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ADMINISTRATIVE & FINANCIAL SERVICES

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COMMISSIONER

OFFICE OF CANNABIS POLICY

JOHN HUDAK
DIRECTOR

June 25, 2025

Jamison Nay/Leb City Greeneries LLC
11 Pond Road Unit D
Berwick, Maine 03901

Re: Notice of Administrative Action, Leb-City Greeneries LLC ACB1342
OCP Incident Number: 2024-ACP-1192

Dear Mr. Nay,

This Notice of Administrative Action is issued pursuant to the Maine Administrative Procedures Act (Maine APA), Title 5, Ch. 375, subchapter 4, to Leb City Greeneries LLC, Adult Use Cannabis Program (AUCP) License ACB1342 for violations of the Marijuana Legalization Act (MLA), Title 28-B, Ch. 1 and the *Adult Use Cannabis Program Rule*, 18-691 CMR, Ch. 1 as described below. In response to these actions, the Department of Administrative and Financial Services, acting through its Office of Cannabis Policy (OCP), (collectively, "The Department") is taking the administrative actions detailed in this notice.

The licensee named herein is subject to the administrative actions pursuant to 28-B MRS § 801 as described in Part II and III below that may be timely appealed in accordance with the Maine APA in accordance with Part IV of this Notice. Failure to timely appeal will result in the imposition of the administrative actions described herein.

I. Summary of AUCP Investigation of License

1. Leb-City Greeneries LLC is the business owner the principal is Jamison Nay. He is doing business as Leb-City Greeneries.
2. On 10/17/24, OCP Compliance Inspector Christopher Stearns conducted an adult use cultivation inspection of the Leb City Greeneries cultivation facility ACB1342 with the assistance of CI Giesecke. A report was completed with multiple violations noted.
3. During the inspection CI Stearns observed after reviewing the plan of record that the licensee had installed ozone machines in each of the cultivation rooms and the vault/storage room without adding them to the plan of record. Mr. Nay was advised that this was a violation and that the ozone machines would need to be added to the plan of record. The branding on the machines is Air ROS by Sage industrial 4001 Series.
4. As part of the inspection CI Stearns asked the licensee, Jamison Nay if he was able to bring up on the video recorder 45 days of archival video footage. He was unable to access

the video at the time of inspection. On 10/18/24 he called Compliance Inspector Stearns and stated that when he was finally able to review the video, he only had 14 days of archival footage. The licensee was advised that this was a violation and would need to be corrected. Mr. Nay stated to CI Stearns that he would have his security company add a hard drive the next business day.

5. During the inspection of the cultivation facility FI Stearns asked about Metrc tag 1A40D0300006FB9000000833 Funky Charms flower. He asked Mr. Nay if it was being remediated, and he pointed out a tub bearing the correct Metrc number and stated that it was currently. There was an Ozone machine affixed to the wall that was operating at the time of inspection. CI Stearns explained to Mr. Nay that the product would need to be marked in Metrc as remediated. Metrc is the track and trace software the state uses for tracking of adult use cannabis products. He was advised that this was a violation and would need to make the addition in Metrc to be compliant. Mr. Nay made this notation in Metrc on 10/18/2024 and reported in Metrc that he began his remediation process on 10/16/2024. This notation in Metrc was made two days later because Mr. Nay was advised by CI Stearns of the violation.
6. As part of the inspection CI Stearns asked the licensee Jamison Nay where his untested product was in the product storage room. The untested product was not marked at the time of inspection. He was advised that he would need to attach signage to the cannabis products with the batch number and “PRODUCT NOT TESTED” in 12-point font in bold to be compliant. He was also advised that this was a violation.
7. An audit sample of flower from the cultivation was collected as part of the inspection on 10/17/24 and failed mandatory testing for yeast and mold. The sample that was collected by CI Stearns was from Metrc tag 1A40D0300006FB9000000834. This batch of flower had initially passed testing on 10/08/2024. On 10/23/2024 it was discovered that the audit sample failed for yeast and mold (44,000 CFU/g) a Metrc Package trace was completed and all packages associated with tag 0834 were placed on administrative hold, including the packages that were at retail stores.
8. On 10/24/2024 Compliance Inspector Scott Corbett went back to Leb City to take another sample of flower from 1A40D0300006FB9000000834. The purpose of this sample was to send it in for testing to confirm the failed audit sample taken on 10/17/2024. The results came back on 10/30/2024 and the result was a fail for yeast and mold (490,000 CFU/g).
9. As part of the subsequent investigation samples were collected on 10/31/24. CI Stearns was tasked with collecting packaged flower from the failed batch Metrc tag ending 0834. These were collected at Stoner and CO-AMS1495, Green Truck Farms LLC-AMS1562 and Friendly Fire-AMS1456. All of these collected packages did not have the final batch tested listed on the packaging in violation of adult use compliance rules. The Metrc tested batch number should have been 1A40D0300006FB9000000834.
10. On 10/31/24 CI Giesecke and CI Stearns first stopped at Stoner and Co in Biddeford AU license number AMS1495. The license had the correct Leb-City Greeneries product quarantined in plastic tub marked with “OCP Admin Hold”. It was stored isolated from the area where their inventory was stored. The tag was 1A40D0300008279000000801. The Metrc number listed on the rear of the package was A40D0300006FB9000000863.

The Metrc number indicating the final batch tested was not listed on the packaging and this is a violation of AU. A sample of packaged flower was collected to go to the lab.

11. Compliance Inspectors then stopped at Green Truck Farms LLC Sanford AU license number AMS1562. The licensee had the correct Leb-City Greeneries product quarantined in plastic tubs marked with “Do Not Touch” and taped shut. The tag was 1A40D0300008279000000867. The Metrc number listed on the rear of the package was 1A40D0300006FB9000000867. The Metrc number indicating the final batch tested was not listed on the packaging and this is a violation of AU rule. A sample of packaged flower was collected to go to the lab.
12. Compliance Inspectors then stopped at Friendly Fire Sanford AU license number AMS1456. The license had the correct Leb-City Greeneries product quarantined in two bins and was marked “Quarantined”. The tag was 1A40D0300008279000000850. The Metrc number listed on the rear of the package was 1A40D0300006FB9000000850. The Metrc number indicating the final batch tested was not listed on the packaging and would be a violation of AU rule. A sample of packaged flower was collected.
13. On 10/31/24 CI Giesecke and CI Stearns met with Jamison Nay at the license location ACB1342. CI Stearns explained to him that CI Stearns would need to look at the sampling information to include collection records and video showing the sampling of Metrc tag #1A40D0300006FB9000000834 to try to determine if there were any issues with Mr. Nays initial sampling of 0834. There was no video of the sample collection for the Metrc tag listed above. CI Stearns had previously spoken with the licensee about sampling and when asked, Mr. Nay stated that he completed his sampling on a table in the main hallway of the cultivation. When the video was reviewed the only thing visible from the table was the feet of the sampler. The tabletop or the entry/ exit door were not visible. During the inspection on 10/17/24 Nay indicated to CI Stearns that the table was where he packaged items for retail sale. Nay was advised by Stearns that this would be a violation due to the lack of coverage in an area where cannabis is located and sampled or packaged for retail sale. There was also a lack of coverage on the entry /exit door. Because of the lack of camera coverage OCP compliance inspectors were not able to review Mr. Nay’s initial sampling practices and OCP was unable to determine the cause of the yeast and mold failures after the initial pass from the sample taken by Mr. Nay on 10/08/2024
14. The three samples that were collected from the three retail stores listed in paragraphs 10, 11, and 12 all failed for yeast and mold. On November 7, 2024, a public recall was issued by OCP.
15. On November 8th, 2024, CI Stearns spoke with Mr. Nay who advised that he would be closing his Adult Use license for cultivation. He was sent information about closing and was advised that if he was going to destroy cannabis CI Stearns would need to be on site. Mr. Nay later changed his mind and advised that he was going to keep his AU cultivation facility license. On 12/10/2024 CI Stearns was at Mr. Nay’s facility on another issue and CI Stearns was advised by Mr. Nay that he was not going to close his facility as he first stated and he asked about the status of the violations listed in this letter.

II. Summary conclusions of fact and violations:

The Department finds, based upon its investigation, interviews, and inspection of Leb-City Greeneries LLC ACB1342, of Berwick, Maine the following:

1. Adherence to Plan of Record: While conducting an inspection on 10/17/24 CI Stearns located Ozone machines installed in the facility. The licensee Jamison Nay was instructed to add these items to his Plan of Record and to date has added them to two incomplete applications for change to the plan of record. This is a violation of adult use rule 18-691 C.M.R., ch.1 § 3.5.1 sub B (1).
2. Failure to maintain 45 days of archival video coverage: During the inspection on 10/17/24 it was discovered that the license only had 14 days of archival video storage available. This is a violation of adult use rule 18-691 C.M.R., ch.1 § 3.3.1 Subsection D (E-3)
3. Failure to properly record remediation of cannabis flower: During the inspection of the cultivation Metrc tag 1A40D0300006FB9000000833 Funky Charms flower was currently being remediated via ozone and was not identified as remediated in Metrc. This is a violation of adult use rule 18-691 C.M.R., ch.1 § 4.1.7 sub-E.
4. Failure to attach signage to untested cannabis product: None of the untested cannabis in the storage area was marked with the appropriate signage “PRODUCT NOT TESTED” at the time of inspection. This is a violation of adult use rule 18-691 C.M.R., ch.1 § 9.8.1.
5. Inventory tracking sticker on retail packaging failed to list the final batch number that was tested: The retail packaging that was collected in relation to the recall of product did not list the final batch number that was used for mandatory testing. This is a violation of adult use rule 18-691 C.M.R., ch.1 § 9.1.2.
6. Inadequate camera coverage: During a visit to the cultivation facility on 10/31/24 CI Stearns attempted to view sampling event and discovered that the table where the event occurred, and the exit door were not covered by the camera. The licensee also indicated that that was the table that cannabis was routinely packaged at. This is a violation of adult use rule 18-691 C.M.R., ch.1 § 3.3.1- D (1)c.
7. This list of violations represents a pattern of conduct that demonstrates willful or reckless disregard for the tracking system requirements and facility requirements to include camera coverage, archival storage and not adhering to the Plan of Record which makes these violations a Major license violation. 28-B MRS § 802-A (2)(B) (12) Conduct that demonstrates a pattern of willful or reckless disregard for the tracking system requirements, sales tax obligations, excise tax obligations, mandatory testing obligations or facility requirements.

III. Summary of administrative actions taken by the Department:

Considering the violations summarized above and in order to ensure compliance with the MLA and Department rules, the Department is taking the following administrative actions to ensure licensee compliance with program requirements:

1. In response to the violations listed in Section II, these violations represent a pattern of conduct that demonstrates willful or reckless disregard for the tracking system requirements and facility requirements to include camera coverage, archival storage and

not adhering to the Plan of Record, which makes these violations a Major license violation. 28-B MRS § 802-A (2)(B) (12) Conduct that demonstrates a pattern of willful or reckless disregard for the tracking system requirements, sales tax obligations, excise tax obligations, mandatory testing obligations or facility requirements.

- a. OCP imposes the following fine against Leb-City Greeneries: **\$5000** a major license violation in accordance with 28-B MRS § 802-A (3) (B) to be remitted to the Department no later than 120 days from the date of this notice.

IV. Summary of administrative appeal rights:

The Department issues this Notice of Administrative Action in accordance with its authority pursuant to 28-B MRS § 801 and the Maine APA, 5 MRS, Ch. 375. If you disagree with the Department's findings of fact or administrative actions, you may timely request a formal hearing within 30 days from the date of this Notice. Failure to timely request a formal hearing of the Department will result in the Department executing the administrative action(s) listed in Part III above and could impact your continued participation in Office of Cannabis Policy programs.

A request for a formal hearing may be sent via e-mail to Deputy Director Vernon Malloch: Vernon.Malloch@maine.gov or via USPS mail to: Office of Cannabis Policy, 162 State House Station, Augusta, Maine 04333.

Sincerely,



Dean Goodale
Director of Compliance

Cc: Director John Hudak, Office of Cannabis Policy
Deputy Director Vernon Malloch, Office of Cannabis Policy
Anya Trundy, Office of the Commissioner
Deanna White, Esq., Office of the Attorney General