

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

In the Matter of:)

SM Quest Industries Inc.)

Applicant for a New)
Medical Cannabis Retailer License)

at premises)
1658 33rd Street NW)
Washington, D.C. 20007)

Case No.: N/A
License No.: ABRA- 128882
Order No.: 2026-615

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

PARTIES: SM Quest Industries Inc., Applicant

Yutong Zhou, Esq., Attorney behalf of Applicant

PROPOSED ORDER RESCINDING THE PLACARD

On May 15, 2026, the Alcoholic Beverage and Cannabis Administration (ABCA) placarded SM Quest Industries (“SM Quest” or “Applicant”) for a Medical Cannabis Retailer License (ABRA License No. 128882) at 1658 33rd Street NW (premises). On June 11, 2026, ABCA’s Licensing Division notified the Applicant that it had rescinded the placard because the proposed location does not meet the minimum eligibility criteria, as it is within 400 feet of another medical cannabis retailer. *See* D.C. Official Code § 7–1671.06(q-1)(1).

The Applicant filed a Motion for Reconsideration (Motion) of the placard rescission, requesting the following relief: (1) vacate the rescission of the placard (2) reinstate the placard (3) stay the rescission and any denial of the application pending reconsideration and hearing (4) schedule an evidentiary hearing on the distance measurement (5) direct Supervisory Investigator Jason Peru to testify and (6) direct ABCA to produce internal agency material relating to the distance determination.

Upon review of the Motion, the Board issues the following proposed order rescinding the public notice and placard and denying the Application filed by the Applicant. This proposed order is not final, and the Board's determination may change based on any additional evidence or argument submitted by SM Quest. If this proposed order is not challenged, the Board reserves the right to rely on the findings and conclusions described below as the basis to rescind the placard. If SM Quest provides supplemental information, the Board will consider that evidence and argument in evaluating the proposed action, any proposed conditions, or whether rescission is warranted. If a hearing is subsequently held, all documents referred in this proposed order shall be deemed admitted into evidence, and the Board reserves the right to call any persons identified in the order or related documentation as witnesses.

SM Quest's original motion is deemed moot, as the Board's action is based on this Order. The Applicant is instructed to revise and resubmit its request for reconsideration or other relief to respond to this Order.

PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

The following statements represent the Board's proposed findings of fact based on the evidentiary record and conclusions of law. 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.¹

1. Pursuant to 22-C DCMR § 5000.1, distances between two medical cannabis retailers are measured linearly as the shortest distance between the property lines of the respective locations. 22-C DCMR § 5000.1 states:

In establishing the distance between one (1) or more places, (such as the actual distance of a medical cannabis business from a school or recreation center, as defined in the Act), the distance shall be measured *linearly* by the Board and shall be the *shortest distance* between the property lines of the places.

22-C DCMR § 5000.1(emphasis added).

2. Under D.C. Official Code § 7-1671.06(q-1)(1), the Board may not grant a medical cannabis retailer license for a location within 400 feet of another medical cannabis retailer.

No retailer license shall be issued for a facility that is located within 400 feet from another facility operating under a retailer license.

D.C. Official Code § 7-1671.06(q-1)(1).

3. Using the District of Columbia Geographic Information System (GIS) map, ABCA's Licensing Division determined that the proposed SM Quest location is 375.15 feet from another medical cannabis retailer, DC Capital Connect, LLC, t/a DC Capital Connect (ABCA License No.

¹ The documents relied upon by the Board as the basis of its findings of fact are cited and attached to this Order.

127520) located at 1641 Wisconsin Avenue NW. 1658 33rd Street NW: Medical Cannabis Retail License Measurements, ABCA Enforcement Memo [ABCA Memo], Ex. 1 (ABCA GIS Map).

4. Supervisory Investigator (SI) Peru conducted his own measurements using a handwheel. *ABCA Memo* at 1. He determined that the closest distance between the Applicant and the prohibited location was 407 feet. *Id.* Nevertheless, this measurement is not credible where SI Peru was unable to measure linearly from property line to property line or by the shortest distance based on the path he took. *Id.*, Ex. 4 (Measure Distance from Google Maps). SI Peru's measurement route included "crossing the street diagonally, walking through the corner property around the bushes and shrubs and then up the sidewalk..." and therefore, was not a straight line. *ABCA Memo* at 1 and Ex. 1 (ABCA GIS Map).

5. For this reason, the Board credits the GIS map and determines that the distance between the Applicant and the prohibited location is 375.15 feet, which renders the proposed location unsuitable and requires the Board to deny the Application in accordance with § 7-1671.06(q-1)(1).

6. The Applicant asserts that they relied on ABCA's preliminary measurements; however, those discussions and measurements cannot be construed as a guarantee of licensure. A license is not assured until it is formally issued or approved by the Board. Moreover, even if the premises were located outside the 400-foot restriction, issuance is not automatic. Under 22-C DCMR § 5400.1(a), "[b]efore 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" 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). Additionally, if the Application were protested, the Applicant would be required to successfully complete the protest process before the Board could consider issuance.

ORDER

Therefore, the Board on this 15th day of July 2026, hereby **PROPOSES TO RESCIND THE PUBLIC NOTICE AND PLACARD** advertising the application and **DENY** the Application filed by Applicant.

IT IS FURTHER ORDERED that the Applicant's Motion for Reconsideration is deemed **MOOT**.

IT IS FURTHER ORDERED that the findings of fact and conclusions of law contained herein represent the **PROPOSED ORDER** of the Board. The Applicant is **ADVISED** that the Board intends to review the matter on the papers if SM Quest challenges the Proposed Order. SM Quest shall submit: (1) a written brief explaining its position; (2) any testimony, which must be provided by sworn affidavit; (3) and any supporting exhibits. After reviewing the submissions, the Board may schedule a hearing if further inquiry is warranted, if material factual disputes remain, or if the Board has questions requiring oral examination or additional evidence. All requests for

relief or required materials shall be submitted within **FIFTEEN (15) DAYS** of the date of this Order, or by another deadline established in coordination with the Agency's Legal Division or this Order shall be deemed final.²

The ABCA shall deliver a copy of this order to the Parties.

District of Columbia

Alcoholic Beverage and Cannabis Board

eSigned Via SeamlessDocs.com
Donovan Anderson
Key: ac43cb86c9d5f0be4b730093d1dccc8

Donovan Anderson, Chairperson



Silas Grant, Jr., Member

Teri Janine Quinn

Teri Janine Quinn, Member



Ryan Jones, Member

David Meadows

David Meadows, Member

James Turner

James Turner, Member

² The Applicant may submit its own authoritative measurement from a professional land surveyor or equivalent certified professional to rebut the agency's GIS measurement. The Board reminds the Applicant that it does so at its own risk and it should be prepared to provide evidence of sufficient credibility and quality that it could potentially defeat a legal challenge filed by a third party. If such evidence is submitted, the Applicant should be prepared to demonstrate at a minimum the credentials of the measurer, the specific start and end point of the measurements, an explanation of how the measurement complies with the law, and a description of how the measurement was taken.

Any party adversely affected may file a Motion for Reconsideration of this decision or other motion permitted by law within ten days of service of this Order. If a motion is filed, the opposing party may file a response within seven days. If a response is filed, the movant may file a reply within three days. All filings should be served on all parties to the matter and delivered to the Alcoholic Beverage and Cannabis Administration, 899 North Capitol Street, N.E., Suite 4200-A, Washington, D.C. 20002, or sent by email to abca.legal@dc.gov. Parties are further advised that the failure to properly serve the other parties or to present all matters of record that have allegedly been erroneously decided in a motion for reconsideration may result in the waiver of those matters being considered by the Board. The Board also reserves the right to summarily deny or not consider multiple and repetitive motions.

In addition to filing a Motion for Reconsideration, pursuant to § 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, a party that is adversely affected may have the right to appeal this Order by filing a petition for review, within 30 days of the date of service of this Order, with the District of Columbia Court of Appeals, located at 430 E Street, N.W., Washington, D.C. 20001. Parties are advised that the timely filing of a Motion for 4 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).

Parties are also advised that the Superior Court of the District of Columbia may have jurisdiction to hear appeals in non-contested cases or in matters where that court is specifically provided jurisdiction by law. Finally, advisory neighborhood commissions (ANCs) are advised that their right to appeal or challenge a decision of the Board may be limited by the laws governing ANCs. *See e.g.*, D.C. Code § 1-309.10(g).



Alcoholic Beverage and Cannabis Administration

MEMO

DATE: July 1, 2026
TO: Sean Gordy
Chief of Licensing
FROM: Jason Peru
Supervisory Investigator

A handwritten signature in black ink, appearing to read "JP", is written over the printed name "Jason Peru".

SUBJECT: 1658 33rd Street N.W. (Medical Cannabis Retail License Measurements)

Details: ABCA Supervisory Investigator (SI) Jason Peru was asked to conduct measurements of the proposed address of a New Medical Cannabis Retailer, located at 1658 33rd Street N.W. (SM Quest Industries Inc. / ABRA-128882). SI Peru was asked to determine if the location was within 400 feet of an existing Medical Cannabis Retailer, DC Capital Connect, located at 1641 Wisconsin Ave. N.W. SI Peru checked the D.C. Geographical Information System (GIS) Map and Google Maps to determine the location of the proposed location (Exhibit #1).

On March 26, 2026, SI Peru visited the location and measured the distance from the sidewalk property edge of the proposed location to the closest property line of the existing retailer.

Using a measuring wheel, SI Peru conducted two (2) measurements; first, starting at the property line of the proposed location, walking down the street, crossing the street towards the proposed location, back up onto the sidewalk, and then to the corner property line of the existing location (449 feet); second, starting at the existing location sidewalk property line, crossing the street diagonally, walking through the corner property around the bushes and shrubs, then up the sidewalk to the proposed location (407 feet). Both measurements resulted in measurements over 400 feet (Exhibit #2, #3 #4).

SI Peru determined that the closest property line of the existing location DC Capital Connect, located at 1641 Wisconsin Ave. N.W. is more than 400 feet from the proposed location at 1658 33rd Street N.W.

1658 33rd Street NW

Exhibit #1

Alcoholic Beverage and Cannabis Administration (ABCA)

1658 33rd Street NW

There are no recreation centers or schools within 400 feet of this address. There is 1 cannabis facility within 400 ft of this address. There are no ABC licensed establishments located at this address. This appears to be a retail space. The address is zoned MU-4.

1658 33rd Street NW

Legend

- ▲ Liquor Licensee Locations
- ▲ Public Schools
- ▲ Charter Schools
- ▲ Independent School
- ▲ Colleges and Universities
- Recreation Facilities
- Ownership Lots
- DC Boundary
- Licensed Medical Cannabis Retailer
- Licensed Medical Cannabis Facilities (Non-Retailer)
- Placarded MCP Retailers
- Lines
- Range Rings
- Ellipses
- Circles
- Sectors
- OwnershipLots_Buffer135

Date: 6/4/2026

Government of the
District of Columbia
Muriel Bowser, Mayor

This map was created by ABCA using the District of Columbia Geographic Information System (GIS). This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

The Lobby SM Quest Industries Inc

375.15 ft Angle: 140.6°

DC Capital Connect

Herbivor Indian Cuisine

Bacchus Wine Cellar

Oki Shoten

Koryouri Urara

Little Folks School

Alcoholic Beverage and Cannabis Administration, DC GIS

Exhibit #2



Exhibit #3



