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GOVERNOR

STATE OF MAINE
OFFICE OF CANNABIS POLICY
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AUGUSTA, MAINE 04333-0162

ADMINISTRATIVE & FINANCIAL SERVICES

KIRSTEN LC FIGUEROA
COMMISSIONER

OFFICE OF CANNABIS POLICY

JOHN HUDAK
DIRECTOR

August 16, 2024

Joshua Seymour
[REDACTED]
[REDACTED]

Re: Notice of Administrative Action, **Joshua Seymour CGR25977**
OCP Incident Number- 2024-MCP-1044

Dear Mr. Seymour,

This Notice of Administrative Action is issued pursuant to the *Maine Administrative Procedures Act* (Maine APA), Title 5, Ch. 375, subch. 4, to **Joshua Seymour**, Medical Use Cannabis Program (MUCP) **CGR25977** for violations of the *Maine Medical Use of Cannabis Act* (MMUCA), Title 22 M.R.S., Chapter 558-C, as described below. In response to these violations, 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 MMUCA 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 MUCP Investigation of License

1. On 07-29-24 the Office of Cannabis Policy received information from a citizen that a cannabis company had been giving away cannabis at a car show in Sanford. Field Investigator Giesecke contacted the witness who advised that they were at Sanford Sound 1438 Main St., Sanford on Sunday, July 28th at approximately 9 am to 10 am for a car show. During this time the witness and an adult family member approached a vehicle on display that belonged to "Green Truck" cannabis company. Investigator Giesecke reported he is familiar with this truck as belonging to the Green Truck medical cannabis store located at 19 Buffum Rd., North Berwick and added that the owner and registered caregiver for this "Green Truck" business is caregiver Joshua Seymour. The witness reported that the adult family member approached the truck and spoke to a male who spoke to the couple about the different stores they had in the area, one being in Sanford and another in Berwick.
2. The witness reported the male then asked the couple if they would like a "Koozie" to keep their beverages cold and they accepted the "Koozie". The witness reported that during their conversation with the male with the "Green Truck" that there was no discussion about the sale or the giving away of cannabis. The witness reported that

when they finally looked in the “Koozie” there was a lighter, a pen, an air freshener, rolling papers and one pre-roll cannabis cigarette. The witness reported that before they threw away the pre-roll cigarette, they took photos of what was given to them in the “Koozie”.

3. Field Investigator Giesecke asked the witness if anyone near the “Green Truck” display had asked them for any identification or for a patient card and the witness responded that no one asked them, and they do not possess a “Patient Card. The witness also advised that the container for the pre-roll cigarette was a black pop-up container that was easily opened by squeezing it and it did not have any seal or other material on it making it tamper evident.
4. Field Investigator Giesecke reported that he spoke to you, the owner of “Green Truck”. You told FI Giesecke you were at the car show in Sanford on July 28th and you said that you and an employee were giving away cannabis products to people at the show. You told FI Giesecke that you thought that it was legal to give away cannabis product to people as long as they were over twenty-one.
5. You advised that the cannabis you were giving away was cannabis from your medical store in Berwick. You told FI Giesecke you gave away fifty pre-rolls in “Koozies” at the car show and that you were checking IDs to make sure the recipients were twenty-one unless they appeared much older than twenty-one. You also advised FI Giesecke that you did not keep any records for the transfer of the fifty cannabis pre-rolls. According to FI Giesecke the pre-rolls that were given away were not in tamper evident packaging.

II. Summary conclusions of fact and violations:

The Department finds, based upon its investigation and interviews:

1. You (Joshua Seymour) who is a registered caregiver, who owns a caregiver retail establishment in Berwick, on July 28, 2024, at a car show located at Sanford Sound 1438 Main Street, transferred a 1-gram cannabis pre-roll to a person who is not a registered cannabis patient. This is a violation of:

Title 22 M.R.S., Chapter 558-C section 2430-I (4) (A) Administrative penalty for sale or transfer to nonpatient states:

The first time a covered entity or covered entity agent sells, furnishes or gives cannabis for medical use to a person who is not authorized to possess cannabis for medical use under this chapter, the covered entity or covered entity agent that sold, furnished or gave cannabis for medical use to a person not authorized to possess cannabis for medical use may be subject to an administrative penalty for a minor registration violation.

2. You failed to keep records of your transfers of fifty 1-gram pre-rolls to individuals on July 28, 2024, at the above listed Sanford location. This is a violation of:

Title 22 M.R.S., Chapter 558-C section 2430-J

1. Required records. *A registered caregiver, a registered dispensary, a cannabis testing facility and a manufacturing facility shall:*

A. *Keep a record of all transfers of cannabis plants and harvested cannabis*

3. The packaging for the fifty cannabis pre-rolls that were given away in Sanford on July 28, 2024, was not tamper evident. This is a violation of:

Title 22 M.R.S., Chapter 558-C section 2429-A

1. Packaging requirements. *As applicable based on the form of the item sold, harvested cannabis sold in a retail transaction under this chapter must be:*

*A. Prepackaged in child-resistant and tamper-evident packaging or placed in child-resistant and **tamper-evident packaging** with a signifier that the package contains harvested cannabis at the final point of sale to a qualifying patient;*

III. Summary of administrative actions taken by the Department:

Considering the violations summarized above and in order to ensure compliance with Maine Medical Use of Cannabis Program, Title 22 M.R.S., Chapter 558-C the Department is taking the following administrative actions to ensure you, Joshua Seymour CGR25977 stays in compliance with program requirements:

1. In response to you (Joshua Seymour) transferring a 1-gram cannabis pre-roll to a person who is not a medical cannabis patient in violation of the Maine Medical Use of Cannabis Act:
 - a. OCP imposes the following fine against Joshua Seymour CGR25977: **\$1000 for a minor violation in accordance with section 2430-I (3) (B)(1) of the Maine Use of Cannabis Act**, to be remitted to the Department no later than 120 days from the date of this notice.

B. For a covered entity, except a registered caregiver who does not operate a retail store:

 - (1) Not more than \$1,000 for each minor registration violation
2. In response to you not keeping records for the transfer of fifty pre-rolls to individuals:
 - a. OCP has issued Technical Assistance
3. In response to you transferring fifty pre-rolls with packaging that was not tamper evident:
 - a. OCP has issued Technical Assistance

IV. Summary of administrative appeal rights:

The Department issues this Notice of Administrative Action in accordance with its authority pursuant to 22 M.R.S., Chapter 558-C, §2430-I 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 the programs administered by the Office of Cannabis Policy.

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,

A handwritten signature in black ink that reads "Dean Hood". The signature is written in a cursive, slightly slanted style.

Dean Hood
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