

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

In the Matter of:)	
)	
)	
Smoke & Tingz 2, Inc.)	Case No.: 24-PRO-00085
t/a Smoke & Tingz 2 Inc.)	License No.: 128451
)	Order No.: 2024-645
Applicant for a)	
Medical Cannabis Retailer License)	
)	
at premises)	
25 Florida Avenue, N.W.)	
Washington, D.C. 20001)	

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

PARTIES: Smoke & Tingz 2, Inc., t/a Smoke & Tingz 2 Inc., Applicant

Karla M. Lewis, Chairperson, Advisory Neighborhood Commission 5E,
Petitioner

ORDER GRANTING MOTION FOR RECONSIDERATION

Smoke & Tingz 2, Inc., t/a Smoke & Tingz 2 Inc., has applied for a Medical Cannabis Retailer License. The Application was dismissed in Board Order No. 2024-602 based on the failure of the Applicant to appear at a required Roll Call Hearing on August 19, 2024. Subsequently, the Applicant filed a motion for reinstatement arguing that the Application should be reinstated because she was absent due to a family emergency. ANC 5E opposed the motion on the grounds that the Applicant failed to describe the nature of the emergency; failed to explain why notice of the absence before the hearing could not be provided; and failed to provide any additional proof that an emergency occurred. The Board noted that it will decide on a case-by-case basis what constitutes an emergency sufficient to satisfy the good cause standard, as in some cases, it may be sufficient to accept the Applicant’s proffer that an emergency occurred without burdening the parties to provide documentation that may or may not exist depending on the nature of the emergency. Nevertheless, in this case, the Board agreed with the ANC that the Applicant has provided insufficient information to merit reinstatement in accordance with 22-C DCMR § 5432.5, which the Applicant could have, had it replied to the ANC’s objections. Therefore, the Board denied the motion for reinstatement.

Subsequently, the Applicant filed a motion for reinstatement and reply that explained the reason for the absence and added a new reason for the failure by arguing that the agency failed to give proper notice of the Roll Call Hearing. The Applicant further argued that the dismissal would cause hardship. The reconsideration motion is opposed by the ANC.

The Board is persuaded by the new reasoning provided in the motion because a review of ABCA's records indicate that the means of communication used to provide notice by the agency were sent to the wrong addresses or email listed in the application (e.g., 1705 North Capital Street, N.E.). Therefore, in light of the agency's error, the Board finds good cause for the absence and waives the appearance requirement for the hearing in accordance with 22-C DCMR § 9724.1.

ORDER

Therefore, the Board, on this 18th day of September 2024, hereby **GRANTS** the motion for reconsideration and reinstates the application. **The Protest Status Hearing shall be rescheduled for October 9, 2024, at 10:30 a.m., and the Protest Hearing shall be held at November 6, 2024, at 1:30 p.m.** The ABCA shall deliver a copy of this order to the Parties.

District of Columbia
Alcoholic Beverage and Cannabis Board

eSigned via Seams@Docu.com
Donovan Anderson
Key: ac430b9b59d5f0e4b730060d1dccc8

Donovan Anderson, Chairperson

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James Short
Key: 547ac373f820de0ac8d1b3325d2049ec

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).