



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

ERIK GUNDERSEN
DIRECTOR

June 27, 2022

Via Electronic Mail and USPS First Class Mail

Jesse Wallace
[REDACTED]

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

Dear Mr. Wallace:

The Maine Department of Administrative & Financial Services, Office of Cannabis 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, 18-691 CMR Chapter 2. Pursuant to its authority under 22 M.R.S., Chapter 558-C, §2430-F, the Department revokes the following Registry Identification Card(s): Jesse Wallace **CGR26946**. Such revocation is 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 violation 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 March 12, 2020 the OMP learned from town officials that you, MMMP caregiver Jesse Wallace, operated a caregiver retail store at 11 Seal Cove Road, Southwest Harbor, ME, which sold medical cannabis products without local approval from the Town of Southwest Harbor.

- On March 13, 2020 Investigator James York visited the location (2020-MMP-280) and observed sales of cannabis products. You were instructed to close and cease sales from 11 Seal Cove Road, Southwest Harbor, ME, as you did not have local approval to operate the business from the Town of Southwest Harbor. At that time, you agreed to cease all cannabis sales from the property until such time you obtained local approval or until you found a new location.
- On May 27, 2021 the OCP learned from town officials that you, MMMP caregiver Jesse Wallace, operated a caregiver retail store at [REDACTED], which sold medical cannabis products without local approval from the Town of Franklin.
- On June 1, 2021 Investigator York visited the location (2021-MMP-560) and observed sales of cannabis products. You were instructed to close and cease sales from [REDACTED], as you did not have local approval to operate the business from the Town of Southwest Harbor. At that time, you agreed to cease all cannabis sales from the property until such time you obtained local approval.
- On June 4, 2021 Investigator York returned to [REDACTED] and verified the store had been removed.
- On December 14, 2021, the OCP learned from town officials that you, MMMP caregiver Jesse Wallace, operated a caregiver retail store at [REDACTED], which sold medical cannabis products without local approval from the Town of Franklin.
- On December 15, 2021 Investigator York coordinated with the Town of Franklin Office Administrator, who related you had no permit to operate a medical cannabis store at [REDACTED].
- On December 20, 2021 Investigator York coordinated with the Town of Franklin Code Enforcement Officer who related you had no permit to operate a medical cannabis store at [REDACTED] and that you have never applied for one.
- On December 28, 2021 you were notified, in writing, that you were in violation of the Town of Franklin's ordinance regulating medical cannabis storefronts.
- On December 30, 2021 you emailed Investigator York about the written notice from the town. You stated you had no signs and was only advertising on Facebook, word of mouth, business cards, and flyers.

- Between January 3, 2022 and January 14, 2022 Investigator York checked your Facebook Page named “Higher Kind”. This page showed that you reopened your storefront, at [REDACTED], sometime in July 2021. The following things were noted on your Facebook page:
 - a. Hours of operation
 - b. Address
 - c. Phone number
 - d. Available products for sale
 - e. Change in specific day’s operating time due to certain circumstances
 - f. Packaging violations (Child Resistant/Tamper Evident)
 - g. Packaging depicting cartoons
- On February 1, 2022, Field Investigators James York and Wade Maddox visited the location and observed a green cross flag in the window with hours of operation and your phone number stenciled on the window. There was no answer at the door but as the Investigators were leaving you stepped out and stated you and others inside had COVID-19. Investigator York stated he would contact you later.
- On March 18, 2022 Field Investigators York and Maddox visited the location and observed the green cross flag in the window, hours of operation and your phone number stenciled on the window were still present. Investigator Maddox looked through the storefront window and took photos depicting the front window with the hours of operation, available products, and the green cross flag. Photos were taken of the inside depicting a scale on a countertop and a chalk board with the words “Welcome to Higher Kind”. A young girl answered the door and identified herself as your daughter. Investigator York then spoke to you on Facetime, at which time you stated you were heading out of state. Investigator York stated he would reconnect with you when you returned.
- On March 23, 2022, Field Investigators James York and Christopher Carr visited the location. Upon entry it was noted that you had a display set up with prices and products. When asked you stated you did not let patients into the area where the store used to be set up. You stated you take the patients order in the entry way. Investigator York asked why there was a need for the display if patients weren’t allowed in that area, which you stated so you would have easy access to the products. Only after Investigator York questioned why you needed prices displayed did you admit to did allow patients in the area and you were still operating as a storefront. You further admitted you were trying to “skirt the statute” to stay open. When asked why you hadn’t applied for a permit you stated you wouldn’t be qualified for a permit because of the proximity of the store to the road and your property line. You agreed to take the displayed items out of the room and remove all signs from the window.

- Later on, March 23, 2022, you contacted Investigator York and asked if you could put a couch and coffee table in the room to meet patients and have a safe in the room to pull product out of to show the patients. Investigator York informed you in June 2021 that you couldn't conduct sales in that fashion.

For the following reasons, your eligibility to participate in the MMMP has been revoked.

- Failure to Obtain Local Approval (**3 separate violations**), a violation of 22 MRS §2429-D(3) and also a violation of 18-691 Chapter 2, the Maine Medical Use of Marijuana Program Rule, Section 10(I)(4).
- Packaging Prohibitions Packaging/Cannabis Sale, a violation of 22 §MRS 2429-A(2)(B/D).
- Packaging/labeling violation, specifically designed to appeal particularly to a person under 21 years of age, specifically they were labeled with a cartoon picture of the well-known comics character "The Hulk" and the name "Bruce Banner" which is the name of the character who transforms into "The Hulk", a violation of 22 MRS § 2429-A(2)(B).

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. A request for an informal hearing should be sent to Vernon Malloch, Deputy Director of Operations by email at Vernon.Malloch@maine.gov or USPS at 162 State House Station, 19 Union Street, Augusta, Maine 04333-0062. If the Department does not receive a hearing request in accordance with the policy, the revocation becomes final.

Sincerely,



Michael W. Field
Director of
Compliance Office
of Cannabis Policy

Cc: file