

**THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE AND CANNABIS BOARD**

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In the Matter of:	)	
	)	
Canna-Art, LLC	)	Case No.: 25-PRO-00053
t/a Cannaart DC	)	License No.: ABRA-130807
	)	Order No.: 2026-028
Applicant for a New	)	
Medical Cannabis Retailer License	)	
	)	
at premises	)	
5008 Connecticut Avenue, N.W.	)	
Washington, D.C. 20008	)	

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**BEFORE:** Donovan Anderson, Chairperson  
Silas Grant, Jr., Member  
Teri Janine Quinn, Member  
Ryan Jones, Member  
David Meadows, Member

**PARTIES:** Canna-Art, LLC, t/a Cannaart DC, Applicant  
  
Jacobie Whitley, Counsel, on behalf of the Applicant  
  
Cameron Mixon, Counsel, on behalf of Advisory Neighborhood  
Commission (ANC) 3F, Protestant

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**FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND ORDER**

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**INTRODUCTION**

The Alcoholic Beverage and Cannabis Board (Board) approves the Application for a New Medical Cannabis Retailer’s License filed by Canna-Art, LLC, t/a Cannaart DC, (hereinafter “Applicant” or “Cannaart”). Based upon its review of the Application, the business will not have any negative impacts on vehicular or pedestrian safety, children, or the operation of any nearby schools.

### ***Procedural Background***

The Notice of Public Hearing advertising Cannaart's Application was posted on April 11, 2025, and informed the public that objections to the Application could be filed by an affected ANC on or before May 27, 2025. *ABCA Protest File No. 25-PRO-00053*, Notice of Public Hearing [*Notice of Public Hearing*]. The records of the Alcoholic Beverage and Cannabis Administration (ABCA) indicate that ANC 3F has filed a protest against the Application. *ABCA Protest File No. 25-PRO-00053*, Roll Call Hearing Results.

The parties came before the Board's Agent for a Roll Call Hearing on June 16, 2025, where the above-mentioned objector was granted standing to protest the Application. *Id.* Finally, the Protest Hearing in this matter occurred on October 1, 2025, and October 30, 2025.

The Board recognizes that an ANC's properly adopted written recommendations are entitled to great weight from the Board. D.C. Code §§ 1-309.10(d), 25-609; *Foggy Bottom Ass'n v. District of Columbia Alcoholic Beverage Control Bd.*, 445 A.2d 643, 646 (D.C. 1982). Accordingly, the Board "must elaborate, with precision, its response to the ANC['s] issues and concerns." *Foggy Bottom Ass'n*, 445 A.2d at 646. The Board notes that it received a properly adopted written recommendation from ANC 3F. Specifically, the ANC protest argues for denial of the application based on:

- (1) the documented history of illegal cannabis operations, including a warning letter issued by ABCA and a notice of infraction from the Department of Licensing and Consumer Protection (DLCP);
- (2) school-aged children frequenting the daycare center or centers [Murch Elementary, Alice Deal Middle School and Jackson-Reed High School] in proximity to the medical cannabis retailer and claims of undue attraction to the retailer while present at, or going to or from, the daycare center or [schools];
- (3) Pedestrian safety; and
- (4) Adverse impact on peace, order, and quiet of the neighborhood.

*ABCA Protest File No. 25-PRO- 00053*, ANC 3F's Protest Letter (May 22, 2025). The ANC's issues and concerns shall be addressed by the Board in its Conclusions of Law below.

Pursuant to D.C. Code § 7-1671.06i, the Board may only consider the following grounds for a medical cannabis retailer license protest: (1) a violation of Chapter 16B of Title 7 of the D.C. Official Code by the applicant; (2) a violation of civil law by the applicant directly related to the operation of the business; or (3) vehicular and pedestrian safety. D.C. Code § 7-1671.06i(a)(1)-(3). Therefore, under the criteria required by Chapter 16B and the issues raised as part of the protest, the Board may only grant the Application if the Applicant's violation history merits the issuance of the license, and if the business will not have a negative impact on vehicular and pedestrian safety. *Id.*

## FINDINGS OF FACT

The following statements represent the Board's findings of fact based on the evidentiary record. In reaching its determination, the Board considered the evidence, the testimony of the witnesses, the arguments of the parties, and all documents comprising the Board's official file. The Board credits all testimony and evidence identified or cited below unless otherwise stated.

### I. Background

1. Cannaart applied for a New Medical Cannabis Retailer's License at 5008 Connecticut Avenue, N.W., Washington, D.C. 20008. *Notice of Public Hearing*.
2. ABCA Investigator Demarcus Parker investigated the Application and prepared the Protest Report submitted to the Board. *ABCA Protest File No. 25-PRO-00053, Protest Report (September 2025) [Protest Report]*.
3. The proposed establishment is in a Mixed-Use (MU)-3A zone. *Id.* at 2. There are no other medical cannabis licensees located within 400 feet of the premises. *Id.* at 3. The establishment proposes operating from 10:00 a.m. to 9:00 p.m. Sunday through Thursday and from 10:00 a.m. to 10:00 p.m. Friday and Saturday. *Id.* The proposed hours of sales would start at 11:00 a.m. and end at 8:00 p.m. Sunday through Wednesday and start at 11:00 am and end at 9:00 p.m. Thursday through Saturday. *Id.*
4. Investigator Parker monitored the proposed location on two separate occasions and found no peace, order and quiet issues. *Protest Order* at 4. During one of his visits, he noted there was no activity, and during the other visit, the establishment was operating as an art store. *Id.* There is no Metro Station in the immediate vicinity, and one Metro bus stop is located at the corner of the establishment. *Id.* There are also Capitol Bikeshare stations adjacent to the establishment and approximately six public parking spaces on the 5000 block of Connecticut Avenue NW. *Id.*
5. Sajmir Rragami is the owner of Cannaart. *Transcript*, October 1, 2025, at 4 [*Tr.1*]. Mr. Rragami hired an architectural firm to design the layout of the establishment. *Id.* at 76. There will be a private room at the back of the store for transactions that will not be visible from the street or by anyone in the store waiting room. *Id.* at 77. Mr. Rragmi will not allow cannabis consumption inside the store and has hired a security firm to help combat possible consumption outside of the store. *Id.* at 83. As part of obtaining a license, he personally researched and learned the District's medical cannabis laws to operate a medical cannabis facility within the District of Columbia. *Id.* at 76. Cannaart employees will receive training from organizations like Americans for Safe Access on issues regarding ID checks, METRC compliance, report filing, product and inventory handling, and safety training. *Cannaart Medical Cannabis Retailer License Application, (2024)* at 4. Mr. Rragami voluntarily adjusted his business hours to start at 10:00 a.m. to help eliminate interference with school and rush hour traffic based on feedback from the ANC. *Tr.1* at 86.
6. Mr. Rragami opened Cannaart in May of 2024. *Id.* at 85. On August 6, 2024, Cannaart received a warning letter from ABCA regarding the illegal activity of selling, exchanging and delivering cannabis. *Id.* at 47. After the warning letter, Cannaart immediately ceased all cannabis

operations after receiving compliance guidance from Supervisory Investigator Jason Peru. *Id.* ABCA received several anonymous complaints that Cannaart was continuing to sell cannabis and operate as an unlicensed cannabis retailer after the issuance of the warning letter. *Id.* at 48. SI Peru investigated those allegations, found no illegal activity, and determined the establishment was not in violation of any ACBA laws. *Id.* at 49. As a result, allegations that the business continued illegal operations after receiving a warning from ABCA cannot be substantiated. Around the same time of the issuance of the ABCA warning letter, Cannaart received a notice of infraction from the Department of Licensing and Consumer Protection (DLCP) regarding the requirement of a basic business license and certificate of occupancy. *Applicant's Exhibit 10*, Notice of Infraction (August 14, 2024) [Notice]. The Notice was later dismissed without prejudice. *See Applicant's Exhibit 11*, DLCP Order Dismissing the Notice (February 18, 2025).

7. Paul Harrison is an expert in transportation, and vehicular and pedestrian safety issues, and lives near the proposed location of the establishment. *Transcript*, October 30, 2025, at 10 [*Tr.2*]. He was appointed to serve as the cochair of a city-wide pedestrian advisory council. *Id.* at 21. Mr. Harrison does not support the proposed location of Cannaart and is concerned that an influx of potential customers would exacerbate congestion of the nearby busy intersection. *Id.* at 27. The intersections near the establishment are complex because several streets come together at a single point and Mr. Harrison is worried about the pedestrian safety of children and elderly people. *Id.* at 24.

8. Jason Levin lives near the proposed location and does not support the business. *Id.* at 56. Mr. Levin served on the nearby elementary school's Home and School Association and was an assistant coach of the school's track and field team. *Id.* at 57. In his role as a coach, he would run routes along the streets surrounding the establishment and over the years has witnessed unsafe driving practices by drivers. *Id.* at 59. He is concerned that the establishment will add to the traffic congestion and impact the safety of children and students walking in the area. *Id.* at 64. He is also worried that patients leaving Cannaart would potentially be under the influence of cannabis and thus create a danger to pedestrians. *Id.* at 66.

9. Stan Wall serves on the Board of Van Ness Main Street and opposes the establishment. *Id.* at 84. Mr. Wall expressed concerns regarding Cannaart's prior history of illegal cannabis sales and does not believe the business should be given a medical cannabis license. *Id.* at 96.

10. Courtney Carlson is the representative from ANC 3F. *Id.* at 125. Ms. Carlson discussed worries regarding the Applicant's transparency during community meetings and the illegal selling or gifting of cannabis that had previously occurred. *Id.* at 130-135. Ms. Carlson believes that because of Cannaart's past and allegations of continued cannabis operations, they are not worthy of a medical cannabis license. *Id.*

## CONCLUSIONS OF LAW

11. The Board may approve an Application for a New Medical Cannabis Retailer's License when the proposed establishment will not have an adverse impact on the neighborhood. D.C. Code § 7-1671.06i. Specifically, the questions in this matter are whether the Application will have a

negative impact on vehicular and pedestrian safety and whether the documented history of illegal cannabis operations warrants a denial.

## **I. The Burden of Proof Lies with the Applicant to Prove its Case Through Substantial Evidence.**

12. The burden of proof in this matter is assigned to the Applicant. 22-C DCMR § 9712. “[T]he Applicant in meeting its burden may rely on the record as a whole, which includes information provided in the Protest Report and the Protestant’s case, and not just what the Applicant presents during its case-in-chief.” *In re The New 7307, t/a Premier Lounge*, Case No. 22-PRO-000222, Board Order No. 2022-701, ¶ 1 (D.C.A.B.C. B. Oct. 19, 2022) citing *Esgar Corp. v. Commissioner of Internal Revenue*, 744 F.3d 648, 655 (10th Cir. 2014); see also *Washington Metro. Area Transit Auth. v. Dist. of Columbia Dept. of Employment Services*, 992 A.2d 1276, 1283 (D.C. 2010) citing *Dale v. S & S Builders, LLC*, 188 P.3d 554, 561 (Wyo. 2008) (saying in determining whether a party met its burden during an administrative hearing the court will look at the “record as a whole”). The Board further notes that where there is an “absence of evidence on an essential point [this] supports denial rather than granting of an application.” *Conrad v. Dist. of Columbia Alcoholic Beverage Control Bd.*, 21-AA-748, 2023 WL 163964, at \*5 (D.C. Jan. 12, 2023).

13. Furthermore, in determining whether the Applicant has met its burden, the Board shall only base its decision on the “substantial evidence” contained in the record. 22-C DCMR § 9719.2. The substantial evidence standard requires the Board to rely on “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” *Clark v. D.C. Dep’t of Employment Servs.*, 772 A.2d 198, 201 (D.C. 2001) citing *Children’s Defense Fund v. District of Columbia Dep’t of Employment Servs.*, 726 A.2d 1242, 1247 (D.C. 1999). It should be noted that “. . . hearsay evidence is admissible in administrative proceedings” and may constitute “substantial evidence.” *Compton v. Dist. of Columbia Bd. of Psychology*, 858 A.2d 470, 476 (D.C. 2004). In that vein, “The weight to be given to any piece of hearsay evidence is a function of its truthfulness, reasonableness, and credibility.” *Id.* at 477.

## **II. The Establishment is Appropriate for the Neighborhood.**

14. In determining appropriateness, the Board must consider whether the Applicant’s future operations will satisfy the reasonable expectations of residents to be free from disturbances and other nuisances—not just whether the Application complies with the minimum requirements of the law. D.C. Council, Bill 6-504, the “District of Columbia Alcoholic Beverage Control Act Reform Amendment Act of 1986,” Committee on Consumer and Regulatory Affairs, 38 (Nov. 12, 1986); see *Panutat, LLC v. D.C. Alcoholic Beverage Control Bd.*, 75 A.3d 269, 277 n. 12 (D.C. 2013) (“However, in mandating consideration of the effect on peace, order, and quiet, § 25-313(b)(2) does not limit the Board’s consideration to the types of noises described in § 25-725.”). As part of its analysis, the Board should evaluate each “unique” location “according to the particular circumstances involved” and attempt to determine the “prospective” effect of the establishment on the neighborhood. *Le Jimmy, Inc. v. D.C. Alcoholic Beverage Control Bd.*, 433 A.2d 1090, 1093 (D.C. 1981). Furthermore, the analysis may also include the Applicant’s efforts to mitigate or alleviate operational concerns, the “character of the neighborhood,” the character of

the establishment, and the license holder's future plans. *Donnelly v. District of Columbia Alcoholic Beverage Control Board*, 452 A.2d 364, 369 (D.C. 1982) (saying that the Board could rely on testimony related to the licensee's "past and future efforts" to control negative impacts of the operation); *Upper Georgia Ave. Planning Comm. v. Alcoholic Beverage Control Bd.*, 500 A.2d 987, 992 (D.C. 1985) (saying the Board may consider an applicant's efforts to "alleviate" operational concerns); *Citizens Ass'n of Georgetown, Inc. v. D.C. Alcoholic Beverage Control Bd.*, 410 A.2d 197, 200 (D.C. 1979); *Gerber v. D.C. Alcoholic Beverage Control Bd.*, 499 A.2d 1193, 1196 (D.C. 1985); *Sophia's Inc. v. Alcoholic Beverage Control Bd.*, 268 A.2d 799, 800-801 (D.C. 1970).

**a. The Applicant's violation history does not merit denial of the Application.**

15. In determining the appropriateness of an establishment, the Board considers whether Cannaart's previous sales of illegal cannabis or other civil violations warrant denial of the application. The Board also may consider how any prior activity directly relates to the operation of the establishment, the length of time that has elapsed since the violation, and any mitigating circumstances. *See* D.C. Code § 7-1671.06i.

16. In this case, Cannaart intends to operate a medical cannabis retail establishment. *Supra*, at ¶ 1. One instance of illegal cannabis sales was recorded in ABCA's records that was resolved by a warning in August 2024. *Supra*, at ¶ 6. Nevertheless, the record in this case shows that the ownership ceased selling cannabis upon issuance of the warning letter and has since complied with ABCA laws and regulations for over the past year. *Id.* Additionally, the DLCP infraction was dismissed after the agency declined to take any further action. *Id.* The record in this case shows that Cannaart has not been convicted of any other violations since August 2024.

17. The Board further considered the Protestants case against Cannaart regarding its unsubstantiated claims of continued cannabis operations but found it too speculative based on the lack of evidence. Indeed, despite undertaking a serious investigation, SI Peru did not uncover any additional illegal activity during his undercover investigations after the issuance of the warning. *Supra*, at ¶ 6. The argument that Cannaart was once illegally operating as a cannabis shop over a year ago is not a valid objection that it will have a negative impact on the community as the receipt of a mere warning letter is not a sufficient basis to deny a license or to conclude that the business will be mismanaged. This is especially true when the record shows that Cannaart took appropriate steps to rectify the situation by stopping the sale of illegal cannabis and then applying for the appropriate license. *Supra*, at ¶ 6. Furthermore, the Board must credit evidence that the ownership, in preparation for obtaining a license, familiarized itself with the District's medical cannabis laws, appropriately trained its employees, hired a security firm, designed the store so that transactions that will not be visible from the street, and has not been convicted of any other infractions. *Supra*, at ¶ 5. Finally, the record in this case provides no persuasive evidence (e.g., official crime reports and statistics) that the business will exacerbate safety problems or otherwise operate in a manner attractive to nearby children in the area.

18. Therefore, the Board finds in favor of the Applicant and determines that the Applicant's violation history does not merit the denial of the Application.

**b. Cannaart will not have a negative impact on vehicular and pedestrian safety.**

19. In determining the appropriateness of an establishment, the Board shall also consider whether the medical cannabis retailer establishment will negatively impact vehicular and pedestrian safety. D.C. Code § 7-1671.06i(a)(3).

20. In this case, the establishment voluntarily changed its business hours to start midmorning to help avoid interference with rush hour or school drop off. *Supra* ¶ 5. The Board further notes that traffic congestion is not a valid consideration under this factor unless there is a specific showing that it has a negative impact on vehicular and pedestrian safety, which has not been established in this case. The mere fact that the establishment is located near a complex intersection or close to schools is not indicative that the establishment will create unsafe vehicular and pedestrian problems. *Supra* ¶ 7-8. There is no credible evidence that the flow of traffic to be generated by the establishment will be of such pattern or volume as to increase the likelihood of vehicular or pedestrian accidents. Allegations that the operation of the Applicant’s medical cannabis retail establishment pose a danger to vehicles or pedestrians are insufficiently supported by data and appears entirely speculative at this time. Indeed, there is nothing in the record that shows the Applicant’s operations are unusual or can be reasonably tied to a specific, viable, or predictable threat to pedestrians or vehicles. Finally, allegations that customers will be intoxicated are pure speculation at this time. Therefore, the Board finds in favor of the Applicant on this issue.

**III. The Board provides “Great Weight” to the ANC’s written recommendation.**

21. Pursuant to D.C. Code § 7-1671.06j, “the Board shall accord great weight to input provided by an affected ANC regarding the proposed... location of a retailer when approving or rejecting an application for a license.” D.C. Code § 7-1671.06j. “[G]reat weight” implies explicit reference to each ANC issue and concern as such, as well as specific findings and conclusions with respect to each. *Kopff v. District of Columbia Alcoholic Beverage Control Board*, 381 A.2d 1372, 1384 (D.C.1977). The great weight requirement does not require the Board to adopt or accept the views of the ANC’s position and the law “does not require special deference to the views of an ANC but, rather, that an agency address its concerns with particularity.” *Committee for Washington’s Riverfront Parks v. Thompson*, 451 A.2d 1177, 1194 (D.C.1982). Indeed, “All that the law demands is that the views of the ANC be specifically addressed and not ignored or overlooked...” *Foggy Bottom Ass’n v. D.C. Bd. of Zoning Adjustment*, 791 A.2d 64, 77 (D.C. App. 2002). Here, the Board evaluated and considered the ANC’s concerns but found the arguments too speculative, irrelevant, or unsubstantiated.

**a. The regulations articulating peace, order, and quiet and residential parking no longer apply to standard applications pursuant to § 7-1671.06i.**

22. Previously, Chapter 16B permitted ANCs to protest on the following grounds: (1) peace, order, and quiet of the relevant area; (2) residential parking needs and vehicular and pedestrian safety; and (3) real property values. D.C. Official Code § 7–1671.06a (2023). However, the law changed in 2024 to add new standing requirements and protest grounds for protestants that replaced these prior grounds for standard medical cannabis applications. The new protest grounds for medical cannabis retailers now solely include: (1) a violation of Chapter 16B by the applicant;

(2) a violation of civil law by the applicant that is directly related to the operation of the business or establishment for which the license is sought; and (3) vehicular and pedestrian safety. D.C. Code § 7-1671.06i(a)(1)-(3). The Board is aware that the old grounds of peace, order, and quiet; residential parking needs; and real property values remain in another part of the title; however, the plain language of D.C. Official Code § 7-1671.06a(i) limits consideration of these factors to special “unlicensed establishment[s]” that qualified for a limited grace period under the law. D.C. Code § 7-1671.06a(i). Because Cannaart is not one of these special unlicensed establishments, the protest factors are limited to the new ones articulated by the D.C. Council in § 7-1671.06i.

23. Based on the legislation that added § 7-1671.06i to the law, the removal of peace, order, and quiet; residential parking; and real property values indicate a legislative intent to exclude these factors from medical cannabis protests.<sup>1</sup> The Board is aware that §§ 5403, 5421, 5435 of the Ninth Emergency Rulemaking references these prior protest grounds. However, in light of the statute, it is clear that these rules only apply to unlicensed establishments, and do not apply to protests against standard applicants, which are now limited by law to the factors listed in § 7-1671.06i.<sup>2</sup> This reading is warranted because regulations that conflict with statutes cannot prevail. *Frazier v. DC Department of Employment Services*, 229 A.3d 131, 139 (D.C. 2020) citing *Hanson v. Dist. of Columbia Rental Hous. Comm’n*, 584 A.2d 592, 595 (D.C. 1991) (“[I]f any agency’s regulations conflicts with statutes, is beyond the agency’s statutory authority, or violates jurisdictional doctrines, the agency is not bound by its own regulations and its decision to depart from the regulation will be upheld.”). For this reason, the Board cannot consider the peace, order, and quiet ground raised by the ANC in its recommendation where Cannaart has applied as a standard medical cannabis applicant.

**b. Even if peace, order, and quiet or residential parking were a factor, the record demonstrates that the Applicant would not have a negative impact on these criteria.**

24. Even if peace, order, and quiet were a consideration in a protest, the protest would fail on these factors. The Board finds that there is no credible evidence that the establishment will interfere with the peace, order, and quiet of the surrounding area and will not produce noise, rowdiness, loitering, litter, or criminal activity.<sup>3</sup> Concerns that patients may potentially consume medical cannabis outside of the establishment and impact the safety of the neighborhood is uncorroborated and purely speculative. Based on the record before the Board, it is reasonable to assume that the residents in the surrounding area will be free from disturbances and other nuisances based on the mitigation steps taken by Cannaart, such as hiring a security firm. *Supra* at ¶ 5. Additionally, allegations of continued cannabis operations were investigated and unsubstantiated, which further render such concerns speculative. *Id.* Finally, residential parking is also not negatively impacted as there is public transportation available and several public parking spots nearby. *Supra* at ¶ 4.

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<sup>1</sup> The Board is not aware of any pending applications that qualify as special unlicensed establishments under the law; therefore, the Board presumes that the old protest factors will not be used again in protests unless the law is amended.

<sup>2</sup> The Board will propose updating the rules in an upcoming rulemaking unless there is an intervening change to the statute.

<sup>3</sup> Other than the sale of illegal cannabis itself, the Board could also consider that there was no evidence in the record that these quality-of-life concerns occurred when the business operated as an illegal establishment.

**c. Cannaart will not have a negative impact on nearby schools or children.**

25. The Board also evaluated the ANC's concerns regarding the establishment's potential impact on nearby schools and children. The Board recognizes that Murch Elementary School is in proximity to the establishment and that Alice Deal Middle School and Jackson-Reed High School are farther down the road; however, the Board finds that the establishment will not unduly attract children. First, Cannaart's weekday operating hours will start at 10:00 a.m. and the hours of sales will not start until 11:00 a.m. Those proposed hours will not interfere with children walking by during the school morning commute. *Supra* at ¶ 3. Cannaart also designed the premises so that no transactions will be visible from the street and hired a security firm to mitigate any medical cannabis consumption concerns. *Supra* at ¶ 5. These steps imposed by Cannaart will help deter any negative impact on children as children will not be able to see medical cannabis exchanges or usage at the establishment. For these reasons, the Board cannot consider the potential impact on schools and children to be persuasive.

**d. The Board's decision satisfies the great weight requirement.**

26. As noted in its conclusions of law, the Board considered the ANC's concerns regarding the impact of the establishment on schools, children, and vehicular and pedestrian safety but found the evidence too speculative to merit the denial of the application or the imposition of conditions.

**IV. The Application satisfies all remaining requirements imposed by Title 25.**

27. Finally, the Board is only required to produce findings of fact and conclusions of law related to those matters raised by the ANC in its initial protest. *See Craig v. District of Columbia Alcoholic Beverage Control Bd.*, 721 A.2d 584, 590 (D.C. 1998) ("The Board's regulations require findings only on contested issues of fact."). Accordingly, based on the Board's review of the Application and the record, the Applicant has satisfied all remaining requirements imposed by Title 7 of the D.C. Official Code and Title 22-C of the D.C. Municipal Regulations.

**ORDER**

Therefore, the Board, on this 28th day of January 2026, hereby **APPROVES**, the Application for a New Medical Cannabis Retailer's License at premises 5008 Connecticut Avenue, N.W., filed by Canna-Art, LLC, t/a Cannaart.

**IT IS FURTHER ORDERED** that the Board's findings of fact and conclusions of law contained in this Order shall be deemed severable. If any part of this determination is deemed invalid, the Board intends that its ruling remain in effect so long as sufficient facts and authority support the decision. The omission of any testimony or evidence in the Board's Order indicates that such testimony or evidence was contravened by the evidence or testimony credited by the Board, had no or minimal weight on the Board's findings and conclusions, was irrelevant, was not credible, was not truthful, was repetitious, was too speculative, or was otherwise inappropriate for consideration.

The ABCA shall deliver a copy of this order to the Parties.

District of Columbia  
Alcoholic Beverage and Cannabis Board

eSigned via SeamlessDocs.com  
*Donovan Anderson*  
Key: ac43cb96c9d5f0e46730093d1dccc8

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Donovan Anderson, Chairperson



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Silas Grant, Jr., Member

I concur with the decision reached by the majority of the Board. In reviewing the ANC's concerns regarding traffic congestion and vehicular and pedestrian safety, it is my belief that such concerns are better addressed through the auspices of the District of Columbia Department of Transportation (DDOT), which has a greater ability to consider and address the transportation and safety needs of commuters, school attendees, and retail businesses in the area.

*David Meadows*

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David Meadows, Member

We dissent from the position taken by the majority of the Board and would vote to deny the application based on the presentation provided by the Protestants under the protest concerns raised under D.C. Official Code 7-1671.06i. Cannaart's application and the fervent protest presentation thereto, on balance, leads us to favor the Protestants. Evidence, including ANC representation, witness testimony, and supporting letters, indicates that a large segment of that ANC population opposes the business there. It seemed to us that the chief concern was the business history of the Applicant. Our dissent values the effort and the extent to which this group went to protest this business. As counterintuitive as it may seem, no matter how odd, our vote values the best interest of the Applicant, the District, and ABCA resources. Having a business in an unwanted environment does not bode well for the Applicant, therefore the District, and our resources as an Agency. Our colleagues believe as they do, with a concurring opinion valuing safety and traffic concerns.

With foresight, experience, and evidence, this puts the owner-operator in a position where they have a very tough road to success. To stay ahead of potential legal and business issues, we believe a denial of the application is wise. Separately, the residents have a vested interest in their neighborhood's community, which goes beyond mere aesthetic, property value, and safety concerns. This collective presentation successfully indicated to us, the dissenting board members, that the business should not be awarded a license to operate at the specific location.



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Ryan Jones, Member

*Teri Janine Quinn*

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Teri Janine Quinn, Member

Any party adversely affected may file a Motion for Reconsideration of this decision or other motion permitted by law within ten days of service of this Order. If a motion is filed, the opposing party may file a response within seven days. If a response is filed, the movant may file a reply within three days. All filings should be served on all parties to the matter and delivered to the Alcoholic Beverage and Cannabis Administration, 899 North Capitol Street, N.E., Suite 4200-A, Washington, D.C. 20002, or sent by email to [abca.legal@dc.gov](mailto:abca.legal@dc.gov). Parties are further advised that the failure to properly serve the other parties or to present all matters of record that have allegedly been erroneously decided in a motion for reconsideration may result in the waiver of those matters being considered by the Board. The Board also reserves the right to summarily deny or not consider multiple and repetitive motions.

In addition to filing a Motion for Reconsideration, pursuant to § 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code § 2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, a party that is adversely affected may have the right to appeal this Order by filing a petition for review, within 30 days of the date of service of this Order, with the District of Columbia Court of Appeals, located at 430 E Street, N.W., Washington, D.C. 20001. Parties are advised that the timely filing of a Motion for Reconsideration stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. *See* D.C. App. Rule 15(b)(2004).

Parties are also advised that the Superior Court of the District of Columbia may have jurisdiction to hear appeals in non-contested cases or in matters where that court is specifically provided jurisdiction by law. Finally, advisory neighborhood commissions (ANCs) are advised that their right to appeal or challenge a decision of the Board may be limited by the laws governing ANCs. *See e.g.*, D.C. Code § 1-309.10(g).