



JANET T. MILLS
GOVERNOR

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

ADMINISTRATIVE & FINANCIAL SERVICES

KIRSTEN LC FIGUEROA
COMMISSIONER

OFFICE OF MARIJUANA POLICY

ERIK GUNDERSEN
DIRECTOR

August 2, 2021

Via USPS First Class Mail

Mr. Matthew Folker



Subject: Notice of Revocation of Registry Identification Card(s)

Dear Mr. Folker

The Maine Department of Administrative & Financial Services, Office of Marijuana Policy (Department) is responsible for the administration and oversight of the Maine Medical Use of Marijuana Program (MMMP). Protection for authorized conduct requires compliance with the Maine Medical Use of Marijuana Act and program rules. Pursuant to its authority under 22 M.R.S., Chapter 558-C, §2430-F, the Department revokes the following Registry Identification Card(s): CGR28919. Such revocations are effective three (3) calendar days after the date of this notice.

I. Justification for revocation:

The Department's decision to revoke your Registry Identification Card(s) is based on your violations of the Maine Medical Use of Marijuana Act. More specifically, the Department's MMMP field investigation staff have provided the Department with sufficient evidence to demonstrate the following statutory and regulatory violations:

- On June 17th 2021, the Department received an inquiry from a customer of your delivery business, Sunkissed Cannabis regarding a delivery by your driver. The customer reported that the driver did not ask them for identification or a patient card, and the marijuana products were handed to someone else who was not a caregiver. As a result of this complaint an inspection was done of your business on June 24th 2021 by Field Investigator Dean Goodale. Several violations were noted during the inspection including but not limited to:
 1. Herb Meyer has been working for you and he has not been registered as a caregiver assistant. In addition, you did not have any employee files for Herb Meyer, which should include a W-4 form, I-9 Form and a job description. This is a violation of 22 MRS §2425-A (2) Unregistered or expired caregiver assistants and 18-691 CRM Chapter 2 section 6 (G) (2) Caregiver assistant personnel files-none or inadequate.
 2. You have been advertising and selling products that are designed in a manner that would cause a reasonable consumer confusion as to whether the marijuana was a

trademarked product. This includes packaging or labeling that imitates or copies common, well-known images, trade names and marks, characters, and designs from M&Ms, Skittles, Reese's Pieces and Peanut Butter Cups, Wonka Bars, and Oreos. These are all generally known trademarks owned by companies such as Mars, Incorporated; the Wrigley Company; the Hershey Company and Nestle. This is a violation of 22 MRS § 2429-A(2)(A). In addition, this labeling/packaging and the website advertising for these products are specifically designed to appeal particularly to a person under 21 years of age. This is a violation of 22 MRS §§ 2429-A(2)(B) and 2429-B(1)(B)

3. You were selling Gummy Bears and Gummy Worms, which is a violation of 22 MRS §2429- C (3) Manufactured and sold in shape of human, animal, and fruit.
4. You have been selling edible marijuana products without a retail food license, which is a violation of; Selling edibles containing marijuana products without a Food Establishment license as required by 22 MRS §§ 2152(7-A) and 2167.
5. You indicated to Field Investigator Goodale that you did not have any documentation regarding the wholesale purchase of the above products. You told Investigator Goodale with whom the purchase was made, however this person was found to not be a registered caregiver or dispensary. This is a violation of 22 MRS §2423-A(2)(K-1), Wholesale Purchase from a non-caregiver or dispensary and 22 MRS §2430-G (1)(A)(1), Failure to Maintain record of all transfers of plants and harvested marijuana.

For these reasons, your eligibility to participate in the MMMP has been revoked. Please immediately return your Registry Identification Card to:

Department of Administrative & Financial Services
Office of Marijuana Policy
Maine Medical Use of Marijuana Program
162 State House Station
Augusta, ME 04333-0162

II. Registration Revocation and Right to Request an Informal Hearing:

Pursuant to 22 M.R.S. §2430-F, the Department may suspend or revoke a registry identification card for violation of Chapter 558-C and the rules adopted by the Department. A person who has had authorization for conduct under Chapter 558-C revoked due to failure to comply with Chapter 558-C and rules adopted by the Department may request an informal hearing. If you would like to request an informal hearing, please notify the Department in writing within thirty (30) calendar days of the revocation effective date at the address information provided above. If the Department does not receive a hearing request in accordance with the policy, the revocation becomes final.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. W. Field', written in a cursive style.

Michael W. Field
Director of Compliance
Office of Marijuana Policy

Cc: file