



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

August 6, 2025

Jingkang Yao (CGR32606)

[REDACTED]

[REDACTED]

Re: Notice of Administrative Action including Monetary Penalty
OCP Incident # 2025-MCP-849

Dear Jingkang Yao,

This Notice of Administrative Action is issued pursuant to the *Maine Administrative Procedures Act* (Maine APA), Title 5, Ch. 375, subch. 4, to **Jingkang Yao**, Medical Use Cannabis Program (MUCP) **CGR32606** 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 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 the investigation and subsequent medical caregiver inspection of Jingkang Yao:

1. On April 22, 2025, Compliance Inspectors conducted a caregiver inspection with Jingkang Yao, after he relocated his cultivation location to 1 Marks Lane in Gardiner. At that time, Mr. Yao was issued a Notice of Violation for multiple issues found during that inspection, including the fact that he had not obtained a municipal license with the City of Gardiner before beginning to cultivate.
2. On June 5, 2025, the Office of Cannabis Policy received notification from the City of Gardiner, that Jingkang Yao had applied with the city, but that his application had been denied by the Gardiner City Council the previous evening (June 4, 2025). An official letter was issued to Mr. Yao from the City of Gardiner, advising of the denial.

3. On June 11, 2025, an Inspector stopped by the address of 1 Marks Lane to try and meet with Mr. Yao to inquire whether he had ceased cultivation operations at the location. Mr. Yao was not there but was contacted by phone and responded to meet with the Inspector within minutes. A Gardiner Code Enforcement Officer was also present.
4. A Cantonese interpreter with Language Link was utilized by speaker phone during the visit and inspection with Yao.
5. During the visit, Mr. Yao showed the Inspector two cultivation rooms that he identified as his, a room labelled as #2, and room located next to Room #2, marked as #3. Mr. Yao had his OCP issued Wall Certificate hanging on the wall next to each of the two rooms.
6. Room #2 was found to contain 500 square feet of flowering cannabis plants, which was measured by the Inspector while on site.
7. Room #3 was found to contain an additional 256 square feet of flowering cannabis plants, which was measure by the Inspector while on site.
8. Mr. Yao's total mature canopy between the two rooms measured 756 square feet, which was 256 square feet over his allowable mature canopy limit.
9. Mr. Yao was advised that he was operating over 150% above his allowable canopy limit. He had no explanation for this but clearly knew that he was well over his allowable canopy limit.
10. Mr. Yao opted to destroy all 256 square feet of flower growing in Room #3, putting him back to the allowable canopy limits of his caregiver license. He accomplished this by cutting the plants and placing them in trash bags, before they were covered in vinegar. He did this while the Inspector was on site to witness the destruction.
11. Mr. Yao was provided a Notice of Violation for the following:
 1. Exceeding plant canopy limit over 150%,
 2. Failing to obtain or maintain any required licenses, permits or certificates from another state agency, or a municipality.

II. Summary findings of fact and violations:

The Department finds, based upon its investigation, interviews, and inspection the following:

1. Jingkang Yao has exceeded his mature plant canopy limit by over 150%. This is a violation of:

22 M.R.S. § 2423-A (2)(B) Plant Canopy- Exceeding 500 square feet.

and

22 M.R.S. § 2430-I (1-A) (B)(7) a Major registration violation: 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. Jingkang Yao continues to operate a medical cannabis cultivation at 1 Marks Lane Gardiner, Maine, after failing to obtain or maintain any required licenses, permits or certificates from the municipality of the City of Gardiner. This is a violation of:

Title 22 M.R.S., Chapter 558-C section 2430-I (1-A) (C) (4).

III. Summary of administrative actions taken by the Department:

1. For Jingkang Yao, cultivating mature cannabis plants exceeding authorized canopy more than 150% of his authorized mature plant canopy in violation of Title 22 MRS § 2423-A (2)B), which is a major registration violation, Title 22 MRS § 2430-I (1-A) (B)(7) 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.

Pursuant to its authority under 22 M.R.S., Chapter 558-C, §2430-I (3) & (8) (A) (3) OCP imposes a fine of **\$600 and suspends for one year the following Registry Identification Card belonging to Jingkang Yao CGR32606**. The fine is to be remitted to the Department no later than 120 days from the date of this notice.

22 MRSA § 2430-I(8)(C): During the time Jingkang Yao's Registry Identification Card is suspended the Department does not permit him to transfer that card to any other person.

2. In response to the City of Gardiner denying Jingkang Yao a cultivation license.
 - a. The Department will rely on the City of Gardiner to enforce its ordinance.

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 this Notice of Administrative Action including Monetary Penalty 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
Office of Cannabis Policy

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