

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

)		
In the Matter of:)		
)		
ECCS, LLC)	Case No.:	N/A
t/a TBD)	License No.:	N/A
)	Order No:	2025-1073
Qualifications Hearing)		
)		
6119 Chillum Place, N.E.)		
Washington, DC 20011)		
)		

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

PARTIES: Khanh Nguyen and ECCS, LLC, Applicant

Yutong Zhou, Counsel, on behalf of the Applicant

NOTICE OF QUALIFICATIONS HEARING AND PROPOSED ORDER

NOTICE OF QUALIFICATIONS HEARING

The Alcoholic Beverage and Cannabis Board (Board) orders the Applicant, Khanh Nguyen and ECCS, LLC, to appear virtually on **December 10, 2025 at 10:30 a.m.**¹ to provide evidence to the satisfaction of the Board that the application is not disqualified for licensure.² The Applicant is advised that “The Board may hold a qualifications hearing before issuing, transferring, or renewing a license, registration, or permit to determine whether the applicant . . . meets the criteria set forth in the Act and this subtitle . . .” 22-C DCMR § 5448.1 (Notice of Ninth Emergency Rulemaking). The hearing will involve consideration of the matters, evidence, and resolution described below. 22-C DCMR § 5448.4 (Notice of Ninth Emergency

¹ The Applicant may make arrangements with the agency’s Office of General Counsel to have the hearing occur at a different date and time.

² Additional instructions to appear will be provided by email to the email address provided to the agency as part of the application in this matter.

Rulemaking). The Applicant is advised that the failure to appear at the date and time may result in the Board proceeding ex parte and deciding this matter without considering any argument or evidence you wish to provide. 22-C DCMR § 5448.5 (Notice of Ninth Emergency Rulemaking).

PROPOSED ORDER

The Board issues the following proposed order requiring the Applicant to demonstrate its fitness for licensure. The Board's proposed order is not final, and its determination may be subject to change depending on the evidence and argument presented by the Applicant.

If the proposed order is not challenged, then the Board reserves the right to rely on the findings and conclusions described below as a basis to deny the applications. If a hearing is held, the Board will consider evidence and argument against the proposed action, proposed conditions, or the issuance of an order denying the applications. If a hearing is held, all documents referenced in the proposed order shall be deemed in evidence and the Board reserves the right to call all persons identified in the Order and documents as witnesses.

In that vein, for the reasons described below, the Board reviewed compelling evidence that that the Applicants ECCS, LLC and Khanh Nguyen, who submitted applications for a Cultivation Center License and Manufacturer License, are unfit for licensure due to the Applicant's involvement in the operation of an illegal cannabis business engaged in the illegal sale of cannabis, and for this reason, the applications should be **DENIED**.

PROPOSED FINDINGS OF FACT

The following statements represent the Board's proposed 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 evidence and documents identified or cited below unless otherwise stated.³

1. ECCS, LLC, filed two applications with the Alcoholic Beverage and Cannabis Administration (ABCA). The first application is for a Medical Cannabis Cultivation Center License for 6119 Chillum Place, N.E., Washington, D.C. *ECCS Cultivation Center License*, 3-4. The sole owner of the limited liability company that owns the applicant is Khanh Nguyen. *Id.* at 22. The Applicant is seeking the transfer of the license from Marbleshooterz, LLC. *Id.* at 7.
2. The second application is for a Medical Cannabis Manufacturer License. The license is for 6119 Chillum Place, N.E., Washington, D.C. *ECCS Manufacturer License*, 3-4. The sole owner of the limited liability company that owns the applicant is Khanh Nguyen. *Id.* at 22. The Applicant is seeking the transfer of the license from Marbleshooterz, LLC. *Id.* at 7.
3. ECCS, LLC also filed an application for a Medical Cannabis Retailer License. *ECCS Retailer Application*, at 2. The application listed 1648 Columbia Road, N.W. #2, Washington,

³ The documents relied upon by the Board as the basis of its findings of fact are available upon request by the Applicant.

D.C., as the entity’s mailing address. *Id.* The application also contained an Unlicensed Operator Attestation Form that indicated that Khanh Nguyen owned an unlicensed cannabis establishment since at least December 31, 2022 and listed 1648 Columbia Road, N.W. #2, Washington, D.C., as the address. *Id.* at 26. The application indicated that the unlicensed cannabis establishment was operated by ECCS, LLC, with the trade name “Heady Club DC, HCDC.” *Id.*

4. On September 22, 2025, ABCA conducted an undercover operation at 1648 Columbia Road, N.W. *Case Report 25-ULC-00064* at 1. On that date, ABCA Supervisory Investigator (SI) Jason Peru and the Metropolitan Police Department had an undercover agent place an online order through headyclubdc.com. *Id.* at 2. The undercover agent was directed by text to appear near 1648 Columbia Road, N.W. *Id.* The undercover agent then indicated by text that they were near. *Id.* After the text was sent, a male employee exited 1648 Columbia Road, N.W., and provided the undercover agent three pre-rolled cannabis cigarettes and a 3.5-gram bag of cannabis flower. *Id.* The undercover agent paid \$80 for the cannabis products. *Id.* The male employee then returned to 1648 Columbia Road, N.W. *Id.* After the purchase, a test was conducted and the products tested positive for tetrahydrocannabinol. *Id.* SI Peru then determined that the products provided to the undercover agent had not been tested by a licensed testing laboratory despite ClearSight Labs being in operation since August 16, 2024. *Id.* A summary action under D.C. Official Code § 7-1671.08(g)(2)(C) was initiated based on the sale of untested cannabis that posed an imminent danger to the public. *Notice of Summary Action*, Case No. 25-ULC-00064, 2 (Sept. 25, 2025). This summary action was resolved by an offer-in-compromise that required the cessation of illegal cannabis sales without a medical cannabis license and other conditions. *Board Order No. 2025-993*.

PROPOSED CONCLUSIONS OF LAW

5. In accordance with 22-C DCMR § 5400.1(a), “Before issuing, or renewing a registration or permit for either a business applicant or an individual applicant, the Board shall determine that the applicant . . . is of good character and generally fit for the responsibilities of registration” 22-C DCMR § 5400.1(a) (Notice of Ninth Emergency Rulemaking). The Board “must . . . evaluate each applicant individually, on a case-by-case basis” because “the character of the applicant . . . will necessarily differ from one application to the next” *Gerber v. D.C. Alcoholic Beverage Control Bd.*, 499 A.2d 1193, 1195 (D.C. 1985). The term “Applicant” as it appears in the regulations “means, as the context requires, the individual applicant, each member of an applicant partnership or limited liability company, or each of the principal officers, directors, and shareholders of an applicant corporation, or, if other than an individual, the applicant entity.” 22-C DCMR § 9900.1.

6. The Applicant bears the burden of showing it qualifies for licensure . . . through substantial evidence. *Citizens Ass’n of Georgetown, Inc. v. D.C. Alcoholic Beverage Control Bd.*, 288 A.2d 666, 666-69, 671 (D.C. 1972). Furthermore, “[t]his obligation is not dependent upon whether or not anyone makes a character challenge” *Craig v. D.C. Alcoholic Beverage Control Bd.*, 721 A.2d 584, 590 (D.C. 1998). Therefore, when the Board has doubts regarding an applicant’s character and fitness, “it may call for evidence to remove that doubt.” *Citizens Ass’n of*

Georgetown, Inc. v. D.C. Alcoholic Beverage Control Bd., 288 A.2d at 672 (Hood, Chief Judge, concurring).

7. As part of this review, the Board may consider prior illegal activity and violations of the District’s laws. *Haight v. D.C. Alcoholic Beverage Control Bd.*, 439 A.2d 487, 492 (D.C. 1981); *In re Melles Hospitality Group, LLC, t/a The Alibi Restaurant & Lounge*, ABRA License No. 93491, Board Order No. 2014-129. Proposed Order ¶¶ 50-52 (D.C.A.B.C.B. Apr. 9, 2014) (finding past involvement in repeated violations of the underage drinking laws sufficient grounds to deny application for lack of qualifications).

8. Under Title 7, “Cannabis” is defined as “all parts of the plant genus Cannabis.” D.C. Code §§ 48-901.02(3), 7-1671.01(2A). Under current District law, the operation of an unlicensed cannabis establishment and the sale of cannabis without a license is illegal. Under § 7-1671.08(a),

Any person who manufactures, cultivates, possesses, administers, dispenses, distributes, or uses cannabis, or manufactures, possesses, distributes, or uses paraphernalia, in a manner not authorized by this chapter or the rules issued pursuant to § 7-1671.13 shall be subject to criminal prosecution and sanction under subchapter I of Chapter 11 of Title 48 [§ 48-1101 et seq.].

D.C. Code § 7-1671.08(a).

9. Under § 48-904.1(a)(1),

Except as authorized by this chapter or Chapter 16B of Title 7 [§ 7-1671.01 et seq.], it is unlawful for any person knowingly or intentionally to manufacture, distribute, or possess, with intent to manufacture or distribute, a controlled substance. Notwithstanding any provision of this chapter to the contrary, it shall be lawful, and shall not be an offense under District of Columbia law, for any person 21 years of age or older to: . . .

(B) Transfer to another person 21 years of age or older, *without remuneration*, marijuana weighing one ounce or less

D.C. Code § 48-904.1(a)(1) (emphasis added). Under § 7-1671.12e(a),

Any building, ground, or premises where cannabis is sold, exchanged as part of a commercial transaction, delivered, or permitted to be consumed by an unlicensed establishment shall be a nuisance

D.C. Code § 7-1671.12e(a).

10. The record before the Board indicates that the ownership of ECCS, LLC, owned by Khanh Nguyen sold cannabis to an undercover agent for \$80 on September 22, 2025. This sale violated D.C. Official Code § 7-1671.08(a), 7-1671.12e(a), and 48-904.1(a)(1). In the District of

Columbia, cannabis may only be produced, sold, and distributed under the auspices of a medical cannabis license. The failure to comply with the licensure requirement puts the public at risk (e.g., pesticide exposure and inaccurate labeling), undermines the efforts of legal operators to remain compliant and financially solvent, and undermines the efforts of the District of Columbia to ensure a safe, healthy, and orderly medical cannabis marketplace. For these reasons, the Board is persuaded that this illegal unlicensed activity committed by ECCS, LLC, and Khanh Nguyen renders the Applicants unfit for licensure.

PROPOSED ORDER

Therefore, the Board, on this 19th day of November 2025, proposes to find ECCS, LLC, and Khanh Nguyen unfit for licensure under § 5400.1(a) for the reasons stated above and that the **APPLICATION** should be **DENIED**.

IT IS FURTHER ORDERED that the applications for a Cultivation Center License and Manufacturer License should be **DENIED**.

The Board further **ADVISES** the Applicants that in accordance with this determination it will be subsequently prohibited from having additional successive applications considered pursuant to 22-C DCMR § 5418 and that future applications may be summarily denied based on the Board's findings in this Order. Moreover, the Applicants are advised that future applications filed by the Applicants may be summarily denied based on the findings in this Order.

District of Columbia
Alcoholic Beverage and Cannabis Board

eSigned via SeamlessDocs.com
Donovan Anderson
Key: ac43cb06b6d5f09e4b730003d1dccc8

Donovan Anderson, Chairperson



Silas Grant, Jr., Member

Teri Janine Quinn

Teri Janine Quinn, Member



Ryan Jones, Member



David Meadows, Member

You have the right to produce witnesses and evidence on your behalf and to cross-examine witnesses. You may examine evidence produced, and have subpoenas issued on your behalf to require the production of witnesses and evidence. All hearings are conducted in the English language. If you, any corporate officer, or any witnesses to be called are deaf, have a hearing impediment, or cannot readily understand or communicate the spoken English language, an application may be made to the Board for the appointment of a qualified interpreter.

Your failure to appear at the time and place set for the hearing, if requested, either in person or through counsel, or both, will not preclude the Board from proceeding in this matter. Should you have any questions, contact ABRA Adjudication Specialist Danette Walker at 202-442-4418. Instructions to attend the virtual hearing will be provided separately. All questions, motions, or settlement offers shall be directed to the ABCA's Office of General Counsel at ABCA.Legal@dc.gov.

Finally, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, District of Columbia Official 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, 500 Indiana Avenue, N.W., Washington, D.C.

20001. However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR § 1719.1 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).