

BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE

In the Matter of the Appeal of: )  
DOUG WAUN ) Civil Case No. L-18-007  
Denial for a Marijuana Business License ) APPELLANT'S WITNESS AND  
issued by the Director, Regulatory ) EXHIBIT LISTS  
Compliance & Consumer Protection )  
Division, Department of Finance and )  
Administrative Services, )

The parties are awaiting a status hearing scheduled for Wednesday, September 26, 2018, regarding Washington OG, LLC's pending motion to intervene in this case. Should Washington OG, LLC's motion to intervene be granted this list of anticipated witnesses and exhibits will change substantially. Appellant reserves the right to supplement this list pending the outcome of the scheduled hearing. In accordance with the Hearing Examiner's Prehearing Order, the Appellant Doug Waun submits the following list of anticipated witnesses and exhibits:

WITNESSES

**Doug Waun**, owner, Marigold Products Inc. aka Seattle Cannabis Co.  
1713 NW Market Street  
Seattle, WA 98107

APPELLANT'S WITNESS AND  
EXHIBIT LISTS - 1

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1 Mr. Waun is the owner of Seattle Cannabis Co., on whose behalf a business license is being  
2 sought in these proceedings. He is expected to testify regarding his efforts to open and operate  
3 Seattle Cannabis Co. and the history of his cannabis license applications.

4 Expected duration of testimony: 45 minutes.

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6 **James DeSarno**, principal, D3 Architects LLC  
7 1626 Dexter Avenue North  
8 Seattle, WA 98109

9 Mr. DeSarno is the owner of the planned location of Seattle Cannabis Co.'s retail store at 1713  
10 NW Market Street. He is expected to testify regarding the timeline of events leading to the  
11 initial approval and subsequent denial of Seattle Cannabis Co.'s license.

12 Expected duration of testimony: 30 minutes.

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14 **Cherie MacLeod**, Marijuana Program Coordinator  
Seattle Department of Finance and Administrative Services

15 Ms. MacLeod is the Marijuana Program Coordinator for the Seattle Department of Finance and  
16 Administrative Services (FAS). She is expected to testify regarding FAS' decision-making  
17 process for licensing marijuana businesses, including Seattle Cannabis Co. and other nearby  
18 marijuana retail licensees.

19 Expected duration of testimony: 45 minutes.

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21 **Faith Lumsden**, Code Compliance Director  
Seattle Department of Construction and Inspections

22 Ms. Lumsden is the Code Compliance Director for the Seattle Department of Construction and  
23 Inspections ("SDCI"). She is expected to testify regarding SDCI's permitting policies,  
24 specifically the permitting process for Seattle Cannabis Co.'s proposed retail location, and the  
25 interpretation and application of Seattle's Land Use Code.  
26

Expected duration of testimony: 30 minutes.

EXHIBITS

1. Copy of Washington Business Licensing Service web page showing Washington OG, LLC registered at 5300 17<sup>th</sup> Avenue NW, Suite B, as of February 4, 2016.
2. Notice of Permanent Rules for Cannabis Retail License Forfeiture Rules, issued by the Washington State Liquor and Cannabis Board (“WSLCB”).
3. E-mails among Cherie MacLeod, Faith Lumsden, and other City of Seattle employees, dated March 27, 2018 and March 28, 2018.
4. Notification from WSLCB to the Seattle City Attorney’s office of pending marijuana license applications, dated April 6, 2018.
5. E-mail from Fred Podesta, Director of FAS, to Mickey Bannister-Mingo; and e-mail from Stephanie Dikeakos, counsel for the City of Seattle, to the undersigned dated September 11, 2018.
6. Copy of Washington Department of Revenue web page showing Donald Douglas as the manager of American Mary, LLC, as of September 11, 2018.
7. E-mails among Cherie MacLeod, Cherie Getchell, and Donald Douglas dated February 1, 2018 and February 6, 2018.
8. Notice of Marijuana License Application issued by the Washington Liquor and Cannabis Board on March 2, 2018, to the City of Seattle.
9. Letter from Mary Mitchell, Executive Director of FAS, to Becky Smith, Director of WSLCB, dated March 19, 2018.
10. Letter from Nicola Reid, Compliance & Policy Manager, Licensing and Regulation Division of WSLCB, to Mary Mitchell, dated April 12, 2018.
11. E-mail from Cherie MacLeod to Doug Waun and Christine Masse, dated April 12, 2018.

1 12. Order of the Director denying application for a Seattle Marijuana Business License,  
2 issued by FAS to Seattle Cannabis Co. on July 20, 2018.

3 13. Construction permit issued by the City of Seattle on January 11, 2016, regarding property  
4 located at 5300 17<sup>th</sup> Avenue NW.

5 14. Excerpts from Seattle Ordinance 124969, signed by former Mayor Edward Murray on  
6 January 12, 2016.

7 15. City of Seattle Update to Marijuana Zoning Restriction Report, issued by the Department  
8 of Planning and Development (now SDCI) as part of the legislative history for Ordinance  
9 124969.

10 16. Letter from former Mayor Edward Murray to Tim Burgess, former Seattle City Council  
11 President, dated November 10, 2015.

12 17. Pre-Submittal Conference Notes regarding Project 6632618 at 1713 NW Market Street  
13 summarizing meeting on January 23, 2018.

14 18. Seattle Department of Construction and Inspections Screening and Checklist for Project  
15 6632618 at 1713 NW Market Street.

16 19. February 3, 2016 Washington State Liquor and Cannabis Board license approval for  
17 Washington OG at 5300 17th Avenue NW #A.

18 20. February 3, 2016 Washington State Liquor and Cannabis Board license approval for  
19 Washington OG at 5300 17th Avenue NW #B.  
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1 DATED this 24<sup>th</sup> day of September, 2018.

2 MILLER NASH GRAHAM & DUNN LLP

3  
4 By: s/ Drew F. Duggan

5 K. Michael Fandel, WSBA No. 16281

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14 Attorneys for Appellant

1 CERTIFICATE OF SERVICE

2 I hereby certify that on the date set forth below I served the foregoing APPELLANT'S  
3 WITNESS AND EXHIBIT LISTS on:

4  
5 Stephanie P. Dikeakos  
6 Assistant City Attorney  
7 Seattle City Attorney's Office  
8 701 Fifth Avenue, Suite 2050  
9 Seattle, WA 98104  
10 Email: stephanie.dikeakos@seattle.gov

☐ via Hand Delivery  
☐ via U.S. Mail  
☐ via Facsimile  
☒ via E-mail  
☐ via E-Service

9 Attorneys for Respondent

10 Under the laws of the state of Washington, the undersigned hereby declares, under the  
11 penalty of perjury, that the foregoing statements are true and correct to the best of my  
12 knowledge.

13 Executed at Seattle, Washington, this 24<sup>th</sup> day of September, 2018.

16 s/ Gillian Fadaie

17 Gillian Fadaie, Legal Assistant