



JANET T. MILLS
GOVERNOR

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

ADMINISTRATIVE & FINANCIAL SERVICES

KIRSTEN LC FIGUEROA
COMMISSIONER

OFFICE OF CANNABIS POLICY

JOHN HUDAK
DIRECTOR

March 6, 2025

Mr. Cory Hutchinson
[REDACTED]
[REDACTED]

Re: Notice of Administrative Action including Monetary Penalty and Order of Destruction

Cory Hutchinson CGR29884

OCP Incident Number- 2024-MCP-1385 and 2024-MCP-1335

Dear Mr. Hutchinson,

This Notice of Administrative Action is issued pursuant to the *Maine Administrative Procedures Act* (Maine APA), Title 5, Ch. 375, sub ch. 4, to **Cory Hutchinson**, Medical Use Cannabis Program (MUCP) **CGR29884** 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, III and IV below that may be timely appealed in accordance with the Maine APA in accordance with Part V 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 10/18/2024 the Office of Cannabis Policy conducted a routine caregiver inspection at 243 Cole Road, Kennebunk. Compliance Inspector Scott Corbett and Compliance Inspector Chris Stearns met with you at a detached building located toward the back of the property. The two Compliance Inspectors entered through the main door into what appeared to be a veg room.
2. Part of the inspection required the measuring of the mature canopy to confirm that it is within the 500 square foot limit allowed by your caregiver license. Your license allows 500 square feet of mature canopy and 1000 square feet for immature canopy. CI Corbett measured out your mature canopy which was located in a second room off of the first room investigators had entered. In this second room there were three separate grows that you explained as one for your wife's plants, your plants and your son's plants. Your son's mature grow was at the far end of the room and sectioned off with chicken wire fencing. Further inquiry into this noted a violation of Title 22. Sec. 2434-A (3)(D) Two caregivers

who are members of the same family or household may share not more than 2 cultivation areas.

3. Your mature grow had 50 potted plants that appeared to have been 6-8 feet in height. There were five plant rows across and each of those five rows contained 10 plants. CI Corbett measured across the 5 plants to where the bulk of the plants grew outward. This measured approximately 20 feet. CI Corbett then measured the depth of the canopy which measured approximately 39 feet. The square footage of your canopy measure approximately 780 square feet. This was 156 percent over your allotted canopy limits. See, definition of mature plant canopy at 22 MRS § 2421-A(29), and Updated Guidance for Measuring Mature Plant Canopy, October 30, 2023.
4. CI Corbett inquired if you had received any of the OCP guidance to measuring of canopy and you replied that you did not believe you had. CI Corbett explained in detail what the guidance entailed and advised how measurements were taken. You had advised that you had been measuring from outer plant pot to outer plant pot in that row. CI Corbett measured in that fashion and came up with 14 feet by 33 feet. This totaled 463 square feet.
5. During the inspection, CI Corbett also learned that your employee Emma Scholz did not have, an RIC card as required for Caregiver Assistants. It appears as if she had obtained an IIC (Adult Use) by accident. Scholz was advised by you to leave and not return to work until she had an active RIC card. CI Corbett did search her name later that day 10/18/2024 and learned that Scholz had a pending status. This meant she had begun the process to obtain her required card.
6. Prior to CI Corbett leaving the inspection, he advised you that your grow needed to be brought to or under 500 square feet to be within compliance. CI Corbett and you discussed that you could use the weekend to decide how to make that happen and it was communicated to you that CI Corbett would want to hear any suggestions. CI Corbett also advised once the grow was brought within compliance that he would return to measure and confirm the square footage. CI Corbett later on, 10/18/2024 sent you a Notice of Violation and a Plan of Correction relating to the violations and requirements that needed to be followed moving forward.
7. CI Corbett followed up on 10/25/2024 to verify what had been done to the grow. You sent videos of how your grow was set up and measurements. You advised in an email that you did not have to destroy any of your cannabis plants. Upon arrival to the grow, CI Corbett observed that you had closed in your grow into three sections. There were still 50 pots. You had the sections divided into 20, 15 and 15 pots. The measurements from left to right were 17x11-187, 6.5x18.5-120.25 and 6.5x20- 130. Total square feet was 437.25. This was under your square footage for your license. However, you did not destroy any of the plants and merely pushed them into each other. You were advised in the Plan of Correction to notify CI Corbett prior to making any changes. This was not done as requested. Your justification for pushing the plants close together was that you wanted the top of the plants and knew you may lose some of the plants that would not have good or any air flow at all. CI Corbett, from his experience, knows that this is not an industry standard that would allow for a healthy crop. See also, *Best Management Practices for Pest Prevention and Management in Maine Medical Marijuana Cultivation*, Maine DACF, October 2015. In order for you to be compliant to your caregiver license allowance of 500 square feet, you would need to destroy 1/3 of this crop or approximately 16 Plants.
8. CI Corbett, during the course of his investigation, learned that you had conducted a delivery to a location in Portland. CI Corbett told you that the complainant advised they had adverse reactions from inhaling the cannabis ordered from you through Weedmaps. CI Corbett reviewed records and found no sale recorded for the date of purchase,

September 13th, 2024. Inspector Corbett conducted a follow up with the complainant and CI Corbett was sent a screenshot of the purchase that was made. This screenshot was then forwarded on to you. You advised that the sale was in fact from your business and that you had lost four total trip tickets for the month of September. The only record you could provide was an envelope that had dates, product sold, and amount paid by the customer. One of the dates was September 13th, the purchase made by the complainant.

II. Summary conclusions of fact and violations:

The Department finds, based upon its investigation and interviews:

1. You continued to cultivate cannabis plants exceeding your authorized canopy of 500 square feet mature plants at the inspection on October 18, 2024. You were 280 square feet of canopy over or 156% of your allotted amount. This is a violation of:

Title 22 M.R.S., Chapter 558-C § 2430-I (1-A) (B)(7) *"Major registration violation" means a serious violation that does not imminently jeopardize public safety. "Major registration violation" includes: Cultivating cannabis plants in an amount that is equal to or greater than 150% of the total number of cannabis plants or plant canopy the registrant is authorized to cultivate under this chapter.*
2. You were unable to produce records of the sales completed by four customers during the month of September. Records / Failure to retain records for four years
22 MRS §2430-G (1)(A)(2)
3. You were unable to produce a record Trip Tickets for four patient sales deliveries that occurred in September 2024. Trip Tickets / failure to utilize 18-691 CMR Ch. 2 Section 6(A)(2) and 7(Q)(1)
4. You employed a Caregiver Assistant on the date of the inspection September 18, 2024. Caregiver Assistant Emma Scholtz was licensed as a IIC card holder (AU) instead of the RIC (Med) that is required. Caregiver / Expired or unregistered caregiver assistants 22 MRS §2425-A (2)
5. You allowed more than two caregivers to cultivate in your cultivation area on the date of the inspection September 18, 2024. Title 22. §2434-(A)(3)(D) Two caregivers who are members of the same family or household may share not more than 2 cultivation areas.

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 to ensure licensee compliance with program requirements:

1. In response to Cory Hutchinson cultivating plants exceeding authorized canopy:
 - a. OCP imposes the following fine against Cory Hutchinson CGR29884: **\$600 for a Major violation in accordance with § 2430-I(1-A)(B)(7) and (3) of the Maine Use of Cannabis Act**, Cultivating cannabis plants in an amount that is equal to or greater than 150% of the

plant canopy the registrant is authorized to cultivate under this chapter; to be remitted to the Department no later than 120 days from the date of this notice.

2. In response to Cory Hutchinson being unable to produce a record of the sales completed by four customers during the month of September. Records / Failure to retain records for four years. 22 MRS §2430-J(A) and (B)

- a. OCP has issued Technical Assistance

3. In response to Cory Hutchinson was being unable to produce a Trip Ticket for four patient sales that occurred in September 2024. Trip Tickets / failure to utilize 18-691 CMR Ch. 2 Section 6(A)(2) and 7(Q)(1)

- a. OCP has issued Technical Assistance

4. In response to Cory Hutchinson employing someone to assist with his caregiver business who is not registered as a caregiver assistant and did not have an RIC Card. Caregiver / Expired or unregistered caregiver assistants 22 MRS 2425-A (2)

- a. OCP has issued Technical Assistance

5. In response to Cory Hutchinson allowed more than two caregivers in a cultivation area Title 22. Sec. 2434-(A)(3)(D) Two caregivers who are members of the same family or household may share not more than 2 cultivation areas.

- a. OCP has issued Technical Assistance

IV. Order of Destruction:

Pursuant to 22 M.R.S., Chapter 558-C § 2430-I(5) the Department hereby orders the forfeiture and destruction all cannabis plants, cannabis or cannabis products in the possession or under the control of Cory Hutchinson which are not in a secure and separate cultivation area, which exceed the limits or your registration, or which have been diverted to personal use, and excepting only qualifying patients' medical cannabis plants, are hereby forfeited and shall be destroyed at a time and place and in a manner to be required by the department in writing after this matter becomes final.

V. 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,

A handwritten signature in black ink, appearing to read "Dean Goodale". The signature is fluid and cursive, with the first name "Dean" being more legible than the last name "Goodale".

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