



JANET T. MILLS
GOVERNOR

STATE OF MAINE
OFFICE OF CANNABIS POLICY
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19 UNION STREET
FIRST FLOOR
AUGUSTA, MAINE 04333-0162

ADMINISTRATIVE & FINANCIAL SERVICES

KIRSTEN LC FIGUEROA
COMMISSIONER

OFFICE OF CANNABIS POLICY

JOHN HUDAK
DIRECTOR

April 14, 2025

Mr. Joseph Dunican
[REDACTED]
[REDACTED]

Re: Notice of Administrative Action including Monetary Penalty and Revocation of Registry Identification Card.

Joseph Dunican; CGR 29770
OCP Incident Number 2024-MCP-1556

Dear Mr. Dunican,

This Notice of Administrative Action is issued pursuant to the *Maine Administrative Procedures Act* (Maine APA), Title 5, Ch. 375, sub ch. 4, to **Joseph Dunican**, Medical Use Cannabis Program (MUCP) **CGR 29770** for violations of the *Maine Medical Use of Cannabis Act* (MMUCA), Title 22 M.R.S., Chapter 558-C, and the *Maine Medical Use of Cannabis Program Rule*, 18-691, Ch. 2, 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 accordance with the Maine APA in accordance with Part IV of this Notice. Failure to appeal in a timely will result in the imposition of the administrative actions described herein.

I. Summary of MUCP Investigation of License

1. On 11/20/2024, The Office of Cannabis Policy received a complaint from the Buxton Police Department regarding a report of a 15-year-old female overdosing on a THC chocolate bar that had allegedly been purchased at your licensed caregiver office (retail store), located at [REDACTED]. This location is a retail store known and advertised on the internet as “Joey Nugz” where you stock and sell harvested cannabis. Joey Nugz LLC. comes up on Google as a “Cannabis store in Waterboro, Maine” with the address of [REDACTED] and the hours of 10 am to 10 pm Monday through Saturday and 12pm to 10 pm on Sunday. It was also alleged that you made a sale to an eighteen-year-old male customer who was not a patient. The complaint indicated that the fifteen-year-old female purchased a THC infused “Bee’s Bars” chocolate bars and you also gave her a Pixie Stick, containing THC infused powder, for free.
2. Compliance Inspector Scott Corbett (CI Corbett) contacted both the fifteen-year-old female and the eighteen-year-old male, and they both reported that they purchased edibles

from your business (DBA "Joey Nugz"). The fifteen-year-old female stated that she was not a patient and that you were aware that she was not twenty-one due to multiple conversations she had with you in the past. The fifteen-year-old female advised she ingested 40 to 60 mg of the cannabis infused chocolate bar and passed out on the school bus and woke to emergency responders. She told CI Corbett that she did not go to the hospital, but her grandmother (legal guardian) arrived and brought her home and she said her adverse reaction to the THC lasted 8 to 10 hours.

3. CI Corbett was able to confirm that the eighteen-year-old male who also made a purchase was eighteen and that he did not have a patient card and did not produce a patient card when making a purchase at your caregiver retail location. The eighteen-year-old male told CI Corbett that you never asked for his patient card and this male never told you he was a patient. CI Corbett reported that the eighteen-year-old male indicated that you have sold to him on multiple occasions prior to this incident.
4. CI Corbett reviewed the webpage for Joey Nugs and determined that the edibles sold to the fifteen-year-old and the eighteen-year-old were the same as advertised. Your website notes that you conduct sales through appointments only. CI Corbett confirmed with the edible manufacturer, Honeycomb Farms (CGR26881), an OCP licensed caregiver who manufactures the above-mentioned THC infused chocolate edibles that your business is the only caregiver business in your area that sells their product.
5. On 12/2/2024, CI Chris Giesecke and CI Corbett went to your location in an attempt to conduct a purchase. CI Giesecke called the number on your web page to make an appointment, and you advised that you would meet him at your office (DBA "Joey Nugz"). CI Giesecke who was wearing plain clothes and was not in an OCP uniform, purchased three cannabis pre-rolls and at no time during this interaction did you ask CI Giesecke if he had a medical patient card.
6. CI Corbett contacted you and you met him at your office. CI Corbett explained the details of the complaint from Buxton Police Department. During this discussion, you had told CI Corbett that you had, "never sold to a child". You also told CI Corbett that you had received a call from Honeycomb Farms, and they had advised you that their candy was sold to a child.
7. CI Corbett advised you that you had just made a sale of cannabis to someone who was not a patient and further advised you that CI Giesecke produced no government ID nor a patient's medical card. Your explanation at the time was that you believed CI Giesecke was from a local homeless shelter and had conducted sales to him in the past.
8. CI Corbett explained in greater detail the incidents that occurred involving the eighteen-year-old male and a fifteen-year-old female. You denied conducting a sale with the female and that you did not believe you sold to anyone underage. CI Corbett asked if you were familiar with the eighteen-year-old male, and you advised that you knew him, and he had been down at your office a handful of times to make purchases. You went on to advise that the eighteen-year-old male had come into your office with a female. This is consistent with what the fifteen-year-old female had told CI Corbett. You advised that you had in fact sold to the eighteen-year-old male on this occasion. You told CI Corbett that you had become complacent with selling to this male. You also told CI Corbett that you were not trying to sell to kids but that you had gotten lazy.
9. CI Corbett asked if you had required records of sales, and you advised that you had. CI Corbett asked to see the records. CI Corbett observed an entry of "3 joints-20". This is consistent with the sale completed to CI Giesecke. CI Corbett observed no date, time, medical card number, or any driver's license information as required for all OCP patient

transactions. You were able to provide receipt books for October and September that CI Corbett noted had all the appropriate patient transaction information.

10. While CI Corbett was reviewing records, he advised that you had reiterated that you knew the eighteen-year-old male and that you had in fact sold to him. CI Corbett confirmed with you that the eighteen-year-old male did not in fact have a medical card and you confirmed that you were aware he did not.
11. As part of this investigation, CI Corbett noted multiple violations with your packaging and labeling of your pre-roll containers. CI Corbett noted there was no tamper evident wrapping or tamper evident tape on any of your pre-roll tubes. He also noted that the Universal Symbol was not compliant with OCP standards. This was due to the size and the detail of the actual symbol. There was an exclamation point inside the triangle with the letters, "ME" under the triangle this symbol appeared to CI Corbett to resemble other states warning labels.
12. CI Corbett issued you a Notice of Violation for the packaging violations, and for sales to persons who are not qualifying patients.

II. Summary conclusions of fact and violations:

The Department finds, based upon its investigation and interviews:

1. You (Joseph Dunican) sold cannabis edibles to a female that was fifteen years old, who was not a qualifying patient, on two occasions. On the most recent occasion she ingested 40 to 60 mg of a cannabis infused chocolate bar and passed out on the school bus and woke to emergency responders. She advised that her adverse reaction to ingesting the THC edible lasted 8 to 10 hours. These are violations of:

Title 22 M.R.S. § 2423-A (2)(A-1). Authorized conduct for the medical use of cannabis. Sales to a person who is not a qualified patient 22 M.R.S. §. 2423-A (2)A-1

And

Title 22 M.R.S. § 2430-I (1-A) (B)(4) "Major registration violation" (4) Selling or transferring cannabis plants, harvested cannabis or cannabis products for medical use to a person under 21 years of age who is not a minor qualifying patient:

2. You admitted to selling cannabis products on a handful of occasions to a person who is eighteen years old and is not a qualifying patient. These are violations of:

Title 22 M.R.S. § 2423-A (2) (A-1). Authorized conduct for the medical use of cannabis. Sales to a person who is not a qualified patient 22 M.R.S. § 2423-A (2)A-1

And

Title 22 M.R.S. § 2430-I (1-A) (B)(4) "Major registration violation" (4) Selling or transferring cannabis plants, harvested cannabis or cannabis products for

medical use to a person under 21 years of age who is not a minor qualifying patient

3. You sold cannabis products to CI Giesecke who is over 21 years of age but not a qualifying patient. This violation of:

Title 22 M.R.S. § 2423-A (2)A-1. Authorized conduct for the medical use of cannabis. Sales to a person who is not a qualified patient.

And

Title 22 M.R.S. § 2430-I (4) (A) The first time a registrant or registrant 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 registrant or registrant 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.

4. You sold cannabis products that were not tamper evident in accordance with OCP rules and did not indicate “contains harvested cannabis” on the package or have on it a compliant State of Maine Universal Symbol. This is a violation of:

Title 22 MRS., Chapter §2429-A. Packaging and labeling requirements 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.

5. You were operating a caregiver retail store as defined in 22 MRS 2421-A (12) at the relevant times.

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, 22 M.R.S., Chapter 558-C the Department is taking the following administrative actions:

1. In response to selling cannabis edibles to a fifteen-year-old female who was not a qualifying patient on two occasions:
 - a. Pursuant to its authority under 22 M.R.S., Chapter 558-C, § 2430-I (3) (B) (2), **The Department imposes the fine of \$6000 for two major violations.** The fine is to be remitted to the Department no later than 120 days from the date of this notice.
2. In response to selling cannabis to an eighteen-year-old non-patient on at least three occasions:
 - a. Pursuant to its authority under 22 M.R.S., Chapter 558-C, § 2430-I (3) (B) (2), **The Department imposes the fine of \$9000 for three major license violations.** The fine is to be remitted to the Department no later than 120 days from the date of this notice.
3. Pursuant to its authority under 22 M.R.S., Chapter 558-C, § 2430-I 8-A (A) (2), **The Department revokes Joseph Dunican’s Registry Identification Card CGR29770 for one year for a pattern of major registration**

violations in a 60 -month period. (selling cannabis and cannabis products to people who are not qualifying patients and are under 21 years of age.)

4. In response to selling cannabis to CI Giesecke, who is over 21 years of age but not qualifying patient:
 - a. Pursuant to its authority under 22 M.R.S., Chapter 558-C, § 2430-I (3) (B) (1), **The Department imposes the fine of \$1000 for a minor license violation.** The fine is to be remitted to the Department no later than 120 days from the date of this notice.
5. In response to selling cannabis products that were not tamper evident in accordance with OCP rules and did not indicate “contains harvested cannabis” on the package or have on it a compliant State of Maine Universal Symbol.
 - a. The Department has provided 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 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 this Notice of Administrative Action including Monetary Penalty and Order of Forfeiture and Destruction becoming the FINAL ORDER of the Department. You will not be able to petition for a review in Superior Court and it 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,



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