



Steven M. McCarty
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March 10, 2025

Mayor Muriel Bowser
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Chairman Phil Mendelson
Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Councilmember Kenyan McDuffie
Chair, Committee on Business and Economic Development
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Councilmember Christina Henderson
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Councilmember Anita Bonds
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Councilmember Robert White
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Councilmember Brooke Pinto
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Re: ABCA Protest Process & ANC 2G Opposition to Positronics Cannabis Retailer License

Dear Mayor Bowser, Chairman Mendelson, and Councilmembers,

For over a year, I have raised serious concerns about the Alcoholic Beverage and Cannabis Administration's (ABCA) handling of cannabis licensing protests, particularly regarding the application for XXX Distributors t/a Positronics (Case No. 24-PRO-00080). Today, I was informed that there is no action Councilmember Brooke Pinto can take to address this unjust and unfair process. This raises a fundamental question: *Who in our city leadership will step up?*

I have repeatedly asked for your support in addressing the deep flaws in ABCA's process:

- **March 8, 2024** – I communicated my concerns to Councilmember McDuffie's team.
- **July 2, 2024** – I met with Councilmember Robert White's team to discuss these issues.
- **July 10, 2024** – I communicated my concerns again to Councilmember McDuffie's team.
- **September 16, 2024** – I sent a letter to all At-Large Councilmembers, the Mayor's Office, and the Ward 2 Council Office outlining the failures in the protest process.
- **January 22, 2025** – I met with Councilmember McDuffie's team to raise concerns.
- **February 26, 2025** – I met with Councilmember Pinto to also address these concerns.
- **March 7, 2025** – I was informed that there is no action Councilmember Pinto can take to address this unjust and unfair process.

Throughout this process, ABCA has demonstrated a troubling disregard for ANC 2G's Great Weight, as well as the procedural fairness required for these hearings. The applicant in this case has repeatedly failed to comply with ABCA's own process requirements, yet ABCA has continued to advance the application despite these failures. Specific violations include:

- **Failure to submit required documents on time** – The applicant did not file their Protest Information Form (PIF) in a timely manner and failed to send it to the ANC for review.
- **Lack of a security plan** – The applicant failed to provide a security plan, a basic requirement that ABCA has chosen to overlook.
- **Misrepresenting Ownership of Business** — The applicant has repeatedly allowed a gentleman named Patrick Welch to appear and claim to be an owner of the business. This occurred during roll call hearing, during pre-protest mediation, and during both days of the protest hearing. In each instance, Mr. Welch was held out to be an owner of the business notwithstanding the fact that he is not a member of the Limited Liability Company that submitted the application and the submission of sworn testimony confirming that he is not in fact an owner. In short, the applicant has concealed or otherwise misrepresented the identity of its ownership throughout this process.
- **Inadequate investigation** – The ABCA investigator failed to contact the actual applicant before issuing their report, instead speaking with the applicant's landlord—who is **not** a co-owner of the business and was **never** listed in any of the applicant's documentation before ABCA or the Commission. This is a blatant failure of due diligence, as the investigator based their findings on someone with no legal or operational authority over the application.
- **Post-hearing procedural violations** – The ABCA investigator conducted site visits and landlord interviews after the initial hearing, an irregular and inappropriate practice.

Despite these clear process failures, ABCA appears determined to grant this license, disregarding the significant concerns raised by the community. There is no ombudsman, no neutral third party for mediation, and no accountability mechanism in place to ensure fair proceedings.

This license must not be issued.

There are **too many** failures in process, accountability, and due diligence for any elected leader to feel comfortable allowing this agency to proceed with issuing this license. The applicant has flouted the rules at every stage, and ABCA has failed to enforce its own procedures. If ABCA proceeds with granting this license, it will set a dangerous precedent—one where agencies can ignore public input, overlook regulatory failures, and rubber-stamp licenses without scrutiny.

I urge the Council and the Mayor's Office to **stop this license from moving forward and reform this process** to ensure fairness for communities across the District. ANC 2G and our residents have engaged in good faith, but the failures in this case show that the process does not adequately protect or respect community input.

Our community needs your support. We are looking to our elected leaders to ensure a just outcome and a process that upholds transparency, accountability, and fairness. I look forward to working together to address these issues and find solutions that restore trust in the process.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Steven M. McCarty". The signature is fluid and cursive, with the first name "Steven" written in a larger, more prominent script than the last name "McCarty".

Steven M. McCarty
Commissioner, ANC 2G04
Advisory Neighborhood Commission 2G