

## SETTLEMENT AGREEMENT

Effective this <sup>34</sup> day September 2022, the State of Maine Department of Administrative and Financial Services (“DAFS”) and Vincent Gogan (“Appellant”) of Lewiston, Maine (collectively “the Parties”) enter into this Settlement Agreement.

The Appellant in this matter was a registered caregiver pursuant to the Maine Medical Use of Marijuana Act, and on June 27, 2022, Michael W. Field, Director of Compliance for the Office of Cannabis Policy at DAFS sent Mr. Gogan a letter notifying him that DAFS was revoking his registry identification (“ID”) cards effective three (3) days after the date of the letter. Revocation is subject to an informal hearing pursuant to 22 M.R.S. §2430-F and then potentially to judicial review pursuant to 5 M.R.S. Chapter 375 and M.R.Civ.P. 80C, and Mr. Gogan exercised his right to request an informal hearing in this matter.

Now therefore, as the Parties wish to settle this matter in consideration of the mutual promises set forth herein rather than continue the appeals process, the parties agree as follows:

1. OCP, DAFS hereby rescinds the revocation of Mr. Gogan’s registry ID card (CGR25165) once this agreement is signed. Instead, Mr. Gogan’s registry ID card is suspended from June 30, 2022 to April 30, 2023.
2. The suspension of Mr. Gogan’s registry ID cards is based on Mr. Gogan’s conduct as stated in the June 27, 2022 letter—failing to verify a customer was a qualifying patient and selling medical marijuana to a person who was not a qualifying patient or otherwise authorized to have harvested marijuana; failing to keep required business records including records of all transfers, patient transaction logs and employee records; employing unregistered assistants; engaging in prohibited collective behavior; and using packaging the was neither opaque nor tamper resistant.
3. During the suspension, Mr. Gogan will not participate in the Maine Medical Use of Marijuana Program, including having or holding any direct or indirect financial interest in a business, caregiver or dispensary registered under this

program. Allowing medical marijuana to be grown on any property in which he has or holds any ownership interest during this period of suspension would violate this agreement, except for medical marijuana plants grown by household members who are qualifying patients, and Mr. Gogan may rent or sublet his store and grow area to another qualified and approved caregiver.

4. During the suspension, Mr. Gogan will not participate in the Adult Use Cannabis Program, including applying for an adult use individual identification card or an adult use marijuana establishment license under the Marijuana Legalization Act; and having or holding any direct or indirect financial interest in an adult use marijuana establishment. Allowing adult use marijuana to be grown on any property in which he has or holds any ownership interest during this period of suspension would violate this agreement, except that he and other household members over the age of 21, may grow their own personal adult use marijuana plants in accordance with 28-B M.R.S. § 1502.
5. After the period of suspension ends on April 30, 2023, Mr. Gogan will have to apply anew for a caregiver registry ID card and will also be eligible to apply for other participation in the Maine Medical Marijuana Program and the Adult Use Marijuana Program.
6. After April 30, 2023, this suspension will not be considered a bar to Mr. Gogan's participation in either the Maine Medical Marijuana Program or the Adult Use of Marijuana Program.
7. Mr. Gogan agrees to take corrective action as outlined below, in addition to complying with all other requirements of program participation when he participates in the Maine Medical Marijuana Program after April 30, 2023:
  - a. Mr. Gogan shall ensure that he and any of his caregiver assistants properly verify whether a customer is a qualifying patient and shall only sell retail harvested marijuana to qualifying patients.
  - b. Mr. Gogan shall ensure that each employees or caregiver who works for him has an assistant registry identification card (RIC).
  - c. Mr. Gogan shall keep adequate business records including complete

sales records and employee files.

d. Mr. Gogan shall use compliant packaging.

8. Wind-down plan: Mr. Gogan has transferred any authorized harvested marijuana or products or plants to another registered caregiver.
9. DAFS reserves the right to take any appropriate action if Mr. Gogan is found engaging in conduct not authorized by, or in violation of, the law or this Settlement Agreement.
10. This Settlement Agreement sets forth the entire agreement of the Parties, and any amendment hereof shall be in writing. Representations that are not contained in the Agreement or subsequent written amendment shall have no effect. The parties agree that once this agreement is signed the informal hearing is no longer necessary.
11. The Parties acknowledge that this Agreement and its reduction to final written form is the result of good faith negotiations between the Parties; said Parties and their respective counsel have carefully reviewed and examined this Agreement before execution by said Parties; any statute or rule of construction that ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement.
12. This Settlement Agreement shall be governed by the laws of the State of Maine.
13. The signatory for DAFS represents that he is duly authorized and empowered to execute this Settlement Agreement on behalf of DAFS, and that his signature is enough to legally bind DAFS to the terms of the Settlement Agreement.
14. Mr. Gogan represents that he is duly authorized and empowered to execute this Settlement Agreement on his behalf, and his signature is enough to legally bind himself, including any ownership interest he has in medical marijuana plants or harvested marijuana due to having been a registered caregiver, to the terms of the Settlement Agreement.

**IN WITNESS WHEREOF**, the duly authorized representative of DAFS, and Mr. Gogan have signed this Agreement below:

DocuSigned by:  
*Vincent Gogan*  
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Date: 9/13/2022

Vincent Gogan

*MW Field*

Date: 9/13/2022

Michael W. Field, Director of Compliance, OCP, DAFS