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OFFICE OF HEARING FX AMINER

# BEFORE THE HEARING EXAMINER CITY OF SEATTLE

In the Matter of the Appeal of:

DOUG WAUN

Denial for a Marijuana Business License issued by the Director, Regulatory Compliance & Consumer Protection Division, Department of Finance and Administrative Services,

Case No.: L-18-007

WASHINGTON OG, LLC'S WITNESS & EXHIBIT LIST

Washington OG, LLC ("Washington OG") hereby submits the following preliminary lists of exhibits and witnesses:

### I. GENERAL RESERVATIONS

- Washington OG reserves the right to supplement this witness and exhibit
   list after receipt of any new documents or information.
- Washington OG reserves the right to introduce into evidence exhibits designated by other parties. In doing so, Washington OG does not admit the relevance or admissibility of any of said exhibits.
- 3. Washington OG reserves the right to introduce into evidence exhibits used by any party in support or opposition to the summary judgment motion filed in this matter.

WITNESS & EXHIBIT LIST - 1 of 4 [4819-9261-4515 v.1]

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- 4. Washington OG reserves the right to Introduce Into evidence additional exhibits and to call additional witnesses not listed herein as rebuttal, to respond to matters of surprise, or to impeach witnesses.
- 5. Washington OG reserves the right to call any witnesses listed on the witness lists of other parties as witnesses in Washington OG's primary case.

## II. WASHINGTON OG'S WITNESS LIST

## 1. Donald Douglas.

Mr. Douglas is the sole member of Washington OG, LLC. He may testify regarding all facts known to him related to Washington OG's history in Ballard and his efforts to open his store as well as his communications with the City of Seattle regarding the dispersion ordinance. More specifically, Mr. Douglas will testify regarding Washington OG's purchase and storage of marijuana inventory since December 2017 and retail sales beginning in February 2018—both prior to March 2, 2018. Direct examination is expected to last approximately 20 minutes.

## Cherle MacLeod.

Ms. MacLeod is Seattle's Marijuana Program Coordinator. She may testify regarding the City of Seattle's consistent interpretation and application of the retail marijuana dispersion rules prior to Seattle Cannabis Company's efforts to relocate to Ballard. She may also testify regarding her communications with marijuana licensees and applicants. Direct examination is expected to last approximately 20 minutes.

### III. WASHINGTON OG'S EXHIBIT LIST

"City of Seattle Update to Marijuana Zoning Restrictions Report" dated
 September 14, 2015.

Document explains why the City of Seattle changed its definition of "major marijuana activity" to include "any" retail sales rather than maintain a definition that had quantity thresholds as part of the definition.

December 2017 Transportation Manifests.

Documents show Washington OG's purchase of marlJuana inventory from licensed processors in 2017.

3. Washington OG Excise Tax Reporting Forms for February 2018 sales.

WITNESS & EXHIBIT LIST - 2 of 4 [4819-9261-4515 v.1]

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Washington OG Building Permit.

Building permit for marijuana retail spaces was issued on January 11, 2016 and gives Washington OG until January 11, 2019 to complete its renovations.

Letter from Washington OG's counsel to Seattle Finance and Administrative
 Services, dated June 6, 2018.

Letter served as a cover letter to Washington OG's second application for a City of Seattle marijuana license.

- 6. Washington OG City of Seattle License
- 7. Email exchange between Donald Douglas and Cherie MacLeod dated February 26, 2018.

Ms. MacLeod explains that the City of Seattle does not have a time limit for how long a Local Authority Notice received by the City will be counted as a retail store under the dispersion rule. Ms. MacLeod also explained that the third applicant in an area of the Capitol Hill neighborhood (The Bakeree) would have to relocate due to receiving two prior LANs (although neither had commenced sales by that point).

- Letter from Washington OG's counsel to Cherie MacLeod dated April 24,
   2018.
- Formal Objection Letter from Washington OG's counsel to Fed Podesta,
   dated May 24, 2018, with attached exhibits.
- Supplemental Objection Letter from Washington OG's counsel to Fred
   Podesta, dated June 11, 2018.
  - 11. WSR 18-04-114

LCB proposed rules to implement SB 5131's requirement for license forfeiture for retail licenses that do not open by a certain date. Amended rules were adopted May 30, 2018.

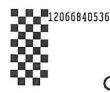
**GORDON THOMAS HONEYWELL LLP** 

Ryan C. Espegard, WSBA No. 41805 Attorneys for Washington OG, LLC

Dated this  $24^{\text{th}}$  day of September, 2018.

WITNESS & EXHIBIT LIST - 4 of 4 [4819-9261-4515 v.1]

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Date: September 24, 2018

Send To:	Company	Fax	Telephone	
Ryan Vancil	Seattle Hearing Examiner Office	(206) 684-0536		
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#### MESSAGE

Attached Please find Washington OG, LLC's Witness and Exhibit List.

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