

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

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In the Matter of:	)	
	)	
DC Garden Hill, LLC	)	Case No.: N/A
t/a TBD	)	License Nos.: ABRA-128404
	)	ABRA-128405
DC Garden Hill NOMA, LLC	)	ABRA-128406
t/a TBD	)	Order No.: 2024-402
	)	
Application for a New	)	
Medical Cannabis Business License	)	
	)	
Application for a	)	
Conditional License	)	
	)	
at premises	)	
1671 Wisconsin Avenue, N.W.	)	
Washington, D.C. 20007	)	
	)	
5 New York Avenue N.W.	)	
Washington, D.C. 20001	)	

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

**PARTIES:** DC Garden Hill, LLC, t/a TBD, Applicant  
DC Garden Hill NOMA, LLC, t/a TBD, Applicant

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**QUALIFICATIONS HEARING NOTICE**

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On April 24, 2024, the Alcoholic Beverage and Cannabis Board (Board) denied the Application for a New Medical Cannabis Retailer's License filed by Fat Munchiez DC, LLC, t/a DC Garden Hill (hereinafter "Garden Hill"), for filing "a false and fraudulent business license with its application in violation of 22-C DCMR §§ 5406.1, 5406.4, and 5406.5." *In re Fat Munchiez DC, LLC, t/a DC Garden Hill*, ABRA License No. 127570, Board Order No. 2024-183, 1 (D.C.A.B.C.B. Apr. 24, 2024). The records of the Board further reveal that the ownership of Garden Hill has several other applications filed with the Board. In addition to Garden Hill's application, the ownership in that case have filed applications under DC Garden Hill, LLC, and

DC Garden Hill NOMA, LLC (hereinafter collectively, “Applicants”).<sup>1</sup> In light of the Board’s determination regarding the Garden Hill application, the Board orders the remaining Applicants to demonstrate their qualifications for licensure pursuant to 22-C DCMR § 5448.

**The Applicants are hereby directed to appear before the Alcoholic Beverage and Cannabis Board (Board), located at the Reeves Center, 2000 14th Street, N.W., Suite 400, Washington, D.C., on June 12, 2024, at 1:30 p.m. to demonstrate their qualifications for licensure.<sup>2</sup>**

The purpose of the hearing is to determine whether the owner(s) listed in the Application qualify for licensure under 22-C DCMR § 5400.1(a). Because this hearing may result in an administrative action or order that impacts the Applicant’s rights, the hearing shall be conducted as a contested case hearing using the procedures provided by the D.C. Administrative Procedure Act (D.C. APA) (D.C. Official Code § 2-501 *et seq.*) and the hearing procedures described in Title 22-C of the D.C. Official Code (Title 22-C). Please also note that Title 22-C places the burden of proof on the Applicant to demonstrate through substantial evidence that he or she meets the qualifications described in § 5400.1(a). *See Citizens Ass’n of Georgetown, Inc. v. D.C. Alcoholic Beverage Control Bd.*, 288 A.2d 666, 666-69, 671 (D.C. 1972). If the Board finds that the Applicant is unfit for licensure, this may result in the denial of the application(s). In addition, in lieu of denying the application(s), the Board may impose conditions on the license under 22-C DCMR § 5407.5. Finally, any information obtained during these proceedings may be used by ABRA or forwarded to other government agencies to support additional administrative or criminal actions against the Applicant, the individual owners, or others.

All pleadings, or any other written communication, addressed to the Board, should be delivered to Martha Jenkins, General Counsel, 2000 14th Street, N.W., Suite 400, Washington, D.C. You should contact General Counsel Martha Jenkins at (202) 442-4456 upon receipt of this notice to discuss any potential settlement, consent order, or stipulation that you want the Board to consider in accordance with D.C. Official Code § 2-509(a).

All documents referenced in this notice are incorporated by reference, and also form the basis of the counts described below.<sup>3</sup> Please contact ABRA’s Public Information Officer at (202) 442-4425 if the Applicant seeks to obtain copies of any document. Please also note that the Board has the right to obtain additional information regarding the application(s) under 22-C DCMR § 5402.3.

Under D.C. Official Code § 2-509(b), the Applicant may personally appear at the hearing, and may be represented by legal counsel. At the scheduled hearing, the Applicant has the right to produce witnesses and evidence on his or her behalf and to cross-examine witnesses.

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<sup>1</sup> Garden Hill’s Application was denied in Board Order No. 2024-183; as a result, there is no need to initiate a qualifications hearing in that matter as it is resolved. Nevertheless, if that matter is revived, then the Board will consider initiating the same action against that application.

<sup>2</sup> This date and the time of the hearing may be changed to accommodate the applicant and any potential witnesses.

<sup>3</sup> This includes the documents referenced in Board Order No. 2024-183.

The Applicant may also examine evidence produced and have subpoenas issued on his or her behalf to require the production of witnesses and evidence.

The Board reserves the right to amend this notice in accordance with D.C. Official Code § 2-509 based on new information that is discovered during the hearing process. The Board also reserves the right to schedule additional hearings to address preliminary motions or additional information received by the Board during the hearing process.

All hearings are conducted before the Board in the English language. If a party or witness is deaf, or because of a hearing impediment cannot readily understand or communicate the spoken English language, the party or witness may apply to the Board for the appointment of a qualified interpreter. Please note that under § 2-509, the Applicant's failure to appear at the time and place set for the hearing, either in person or through counsel, or both, will not preclude the Board from proceeding in this matter or entering a default judgment.

The Board seeks the **DENIAL** of the applications filed by the Applicants under 22-C DCMR § 5448, and the Board's determination that the Applicants are unfit for licensure under 22-C DCMR § 5400.1(a). The basis of this contemplated action is as follows:

### **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 and all documents comprising the Board's official file. The Board credits all testimony and evidence identified or cited below unless otherwise stated.

1. The Board incorporates the facts and conclusions of law reached in Board Order No. 2024-183 as part of this Order.
2. In addition to owning Fat Munchiez DC, LLC, ABCA's records show that Mark Lumpkins is associated with or an owner of the following entities: DC Garden Hill, LLC, and DC Garden Hill NOMA, LLC. DC Garden Hill, LLC and DC Garden Hill NOMA, LLC (hereinafter collectively the "Applicants") have filed three applications with the Board that have been assigned ABRA License Nos. 128404, 128405, 128406. The Board notes that DC Garden Hill, LLC, has filed two separate applications with the Board, which have been designated ABRA License Nos. 128405 and 128406.

### **CONCLUSIONS OF LAW**

**CHARGE I: The Applicants are unfit and lack sufficient good character based on the Board's decision in Board Order No. 2024-183 related to the filing of a fraudulent business license and the license must be denied for failing to meet the requirements of 22-C DCMR § 5400.1(a).**

3. Based on the Board's determination, that the ownership of the Applicants filed a false and fraudulent business license, this renders the applicant unfit for licensure.'

4. Section 5400.1(a) provides that

Before issuing, or renewing a registration or permit for either a business applicant or an individual applicant, the Board shall determine that the applicant meets all of the following criteria:

(a) The applicant is of good character and generally fit for the responsibilities of registration;

22-C DCMR § 5400.1(a).

5. The Board finds that the ownership of the Applicants intentionally filed a false business license with the application related to Fat Munchiez DC, LLC. Since the issuance of Board Order No. 2024-183, the Board has not received any evidence contradicting its prior determination that the ownership of the Applicants had filed a false and fraudulent business license and intentionally or knowingly attempted to deceive the Board on a material fact related to the approval of an application. *Board Order No. 2024-183*, at ¶¶ 2, 4-7, 10-14. Based on these facts, the Board finds that intentionally filing a false document material to an application for licensure with the Board merits a finding that the persons engaged in such activity are unfit and unqualified for licensure in accordance with § 5400.1(a) as the agency and the Board rely on the veracity of such submissions to make appropriate licensing determinations. Therefore, the ownership of the Applicants must be deemed unfit and unqualified for licensure based on their involvement in the filing of the false and fraudulent business license with another application.

### ORDER

Therefore, the Board, on this 15th day of May 2024, hereby orders that the Applicant demonstrate to the satisfaction of the Board that he or she qualifies for licensure under D.C. Official Code § 5400.1(a) in accordance with this Order.

**IT IS FURTHER ORDERED** that if the Applicants fails to appear, withdraws the applications, or does not challenge this Order, the applications (e.g., ABRA License Nos. 128404, 128405, 128406) shall be deemed **DENIED** as of the date of the hearing for the reasons stated above. If a request for a hearing is made or the Applicant appears at the hearing, the findings of fact and conclusions of law contained in this Order shall be deemed the Board's Proposed Findings of Fact and Conclusions of Law.

**IT IS FURTHER ORDERED**, that if this Order becomes final, 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.

A copy of this Order shall be provided to the above-mentioned parties.

District of Columbia  
Alcoholic Beverage and Cannabis Board

eSigned via SeamblesDocs.com  
*Donovan Anderson*  
Key: ac430b9b59d5f0e4b730060d1dccc8

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Donovan Anderson, Chairperson

eSigned via SeamblesDocs.com  
*James Short*  
Key: 547ae373820de0ac8d1b332d42048e

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James Short, Member



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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).