Q Is this the cease-and-desist order for
8 this establishment?

9 A It is.

10 Q What individuals was this order issued
11 against?

12 A The parties listed here were Lee
13 Pauly, JP Therman, Ramon Roque, American Legends
14 LLC/All American Papers at 504, I guess the H is
15 missing from there, but 504 H Street, it's up
16 top, under the cease and desist, you can see, 504
17 H Street, Northeast.

18 Q In Washington, D.C.?

19 A Yes, sorry, Washington, D.C.

20 Q No problem. There's also the name
21 Rhami Investment, Inc. What is that?

22 A That is the landlords information that
23 was obtained through records.

24 MR. CENCI: I'm going to direct you
25 now to page 3 or the order.

1 BY MR. CENCI:

2 Q What does this Board order, order the
3 establishment to?

4 A Do you want me to read it verbatim?

5 Q Please.

6 A It says, "therefore, the Board, on
7 this 3rd day of July 2024, hereby, ORDERS" (in
8 capital letters and bold) "Lee Pauly, J P
9 Therman, Ramon Roque, and Rhami Investments, Inc.
10 to CEASE AND DESIST (in bold capital letters)
11 "immediately the illegal purchase, sell,
12 exchange, delivery, or any other form of
13 commercial transactions involving cannabis, the
14 ABCA shall deliver a copy of this order to the
15 parties by hand delivery or certified mail, in
16 accordance with D.C. Official Code
17 7-1671.12(a) (A).

18 Q What date was this order issued?

19 A On the 3rd day of July 2024.

20 Q Is says that ABCA will deliver a copy
21 of this order to the establishment. Did you
22 serve the establishment with this order?

23 A I did.

24 MR. CENCI: All right. I'm going to
25 stop sharing my screen.

1 BY MR. CENCI:

2 Q When did you serve the establishment
3 with this order?

4 A I believe it was the same day, July
5 3rd.

6 Q How did you serve it to them?

7 A I met with MPD, 1D officers, and we
8 visited the location.

9 Q All right. So what happened when you
10 arrived at the establishment on July 3rd to serve
11 the establishment with the cease-and-desist
12 order?

13 A So unlike our last two visits, this
14 time the front door was locked, and there was an
15 unknown male adult standing inside the vestibule.
16 I knocked on the door, identified myself multiple
17 times, and then the male adult opened the door
18 for me.

19 Q Who was this person who opened the
20 door?

21 A He would not identify himself. He
22 said -- he opened, all he said to me was that he
23 was an ABC Manager with ABCA. So he knew who I
24 was and ABCA was, so he would let me in, but he
25 was trying to not let MPD in. And tried to close

1 the door behind me.

2 Q He said he would let you in. Did you
3 step inside the vestibule?

4 A I did. I stepped inside.

5 Q So Investigator, you were there. Does
6 that vestibule lead to any other businesses or
7 residences besides All American Papers?

8 A No. It's, it's, like a breezeway
9 vestibule in between before you head to the
10 second floor, going up a flight of stairs.

11 Q While you were there, did you see any
12 other individuals at the establishment to serve
13 the order?

14 A No. I was not allowed to go upstairs
15 during this visit. The individual had, I
16 remember him having a, like an iPad in front of
17 him with the cameras up on them. But he would
18 not let me go upstairs.

19 Q What do you mean, you said it had the
20 cameras up?

21 A The cameras for the business, as to he
22 was watching the business and the other areas via
23 video surveillance.

24 Q Were you able to serve the individual
25 that you saw in the vestibule with the order?

1 A I left a copy of the order with him.
2 He refused to identify himself and refused to
3 sign the order.

4 Q Even though he didn't sign for the
5 order, did you document your service of it?

6 A I did.

7 Q How did you document it?

8 A Using a similar service form that you
9 saw for the warning letter.

10 Q Would you recognize a copy of that
11 service form if I were to show it to you?

12 A I would.

13 MR. CENCI: Chairperson Anderson, let
14 the record reflect I'm sharing my screen with
15 what we marked for the record as District Exhibit
16 B.

17 (Whereupon, the above-referred to
18 document was marked as District's Exhibit B for
19 identification.)

20 CHAIRPERSON ANDERSON: So noted.

21 BY MR. CENCI:

22 Q All right, Investigator, are you able
23 to see the document on my screen?

24 A I am.

25 Q Do you recognize this document?

1 A I do.

2 Q What is it?

3 A That's the service form that was made
4 up by legal. That's why the handwriting on the
5 top is different, and then it will serve by me.
6 And the writing in the middle is for myself and
7 the signature on the bottom.

8 Q And so just so I'm clear this writing
9 on the bottom half here, who drafted that
10 language on the bottom half there, or filled in
11 those blanks?

12 A That was me. That's my writing.

13 Q Is this a fair and accurate copy of
14 the service form that you drafted for the
15 cease-and-desist order?

16 A It is.

17 MR. CENCI: Mr. Chair, at this time
18 the District would like to enter into evidence
19 what is marked for the record as Exhibit B, as
20 District Exhibit B.

21 CHAIRPERSON ANDERSON: So moved.

22 (Whereupon, the above-referred to
23 document was received into evidence as District's
24 Exhibit B.)

25 BY MR. CENCI:

1 Q Investigator, what does this service
2 form indicate was served on the business?

3 A It says Order No. 2024-473, and a copy
4 of the referencing Report No. 24-ULC-00002.

5 Q So is it your understanding that Board
6 Order 2024-473 is the cease-and-desist order that
7 you served?

8 A Correct.

9 Q Where was this order served?

10 A Inside the vestibule of the location
11 to the unknown male individual.

12 Q According to this service form how was
13 it served?

14 A Personally by me, and I can see my
15 notes here. Refused to sign. Claim to be an ABC
16 manager. As a note, I put that in there.

17 Q And when was it served according to
18 this document?

19 A July 3rd, 2024.

20 Q You said you had some notes on there.
21 What does the service form indicate that the
22 establishment did when you him with the order?

23 A Refused to signed.

24 Q Investigator, the entire time that you
25 were there on July 3, did the individual that you

1 spoke with indicate to you that he did not work
2 for the establishment?

3 A No. It was pretty clear that he did
4 work for the establishment in some capacity.

5 MR. CENCI: Thank you. I will stop
6 sharing my screen.

7 BY MR. CENCI:

8 Q Investigator, earlier we discussed
9 Rhami Investments Inc., were they served with the
10 cease-and-desist order?

11 A Correct. They were provided via
12 certified mail, and I believe even
13 electronically, copies of the documents.

14 Q Do you know if they received the
15 order?

16 A I do because the attorney for the
17 landlord contacted me.

18 Q Thank you. Let's move on. So after
19 this cease-and-desist order was issued, did it
20 appear that the establishment stopped selling
21 cannabis products?

22 A No. There's a pretty, pretty good
23 time lapse again between actions taken. And the
24 next visit was the undercover operation.

25 Q So was an undercover operation

1 actually conducted at this establishment?

2 A It was.

3 Q All right. When did you set up this
4 undercover operation for?

5 A I am going to have to reference my
6 report again to look at the date and time.

7 MR. CENCI: Let me share my screen.

8 BY MR. CENCI:

9 Q Investigator, I will direct you to the
10 fourth paragraph from the bottom of page 2.
11 Please read it silently. Let me know when your
12 recollection is refreshed.

13 A Yes. It was on Tuesday, September
14 10th, 2024.

15 MR. CENCI: All right. I will stop
16 sharing my screen.

17 BY MR. CENCI:

18 Q So Investigator, did you go to the
19 establishment on September 10th, 2024?

20 A I did not go to the establishment
21 itself, myself. I instructed another
22 Investigator to conduct an undercover control
23 buy.

24 Q Let me ask the question in a better
25 way. Did you arrive at or around the

1 establishment on September 10th, 2024?

2 A Correct, I did.

3 Q All right. I promised we'd get back
4 to it. All right, did you see any signage
5 outside of the establishment during this
6 controlled buy?

7 A Yes, that banner that you showed
8 earlier, a part of my evidence, was outside.

9 MR. CENCI: All right. Let the record
10 reflect, I'm going to share my screen with what's
11 in the report at Exhibit 8.

12 BY MR. CENCI:

13 Q Investigator, is this the sign that
14 you saw outside of the establishment on the day
15 of the control buy?

16 A It is.

17 Q Now looking behind the banner, is that
18 the front door to this establishment, All
19 American Papers?

20 A That is. And you can see the address
21 listed 504.

22 Q All right. Investigator, it might
23 seem obvious, is the sign visible from the front
24 door of the establishment?

25 A From the front door, yes, it is.

1 Q About how far away from the front door
2 of the establishment is that sign?

3 A Maybe seven to ten feet.

4 Q What about this sign indicated to you
5 that it was advertising cannabis products for
6 sale?

7 A Well, the top of the sign is kind of
8 folded up, but it says I-71, which is stating,
9 making claims that it's I-71 compliant. They
10 changed the name. It says American Budz Company
11 on there, now, with the with the same cannabis
12 logos.

13 And then it says that they're AAA+++
14 tested products. Then to strain education,
15 cannabis refers to different strains, so strain
16 education would be telling me that you're
17 educating me on different strains of cannabis.

18 Q Was it your understanding that this
19 sign was advertising cannabis products for sale?

20 A Correct, for All American Papers, yes.

21 MR. CENCI: All right. I'll stop
22 sharing my screen.

23 BY MR. CENCI:

24 Q So Investigator, once you arrived at
25 the establishment, how did the undercover

1 operation begin?

2 A I provided the UC, undercover
3 personnel with ABCA funds. And they went to the
4 establishment and was able to purchase some
5 cannabis flower.

6 Q I'll use that terminology, also, UC.
7 Did the UC purchase a suspected cannabis product
8 from All American Papers that day?

9 A They did.

10 Q What happened when they purchased the
11 product?

12 A They paid cash for the product. And
13 then they left the establishment with the product
14 and met up with myself and MPD officers.

15 Q Did the UC go anywhere else between
16 making the purchase and returning to you?

17 A No, straight from the establishment,
18 straight back to our location.

19 Q What did the UC do with that product
20 that they purchased inside of the establishment?

21 A It was then handed over to MPD
22 officers for evidence collection and for testing.

23 Q All right, would you recognize a
24 photograph of the product that was purchased in
25 the establishment that day?

1 A I would.

2 MR. CENCI: Let the record reflect,
3 I'm sharing my screen, what is marked in the
4 report as Exhibit 9. I will zoom out a little
5 bit more. All right.

6 BY MR. CENCI:

7 Q Directing your attention to Exhibit 9,
8 Investigator, what does this photograph show?

9 A This is the picture of the bag that
10 the product was put into. You can see the
11 product deep in the bag. I believe you have
12 another photo that would better reflect the
13 actual item purchased as an exhibit.

14 Q All right. Before we go to it. Who
15 took this photograph?

16 A Myself.

17 Q When did you take this photograph?

18 A That is the UC holding the product
19 before passing it off to MPD.

20 MR. CENCI: I'm going to direct your
21 attention now to Exhibit 10 in the case report.

22 BY MR. CENCI:

23 Q What does this photograph show?

24 A The UC holding the product that was
25 purchased and the packaging of the product.

1 Q Who took this photograph?

2 A Myself.

3 Q When did you take this photograph?

4 A I'm sorry? What was that?

5 Q When did you take the photograph?

6 A Oh, when the UC returned with the with
7 the items that day.

8 Q All right. So this pouch that is
9 pictured here, what did the pouch contain?

10 A A green leafy substance, which appears
11 to be cannabis flower.

12 Q When the UC produced it to MPD, did
13 you see if the if the pouch was still sealed or
14 not?

15 A Correct, he handed to them, as you see
16 in his hand, that's the way the product was given
17 to MPD.

18 Q So was it still sealed when the UC
19 produced it?

20 A Correct, it was.

21 Q Were the contents of this pouch that
22 was purchased in the establishment field tested?

23 A They were.

24 Q Did you see the field test conducted?

25 A We did conduct a test right then and

1 there when the UC returned.

2 Q What were the results of that field
3 test?

4 A The THC test was very clear. It
5 resulted in a purple color, which is the result
6 that the item contains THC. The amphetamine test
7 kit was not responsive. Therefore, they retested
8 the products back at the station.

9 Q Do you know what the results of that
10 second test were?

11 A Correct. The police report stated
12 that the test was positive for amphetamines as
13 well.

14 Q Are amphetamines a Schedule 1
15 controlled substance in the District of Columbia?

16 A Amphetamines are listed on the D.A.
17 Scheduling as a Schedule 2.

18 Q Are there certain types of
19 amphetamines that are listed as Schedule 1s?

20 A I'm not exactly certain. I don't want
21 to speak out of place. But this particular, you
22 know, I don't have the lab results back from that
23 particular test of this flower and what
24 amphetamine that it actually did contain.

25 Q That's all right. Based on this

1 controlled buy and your understanding about these
2 procedures was the establishment subject to a
3 summary closure, as you had indicated earlier?

4 A Correct, they were.

5 MR. CENCI: I'm going to stop sharing
6 my screen.

7 BY MR. CENCI:

8 Q So Investigator, was a summary closure
9 initiated against this establishment?

10 A Yes. A case report was drafted, and
11 a summary closure was issued.

12 Q You discussed earlier part of that
13 procedure is changing the establishments locks.
14 Did you do that?

15 A We did.

16 Q When did that happen?

17 A On the day of the closure, after
18 product was seized, and the building was secured.

19 Q What was the date of the closure?

20 A I have to reference the report again.
21 I apologize.

22 Q All right. I'm not sure it will be
23 listed in the report.

24 A You're right. It would be listed in
25 the closure notice, most likely, of the day the

1 closure notice was issued or drafted.

2 MR. CENCI: Let me let me stop you
3 there, Investigator. I would like the Board to
4 take administrative notice that the closure
5 notice was submitted and issued to the
6 establishment on September 13th, 2024.

7 CHAIRPERSON ANDERSON: The Board takes
8 notice of this, of its own records.

9 BY MR. CENCI:

10 Q All right, so Investigator, you said
11 it was the same day. So were the establishment's
12 locks changed on September 13, 2024?

13 A I don't -- I don't believe September
14 13 was the day of the actual closure. I have to
15 -- that that date, I want to make sure we're
16 active reflecting in the record the date that the
17 closure actually occurred.

18 I believe the closure actually
19 occurred on September 18th. Looking at my
20 closure notice that I posted, that's where I'm
21 getting that information from.

22 Q Okay. So on September 18th, 2024,
23 were the locks changed on that day?

24 A Correct. Myself and MPD were present,
25 and the locksmith changed the locks.

1 Q When the locks were being changed did
2 you post the notice of closure at the
3 establishment?

4 A I did in the front door.

5 Q I mean, did you post it inside, the
6 same way you mentioned earlier?

7 A I did.

8 Q Based on how you posted it at this
9 establishment, would somebody who was outside of
10 it be able to move it, or take it down?

11 A No, they would not.

12 Q Was that lock changing the last
13 encounter that you had with the establishment?

14 A It was not. It was my last encounter,
15 physically me being there, yes. But not the last
16 encounter that the ABCA, and the locksmith, and
17 MPD had.

18 Q So what was ABCA's next involvement
19 with the establishment?

20 A I received notice from a neighbor,
21 actually in the in the neighborhood, sent me
22 information that there was, my sign was removed.
23 My closure notice sign was removed, and a another
24 sign was put up in its place indicating that the
25 establishment was possibly broken into.

1 So I contacted MPD. I contacted my
2 locksmith. And they responded to the location.
3 I was not available to respond at that time. And
4 they went out there and discovered that the
5 premises, that the locks were changed in the
6 front, and that the back door was broken into.

7 Can I, can I back up? I did receive,
8 I did receive a photo from a neighbor. But funny
9 thing about it is that the news report reported
10 live a shot of actually filming an individual
11 inside the vestibule, unknown to me, that was
12 inside the business changing those locks out. So
13 the news actually caught a glimpse of it when
14 they were filming their story on the closure.

15 Q Oh, so let's, let's back up. Because
16 I don't think we mentioned this news report
17 before. What news report are you talking about?

18 A There was a, just a, I can't remember
19 if it was Channel 9, or what news channel. They
20 were filming the closures on H Street. And
21 during that filming, an individual that was not
22 my locksmith, was seen on camera changing the
23 locks. And my notice of closure was not on that
24 door during that shot.

25 Q So what happened once you became aware

1 that the locks were being changed from ABCA's
2 lock change?

3 A So I learned about it the next day,
4 based on the reports, and then based on the
5 information received by a neighbor. I sent MPD
6 and my locksmith back to re-secure the premises.

7 Q You said that there was an
8 understanding that the establishment broken into.
9 Why was that?

10 A The locksmith -- well, the, everything
11 happened forcefully, right, against the authority
12 of the city after closure. So the locksmith had
13 changed the front lock that we had replaced. And
14 then the back door was physically, forcibly
15 entered.

16 Q What happened -- you said that a
17 neighbor said that your notice had been taken
18 down. What happened to that notice that you had
19 posted?

20 A It was still inside because the
21 locksmith ended up putting it back up for me. It
22 was just, it just wasn't no longer on that --
23 during his first visit, or his visit back at the
24 location, the notice of closure was, was just
25 pushed off to the side.

1 Q Were there any other documents now
2 posted at the establishment after? That were in
3 addition to the notice of closure that you had
4 posted?

5 A There was a note. I can't remember
6 which visit it was this, because this happened a
7 second time. But there was a sign basically
8 saying that they're appealing the process, and
9 the closure, and a phone number of how to obtain
10 services from them still.

11 Q Do you know if that document that said
12 that they were appealing the notice of closure
13 and that had their phone number to provide
14 services, do you know if that was posted on the
15 inside of the establishment door or the outside?

16 A It was posted on the inside where my
17 sign was at.

18 Q For this business specifically, was
19 anybody outside of ABCA provided with keys to the
20 new locks, as you had changed them on September
21 18?

22 A Nobody.

23 Q Were you aware of anyone from ABCA
24 accessing this business to post these new
25 documents inside of the window?

1 A No.

2 Q So did ABCA change the locks again
3 after the locks had been changed as it been
4 videotaped on the news?

5 A We did. The locks were changed, and
6 in the words of my locksmith, they put a
7 stronger, more secured hockey-puck style lock on
8 the back steel gate to make it more difficult to
9 gain entry.

10 Q I think we've already given the game
11 away. But was that the last encounter with the
12 business?

13 A It was not.

14 Q What was the next encounter with the
15 business?

16 A I received information again that
17 signs were once again added and changed. And
18 upon investigation, determined that the
19 hockey-puck style lock was defeated, and entry
20 was again gained by unknown individuals.

21 Q And when was this?

22 A I'd have to look back at my records to
23 see a date, but it was, it was, it was after
24 maybe a few days past the first time, maybe even
25 a week. It was, it was several days later.

1 Q That's all right. What happened after
2 you had discovered the business had been entered
3 again?

4 A Well, I called MPD and my locksmith
5 again. They returned to the business to assess
6 it. And during that time, the locksmith -- I'm
7 looking at a document from him, or a record from
8 him, a message telling me when he was there.

9 It was September 27th. He actually
10 passed an individual that was Lee coming down the
11 back stairwell. A white male adult carrying a
12 bin walked by him. And he wasn't able to snap a
13 photo of the front of him, but he got his photo
14 of the back of him, walking away.

15 That's why I'm referencing my messages
16 from him. That's why I know a date. But the
17 back door was severely damaged. The front door
18 lock was again damaged and changed.

19 And at this point in time, I got
20 authorization to have the back door actually
21 boarded up, using plywood to make it a little
22 more difficult to gain entry.

23 Q You mentioned earlier that your
24 documents had again been taken down and moved
25 around. Were there any other new documents at

1 the establishment this time?

2 A There was. There was a letter that
3 was addressed to Attorney General, Mr. Cenci,
4 yourself. Stating that they were appealing the
5 process. However, there were no names or contact
6 information on that letter. It was posted inside
7 the front door.

8 Q What had happened to your notice?

9 A My notice was actually, in this case,
10 was just moved. It was moved lower. And they
11 put up a 24-hour surveillance sign in place of my
12 notice. And just moved my notice lower on the
13 inside of the door. So, they maintained it.

14 Q Were all of these news signs and
15 documents posted on the inside of the
16 establishment's window?

17 A They were.

18 Q Were you aware of anyone from ABCA
19 accessing this business to post these new
20 documents inside the window?

21 A Nobody from ABCA had access.

22 Q So what did you do after you had the
23 understanding that this establishment had been
24 entered yet again?

25 A Well, the police were notified. My

1 locksmith was notified. And then the building
2 was re-secured and hopefully in a more secure
3 means.

4 Q After ABCA changed the locks to this
5 business for a third time, was that your last
6 encounter with the establishment before today's
7 hearing?

8 A It was.

9 Q Investigator Peru, since your closure,
10 have you gone on to the establishments website at
11 all?

12 A I did.

13 Q Based on your review of the website,
14 did it appear that the website had changed to
15 stop selling cannabis products after the closure
16 had taken place?

17 A The website appears to be very active
18 with, still offering for sale cannabis products
19 and mushroom products.

20 Q When was the last time that you
21 checked the website?

22 A This morning?

23 MR. CENCI: Thank you very much,
24 Investigator. I have no further questions.

25 CHAIRPERSON ANDERSON: Thank you. Any

1 questions by any Board members? Go ahead, Mr.
2 Short.

3 MR. SHORT: Thank you, Mr. Chairman.
4 Investigator, or Supervisor Investigator Peru,
5 let me commend you on the work you've done on
6 this case and the many cases that you're working.

7 This hearing has a public hearing for
8 all who are watching, just simply to describe the
9 hard work that you, and your crew, and this
10 Agency are doing to make sure that the legal
11 market of medical cannabis can continue without
12 being disrupted by illegal businesses. With that
13 said, your testimony also says you have MPD and
14 other D.C. Government agencies with you.
15 Correct?

16 THE WITNESS: Yes, sir.

17 MR. SHORT: Would it help aid or
18 assist you as the Supervisory Investigator and
19 all those who work with you, if you could have,
20 or be armed?

21 I say that because when I work for the
22 D.C. Fire department, our Fire Investigators, for
23 a long time did not have any way of checking
24 crime scenes where there were arsons and people
25 were killed unless we had MPD to go with us, and

1 sometimes we could not wait in very dangerous
2 situations.

3 And as a result of that, we were able
4 to get our Investigators in the D.C. Fire
5 Department, Fire Arson Investigators armed. I
6 will work as a private citizen if I have to.

7 And I probably will have to, on your
8 behalf and Agency behalf, to make sure that you
9 guys have the proper instruments and all of the
10 tools you need to make sure that medical cannabis
11 is kept legal, and thriving, and helping our tax
12 base.

13 Again, what a testimony you've given
14 today. And thank you for the time you've given.
15 And thank you, Mr. Cenci, for your assistance in
16 making sure that this hearing took place today
17 with the testimony. Again, again, and again
18 thank you very much for your service. And thank
19 you, Mr. Cenci, for your service. That's all I
20 have, Mr. Chair.

21 CHAIRPERSON ANDERSON: Thank you, Mr.
22 Short. Any other questions by the Board members?

23 THE WITNESS: Thank you, Mr. Short.

24 CHAIRPERSON ANDERSON: We have no
25 other questions. So, Mr. Peru, thank you very

1 much for your testimony.

2 (Witness excused)

3 CHAIRPERSON ANDERSON: Does the
4 Government have another witness?

5 MR. CENCI: No, we're ready to proceed
6 to a brief closing statement.

7 CHAIRPERSON ANDERSON: Go ahead, sir.

8 CLOSING ARGUMENT -- D.C. OAG

9 MR. CENCI: May it please the Board.
10 They ignored you. They ignored ABCA's warning.
11 They ignored your cease and desist. They are
12 still ignoring this closure. There is no gray
13 margin. And there is no gray area. The closure
14 against the establishment must be upheld.

15 We had to show you today that the
16 establishment presented an imminent danger to the
17 health or safety of the public under D.C. Code
18 Section 7-1671.08(g) (1). That very next paragraph
19 of that code section says how we can do that.

20 Section 7-1671.08(g) (2), the term
21 imminent danger to the health or safety of the
22 public includes any of the following. C, the
23 unlicensed establishment fails to comply with a
24 cease-and-desist order. And E, the unlicensed
25 establishment distributes or attempts to

1 distribute Schedule 1 substances.

2 The establishment did both of these
3 things. We proved that by substantial evidence
4 on the record. On April 10, 2024, ABCA inspected
5 this establishment and sought cannabis and
6 psilocybin for sale. Investigator Peru issued a
7 warning letter that told them to stop.

8 On June 27th, ABCA inspected again,
9 and the establishment was still selling these
10 products. This Board issued a cease and desist.
11 The establishment was served with this order.

12 You heard Investigator Peru. He went
13 up to the street door that leads to the
14 establishment, a door that doesn't lead anywhere
15 else, but this establishment. There was a man
16 inside behind the locked front door. He knew who
17 Investigator Peru was.

18 Investigator Peru gave the order to
19 this man. He understood this man to be an
20 employee of the establishment. He was right.
21 That man was. The establishment cannot evade a
22 service by refusing to sign for an order.

23 They were served with that order with
24 a person who was inside of a locked
25 establishment, who had an iPad with the

1 establishment's security cameras on, who
2 identified himself as an ABC manager.

3 So there is no issue with the
4 cease-and-desist order. An order that was
5 published on ABCA's website, publicly viewable by
6 all.

7 Then on September 10th, 2024, ABCA
8 conducted a controlled purchase of a product
9 inside the establishment. An Undercover
10 Investigator bought that product in All American
11 Papers.

12 He brought it to Investigator Peru and
13 Officer Anunay. It was still sealed when he gave
14 it to them. MPD opened it. They tested it. And
15 that product tested positive for not only THC,
16 but also amphetamines.

17 That's what they sold the Undercover
18 Investigator that day, cannabis and amphetamines.
19 Their website advertised cannabis and psilocybin
20 products for sale.

21 You saw it yourself, screenshots of
22 the website. And not trying to play coy,
23 products that advertise themselves as sativa,
24 unknown cannabinoid, products that advertise
25 themselves as psilocybin with gram and dosage

1 amounts on the packaging.

2 And Investigator Peru told you that
3 even after the closure that website is still very
4 active. The last time he checked it to see it
5 was still very active, this morning. And the
6 establishment not only ignored the closure on its
7 website, they ignored the closure at the physical
8 location.

9 Let's be logical here members of the
10 Board, the signs were posted inside of the
11 establishment, inside of its of its window. It
12 could not be taken down from the outside.
13 Someone had to have gone into the establishment,
14 contravening ABCA, changing the locks to it.

15 Someone did go inside. Someone who
16 had a reason to take down that sign that said
17 that this business was closed, put it somewhere
18 else, and then say, well, this, this is being
19 appealed. This matter is being appealed. And
20 here's a phone number for the establishment.
21 Here's how you can still get our services.

22 This is not a random break.
23 Substantial evidence in the record, it has been
24 shown there's no one else who would do that but a
25 representative, an owner, or an employee of the

1 establishment.

2 The establishment broke in and changed
3 the locks. So ABCA changed them back. And what
4 did the establishment do? They broke in again,
5 two times.

6 How do we know they did the second
7 time? Because they moved the sign again and this
8 time, they posted the letter that was sent to
9 this Board saying that a hearing had been
10 requested.

11 This is not a random break in the
12 second time either. The only logical conclusion
13 is that it is an employee, a representative, or
14 an owner of this business that broke in twice.
15 It took after changing the locks three times and
16 putting plywood boards on the back door to stop
17 it from happening again.

18 They ignored you. They ignored the
19 warning. They ignored the cease and desist.
20 They ignored the closure. This establishment
21 should not be given so much as an opportunity to
22 apply for a cannabis license.

23 It has been operating without one. It
24 will continue to operate without one. The notice
25 of closure must be upheld. The establishment

1 must remain closed. Thank you.

2 CHAIRPERSON ANDERSON: Thank you, sir.
3 All right, the record is now closed. And so let
4 me bring closure then to this case. As
5 Chairperson of the Alcoholic Beverage and
6 Cannabis Board for the District of Columbia, in
7 accordance with D.C. Official Code section 2-575
8 of the Open Meetings Act I move that ABC Board
9 hold a closed meeting for the purpose of seeking
10 legal advice from our counsel on Case No.
11 24-ULC-00027, All American Papers/All American
12 Cookies/American Budz, B-U-D-Z, pursuant to D.C.
13 Official Code Section 2-575(b) (4) of the Open
14 Meetings Act.

15 And deliberating upon Case No.
16 24-ULC-00027, All American Papers/All American
17 Cookies/American Budz for reasons cited in D.C.
18 Official Code Section 2-575(b) (13) of the Open
19 Meetings Act, is there a second?

20 MR. SHORT: I second.

21 CHAIRPERSON ANDERSON: Mr. Short has
22 seconded the motion. We'll have a roll call vote.

23 (Roll call)

24 CHAIRPERSON ANDERSON: Mr. Short?

25 MR. SHORT: Mr. Short, I agree.

1 CHAIRPERSON ANDERSON: Mr. Grant?

2 MR. GRANT: Mr. Grant, I agree.

3 CHAIRPERSON ANDERSON: And Mr.

4 Anderson, I agree. The matter passes 3-0. Thank
5 you very much, Mr. Cenci, for your presentation
6 today. And the Board will issue its decision
7 accordingly. Thank you.

8 MR. CENCI: Thank you.

9 CHAIRPERSON ANDERSON: Have a great
10 day, Mr. Peru. The Board is now at the end of
11 its calendar for the day, and I will now close
12 the record. As Chairperson of the Alcoholic
13 Beverage and Cannabis Board for the District of
14 Columbia in accordance with Title 3, Chapter 405,
15 Office of Open Government, I move that ABC Board
16 hold a closed meeting on October 23rd for the
17 purpose of discussion on hearing reports
18 concerning ongoing or planned investigations of
19 alleged criminal or civil misconduct, or
20 violations of law or regulations, and seek legal
21 advice from our legal counsel on the Board's
22 investigative agenda, legal agenda, licensing
23 agenda for October 23rd as published in the D.C.
24 Register on October 18th. Is there a second?

25 MR. GRANT: I second the motion.

1 CHAIRPERSON ANDERSON: Mr. Grant has
2 seconded the motion. I will now take a roll call
3 to vote in the motion that has been properly
4 seconded.

5 (Roll call)

6 CHAIRPERSON ANDERSON: Mr. Short?

7 MR. SHORT: Mr. Short, I agree.

8 CHAIRPERSON ANDERSON: Mr. Grant?

9 MR. GRANT: Mr. Grant, I agree.

10 CHAIRPERSON ANDERSON: Mr. Anderson,
11 I agree. The matter passes. As it appears that
12 the motion has passed, I hereby give notice that
13 ABC Board will hold this closed meeting pursuant
14 to the Open Meetings Act.

15 Notice will also be posted on the ABC
16 Board hearing room board, placed on electronic
17 calendar, on ABCA's website, and publish in the
18 D.C. Register in as timely a manner as practical.

19 The Board is now adjourned for the
20 day. I would like to thank all members of the
21 public who tuned into our hearing today. I now
22 ask all Board members to return to Executive
23 Session for further action. Thank you.

24 (Whereupon, the above-entitled matter
25 went off the record at 4:28 p.m.)

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