

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

In the Matter of:)
)
UpnSmoke III, LLC)
t/a TBD)
)
Applicant for a New)
Medical Cannabis Retailer License)
)
at premises)
712 15th Street, N.E.)
Washington, D.C. 20002)
)

License No.: ABRA-126868
Order No.: 2024-047

UpnSmoke III, LLC, t/a TBD, Applicant

Zack Learman, Counsel, on behalf of the Applicant

Robb Dooling, Commissioner, Advisory Neighborhood Commission (ANC) 6A

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

ORDER ON SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage and Cannabis Board (Board) reflect that UpnSmoke III, LLC, t/a TBD, (Applicant), Applicant for a New Medical Cannabis Retailer License and ANC 6A have entered into a Settlement Agreement (Agreement), dated January 21, 2024, that governs the operations of the Applicant’s establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Commissioner Rob Dooling, on behalf of ANC 6A, are signatories to the Agreement.

Accordingly, it is this 31st day of January 2024, **ORDERED** that:

1. The above-referenced Settlement Agreement submitted by the parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order, except for the following modifications:

Section 6 (Exclusion of Minors from the Premises) – Delete text and amend as follows:

- (1) “The Licensee or its agents must request that all patrons seeking to purchase medical cannabis from the licensee show a valid identification before distributing medical cannabis to the qualified patient or caregiver. If a patient or caregiver fails to show valid identification, then the licensee is prohibited from serving medical cannabis to the patient or caregiver.”
- (2) “When the establishment permits or allows caregivers or patients under the age of 21 into the establishment, at least one identification check shall occur at the time the patient or caregiver attempts to purchase or obtain medical cannabis. Once the Licensee or its agents confirm that the patient or caregiver is eligible or obtain medical cannabis, no additional identification checks are required under this subsection.”
- (3) “The Licensee shall report all attempts by unqualified persons to purchase medical cannabis illegally to ABCA and MPD.”

Section 12 (Behavior of Qualifying Patients) – This Section shall be modified to read: “The Applicant will report criminal conduct committed by persons within 100 feet of the establishment to MPD and will refuse to sell medical cannabis to any person engaging in criminal conduct while inside the establishment.”

The parties have agreed to these modifications.

2. Copies of this Order shall be sent to the Parties.

District of Columbia
Alcoholic Beverage and Cannabis Board

eSigned via SeamlessDocx.com
Donovan Anderson
Key: ac432b99b56d5f0e4b730693d1dccc8

Donovan Anderson, Chairperson

eSigned via SeamlessDocx.com
James Short
Key: 54f7a9373f620d6e6ac8d1b332d22948e

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, 2000 14th Street, N.W., Suite 400S, Washington, DC 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 (2008) 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).