

Alcoholic Beverage Regulation Administrative (“ABRA”)
FY 22-23 Performance Oversight Hearing Questions
Committee on Business and Economic Development
Kenyan McDuffie, Chairperson

Racial Equity

1. In the context of the agency (including the ABC Board) and its mission, what are three areas, programs, or initiatives where you see the most opportunity to address racial inequity?

Response: The Alcoholic Beverage Regulation Administration (ABRA) and the Alcoholic Beverage Control Board (Board) have identified several areas, programs or initiatives that provide an opportunity for addressing racial inequity. First, is the agency’s implementation of the Medical Cannabis Amendment Act of 2022 (Act) that provides the District with an important opportunity to address racial inequity. Of significance, the Act requires at least 50 percent of all new retailer, internet retailer, courier, cultivation center, and manufacturer licenses to be issued to social equity applicants. Just as important, the Act waives 75 percent of a social equity applicant’s medical cannabis facility application and licensing fees for the first three years.

Second, our agency is excited about the potential of the District’s Medical Cannabis Social Equity Fund (Fund). In FY23, ABRA worked collaboratively with the Department of Small and Local Business Development (DSLBD) and the Office of the Chief Financial Officer who established the attributes and fund code for this newly created Fund. ABRA is currently working with DSLBD on a memorandum of understanding to implement the Fund that is critically needed to provide equity, grants, and loans to assist social equity applicants and medical cannabis certified business enterprises in gaining entry and operating in the Medical Cannabis Program.

Third, the creation of the statutory medical cannabis certified business enterprise designation has played an important role in addressing racial inequity. It is worth noting that all three applicants selected by the Board on September 28, 2022, for two cultivation centers and one dispensary registration were medical cannabis certified business enterprises with an equity impact enterprise subcategory designation. The definition of the “Equity Impact Enterprise” subcategory requires that at least 51% of the business be owned by individuals who are either economically disadvantaged or who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities. In addition to the three areas above, the agency is currently working on an omnibus alcohol bill intended to address racial inequity by amending Title 25 of the DC Code.

2. Do you think there are any areas/programs where the agency has had success in building racial equity over the past year? What areas or programs?

Response: Yes, as discussed in response to Question 1, all three applicants selected by the Board on September 28, 2022, for two cultivation centers and one dispensary registration were medical cannabis certified business enterprises with an equity impact enterprise subcategory designation. These selections allowed the District to build upon and remain fortunate to have the majority of its medical cannabis dispensaries be minority owned businesses. Additionally, the agency’s implementation of emergency and temporary Council legislation that allowed qualifying patients to self-certify and District residents to register at no cost helped to remove barriers for patients to obtain their medicine in all eight wards. Finally, our agency thanks the Council, including this Committee, for adopting medical cannabis emergency and temporary legislation that has been implemented by our agency that allows all returning citizens to work at a cultivation center or dispensary in the District of Columbia regardless of their previous criminal record.

3. Consider the demographic data the agency collects, tracks, and evaluates as part of its operations. Do you collect information on race and geographic area? If not, why not?

Response: ABRA currently collects, tracks, and evaluates data involving geographic areas, including information involving where alcohol licenses and medical cannabis business registrations are issued in the District. This information is critical to our agency in several areas and includes ensuring that statutory or regulation imposed license or registration limits by ward or neighborhood are not exceeded.

With regard to race, ABRA does not have a mandatory requirement that applicants complete race-based questions. ABRA is aware, however, that six out of the District’s eight medical cannabis dispensaries and three of its 11 medical cannabis cultivation centers are majority or entirely minority or women owned businesses. ABRA did collaborate with DSLBD to collect and track information related to medical cannabis applicants that are certified as “Equity Impact Enterprises”. During the most recent open application period for cultivation centers and dispensaries in FY22, five businesses were determined by DSLBD to be medical cannabis certified business enterprises with the Equity Impact Enterprise subcategory designation.

4. Consider one operational data point and one performance data point where you collect race information or could collect race information. How could the agency use this data to inform future programmatic decisions?

Response: As previously mentioned in response to Question #3. ABRA collaborated with DSLBD to collect information related to medical cannabis applicants that are certified with the “Equity Impact Enterprise” subcategory designation. Under D.C. Official Code § 2-218.02(8A), an “Equity Impact Enterprise” means a business enterprise that is a resident-owned business and a small business enterprise that can demonstrate that it is at least 51% owned by an individual who is, or a majority number of individuals who are: (1) economically disadvantaged individuals; and (2) individuals who have been subjected to racial or ethnic prejudice or cultural bias

because of their identity as a group without regard to their individual qualities. This data was beneficial to ABRA programmatically as it established that the statutory preference points equal to 50 points or up to 20% of the available points for a medical cannabis certified business enterprise with an Equity Impact Enterprise subcategory designation had its intended effect regarding the awarding of medical cannabis business registrations. Specifically, all three applicants selected by the Board on September 28, 2022, for two cultivation centers and one dispensary registration were medical cannabis certified business enterprises with an equity impact enterprise subcategory designation.

5. What are two areas or programs where the agency has significant potential to succeed in building racial equity? Please elaborate on why you chose those two areas.

Response: First, the agency's implementation of the Medical Cannabis Amendment Act of 2022 provides a significant opportunity to build racial equity through the District's medical cannabis program. Of significance, the Act requires at least 50% of all new retailer, internet retailer, courier, cultivation center, and manufacturer licenses to be issued to social equity applicants. Just as important, the Act waives 75% of a social equity applicant's medical cannabis facility application and licensing fees for the first three years. Second, our agency is excited about the potential of the District's Medical Cannabis Social Equity Fund (Fund). The Fund has the potential to provide critically needed equity, grants, and loans to assist social equity applicants and medical cannabis certified business enterprises in gaining entry and operating in the Medical Cannabis Program.

6. Consider what a racially equitable District of Columbia would look like. What are three ways your agency's operations would reflect this achievement?

Response: ABRA's operations would reflect the goal of addressing racial equity in the District of Columbia in three ways. First, consistent with the Medical Cannabis Amendment Act of 2022, at least 50% of all new retailer, internet retailer, courier, cultivation center, and manufacturer licenses are being issued to social equity applicants. Second, qualifying patients in all eight wards of the District of Columbia are able to register with our agency and obtain their medicine without any significant barriers in place. Third, ABRA's memorandum of understanding with DSLBD is beneficial in getting critically needed equity, grants and loans to social equity applicants and medical cannabis certified business enterprises.

General Questions

7. Please provide a current organizational chart for the agency, including the number of vacant, frozen, and filled positions in each division or subdivision. Include the names and titles of all senior personnel, and note the date that the information was collected on the chart.

- a. Please provide an explanation of the roles and responsibilities of each division and subdivision.

Response: Please see the attached response to Question 7 for an agency organizational chart. The organizational chart is accurate as of January 30, 2023.

- b. Please provide a narrative explanation of any changes to the organizational chart made during the previous year.

Response: As of January 30, 2023, there was one position added to the ABRA Organizational chart. The agency created a Lead Contact Representative position in FY 2022.

8. Please provide a current Schedule A for the agency which identifies each position by program and activity, with the employee's title/position, salary, fringe benefits, and length of time with the agency. Please note the date that the information was collected. The Schedule A should also indicate if the position is continuing/term/temporary/contract or if it is vacant or frozen. Please separate salary and fringe and indicate whether the position must be filled to comply with federal or local law.

Response: Please see the attached response to Question 8 for the Schedule A document.

9. Please list all employees detailed to or from your agency. For each employee identified, please provide the name of the agency the employee is detailed to or from, the reason for the detail, the date of the detail, and the employee's projected date of return.

Response: ABRA does not have any employees who have been detailed to or from our agency.

10. Please provide the Committee with:

- a. A list of all employees who received or retained cellphones, personal digital assistants, or similar communications devices at agency expense in fiscal years 2022 and 2023, to date.

Response: Please see the attached response to Question 10a.

- b. A list of all vehicles owned, leased, or otherwise used by the agency and to whom the vehicle is assigned, as well as a description of all vehicle accidents involving the agency's vehicles in fiscal years 2022 and 2023, to date.

Response: ABRA has 10 vehicles that are solely utilized by the Enforcement Division and are assigned as follows:

Primary Vehicle used by Supervisory Investigators

<u>Tag</u>	<u>Make and Model</u>	<u>Year</u>
DC-10891	Toyota Camry	2017

**Supervisory Investigator Mark Brashears
Green Team (Rotating Shift)**

<u>Tag</u>	<u>Make and Model</u>	<u>Year</u>
DC-8842	Dodge Caravan	2014
DC-10190	Toyota Corolla	2013
DC-10595	Toyota Corolla	2014
DC-12847	Ford Taurus	2017
DC-13079	Toyota Camry	2018

**Supervisory Investigator Jason Peru
Blue Team (Rotating Shift)**

<u>Tag</u>	<u>Make and Model</u>	<u>Year</u>
DC-10596	Toyota Corolla	2014
DC-12262	Toyota Camry	2018
DC-13477	Toyota Camry	2020
DC-13478	Toyota Camry	2020

**Supervisory Investigator, Leah Singleton
Orange Team (Night Shift)**

The Orange Team has access to the 10 vehicles listed above.

For FY22 and FY23, to date, there were no accidents involving ABRA's vehicles.

- c. A list of travel expenses, arranged by employee for fiscal years 2022 and 2023, to date, including the justification for travel; and

Response: Please see the attached response to Question 10c.

- d. A list of the total workers' compensation payments paid in fiscal years 2022 and 2023, to date, including the number of employees who received workers' compensation payments, in what amounts, and for what reasons.

Response: ABRA did not have any workers' compensation payments in FY 2022 or FY 2023, to date.

11. For fiscal years 2022 and 2023, to date, what was the total cost for mobile communications and devices, including equipment and service plans?

Response: Please see the chart below in response to Question 11 for ABRA’s mobile communications costs.

FY'22

Service Type	Vendor Name/Budget Type	Total Cost	Payments	Remaining Balance
Wireless	Verizon Wireless	\$25,559.18	\$21,306.42	\$4,252.76

FY'23

Service Type	Vendor Name/Budget Type	Total Cost	Payments	Remaining Balance
Wireless	Verizon Wireless	\$22,182.59	\$3,603.40	\$18,579.19

12. For fiscal years 2022 and 2023, to date, please list all intra-District transfers to or from the agency. For each transfer, include the following details:

- a. Buyer agency;
- b. Seller agency;
- c. The program and activity codes and names in the sending and receiving agencies’ budgets;
- d. Funding source (i.e. local, federal, special purpose revenue);
- e. Whether a letter of intent was executed for fiscal year 2022 or 2023, to date and if so, on what date,
- f. The date of the submitted request from or to the other agency for the transfer; and
- g. The date funds were transferred to the receiving agency.

Response: Please see the attached response to Question 12.

13. Please list any additional intra-district transfers planned for fiscal years 2022 and 2023, to date, including the anticipated agency(ies), purposes, and dollar amounts.

Response: Please see the chart below in response to Question 13.

Alcoholic Beverage Regulation Administration (LQ0)
List of Planned Intra-District Transfers for FY 2023

FY 2023: Planned Intra-District Transfers to Other Agencies

Description	Buyer Agency	Seller Agency	Amount
HR Support Services	Alcoholic Beverage Regulation Admin	DC Human Resources (BE0)	29,000.00
			\$ 29,000.00

14. For fiscal years 2022 and 2023, to date, please identify any special purpose revenue funds maintained by, used by, or available for use by the agency. For each fund identified, provide:

- a. The revenue source name and code;
- b. The source of funding;
- c. A description of the program that generates the funds;
- d. The amount of funds generated by each source or program;
- e. Expenditures of funds, including the purpose of each expenditure; and
- f. The current fund balance.

Response: Please see the attached in response to Question 14.

15. For fiscal years 2022 and 2023, to date, please list any purchase card spending by the agency, the employee making each expenditure, and the general purpose for each expenditure.

Response: Please see the attached in response for Question 15.

16. Please list all memoranda of understanding (“MOU”) executed by your agency during fiscal years 2022 and 2023, to date, as well as any MOU currently in force. For each, indicate the date on which the MOU was entered and the termination date.

Alcoholic Beverage Regulation Administration (LQ0)
List of MOUs

1) List of MOUs signed in FY 2022

Description	Buyer Agency	Seller Agency	Date MOU Signed	Amount
Merchant Service Fees	Alcoholic Beverage Regulation Admin	Office of the Chief Financial Officer (AT0)	3/21/2022	81,990.60
Radio Communications Services	Alcoholic Beverage Regulation Admin	Office of Unified Communications (UC0)	9/9/2021	1,993.67

Reimbursable Detail Program	Alcoholic Beverage Regulation Admin	Metropolitan Police Department (FA0)	5/17/2022	1,184,661.00
HR Support Services	Alcoholic Beverage Regulation Admin	DC Human Resources (BE0)	3/16/2022	29,000.00
				\$ 1,297,645.27

2) List of MOUs signed in FY 2023

As of February 13, 2023, ABRA has not executed any MOU’s for FY23.

17. Please list the ways, other than MOU, in which the agency collaborated with analogous agencies in other jurisdictions, with federal agencies, or with non-governmental organizations in fiscal years 2022 and 2023, to date.

Response: ABRA continues to coordinate with the US Marshal Service (USMS) anytime they execute a Notice of Eviction or a Writ for an ABC-licensed establishment in the District. USMS notifies ABRA in advance of the executed action and ABRA investigators are on the scene to ensure that any alcoholic beverages are properly secured and stored.

ABRA also collaborates routinely with its fellow District agencies such as DOB, OTR, and MPD on licensing and enforcement issues, often accompanying other agencies’ inspectors for joint investigative operations. For example, ABRA collaborated with MPD, DOB Corporations, Zoning and Small Business in FY22 to ensure applicants and licensees provided sufficient notification to these Agencies for licensing special events including pub crawls and street festivals. ABRA also coordinated with DDOT regarding the licensing of streateries and sidewalk cafes.

18. Please identify all recommendations identified by the Office of the Inspector General, D.C. Auditor, or other federal or local oversight entities during the previous 3 years. Please provide an update on what actions have been taken to address these recommendations. If the recommendation has not yet been implemented, please explain why.

Response: ABRA has not received any recommendations from the Office of the Inspector General, D.C. Auditor, or any other federal or local oversight entities during the previous three years.

19. Please list all capital projects in the financial plan and provide an update on all capital projects under the agency’s purview in fiscal years 2022 and 2023, to date, including the amount budgeted, actual dollars spent, and any remaining balances. In addition, please provide:

- a. An update on all capital projects begun, in progress, or concluded in fiscal years 2021, 2022, and 2023, to date, including the amount budgeted, actual dollars spent, and any remaining balances.

- b. An update on all capital projects planned for fiscal years 2023, 2024, 2025, 2026, 2027, and 2028.
- c. A description of whether the capital projects begun, in progress, or concluded in fiscal year 2021, 2022, or 2023, to date, had an impact on the operating budget of the agency. If so, please provide an accounting of such impact.

Response: ABRA does not have any existing or planned capital projects.

20. Please provide a table showing your agency’s Council-approved original budget, revised budget (after reprogrammings, etc.), and actual spending, by program and activity, for fiscal years 2021, 2022, and the first quarter of 2023. For each program and activity, please include total budget and break down the budget by funding source (federal, local, special purpose revenue, or intra-district funds).
- a. Include any over- or under-spending. Explain any variances between fiscal year appropriations and actual expenditures for fiscal years 2020, 2021 and 2022 for each program and activity code.
 - b. Attach the cost allocation plans for fiscal years 2020, 2021, and 2022.
 - c. In fiscal year 2021 or 2022, did the agency have any federal funds that lapsed? If so, please provide a full accounting, including amounts, fund sources (e.g. grant name), and reason the funds were not fully expended.

Response: Please see the attached in response to Question 20.

21. Please provide a list of all budget enhancement requests (including capital improvement needs) for fiscal years 2022 and 2023, to date. For each, include a description of the need and the amount of funding requested.

Response: ABRA did not have any budget enhancement requests for FY 2022 or FY 2023, to date.

22. Please list, in chronological order, each reprogramming in fiscal years 2022 and 2023, to date, that impacted the agency, including those that moved funds into the agency, out of the agency, and within the agency. Include the revised, final budget for your agency after the reprogrammings for fiscal years 2022 and 2023, to date. For each reprogramming, list the date, amount, rationale, and reprogramming number. Please also include the program, activity, and CSG codes for the originating and receiving funds.

Response: Please see the table below.

Alcoholic Beverage Regulation Administration (LQ0)
List of Reprogramming Actions

1 - FY 2022

Effective Date	Document No.	Description	Amount
9/7/2022	BJLQ0331	Reprogramming made from Contractual Services and Other Charges to Supplies to purchase different supplies including Cannabis Cards, Licensing Papers, Citation Books, Placards, Import Permits and Temporary Licenses. This reprogramming was processed within ABRA's SPR (O-Type) Fund	168,000.00
Total			168,000.00

2 - FY 2023

For FY 2023, there are no reprogramming's that have occurred as of February 13, 2023.

23. Please list each grant or sub-grant received by your agency in fiscal years 2022 and 2023, to date. List the date, amount, source, purpose of the grant or sub-grant received, and amount expended.

Response: ABRA did not receive any grants or sub-grants for FY22 or FY23, to date.

a. How many FTEs are dependent on grant funding? What are the terms of this funding? If it is set to expire, what plans, if any, are in place to continue funding the FTEs?

Response: ABRA does not have any FTEs that are dependent upon grant funding.

24. Please describe every grant your agency is, or is considering, applying for in fiscal years 2023 and 2024.

Response: ABRA is not applying for any grants in FY23 or FY24.

25. Please list each contract, procurement, and lease, executed, extended, and option years exercised by your agency during fiscal years 2022 and 2023, to date. For each contract, please provide the following information, where applicable:

- a. The name of the contracting party;
- b. Contract number;
- c. Contract type (e.g., HCA, BPA, Sole Source, sing/exempt from competition award, etc.)
- d. The nature of the contract, including the end product or service;
- e. Contract's outputs and deliverables;

- f. Status of deliverables;
- g. The dollar amount of the contract, including amount budgeted and amount actually spent;
- h. The term of the contract;
- i. Whether the contract was competitively bid;
- j. Subcontracting status (i.e., Did the Contractor sub any provision of the goods and/or services with another vendor);
- k. CBE status;
- l. Division and activity within ABRA utilizing the goods and/or services;
- m. The name of the agency's contract monitor and the results of any monitoring activity; and
- n. The funding source.

Response: Please see the attached in response to Question 25.

26. Please list all pending lawsuits that name the agency as a party. Identify which cases on the list are lawsuits that potentially expose the District to significant financial liability or will result in a change in agency practices and describe the current status of the litigation. Please provide the extent of each claim, regardless of its likelihood of success. For those identified, please include an explanation about the issues involved in each case.

Response: The agency has two on-going lawsuits involving a former ABRA employee. The first matter is Fowler v ABRA - United States District Court for the District of Columbia (No. 1:18-cv-00634). The second matter involves ABRA's compensation to the complainant in the amount of \$15,545.93 for the period of October 15, 2019, and February 6, 2020, the effective date of her retirement. The complainant filed a Motion for Attorneys Fees and Court Costs on November 16, 2022. The agency filed its Opposition to Attorneys Fees on January 6, 2023. A decision is expected later this year.

27. Please list all settlements entered into by the agency or by the District on behalf of the agency in fiscal year 2022 or 2023, to date, and provide the parties' names, the amount of the settlement, and if related to litigation, the case name and a brief description of the case. If unrelated to litigation, please describe the underlying issue or reason for the settlement (e.g., administrative complaint, etc.).

Response: The agency has not had any settlements in FY22 or FY23, to date.

28. Please list the administrative complaints or grievances as well as the nature of the complaints or grievances that the agency received in fiscal years 2022 or 2023, to date, to date, broken down by source. Please describe the process utilized to respond to any complaints and grievances received and any changes to agency policies or procedures that have resulted from complaints or grievances received. For any complaints or grievances that were resolved in fiscal years 2022 and 2023, to date, describe the resolution.

Response: There have been no formal grievances received by the agency in fiscal years 2022 or 2023, to date.

29. Please describe the agency's procedures for investigating allegations of sexual harassment or misconduct committed by or against its employees. List and describe any allegations received by the agency in fiscal years 2022 and 2023, to date, whether those allegations were resolved.

Response: ABRA complies with the requirements set forth in Mayor's Order 2017-313 issued December 18, 2017, regarding the investigation of allegations of sexual harassment or misconduct. ABRA has adopted the policies set forth in that Order and makes clear to its employees that it will not tolerate any form of sexual harassment in the workplace.

ABRA did not receive any sexual harassment complaints in FY22 or FY23, to date.

30. Please list and describe any ongoing investigations, audits, or reports on the agency or any employee of the agency, or any investigations, studies, audits, or reports on the agency or any employee of the agency that were completed during fiscal years 2022 and 2023, to date.

Response: ABRA is not participating in any ongoing investigations, audits or reports.

31. Please describe any spending pressures the agency experienced in fiscal year 2022 and any anticipated spending pressures for the remainder of fiscal year 2023. Include a description of the pressure and the estimated amount. If the spending pressure was in fiscal year 2022, describe how it was resolved, and if the spending pressure is in fiscal year 2023, describe any proposed solutions. Specifically explain if the spending pressure was due to COVID-19.

Response: The agency did not experience any spending pressures in FY22. The agency does not anticipate any spending pressures in FY23.

32. Please provide a copy of the agency's fiscal year 2022 performance plan. Please explain which performance plan objectives were completed in fiscal years 2021 and 2022 and whether they were completed on time and within budget. If they were not, please explain.

Response: A copy of the agency's FY22 performance plan is attached. ABRA exceeded its performance plan objectives for FY22. In addition to exceeding its performance plan objectives, the agency did so on time and within budget.

33. Please provide a copy of your agency's fiscal year 2023 performance plan as submitted to the Office of the City Administrator.

Response: A copy of the agency's FY23 performance plan is attached.

34. Please provide the number of FOIA requests for fiscal years 2022 and 2023, to date, that were submitted to your agency. Include the number granted, partially granted, denied, and pending. In addition, please provide the average response time, the estimated number of FTEs required to process requests, the estimated number of hours spent responding to these requests, and the cost of compliance.

Response: In FY22, ABRA received 345 FOIA requests. Of the 345 submitted, 335 requests were completed. Ten (10) requests were pending at the end of the fiscal year.

One hundred and fifty-one requests were *Granted in Full* with no information withheld. One hundred and fifty-three requests were *Granted in Part/ Denied in Part* with some personal information, trade secrets, and other exempt information, withheld. Two requests were *Denied in Full*. Two requests were *Withdrawn*. Twenty-seven requests were disposed of by other means. The average processing time was 18 days. The FOIA Officer spent approximately eight hours per day resulting in approximately 2,080 hours per year responding to FOIA requests. As such, the cost of compliance for FY22 was approximately \$90,805.

In FY23, as of February 6, 2023, ABRA has received 133 FOIA requests. Of the 133 requests submitted, 90 requests have been completed. Twenty-seven requests are currently pending; 32 requests were *Granted in Full* with no information withheld. Fifty-eight requests were *Granted in Part/ Denied in Part* with personal information, trade secrets, and other exempt information, withheld. Zero requests were *Denied in Full*. Zero requests were withdrawn. Sixteen requests were disposed of by other means. The average processing time is 15 days. The FOIA officer has spent approximately 270 hours, to date, responding to FOIA requests. As such, the cost of compliance for FY23 was approximately \$31,432.

<p>Alcoholic Beverage Regulation Administration</p> <p>Freedom of Information Act Data Summary</p> <p>FY22 & FY23</p>		
	FY 22	FY 23
Total Requests Submitted	345	133

Total Requests Completed	335	106
Average Processing Time (DAYS)	18	15
Dispositions		
	FY 22	FY 23
Granted in Full	151	32
Granted in Part/Denied In Part	153	58
Denied in Full	2	0
Pending	10 (As of 10/1/2022)	27 (As of 2/6/23)
Withdrawn or Disposed by Other Means	29	16

35. Please provide a list of all studies, research papers, reports, and analyses that the agency prepared or contracted for during fiscal years 2022 and 2023, to date, to date. Please state the status and purpose of each. Please submit a hard copy to the Committee if the study, research paper, report, or analysis is complete.

Response: ABRA did not contract for any studies, research papers, reports, or analyses in FY22 or FY23, to date.

36. Please separately list each employee whose salary was \$100,000 or more in fiscal years 2022 and 2023, to date. Provide the name, position number, position title, program, activity, salary, and fringe. In addition, state the amount of any overtime or bonus pay received by each employee on the list.

Response: Please see the attached response to Question 36.

37. Please list in descending order the top 25 overtime earners in your agency in fiscal years 2022 and 2023, to date, if applicable. For each, state the employee's name, position number, position title, program, activity, salary, fringe, and the aggregate amount of overtime pay earned.

Response: Please see the attached response to Question 37.

38. For fiscal years 2022 and 2023, to date, please provide a list of employee bonuses or special pay granted that identifies the employee receiving the bonus or special pay, the amount received, and the reason for the bonus or special pay.

Response: Please see the attached response to Question 38.

39. Please provide each collective bargaining agreement that is currently in effect for agency employees. Please include the bargaining unit and the duration of each agreement. Please note if the agency is currently in bargaining and its anticipated completion.

Response: A copy of ABRA's collective bargaining agreements currently in effect are attached. Collective bargaining agreements for ABRA's union employees are negotiated by the Mayor's Office of Labor Relations and Collective Bargaining.

40. Please list all reports or reporting currently required of the agency in the District of Columbia Code or Municipal Regulations. Provide a description of whether the agency is in compliance with these requirements, and if not, why not (e.g., the purpose behind the requirement is moot, etc.).

Response: The agency is in compliance with all of its reporting requirements. Pursuant to DC Official Code § 25-205, the ABC Board is required to provide an annual report to the Council detailing its activities during the previous year. This report includes:

- (1) Licenses, including the number of licenses outstanding; the number of new alcohol licenses and permits issued; the number of alcohol licenses and permits renewed; the number of licenses suspended; and the number of licenses revoked;**
- (2) Enforcement, including the number of regulatory inspections performed and the number of investigations conducted;**
- (3) The workload of the Board, including the number of adjudicated cases processed; the number of hearings conducted; and the number of show cause cases pending;**
- (4) Community notification efforts, including the number of ANC notifications issued; the number of ANC meetings attended by Board members; and the number of community meetings attended by Board members; and**
- (5) Revenue generated by Board actions, including revenue generated by the Board from permits, licenses and fines.**

Additionally, ABRA is posting information related to the medical cannabis program requirements set forth in D.C. Official Code § 7-1671.05(11) to the ABRA website on a monthly basis.

Finally, ABRA is complying with BEGA's annual statutory filer designation requirement. The agency also annually completes its required FOIA Report.

41. Please provide a list of any additional training or continuing education opportunities made available to agency employees. For each additional training or continuing education

program, please provide the subject of the training, the names of the trainers, and the number of agency employees that were trained.

Response: ABRA employees are encouraged to take on-line training throughout the year. ABRA employees completed the OCTO required cybersecurity training in December 2022 and all employees who are required to file a Financial Disclosure Statement also completed their mandatory Ethics training. ABRA continues to work with BEGA on an annual basis to provide ethics training and training on the Open Meetings Act for the ABC Board.

42. Does the agency conduct annual performance evaluations of all its employees? Who conducts such evaluations? What steps are taken to ensure that all agency employees are meeting individual job requirements?

Response: Yes, ABRA conducts mid-year and annual performance plans for its employees, including managers. Mid-year performance plans are required to be completed by managers and reviewed with the employee. The mid-year is a marker for the employee to ensure they are on track to meet or exceed their performance goals. Annual performance plans are then completed at the end of the fiscal year by the manager to evaluate the employee's performance and provide feedback. The mid-year review provides an opportunity for all managers to ensure that employees are meeting their individual job requirements. Managers are encouraged to meet with their staff regularly for purposes of providing them with feedback to assist with their professional development.

Agency Operations

43. Please describe any initiatives that the agency implemented in fiscal year 2022 or 2023, to date, to improve the internal operations of the agency or the interaction of the agency with outside parties. Please describe the results, or expected results, of each initiative.

Response: To ensure that DC residents could purchase medical cannabis from a registered dispensary more readily, ABRA made several program modifications to eliminate or reduce barriers including:

- **Eliminating the social security requirement for qualifying patient applicants**
- **Introducing a self-certification option for qualifying patient applicants at least 21 years of age**
- **Introducing a non-DC resident temporary patient registration**
- **Enabling qualifying patient applicants to be able to purchase medical cannabis immediately upon registering while their applications are under review.**
- **Extending the fee waiver on two-year patient and caregiver registrations through April 13, 2023**

Additionally, ABRA consolidated and streamlined its online compliance filing systems for hotel, restaurant, and caterer license holders to make the process more

convenient for these businesses. Additional license types including wine pub, brew pub, and third party alcohol delivery will soon be able to file online utilizing the same system before the end of FY23.

44. What are the agency's top five priorities? Please explain how the agency expects to address these priorities in fiscal year 203. How did the agency address its top priorities listed for this question last year?

Response: The agency's top five priorities in FY23 are:

- 1. Educate licensees on the District's alcoholic beverage and medical cannabis laws and regulations;**
- 2. Ensure that licensed establishments are in compliance with the District's alcoholic beverage and medical cannabis laws and regulations;**
- 3. Engage in community outreach regarding the alcoholic beverage and medical cannabis licensing processes;**
- 4. Create and maintain a highly efficient, transparent, and responsive agency in the District of Columbia government; and**
- 5. Attend community meetings to educate the community regarding the alcoholic beverage and medical cannabis licensing processes.**

The agency intends to continue working on the priorities referenced above in FY23. The agency addressed its top priorities in FY22 by conducting 15,335 regulatory investigations and inspections and 422 sale to minor compliance checks at licensed establishments. Additionally, ABRA's education efforts in FY22 resulted in 245 licensees and members of the public being trained. The agency also attended 113 community meetings in FY22.

45. Please list each new program implemented by the agency during fiscal years 2022 and 2023, to date including programs implemented as a result of COVID-19. For each initiative, please provide:
- a. A description of the initiative;
 - b. The funding required to implement the initiative; and
 - c. Any documented results of the initiative.

Response: ABRA did not implement any new programs during FY22 or FY23, to date.

46. How does the agency measure programmatic success? Please discuss any changes to outcome measurements in fiscal years 2022 and 2023, to date.

Response: The agency measures programmatic success by reviewing whether or not specific goals were met in its performance plan. ABRA was able to meet or exceed all of the goals in its performance plan for FY22 and expects to meet or exceed all of its performance goals for FY23. For FY23, ABRA is maintaining its FY22 target goal of

conducting at least 400 sale to minor compliance checks. For FY23, ABRA will offer a minimum of two free medical cannabis trainings to the public. These trainings will address the requirements to qualify for the racial equity preference for license applications and a training session on the new medical cannabis laws and regulations.

47. What are the top metrics regularly used by the agency to evaluate its operations? Please be specific about which data points are monitored by the agency.

Response: The agency uses a variety of metrics to evaluate its operations. ABRA's key metrics consist of tracking the number of alcohol and medical cannabis licenses, registrations and permits issued and renewed, along with the number of temporary licenses issued. These metrics have a direct effect on ABRA's annual revenue collection, which correlates directly with the ability of the agency to sustain operations without requiring local funds to operate. ABRA also tracks revenue and citation collections. ABRA additionally tracks the number of regulatory inspections, investigations, sale to minor violations and medical cannabis patient cards issued. Regarding the ABC Board (Board), ABRA tracks the number of: (1) cases adjudicated; (2) show cause cases pending; (3) Board approved settlement agreements; (4) number of hearings conducted by the Board; (5) fines ordered by the Board; (6) citations issued; and (7) Board licenses suspended or revoked.

48. Please list the task forces and organizations of which the agency is a member.

Response: ABRA is a member of the following task forces and organizations:

- **The National Liquor Law Enforcement Association (NLLEA)**
- **FBI-Law Enforcement Executive Development Association (FBI-LEEDA)**
- **The Cannabis Regulators Association (CANNRA)**
- **National Cannabis Industry Association (NCIA)**
- **The District of Columbia Noise Task Force, which consists of personnel from ABRA and the Department of Buildings (DOB)**
- **The District of Columbia Homeland Security and Emergency Management Agency (HSEMA) Special Events Task Group**
- **The District's Multiagency Nightlife Task Force**

49. Please explain the impact on your agency of any legislation passed at the federal level during fiscal years 2022 and 2023, to date which significantly affected agency operations.

Response: ABRA was not affected by any legislation passed at the federal level during FY22 and FY23, to date.

50. Please describe any steps the agency took in fiscal years 2022 and 2023, to date, to improve the transparency of agency operations.

Response: ABRA goes to great lengths to be transparent to its customers and public alike. The following exemplifies this commitment:

- All public meetings are streamed virtually, which permits a greater number of persons to participate as an observer or party to a case. Transcripts, dispositions, and Board Orders pertaining to cases are published online.
- In accordance with the Open Meetings Amendment Act, ABRA publishes its weekly calendars in the *D.C. Register* in advance of the ABC Board's meeting. In addition to publishing the weekly calendar on the website, ABRA also publishes at the beginning of every calendar year, the dates of all of the Board's meetings and hearings.
- ABRA regularly sends out communications including a bimonthly e-newsletter that highlights program modifications, deadlines, and opportunities. The public can customize their subscriptions.
- ABRA regularly publishes informative data online including:
 - Alcohol license issuances (weekly)
 - Current alcohol licensees (monthly)
 - Medical cannabis program metrics (monthly)
 - Licensees registered to participate in each holiday eligible for extended holiday hours (ongoing)
- Key Information is readily exchanged between sister agencies including:
 - Licenses approved for sports wagering and games of skills (OLG)
 - License renewals for Clean Hands determination (OTR)
 - Streatery registrations (DDOT)

51. Please identify all electronic databases maintained by your agency, including the following:

- a. A detailed description of the information tracked within each system;
- b. The age of the system and any discussion of substantial upgrades that have been made or are planned to the system; and
- c. Whether the public can be granted access to all or part of each system.

Response: ABRA utilizes the following systems:

Accela

Accela is used for all alcohol and select medical cannabis facility and employee data purposes. Accela is used to create license numbers for all new and substantial change records related to alcohol licensing and to house data regarding the licenses, including but not limited to license type, premises address, license contacts, license statuses, and related documents. Accela is also used to track data on licensed medical cannabis facilities and their employees.

The agency has used an updated version of Accela since 2008. During 2015-2016, ABRA's Accela system was migrated from being self-hosted to being cloud-hosted. Due to current limitations of the system and customer service concerns, specifically for external user access, the agency is exploring suitable alternatives including the recent procurement of Salesforce. There is no public access to the Accela platform for the external user/licensee.

METRC

METRC is the District’s medical cannabis seed-to-sale tracking platform.

DC Health selected the METRC system in 2018 and ABRA has continued its use. The agency has used an updated version each year with various enhancements. New production version releases are ongoing.

The only access to METRC outside of ABRA is to registered medical cannabis facilities to track product growth, packaging, distribution and sale to patients. Patients are only identified by registration number in this system. Third party vendors can obtain access to the METRC API.

QuickBase

QuickBase is used by ABRA for medical cannabis program patient, caregiver, and healthcare practitioner data. The QuickBase platform was selected by DC Health and transitioned to ABRA when the agency assumed oversight of the program in FY2020. Due to current limitations of these systems, the agency is exploring suitable alternatives. In the meantime, we have implemented several rounds of scaling to functionally allow the system to grow, expand and be utilized to its full potential including adding various formulas and conditional formatting to allow staff to provide greater customer service. QuickBase has public access to patients who apply for patient registrations as well as healthcare practitioners issuing recommendations for patients.

PremiSis

PremiSis is used by ABRA to print physical identification cards for patients and caregivers. DC Health selected the PremiSis program in 2018 and ABRA has continued its use until recently when the QuickBase system was modified to allow printing directly from that system. Previously, data was entered by application into QuickBase and then ABRA staff would need to enter information again into PremiSis to print the physical card. PremiSis is not a public facing application.

52. Please provide a detailed description of any new technology acquired in fiscal years 2022 and 2023, to date, including the cost, where it is used, and what it does. Please explain if there have been any issues with implementation.

Response: ABRA has acquired the following new technology systems and/or equipment in FY22 and FY23, to date:

- (1) Salesforce licenses (January 30, 2023) (Cost: \$245,315.27)**
- (2) Docking Stations (September 19, 2022) (Cost: \$14,306.00)**
- (3) Laptops (March 4, 2022) (Cost: \$14,377.44)**
- (4) Optiplex Towers (October 19, 2022) (\$11,020.00)**
- (5) Voice Teams (Pilot) (October 4, 2022) (\$450.00)**
- (6) Tablets (Surface Pro) (September 19, 2022) (\$52,851.75)**

53. How many in-person training programs took place in fiscal years 2022 and 2023, to date?

Response: In FY23, ABRA partnered with Metrc, its seed-to-sale tracking vendor, to offer a two-day, in-person Advanced Metrc training on January 12-13, 2023. All other trainings offered by ABRA in FY22 and FY23, to date, were held virtually. With regard to training not offered by ABRA, agency staff and ABC Board Members did attend several in-person conferences in FY22 and FY 23, to date.

54. What training deficiencies, if any, did the agency identify during fiscal years 2022 and 2023, to date?

Response: The Agency has not identified any training deficiencies.

Small Business Enterprise (SBE)

55. Please attach copies of the required annual small business enterprise (SBE) expenditure reports for your agency for fiscal years 2021 and 2022.

- a. D.C. Official Code § 2-218.53(b) requires each District agency to submit supplemental information with their annual SBE expenditure report, including: a description of the activities the agency engaged in to achieve their fiscal year SBE expenditure goal; and a description of any changes the agency intends to make during the next fiscal year to achieve their SBE expenditure goal. Has your agency submitted the required information for fiscal years 2021 and 2022? Please provide a copy as an attachment.

Response: Please see attached expenditure reports for FY21 and FY22. Expenditure reports for FY23 are not available yet.

56. Please provide the Committee with the SBE goals for fiscal years 2021, 2022, and 2023.

Response: The SBE goals are as follows

FY 2021 - \$259,880.79

FY 2022 - \$316,537.53

FY 2023 - \$174,011.43

57. Please provide a breakdown of the SBE contracts that were awarded to minority and women owned businesses for 2021, 2022, and 2023, to date. If the agency currently does not track this, please provide a reason why.

Response: ABRA does not track this information. According to the DSLBD website: “DSLBD maintains a database of all active Certified Business Enterprises (CBEs). The database is updated in real time when a business is certified by the Department. The database includes a business profile for all CBEs that contains the CBE contact

information, business description, and NIGP codes.” DSLBD tracks information on minority and women owned businesses that are awarded SBE contracts and would be the best agency to provide this data.

Settlement Agreements

58. How many settlement agreements were submitted to the ABC Board for review and approval in fiscal years 2022 and thus far in 2023?

Response: In FY22, the ABC Board received 121 settlement agreements. For FY23, the ABC Board has received 40 settlement agreements through the end of January 2023.

59. How many of such agreements were approved in fiscal years 2022 and thus far in 2023?

Response: The ABC Board approved 125 settlement agreements in FY22, and as of January 25, 2023, they have approved 36 settlement agreements in FY23.

60. How many settlement agreements were either violated or terminated in fiscal year 2022 and how many have been violated or terminated thus far in fiscal year 2023?

Response: The Board terminated two settlement agreements in FY22. The two terminated settlement agreements were for S & R Liquors, a Class A retailer, and Provost, a Class CT retailer. Both petitions to terminate were properly placarded and were not contested.

As of February 1, 2023, the Board has terminated three settlement agreements in FY23 involving The Showtime, a Class CT retailer, Toro Bar, a class CT retailer, and The Bull Bar and Grill, a class CT retailer. The three petitions to terminate were properly placarded and were not contested.

61. How many establishments have requested to have their settlement agreements terminated without community approval? How many of those requests were granted? Please provide the location of the establishment.

Response: In addition to the two licensees listed in Question 60, four additional licensees requested to terminate their settlement agreements in FY22. These four licensees are as follows:

- 1. Pitchers – Retailer Class CR located at 2437 18th Street, NW. The petition to terminate was challenged and parties entered into a new settlement agreement.**
- 2. Le Diplomate – Retailer Class CR located at 1601 14th Street, NW. The petition to terminate was challenged and the parties entered into an amended settlement agreement on June 15, 2022.**

3. **Champion Kitchen – Retailer Class CR located at 7730 Georgia Avenue, NW. The petition to terminate was dismissed for failure to appear at the Roll Call hearing. The licensee was re-placarded.**
4. **Wingos – Retailer Class CR located at 2218 Wisconsin Avenue, NW. The petition to terminate was not challenged but the parties amended the existing settlement agreement on July 13, 2022.**

In FY23 to date, four additional licensees requested to terminate their settlement agreements. These four licensees are as follows:

1. **Hook Hall – Retailer Class CT located at 3400 Georgia Avenue, NW. The petition to terminate was challenged and the matter is scheduled for a Protest Hearing.**
2. **Liberty Tavern – Retailer Class CT located at 5420 3rd Street, NW. The petition was challenged, and the parties entered into an amended settlement agreement.**
3. **Maydan – Retailer Class CT located at 1346 Florida Avenue, NW. The petition is still in the placard period and the protest deadline is February 21, 2023.**
4. **Wet Dog – Retailer Class CT located at 2100 Vermont Avenue, NW. The petition was challenged, and the matter is scheduled for a Protest Hearing.**

62. Last year, the Committee stated that it had received quite several complaints from ANCs about violent behaviors surrounding some ABC establishments in their neighborhoods. In some cases, the ANCs note that the MPD’s testimony substantiates theirs, however, ABRA has refused to act against the establishments. These neighborhoods are typically located East of the Anacostia River. Please discuss in detail why ABRA may reinstate a license or refuse to act on a license in spite of an ANC’s protest or MPD’s statement on violence regarding the establishment. Please provide any updates on if anything has changed over the past fiscal year.

Response: ABRA and the Board understand and take seriously community concerns regarding crime. Nevertheless, the mere fact that crime occurs in and around the establishment or that an establishment operates in a high crime area are not sufficient reasons on their own to deny or revoke an establishment’s alcohol license. The Courts have affirmed that the Board may attribute neighborhood problems to a licensed establishment when they emanate from or are traceable to its patrons outside of the establishment. In those cases where protestants or the Metropolitan Police Department (MPD) have raised the issue of crime, the Board gives serious consideration to that information, but scrutinizes the evidence to ensure that the alleged criminal activity is traceable to the licensed alcohol establishment.

Board Questions

63. What is the current number of seats filled on the Board? How many seats are vacant?

Response: There are currently six seats that are filled on the Board. As of February 9, 2023, there is one vacant seat on the Board.

64. Please provide the date when each member was appointed and the date their appointment ends.

Response: Please see the table below:

ABC Board Member	Initial Appointment Date	Term End Date
Donovan Anderson	November 3, 2015	May 7, 2023
James N. Short	January 7, 2014	May 7, 2024
Bobby Cato, Jr.	January 9, 2018	May 7, 2023
Rafi Crockett	July 9, 2019	May 7, 2023
Jeni Hansen	February 4, 2020	May 7, 2023
Edward S. Grandis	March 3, 2020	May 7, 2023

65. Please provide the Ward in which each Board member resides.

Response: The ABC Board members reside in the following wards:

<u>ABC Board Member</u>	<u>Residing Ward</u>
Donovan Anderson, Chairperson	Ward 7
James Short	Ward 7
Bobby Cato	Ward 5
Rafi Crockett	Ward 5
Jeni Hansen	Ward 2
Edward S. Grandis	Ward 2

66. What was the attendance rate of each ABC Board member at Board meetings in fiscal year 2022 and what has been the attendance rate of each member at Board meetings in fiscal year 2023, to date?

Response: Please see the table below:

FY'22

ABC BOARD MEMBER	ATTENDED	NOT ATTENDED	PERCENTAGE
DONOVAN ANDERSON	65	0	100%
BOBBY CATO*	62	3	95%
RAFI CROCKETT*	62	3	95%
EDWARD GRANDIS*	64	1	99%
JENI HANSEN	65	0	100%
JAMES SHORT*	64	1	99%

FY'23

ABC BOARD MEMBER	ATTENDED	NOT ATTENDED	PERCENTAGE
DONOVAN ANDERSON	14	0	100%
BOBBY CATO	14	0	100%
RAFI CROCKETT*	11	3	79%
EDWARD GRANDIS*	13	1	93%
JENI HANSEN	14	0	100%
JAMES SHORT	14	0	100%

*The Board held a total of 18 non-Wednesday special meetings in FY22 and FY23 (through 2/13/23). The 3 meetings missed by Board Member Cato in FY22 were all special meeting dates. The 3 meetings missed by Board Member Crockett in FY22 were all special meeting dates. For FY23, Board Member Crockett was attending and/or presenting at cannabis-related symposia for two absences and the third was a special meeting date. The 1 meeting missed by Board Member Grandis in FY22 was a special meeting. The 1 meeting missed by Board Member Grandis in FY23 was initially not a scheduled Board meeting date. The one meeting missed by Board Member Short in FY22 was a special meeting.

Reimbursable Detail Officer Program

67. How much of the funds allocated for the Reimbursable Detail Subsidy program did the agency spend in fiscal years 2021 and 2022? How much was allocated for the program for each fiscal year?

Response: The budget and expenditures that were spent under the Reimbursable Detail Subsidy Program for FY21 and FY22 were as follows:

Expenditures:

FY 21: \$334,437.44
FY 22: \$737,073.40

Budget:

FY 21: \$1,193,825.67
FY 22: \$1,184,661.00

68. Please provide the balance in funds for the Reimbursable Detail Subsidy program for fiscal year 2022 and discuss if the balance is still available or if it was reprogrammed for other priorities.

Response: Currently, \$447,587.89 is the balance left in the Reimbursable Detail Subsidy fund for FY22. As of February 9, 2023, these funds have not been reprogrammed for other priorities.

69. How many ABC licenses, independently or in a group, utilized the Reimbursable Detail Subsidy program in for the remainder of fiscal year 2021 after the agency reinstated the program on January 3, 2021?

Response: For FY22, 35 licensed establishments utilized the Reimbursable Detail Subsidy Program. For FY21, 44 licensed establishments utilized the program.

70. Please provide a monthly listing of the funds spent from the RDO subsidy program for fiscal year 2022 and thus far in fiscal year 2023?

Response: Please see the charts for FY22 and FY23 listed below.

Reimbursable Detail FY 2022 Costs through September 2022		
FY 2022	FY 22 ABRA Budget	ABRA Cost
Oct	1,184,661.00	108,019.52
Nov	1,184,661.00	85,262.66
Dec	1,184,661.00	65,353.32
Jan	1,184,661.00	68,619.24
Feb	1,184,661.00	60,413.76
Mar	1,184,661.00	45,443.98
Apr	1,184,661.00	58,344.95
May	1,184,661.00	53,649.46
Jun	1,184,661.00	33,077.64
Jul	1,184,661.00	51,859.60
Aug	1,184,661.00	44,675.46
Sep	1,184,661.00	62,353.52
Total	1,184,661.00	447,587.89

Reimbursable Detail FY 2023 Costs through September 2023		
FY 2023	FY 23 ABRA Budget	ABRA Cost
Oct	1,379,388.00	80,846.11
Nov	1,379,388.00	83,867.96
Dec	1,379,388.00	59,995.35
Jan	1,379,388.00	-
Feb	1,379,388.00	-
Mar	1,379,388.00	-
Apr	1,379,388.00	-
May	1,379,388.00	-
Jun	1,379,388.00	-
Jul	1,379,388.00	-
Aug	1,379,388.00	-
Sep	1,379,388.00	-
Total	1,379,388.00	224,709.42

Noise Issues

71. How many complaints did ABRA receive from residents regarding noise from ABC establishments in fiscal year 2022 and thus far in fiscal year 2023? In addition, how many of such complaints were referred to ABRA by MPD in fiscal year 2022 and thus far in fiscal year 2023? Please provide a ward breakdown of these complaints.

Response: Noise complaints that are received via the ABRA hotline are routinely assigned for immediate follow-up. Complaints that are received by ABRA through e-mails and other means are typically assigned for monitoring by one of the ABRA Enforcement investigative teams and follow-up by the Noise Task Force.

In FY22, ABRA received 542 noise complaints from residents. In FY23, as of January 21, 2023, ABRA has received 268 noise complaints from residents. In FY22, ABRA did not receive any noise referrals from MPD. In FY23, to date, ABRA has not received any noise referrals from MPD.

72. Of those total complaints, how many did ABRA formally investigate?

Response: ABRA’s policy and practice is to follow up on all noise complaints received, therefore the total number of noise complaints received is the same as those investigated. (Please see the response to Question 71).

73. How many citations were issued to ABC establishments for noise violations in fiscal year 2022 and thus far in fiscal year 2023? List each citation and establishment.

Response: ABRA is currently submitting investigative reports involving noise violations to the ABC Board for appropriate enforcement action instead of issuing noise citations.

74. How many times has the Noise Task Force gone out to investigate noise complaints in fiscal year 2022 and thus far in fiscal year 2023? Please provide the dates and the locations.

Response: The Noise Task Force conducted 219 Noise Inspections in FY22. As of January 21, 2023, no Noise Task Force inspections have been conducted in FY23. ABRA investigators are continuing to enforce noise violations apart from the Noise Task Force.

a. Has the agency noticed a rise in the noise complaints it has received?

Response: ABRA continued to observe a significant increase in the number of noise complaints it has received. Noise complaints rose from 302 in FY21, to 542 in FY22, an increase of approximately 179%.

Medical Cannabis

75. Please provide an update on the Medical Cannabis Task Force that the agency assembled to conduct inspections on medical cannabis facilities. How many inspections have been conducted so far and how many violations, if any has the task force identified?

Response: In FY22, 74 inspections were conducted of licensed medical cannabis facilities with 56 violations found. In FY23, ABRA intends to continue to work collaboratively with DC Health in checking for possible unapproved packaging violations at licensed medical cannabis facilities.

a. What kind of penalties are given once an establishment has been found to be in violation?

Response: ABRA generally issues written warnings for first offenses. The pending Medical Cannabis Amendment Act of 2022 will provide our agency with the authority to issue citations and fines for observed violations. As part of the Medical Cannabis Task Force, DC Health's Food Safety Division has issued written Notices of Infractions to licensed medical cannabis facilities.

- b. Please provide an update on ABRA's pending investigations on oversales to patients.

Response: ABRA regularly monitors dispensaries for possible oversale violations. Those patient oversales issues that were found by ABRA's Enforcement Division occurred due to a Point-of-Sale system to Metrc communication issue. ABRA continues to work with medical cannabis dispensaries to ensure that their internal systems communicate with Metrc to prevent user errors.

76. The agency passed several emergency rulemakings that allowed medical cannabis delivery from dispensary to patients. Please discuss in detail the delivery practices that were created in these rulemakings.

Response: The District of Columbia's medical cannabis delivery regulations were updated as described in the Notice of Eighth Emergency and Proposed Rulemaking, which was approved by the Board (6-0) vote on January 25, 2023.

Under the emergency rules, currently in effect, 22 DCMR C § 5703 provides that dispensaries may deliver medical cannabis to qualified patients and caregivers so long as the dispensary registers its vehicles with the Board; limits its vehicles to no more than five vehicles; ensures its vehicles do not visibly identify the vehicle as a cannabis delivery vehicle; has a functioning GPS system in each vehicles; ensures that delivery drivers are employees and properly registered with the Board; and implements a mechanism to confirm the status of qualifying patients and caregivers before delivery occurs. See 22 DCMR C § 5703.3(a)-(i).

The regulations further require that prior to delivery the dispensary verify the enrollment of the recipient in the District's medical cannabis program; verify that the address is an appropriate residential or commercial address eligible for delivery; maintains a copy of the qualifying patient or caregivers' registration and identification; verifies that the amount purchased does not exceed the legal limit; and limits deliveries to no more than once per day. See 22 DCMR C § 5703.3(j).

The delivery regulations also provide that deliveries shall only be made to residential and commercial addresses, and not Federal, District, or school property; that purchasers must be present on the property to receive deliveries; that deliveries shall only occur between 9 a.m. and 9 p.m.; that dispensaries maintain required records regarding their deliveries; that delivery drivers only make their deliveries and then return to the dispensary; and that delivery drivers not possess more than \$5,000 in cash and medical cannabis in their vehicle. See 22 DCMR C § 5703.3(k)-(r).

Finally, the regulations permit the dispensary the discretion to require electronic payment and prohibit cultivation centers from delivering to any location except for a dispensary. 22-C DCMR §§ 5703.5-5703.6.

77. How many medical cannabis ID cards did the agency issue in fiscal year 2022 and so far in fiscal year 2023? How many practitioners currently provide medical cannabis referral or recommendations to patients? What trends did the agency see after the emergency passage of self-certification?

Response: ABRA issued 4,513 patient registrations in FY22. As of February 1, 2023, ABRA has issued 4,066 permanent patient registrations in FY23. Of note, in July 2022, ABRA further automated the patient application process by launching a 30-day (temporary) patient registration credential for DC residents. The temporary 30-day card is issued for the patient's immediate use while applications are processed for issuance of the full two-year permanent registration.

As of February 1, 2023, there were 768 registered healthcare practitioners eligible to make recommendations. Although recommendations continue to be accepted on behalf of new and renewal patients, applicants that are 21 years of age or older may self-certify that they will use medical cannabis for healthcare purposes in lieu of receiving a healthcare practitioner's recommendation. ABRA maintains a list of registered healthcare practitioners online to further assist applicants in identifying healthcare practitioners.

78. Please list the states and territories the District has medical cannabis reciprocity with. What new states or territories were added in fiscal year 2022 and 2023, to date?

Response: DC's medical cannabis reciprocity program is nationally recognized as one of the most patient friendly programs in the country. Reciprocity has been extended to 38 U.S. states and territories with Mississippi being approved by the ABC Board effective June 1, 2022. Reciprocity is extended to states and territories with an operating medical cannabis patient program that issues patient registrations. ABRA tracks other states and territories for changes in their eligibility.

The full list of eligible states and territories extended reciprocity is as follows:

Alaska	Maryland	Ohio
Arizona	Massachusetts	Oklahoma
Arkansas	Michigan	Oregon
California	Minnesota	Pennsylvania
Colorado	Mississippi	Puerto Rico
Connecticut	Missouri	Rhode Island
Delaware	Montana	South Dakota
Georgia	New Hampshire	Vermont
Hawaii	New Jersey	Virginia*
Illinois	New Mexico	Washington
Iowa	New York	West Virginia
Maine	North Dakota	

* Virginia patients may present a valid Virginia-issued registration or an expired Virginia-issued registration with a Virginia healthcare provider-issued recommendation dated within one calendar year of the purchase date effective July 1, 2022.

79. Please provide an update on the District opening up a testing lab. How soon would the testing lab be able to open? How many applications expressed interest in obtaining a testing lab license in the last application cycle and the rolling application, thus far?

Response: No testing lab registrations have been issued to date. The agency has made significant efforts to attract testing labs to the District. During the open application period that closed in FY22, 15 letters of intent for a testing lab were approved but only one application was submitted. Unfortunately, the one application submitted did not meet the required threshold to advance in the selection process resulting in no testing lab registrations being awarded.

In response, the ABC Board opened a new open application period, omitting the letter of intent requirement, exclusively for testing labs on January 9, 2023. As of February 13, 2023, no applications have been received.

When the *Medical Cannabis Amendment Act of 2022 (Act)* takes effect, the requirement that testing lab applications be competitively scored will be eliminated and applicants will be able to apply outside of a designated open application period. We are optimistic that additional testing lab applications will be submitted to the agency soon after the effective date of the Act as the elimination of the cap on cultivation centers and retailers and the creation of internet retailer and

manufacturer licenses, will provide more favorable business conditions for testing labs to operate in.

80. How many applications were received for a cultivation and dispensary license in 2021-2022?

Response: ABRA received 199 Letters of Intent to file a medical cannabis facility application in FY21-22. This resulted in the agency approving 176 Letters of Intent as follows:

- **69 cultivation centers**
- **92 dispensaries**
- **15 testing labs**

ABRA denied 23 of the received 199 Letters of Intent received as follows:

- **10 cultivation centers**
- **12 dispensaries**
- **1 testing labs**

The approximately 17 cultivation center and dispensary applications submitted during the November 29, 2021 – March 28, 2022, open application period were scored by a six-member selection committee. The Board announced the selection of two cultivation centers and one dispensary at a public hearing on September 28, 2022.

81. Please list in detail the criteria to qualify for a cultivation center license, retailer license, and testing lab license.

Response: The following response is guided by existing law and does not reflect any statutory changes resulting from The Medical Cannabis Amendment Act of 2022 (A24-798) that has a projected law date of March 28, 2023.

The qualifying criteria for medical cannabis facility licenses are found at 22 DCMR C §§ 5301-5302, 5400-5407. To qualify for the license, all applicants must meet various criteria. First, an applicant must be of “good character”; at least 21 years of age or older; not convicted of a felony that prohibits ownership, paying all required fees; not an authorized practitioner that makes medical cannabis recommendations; not a caregiver or patient subject to a revocation action; not disqualified by owing taxes or debt to the District as described in Title 47 of the D.C. Official Code; and the applicant has otherwise complied with the requirements of the medical marijuana laws of the District of Columbia. See 22-C DCMR §§ 5400.1-5400.2.

Second, the applicant must obtain the highest score among all applicants or, in the case of a tie, meet the requirements described in the tie-breaking criteria, based on the scoring of their completed and timely filed application. See 22 DCMR C §§ 5302, 5402-5405.

Third, the applicant must obtain all “approvals or assessments” required under the District’s medical cannabis laws, from the Metropolitan Police Department, the DOB, and the D.C. Department of Health. See 22-C DCMR §§ 5407.

82. During the FY20-21 performance oversight cycle, the agency noted that it would consider tracking race and geographic information on applicants for newly made available cultivation center, dispensary, and testing laboratory licenses. Please provide an update on this.

Response: Addressing social equity in the District’s medical cannabis program is a top priority. During the open application period for new cultivation centers, dispensaries, and testing laboratories, all applicants were required to complete a Fifty-Point Preference Declaration Form stating whether or not they were seeking to qualify as a medical cannabis certified business enterprise with an “Equity Impact Enterprise” subcategory designation by DSLBD. This collaboration with DSLBD resulted in five medical cannabis businesses that applied for a new medical cannabis facility receiving the “Equity Impact Enterprise” designation. Of significance, the two cultivation center and one dispensary applicant selected by the Board on September 28, 2022, were medical cannabis certified business enterprises with the “Equity Impact Enterprise” subcategory designation.

83. The agency transferred \$300,000 to the Department of Small and Local Business Development (“DSLBD”) to support the medical cannabis social equity program. Please provide an update on how this fund has been utilized and the events or programs that have been launched as a result of the fund.

- a. Please discuss ABRA’s role in working with DSLBD to launch the Just Cannabusiness program? Please discuss details of the program, and how funds have been used or plan to be used.

Response: DSLBD has proven to be a valuable thought partner in addressing social equity concerns as part of the District’s medical cannabis program. DSLBD standing up and assuming purview over the medical cannabis CBE designation is a direct result of our ongoing collaboration efforts. While DSLBD would be best positioned to share how funds transferred to its agency have and are being used, ABRA has participated as a panelist/contributor in several DSLBD hosted medical cannabis industry information sessions related to the “Just Cannabusiness” program.

Other

84. How many protests regarding current or prospective ABC license applicants have been initiated in fiscal years 2022 and 2023, to date?

Response: There were 111 protests filed in FY 2022. As of January 25, 2023, 49 protests have been filed in FY 2023.

85. With on-premises licensees now allowed to sell alcohol for off-premises consumption if a meal is purchased, please provide an update on the success of the program and how many on-premises licensees have registered to take advantage of the carry-out privileges.

Response: As of February 1, 2023, 853 eligible establishments have been issued a carry-out and delivery endorsement. The endorsement permits establishments to sell alcohol for carry-out and/or delivery between 6:00 a.m.- 1:00 a.m., daily. All alcohol sales for carry-out or delivery must be provided in closed or sealed containers and accompanied by at least one prepared food item.

- a. How does ABRA ensure that on-premises licensees are actually taking in orders and making deliveries on alcohol with food purchases?

Response: Compliance with the prepared food requirement remains strong due to initial and ongoing educational outreach efforts by ABRA investigators and communications team. ABRA investigators are in the field daily and observe transactions while monitoring establishments and performing regulatory and final inspections.

- b. Has ABRA received complaints from consumers and other classes of licensees specifically the off-premises licenses on on-premises licensees taking alcohol orders with no food purchase? If it has, please share: (1) how many complaints it has received; and (2) how the agency resolved the complaints.

Response: In FY21 and FY22, ABRA received eight complaints respectively from the public related to no prepared food being sold with alcohol purchased for carry-out and delivery. All complaints were investigated by an ABRA investigator. If a violation was observed by an ABRA investigator, a case report was drafted for referral to the ABC Board for adjudication. As of February 10, 2023, ABRA has not received any complaints on this issue in FY23.

86. During FY20-21 performance oversight, the agency noted that its main challenge in monitoring the new carry-out provisions for on-premises licensees was ensuring that alcohol was being delivered to individuals 21 years of age and older. Please discuss in detail the progress the agency has made to conduct compliance checks.

Response: ABRA conducts routine inspections of ABC licensed establishments that have a carry-out and delivery endorsement. During these inspections, ABRA investigators ensure that the to-go alcohol is accompanied by at least one food item, and that the customer's ID is checked to verify that they are 21 years of age or over. In FY23, ABRA will also conduct inspections of delivery records of licensed third party delivery companies to verify that they are delivering alcoholic beverages to individuals 21 years of age and older.

87. What are the agency's fiscal year 2023 and 1Q fiscal year 2024 legislative priorities?

Response: ABRA anticipates introducing four rulemakings and one omnibus alcohol bill in FY 2023 and into the 1st quarter of FY 2024. They are:

- 1. Technical Amendment Rulemaking for Title 23 (Alcoholic Beverages)**
- 2. Technical Amendment Rulemaking for Title 22-C (Medical Marijuana)**
- 3. Adams Morgan Moratorium Zone**
- 4. Glover Park Moratorium Zone**
- 5. Omnibus Alcoholic Beverage Amendment Act of 2023**

88. Is the agency using federal ARPA funds in Fiscal Year 2023 to support the District's recovery? If so, please detail how.

Response: No, ABRA was not the recipient of any ARPA funds.

89. Please list all Moratorium Zones that the ABC Board has adopted or denied. Please list by ward and initial date that the zone was established. Please provide background and details on the establishment of moratorium zones. For example, what is the process for the establishment and dissolution of moratorium zones?

Response: As of February 13, 2023, there are currently four liquor license moratorium zones in effect across the District. The four moratorium zones currently in effect are as follows:

- 1. Adams Morgan Moratorium Zone (Ward 1) – The Adams Morgan Moratorium Zone was first established by the Board on December 13, 2000. The Adams Morgan Moratorium Zone was recently continued by the Board on an emergency basis and is set to expire on June 1, 2023.**
- 2. Glover Park Moratorium Zone (Ward 3) – The Glover Park Moratorium Zone has been in effect with modifications since 1999. A three-year extension of the Glover Park Moratorium Zone (PR25-0016) was recently deemed approved by the Council on February 8, 2023.**

3. **Langdon Park Moratorium Zone (Ward 5) – The Langdon Park Moratorium Zone first took effect in 2017 and is set to expire on June 11, 2024.**
4. **West Dupont Circle Moratorium Zone (Ward 2) – The West Dupont Circle Moratorium Zone has been in effect, with modifications, since 1994. The West Dupont Moratorium Zone is set to expire on April 9, 2023.**

Committee Recommendations

90. The Committee made the following policy and operating budget recommendations to the agency in its Fiscal Year 2023 Budget Report. Please provide an update on how the agency has addressed the Committee’s recommendations.

- a. The Committee recognizes ABRA’s efforts in releasing the application for five additional medical cannabis licenses. As a result, the Committee has received constructive feedback from existing business owners and prospective applicants about the zoning limitations included in the D.C. Code and other areas of the law on cultivation facilities. Unfortunately, these limitations may have resulted in bidding wars on real estate which has exponentially increased the price of real estate in permissible zoning locations. The Committee is committed to working with ABRA and sister agencies to address these limitations so that persons of color may obtain cultivation licenses.

Response: The Medical Cannabis Amendment of Act of 2022 significantly addresses this concern by lifting the moratorium on new cultivation centers in Ward 5. The unavailability of Ward 5 as a location for new cultivation centers in FY22 resulted in new applicants bidding over the same limited spaces that were available for cultivation centers in Ward 4 and Ward 7. Our agency appreciates the Council’s willingness to lift the cultivation center moratorium in Ward 5. The availability of Ward 5 for new cultivation centers will be critical in the agency’s efforts to make at least 50% of new cultivation centers available to social equity applicants.

- b. The Committee worked closely with ABRA and stakeholders on the Reopen DC Act which received its second Council vote on April 5, 2022. However, the Committee recognizes some outstanding concerns that were raised by the Council’s Office of Racial Equity (“CORE”) that were beyond the scope of the legislation. The Committee encourages ABRA to work on the outstanding concerns that were raised in CORE’s Racial Equity Impact Assessment especially attracting more sit down restaurants on the east end of the city. The Committee commends the agency in its effort to attract more full-service grocery stores East

of the River and is committed to working with the agency to extend similar efforts for sit-down restaurants.

Response: Our agency thanks the Committee for working with us on the Reopen DC Act which seeks to attract more full-service grocery stores East of the River. Our agency is currently working on Omnibus Alcohol legislation that seeks to attract new restaurants East of the River. We look forward to discussing the Omnibus legislation with the Committee later this year.

- c. The Committee remains displeased that the sales tax collected from medical cannabis businesses are redirected to bolster the Health DC Fund. The Committee hopes that Council and the Executive can work together to redirect sales taxes to ABRA so that a portion of the Fund may be used to improve the medical cannabis program especially by assisting disenfranchised groups like returning citizens gain entry into the medical cannabis business.

Response: Our agency thanks the Committee for adopting the Medical Cannabis Amendment Act of 2022, which will redirect all of the sales taxes collected from medical cannabis businesses to the District's Medical Cannabis Social Equity Fund (Fund) starting on October 1, 2026. In FY23, ABRA worked collaboratively with DSLBD and the Office of the Chief Financial Officer, who established the attributes and fund code for this newly created Fund. For FY23, sales taxes collected from medical cannabis businesses above \$2,234,000 will be deposited into the Fund. ABRA is currently working with DSLBD on a memorandum of understanding to implement the Fund that is critically needed to provide equity, grants, and loans to assist social equity applicants and medical cannabis certified business enterprises in gaining entry and operating in the Medical Cannabis Program.