

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

In the Matter of:)	
)	
Happy-Bud, LLC)	Case No.: N/A
t/a Happy-Bud)	License No.: 126980
)	Order No.: 2024-020
Applicant for a New)	
Retail Medical Cannabis License)	
)	
at premises)	
1118 9th St., N.W.)	
Washington, D.C. 20011)	

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

ALSO PRESENT: Happy-Bud, LLC, t/a Happy-Bud, Petitioner

Bryan K. Short, Counsel, on behalf of the Petitioner

Martha Jenkins, General Counsel
Alcoholic Beverage and Cannabis Administration

ORDER DENYING MOTION FOR RECONSIDERATION

The Alcoholic Beverage and Cannabis (Board) received a motion for reconsideration regarding the denial of the application filed by Happy-Bud, LLC, t/a TBD (Petitioner) due to proximity to another proposed location for a Retail Medical Cannabis License. The Board denies the motion for reconsideration because it is not supported by the agency’s records.

The basis of the motion for reconsideration is the incorrect claim that the Petitioner’s Application was first in time because it was submitted on November 16, 2023, pursuant to D.C. Official Code §7-1671.06A(d)(2). *Petition to the Board for Licensure in Support of Happy Bud, L.L.C.*, at 2 (*Mot. for Recon.*).

Section 7-1671.06A(d)(2) provides that:

**D.C. OFFICIAL CODE § 7–1671.06A. UNLICENSED ESTABLISHMENTS
TRANSITION**

(d)(1) In determining whether a retailer application filed by an unlicensed establishment is eligible to be approved, the ABC Board shall ensure that the retailer application will not be located within 400 feet of a previously submitted retailer application filed by another applicant during the 90-calendar day open application period.

(2) Consistent with this subsection, ABCA shall proceed forward with the application filed by the unlicensed establishment that is *first in time*. If that application is subsequently denied, ABCA shall proceed with the application that is second in time, third in time, et cetera, until an application is approved.

D.C. Code § 7-1671.06A(d)(1)-(2) (emphasis added).

The Board notes that the motion incorrectly claims that “Sometime after . . . November 30, 2023 . . . A. Rae, LLC (“Don Fuego”) submitted an application for medical cannabis licensure . . . with ABCA.” *Mot. for Recon.*, at 2. Nevertheless, ABCA’s records tell a different story.

In fact, Don Fuego filed its application at 9:00 a.m. on Wednesday, November 1, 2023. *Email from John McGowan to Sean Gordy, Licensing Manager*, 1 (Nov. 1, 2023). ABCA’s records then confirm that the email containing Happy Bud, LLC’s application package arrived on November 16, 2023 at 6:01 p.m., as stated in the motion for reconsideration. As a result, Don Fuego’s application has priority to the extent both applications are within 400 feet of one another in accordance with D.C. Official Code § 7-1671.06A(d)(1) and (2), as Don Fuego was first in time to file, not the Petitioner.

ORDER

Therefore, the Board, on this 31st day of January 2024, hereby **DENIES** the motion for reconsideration.

IT IS FURTHER ORDERED that all issues not addressed by the Board are deemed moot.

The ABCA shall deliver copies of this Order to the Government and the Respondent.

District of Columbia
Alcoholic Beverage and Cannabis Board

eSigned via SeamsesDocu.com
Donovan Anderson
Key: ac430b9b59d5f0e4b730060d1dccc8

Donovan Anderson, Chairperson

eSigned via SeamsesDocu.com
James Short
Key: 547ae373820de0ac8d1b332d42048e

James Short, Member



Silas Grant, Jr., Member

Pursuant to D.C. Official Code § 25-433(d)(1), 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. 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, 430 E Street, N.W., Washington, D.C. 20001; (202-879-1010). 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) (2004).