



Washington State Liquor and Cannabis Board Meeting

Wednesday, April 27, 2022

This meeting was convened via web conference only

Meeting Minutes

1. CALL TO ORDER

Chair Postman called the regular meeting of the Washington State Liquor and Cannabis Board to order at 10:00 am on Wednesday, April 27, 2022. Member Ollie Garrett was also present.

2. APPROVAL OF MEETING MINUTES

Chair Postman: Our first item on the agenda was approval of meeting minutes from the April 13th meeting. We're going to have to postpone that approval to a later date which moves us to an update from Chandra Brady, our Director of Enforcement and Education on retail security and safety. Director Brady?

3. CANNABIS RETAIL SECURITY UPDATE

Chandra Brady, Director of Enforcement and Education

Chandra Brady: Good morning, Chair Postman, Board Member Garrett. As you know, I've been working with internal and external partners to make sure that we provide support to our cannabis retail licensees, as the incidence of violence related to robbery have increased. Within the next week, we'll be announcing a partnership with a statewide crime prevention association that allows us to provide training to retail licensees and their employees and also lead best practice discussions from a CPTED perspective. CPTED is Crime Prevention Through Environmental Design. In addition, we'll be announcing a contract with an established, experienced security firm that will be available to our licensees to assess physical security and employee safety and make recommendations specific to licensee locations. Both of these actions will be made available at no cost to our licensees, and aren't mandatory, and as you express an interest in providing resources and support to our licensees, we'll meet that need.

Chair Postman: That's great. Sense of timing, when the first one of either the crime prevention, CPTED sessions might happen, or the physical security assessments? How close are we?

Chandra Brady: So, the training sessions aren't scheduled at this point, and this'll all be solidified before we make the formal announcement, but at this point we hope to start the training sessions at the end of May and have those all scheduled out. We're looking to do 10 to 12 of those, so that we can try to make sure schedules will allow for licensees, or their employees, and their employees, to get to one of them. And then, those should start the last week, maybe the last two weeks of May, and then the physical security assessments should be available mid-May to start happening. And we're going to do three phases as a release on those, and so for this security assessment, we're going to start those in the areas that were most impacted by the recent robberies, and those have been identified as King, Snohomish, and Pierce, and then we're going to open that up to the I-5 corridor, and then we'll open it to statewide folks, and it'll be open to everyone then full time, but we'll be prioritizing those groups just in case there's a bunch of applicants, we'll prioritize the folks that have seen the most incidence in violence and robberies in their area. So that's how that'll roll out.

Chair Postman: That's great. And on the fiscal security piece, the plan there is that there will be a consultant hired at the state's cost, available to any licensee to visit their facility.

Chandra Brady: Yeah, that'll be an on-site physical security assessment to give them recommendations, and again, these are completely voluntary, there's no accountability, our interest isn't in saying, you need to make sure this happens by this time, that's not part of the deal. It's just to give them another look at some of the things they could do.

Chair Postman: It's a service that we'll be able to make available at no cost, which is one of the things we heard from folks, so I hope people will be able to take advantage of that.

Chandra Brady: I do, as well.

Chair Postman: Yeah. That's great. Okay. Member Garrett, any questions before we let the director go?

Ollie Garrett: No.

Chair Postman: Ok thank you, we appreciate that and look forward to the more detailed announcement coming soon, and sitting in on at least one of those sessions, those CPTED sessions. That was a pretty interesting thing as I started to read their website, and things.

Chandra Brady: Yeah, some of the best practice recommendations will be from that perspective, and then they'll be obviously doing safety and security training as well.

4. CANNABIS RELATED RULEMAKING

Jeff Kildahl, Policy and Rules Coordinator

ACTION ITEM 4A – Board Approval of CR 105 for Implementing 2022 Legislation: Second Substitute House Bill 1210 – Replacing “Marijuana” with “Cannabis”

Jeff Kildahl: Good morning, Chair Postman, and Member Garrett. Today, I would like to request your approval of the CR 105 expedited rulemaking package, to implement Second Substitute House Bill (2SHB) 1210 entitled, "Replacing 'Marijuana' With 'Cannabis'," which was passed by the Washington State Legislature during the 2022 legislative session (HANDOUT 4A). In passing this bill, the legislature found that the term, "marijuana," in the United States, has discriminatory origins, and should be replaced with the more accurate, scientific term, "cannabis." For this reason, the bill replaces the term "marijuana" with the term "cannabis" throughout the Revised Code of Washington, Chapter 69.50 RCW, the Uniform Controlled Substances Act. The bill also directs the LCB to replace the term "marijuana" with the term "cannabis" throughout the rules of the Liquor and Cannabis Board, through the expedited CR 105 rulemaking process. So, the purpose of this CR 105 expedited rulemaking is to replace every occurrence of the term "marijuana" with the term "cannabis" throughout Title 314 WAC, and the rules of the Liquor and Cannabis Board. No other changes are proposed by the LCB. Under the Administrative Procedures Act, Chapter 34.05 RCW, the expedited rulemaking process differs slightly from the regular rulemaking process. The expedited rulemaking process begins with the filing of the CR 105 expedited rulemaking form, instead of the usual CR 101 form, filed in regular permanent rulemaking. After the filing of the CR 105, a 45-day public comment period opens on the rule proposal. At the end of the comment period, the permanent CR 103 rulemaking order is filed if no substantive changes have been made to the rule proposal. And, under expedited rulemaking, a public hearing is not held as part of the rulemaking process. So, if approved today for filing, a 45-day public comment period on these proposed rule amendments will extend from the publication date in the Washington State Register, which will be on May 18th, 2022, until July 2nd, 2022. And under this timeline, we would tentatively bring a CR 103 package to you for consideration on July 6th, 2022, and the rules would then become effective 31 days later, on August 6th, 2022. And so, this ends my presentation on today's rulemaking proposal. So, can I answer any questions?

Chair Postman: No, I think you did a good job setting this up, I'm glad we're doing it, it's just one more step in the effort to, I guess, be honest about some of the history of these things, and to take action. So, thanks for your work on it.

Member Garrett made a motion to approve the CR 105 implementing 2SHB 1210 replacing "marijuana" with "cannabis". Chair Postman seconded. The motion was approved.

5. ALCOHOL RELATED RULEMAKING

Audrey Vasek, Policy and Rules Coordinator

ACTION ITEM 5A – Board Approval of CR 101 for Implementing 2022 Legislation: Senate Bill 5940 – Contract Packaging Services Endorsement

Audrey Vasek: Good morning, Chair Postman, and Board Member Garrett. Thanks for the opportunity to be here today. I'm requesting approval to file a CR 101 pre-proposal statement of inquiry related to implementation of 2022 legislation, Senate Bill 5940 (HANDOUT 5A). So, for

background, this bill created a new endorsement, allowing breweries, wineries, and distilleries to contract with each other, and with other non-liquor licensed businesses, if the contract does not include alcohol products, to provide certain packaging services. So, this includes things such as canning, bottling, bagging, mixing, repacking, that sort of thing. The bill takes effect on June 9th, 2022. A new rule section, and revisions to existing rules, are needed to align agency rules with the new law and help inform licensees about the availability of the endorsement and its requirements. So, if approved today, I'll file the CR 101 with the Code Reviser, send notice to GovDelivery subscribers, and the informal comment period will begin. Notice will be published in the State Register on May 18th, and the informal public comment period will end on June 17th. We anticipate bringing a CR 102 to the Board to consider on July 6th, and our target date for bringing a set of final rules to the Board is August 31st. So, that concludes my presentation on the CR 101, and I am happy to answer any questions.

Member Garrett made a motion to approve the CR 101 for Implementing Senate Bill 5940, Contract Packaging Services Endorsement. Chair Postman seconded it. The motion was approved.

ACTION ITEM 5B – Public Hearing—Axe Throwing at Liquor Licensed Establishments

Audrey Vasek: Thank you, Chair Postman. So, I just want to provide some brief background on this project prior to the public hearing (HANDOUT 5B). For background, this CR 102 rule proposal was filed on March 16th following the collaborative rule development process that considered input from public health and prevention groups, axe throwing businesses, liquor licensees, and other interested members of the public. The agency held a virtual Listen and Learn stakeholder engagement session on February 23, 2022, to gather feedback on conceptual draft rules, and at peak, there were 65 individuals in attendance during that session. The feedback we received during that session was considered and incorporated into the proposed rules, and that feedback was also provided as an attachment to the CR 102 memo. So, in summary the proposed rules that the hearing is on today would require licensees that want to offer axe throwing to create a safety operating plan that includes two main components, protocols for monitoring patron intoxication and consumption of alcohol, and a floor plan designating consumption areas where alcohol is allowed, as well as identifying the axe throwing areas where alcohol is not allowed. The proposed rules also outline how to request a change in a safety operating plan and include a reference to penalties for non-compliance. They do not require that businesses use any specific methods or materials to construct barriers. In terms of timeline, formal public comment period closes at the end of day today, April 27th. We've received three email questions and comments related to this proposal so far, in support. So, after the comment period closes, the rule drafting team will meet to consider those comments, and if no substantive changes need to be made to the proposed rules, at the earliest the CR 103, or final rules, could be brought to the Board on May 11th. And, if they are approved on May 11th, then they would go into effect on June 11th. So, that concludes my presentation, and I'm happy to answer any questions.

Chair Postman opened the Public Hearing and invited citizens to address the Board. There were no public comments.

Chair Postman closed the Public Hearing.

6. GENERAL PUBLIC COMMENT

Chair Postman invited citizens to address the Board regarding any issues related to LCB business. The Board heard from the following people:

Christopher King: Very well, then. Okay, guys, I was going to go with what I had prepared, a speech and all that, but I'm not going to do that, I'm just going to speak extemporaneously. I want to get a few things straight right now. First of all, I remind everybody that I am currently a hearing officer, based on my civil rights experience. I am a hearing officer for the government in a related appeal to civil rights. Okay? That's what I went to school for. All right? That, and investigative journalism. And that's a fact, okay? So, with that in mind, let's move forward and talk about some of the things that are before us today. First of all, I made a mistake last week, or two weeks ago, when I said that we needed to run this analysis through a compelling governmental interest window and strict scrutiny analysis. That's not true. With respect to Libby Haines at least, all we need for her is a rational basis test, okay? Because you can engage in rulemaking as you always do, and make the rule, that if you went through the gauntlet and you got your lottery pass, you succeeded at that, and what the NAACP's financial chair, Darrell Powell, called a fraud lottery. But if you succeeded at that, and then you didn't get your license because of something, a reason that's been taken away, then the rule should simply be that you go to the front of the line with these equity licenses. This is simple, okay? And that is a race-neutral criteria, that's what that's known as, they'll tell you I'm right. Anyway, next, the whole purpose of this thing has to be to respect and honor those who've built the industry, and that's the O.G.s- this means not just the black O.G.s, but the white O.G.s, my expert witness, with John Novak, and Sandra Raylene-Hall, Frank Geeze, I'm sure the LCB knows him, he was a pioneer too, all right? And these people never got a shot, they got two-stepped out by 502 and 5052. They come first, and these Johnny-come-latelys come second. Now, how do we deal with the Johnny-come-latelys, in a civil rights framework for analysis? We turn then to the compelling government interest application, where you have to show that there's compelling governmental interest in helping these blacks, and O.G. whites who helped make the foundation of the legal cannabis market here. And that's a fact. We owe them. So, given the fact that no blacks made it through, yes the first several licenses should go to blacks. And after that, you develop a ratio, you know, one-to-one, whatever you do, but that's the civil rights analysis, guys, I know it well. As I mentioned before, I studied under Ted Merns, I was his law clerk for most of a year. The guy was influential with doing Cleveland's desegregation, he's a preeminent civil rights scholar, all right? So, I've worked with Bill Kunstler on a case once, so I'm not all of that, but I'm enough of that that I should command respect and not rolled eyeballs. So, next, I won't tolerate any anti-Semitism here, and I want to talk now about who controls the narrative in all of this. Because everything that John Novak and I are talking about, – the lack of testing – Ian Eisenberg wrote

me and I published the email chain between us, he started testing in 2018, everything that Novak and I, and Sandra Paul, are talking about, and we had a solid conference with you guys yesterday, which went nowhere, but we'll talk about that later, but we were on it. And, so he had eventually, somehow, he somehow decides I'm "bull". Okay, so that's that. And also, the way that everything Miller-Nash said about cronyism, and all that, that's something that Novak and I are talking about, and we're not attacking Ollie Garrett, what we're saying is that if the only way that people of color can get licenses is through being personal friends of Ollie Garrett, then there's a problem in the system, and that system needs to be examined. I'm all about proud black women, I've got plenty of them in my family, I'm sure you guys know who they are, you've looked at my background, okay? So, you know, on this honorable put-down, what about lifting Libby Haines, how about that? Thank you very much, you guys, and I encourage you to research what I was saying, and I look forward to working with you in the future.

Kevin Shelton: Okay, I'm Kevin Shelton, I'm the founder of Live Tree Collective Garden in Skyway, Washington, from 2011 to 2016. I had zero violations from any local or state agencies, and first off I just wanted to speak, you know, to Ollie, and let her know that we're not here to hurt her or personally attack her. My mother's considered a black woman, so you know, I'm not here to attack her. I just wanted to shed some light, you know, on the violations that were done against me. You guys still have not acquired the [inaudible] training, so you're still acting with limited authority. You know what, we were destroyed, financially, some of us emotionally, we had family members, friends, you know, that took the plunge with us, and loaned us money to get started, these people are expecting a return on their investments. Okay? So, you know, the light is not to be just shed on Ollie, the reason we're here to shed the light is that she happened to be affiliated with the people that done this to us, and all of you guys are profiting off of our downfall. That was unlawful. You know? So, just to clear that, we're not here to attack a black woman, we're not here to take her down, if it wasn't for black women like Ollie Garrett, I wouldn't be alive, okay? But some of the close affiliations, you're too close for home, you know. Mr. Buchanan of the Washington State African American Cannabis Association told me on the phone call that he speaks for all of us. I'm here to clear that up today, and just say that we're not acquiesced, we speak for ourselves. He can speak for those in the community that wish to not speak for themselves, he has the right to speak for them, okay? We're here to speak for ourselves, and we want some justice. Where is the NAACP? Mr. Powell called the lottery a scam, you guys are coming out with another one. Where's the Washington State African American Cannabis Association? I haven't heard one peep. We were told that we offended some people during the senate committee meeting by mentioning some names, and I'm not here to get into names, you can go in and find the affidavits in the federal record, and in federal court, okay? We're here to get justice, and to speak for ourselves. Mr. Postman, you can make a difference. You can make a difference; you guys can make a difference. But it shouldn't just be to people that are close to you, that can be controlled or managed by you, what is the personal vendetta that you have against the black pioneers? What is it? Why would you reach around those who helped forge the way for you guys to even get the salaries you're earning now? Why would you go around us? What is it? Be clear to us. We're not here to argue for argument's sake, and to be crabs in the bucket. Look at it closely, you'll find who the crabs in the bucket are. Just look at the facts. Okay? So, no, we were not here on any personal

vendetta, we're here for business. And we're here about money, you guys are on the Cannabis Board, and you guys are about the money, too, or you wouldn't be here. So, you guys have a good opportunity to be on the right side of history. Thank you very much.

7. ADJOURN

Chair Postman: All right, that is the last person we have signed up to testify. You know, we do have this time in every Board meeting for people to comment, it is your time to say what's on your mind, but I think I also have the ability and the right, and the obligation, to speak on behalf of this agency, and also just on behalf of the entire group of people who come to these meetings, and what we hope to accomplish. I'll just say, gentlemen, just because you say you're not attacking Board Member Garrett, doesn't make it so. You continually bring her up, you bring up the same issue, she and others have addressed it, and to continually try to demonize Member Garrett when she has single-handedly led the effort to make our system more equitable, is just, it's, I'll tell you, it's not a convincing argument for me. So, if that's your goal, I've got to tell you, and you know, I can assure you that neither Member Garrett, nor I, are motivated by the money that these part-time jobs pay, and we don't make more money, depending on who gets a license. So, there's the work that's actually been done on the social equity licensing rules, and now that our licensing team is working on getting ready to go, I just remain super impressed by it, it is a very difficult situation as I think everyone can recognize. There is just a lot of litigation around these issues on both sides, and so anybody who thinks it's easy, I think that's a short-sighted view of this. The long-term is not easy, and so we really need a strategy to make something work, and that's what we're doing, I think we have it. So, again, I just always will hope that we can move beyond the personal and talk about the policy- talk about case law, if you want. You can criticize us all you want, that's why we're here, that's why you have that opportunity, but I'll just tell you, as one member, I'm not moved by the personal, even if you say it's not personal and then do it. So, Member Garrett, anything that you'd like to add?

Ollie Garrett: No, thank you.

Chair Postman: The last thing I want to do, is I just want to remind everybody that we have a session tomorrow. Our policy team has put together a deliberative dialogue on evaluation of THC compounds, and it's going to look at how do you determine and define what is, and what is not, impairing, which I think as we all know, runs through a lot of our conversations with the legislature with regulating compounds. And the goal here, to get some mutual understanding of how to determine and define that. Some have got some experts coming, I'll tell you, these are not experts who necessarily are going to come and be in complete agreement with what our team looks at, and what we proposed last session, so I expect a candid and interesting conversation about that. This is one of three deliberative dialogues that we're going to have this year on the subjects, and they'll be all in the general rubric, there, on THC compounds, [inaudible] they're going to look at pieces of it. 1 to 2:30 tomorrow, it's going to be on Microsoft Teams, you can find information on our website, and I just really encourage anybody who is interested in that issue to join us, and I see our Director, Rick Garza, would like to have a word.

Rick Garza: Thank you, Mr. Chairman. The meeting is today, Dave, from 1 to 2:30.

Chair Postman: Oh, that's why everybody's hands have been shooting up.

Rick Garza: Thank you.

Chair Postman: Can I do that all over again? Today! Sorry, everybody, 1:00 today. Boy, I had a- I'm really sorry about that. Today, in a matter of hours, 1:00 to 2:30. It's still the same subject. So, sorry about that, but yeah. People can join, go to the website, get details, 1-2:30 today. Okay. And with that, we're going to adjourn the meeting today. Thank you, everybody.

Chair Postman adjourned the meeting at 10:30 am.

Minutes approved this 5th day of November 2025



Jim Vollendroff
Board Chair



Ollie Garrett
Board Member

Not Present

Peter Holmes
Board Member

Minutes Prepared by: Deborah Soper, Administrative Assistant to the Board

LCB Mission - Promote public safety, public health, and trust through fair administration, education, and enforcement of liquor, cannabis, tobacco, and vapor laws.