

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

In the Matter of:)	
)	
)	
Fat Munchiez DC, LLC)	Case No.: N/A
t/a DC Garden Hill)	License No.: ABRA-127570
)	Order No.: 2024-183
Application for a New)	
Medical Cannabis Business License)	
)	
at premises)	
1671 Wisconsin Avenue, N.W.)	
Washington, D.C. 20007)	

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Silas Grant, Jr., Member

ALSO PRESENT: Fat Munchiez DC, LLC , t/a DC Garden Hill, Applicant

Meredith Kinner and John McGowan, Counsel, on behalf of the Applicant

ORDER DENYING APPLICATION

INTRODUCTION

The Alcoholic Beverage and Cannabis Board (Board) denies the Application for a New Medical Cannabis Retailer's License filed by Fat Munchiez DC, LLC, t/a DC Garden Hill (hereinafter "Applicant" or "Garden Hill") based on evidence that the Applicant filed a false and fraudulent business license with its application in violation of 22-C DCMR §§ 5406.1, 5406.4, and 5406.5. The Board also deems the appeal filed by the Applicant moot, and that the present order shall take precedence as the basis for denial of the application. The Board's reasoning and additional orders are discussed below.

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.

1. Fat Munchiez DC, LLC, t/a DC Garden Hill, has submitted an Application for a New Medical Cannabis Retailer License at 1671 Wisconsin Avenue, N.W., Washington, D.C. *Case Report*, DC Garden Hill (Feb. 12, 2024) at 1. The application was received by the Alcoholic Beverage and Cannabis Administration (ABCA) on January 29, 2024. *Id.* The record shows that the establishment further attempted to qualify as an “unlicensed operator.” *Id.*
2. The ABCA Licensing Division requested additional documents on February 7, 2024. *Id.* The agency requested the applicant’s Basic Business License (BBL) and evidence of unlicensed operator status. *Id.* at Exhibit No. 1. In response, an email dated February 12, 2024, from the applicant’s email address sent a basic business and other documents to the agency. *Id.*
3. The BBL provided by the Applicant indicates that it has been issued to Mark Lumpkins at 1671 Wisconsin Avenue, N.W. *Id.* at Exhibit No. 2. The corporate entity is listed as Fat Munchiez DC and the BBL is described as a “General Business” license. *Id.*
4. The BBL further provides that it was issued on December 12, 2021, for the “License Period” falling between December 12, 2021, and December 31, 2023. *Id.* It was assigned License Number “400324803674.” *Id.* The signature indicates that the license was signed by “Acting Director Tiffany Crowe.” *Id.*
5. Based on the information contained in the BBL, ABCA’s Licensing Division believed it may have been fraudulent and forwarded the information to the agency’s Enforcement Division. *Id.* at 1. ABCA Supervisory Investigator (SI) Jason Peru contacted Department of Licensing and Consumer Protection (DLCP) Program Manager Shakira Richardson to review the submission. *Id.* at 1-2.
6. Ms. Richardson reported by email that she searched DLCP’s databases and could not “locate a business license for Fat Munchiez DC prior to 2024.” *Id.* at Exhibit No. 3. She further indicated that it appeared that the BBL had been altered to display the 2021 date. *Id.* She also noted that a “different business” was “in this location in 2021.” *Id.*
7. SI Peru further determined that DLCP Acting Director Tiffany Crowe was not appointed to her current role until September 7, 2023. *Id.* Thus, her name should not appear on a document issued in 2021. *Id.*
8. ABCA’s records indicate that the applicant filed an appeal related to an administrative denial of the application based on the location of its premises being within 400 feet of other medical cannabis retail licensees or applicants located within 400 feet of the establishment in violation of D.C. Official Code § 7-1671.06A.

CONCLUSIONS OF LAW

9. The Board finds that the applicant intentionally filed a false business license with its application.

10. As part of the application process, all applicants must certify “. . . that the application is complete and accurate” 22-C DCMR § 5406.1. In accordance with § 5406.4, “The making of a false statement, whether made with or without the knowledge or consent of the applicant, shall, in the reasonable discretion of the Board based on the materiality and willfulness of the false statement, constitute sufficient cause for denial of the application or revocation of the license.” 22-C DCMR § 5406.4. Finally, in accordance with § 5406.5, “A person shall not knowingly submit an altered document or application to the Board for the purpose of deceiving the Board. The submission of an altered document intended to deceive the Board, may, at the reasonable discretion of the Board, constitute sufficient cause for denial of the application or revocation of the license.” 22-C DCMR § 5406.5.

11. The District of Columbia provides special privileges for applicants and licensees that qualify as “unlicensed establishments” to encourage transition to the licensed medical cannabis market from the illegal market. D.C. Code § 7-1671.06a. These privileges include access to an exclusive application period and exceptions to distance requirements. §§ 7-1671.06a(a)(1), (c). In order to qualify as an “unlicensed establishment” a retailer must submit among other documents a “valid, active business license issued on or before December 31, 2022.” § 7-1671.06a(a)(3)(B).

12. Nevertheless, in this case, the BBL provided by the Applicant on February 12, 2024, was false. *Supra*, at ¶ 2. In particular, the Board credits the information received from DLCP that the BBL does not exist in DLCP’s records. *Supra*, at ¶¶ 4-7. The Board further credits evidence that the BBL has been forged based on its lack of existence in DLCP’s records, the inaccurate signature of the Acting Director, and the incorrect date. *Id.*

13. In light of these findings, the Board finds that the Applicant has intentionally made a false statement in violation of § 5406.1 by filing the false BBL with its application. *Supra*, at ¶ 2. The Board further finds that the Applicant knowingly filed an altered document in violation of § 5406.5 because the document came from the applicant’s email and was material to the determination as to whether the applicant qualified as an unlicensed operator. *Id.*

ORDER

Therefore, the Board, on this 24th day of April 2024, hereby **DENIES** the Application for a New Medical Cannabis Retailer’s License filed by Fat Munchiez DC, LLC, t/a DC Garden Hill.

IT IS FURTHER ORDERED that the motion for reconsideration or request for a hearing shall contain all relevant evidence that the Applicant intends to have considered.

IT IS FURTHER ORDERED that the appeal filed by the Applicant is **MOOT** as the denial is now based on the filing of a fraudulent BBL.

IT IS FURTHER ORDERED that this matter shall be **REFERRED** to the District of Columbia Office of the Attorney General and DLCP with a recommendation to prosecute for

potential civil and criminal offenses. *See* D.C. Code §§ 22-2404 (False swearing); 22-2405(a) (False statements).

The Applicant is further **ADVISED** that all future applications may be subject to denial for failure to comply with the character and fitness requirements as indicated in § 5400 of Title 22-C of the D.C. Municipal Regulations based on the findings in this Order.

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 Applicant.

District of Columbia
Alcoholic Beverage and Cannabis Board

eSigned via SeambaseDocu.com
Donovan Anderson
Key: ac430b9b59d5f0e4b730069d1dccc8

Donovan Anderson, Chairperson

eSigned via SeambaseDocu.com
James Short
Key: 547ae373820de0ac8d1b332ad2041ee

James Short, Member



Silas Grant, Jr., Member

Pursuant to 22-C DCMR § 9723, any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage and Cannabis Administration, Reeves Center, 2000 14th Street, NW, 400S, Washington, D.C. 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Code § 2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001. However, 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).