



Local Cannabis Control Commission

Wednesday, March 19, 2025, 6:00 PM, Bushor Conference Room 1st Floor, City Hall

Join from PC, Mac, iPad, or Android:

<https://zoom.us/j/96164086065>

Phone one-tap:

+16469313860,,96164086065# US

Join via audio:

+1 646 931 3860 US

Webinar ID: 961 6408 6065

International numbers available: <https://zoom.us/u/adYxXAwfF9>

1. Agenda

Subject	1.1. Motion to adopt agenda
Meeting	March 19, 2025 - Local Cannabis Control Sub-committee Meeting - Wednesday, March 19, 2025, 6:00 PM, Bushor Conference Room 1st Floor, City Hall
Category	1. Agenda
Department	Council and Board
Type	Action Procedural
Recommended Action	Motion to adopt agenda

2. Consent Agenda

Subject	2.1. Motion to adopt the consent agenda and take the actions indicated
Meeting	March 19, 2025 - Local Cannabis Control Sub-committee Meeting - Wednesday, March 19, 2025, 6:00 PM, Bushor Conference Room 1st Floor, City Hall
Category	2. Consent Agenda
Department	Council and Board

Type	Action (Consent) Procedural
Recommended Action	Motion to adopt the consent agenda and take the actions indicated
Subject	2.2. 2025 Cannabis Renewals: The Herb Closet LLC (retailer license) and True 802 Cannabis (retailer license)
Meeting	March 19, 2025 - Local Cannabis Control Sub-committee Meeting - Wednesday, March 19, 2025, 6:00 PM, Bushor Conference Room 1st Floor, City Hall
Category	2. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent)
Recommended Action	to approve and recommend to the Local Cannabis Control Commission that it authorize transmission of local approval of the following local cannabis control license renewals to the Cannabis Control Board: The Herb Closet LLC and True 802 Cannabis

3. State Cannabis Control Board: Complaints (2024-2025)

Subject	3.1. State Cannabis Control Board: Complaints (2024-2025)
Meeting	March 19, 2025 - Local Cannabis Control Sub-committee Meeting - Wednesday, March 19, 2025, 6:00 PM, Bushor Conference Room 1st Floor, City Hall
Category	3. State Cannabis Control Board: Complaints (2024-2025)
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information
Recommended Action	waive the readings, accept the communications and place them on file

4. Adjournment

Subject	4.1. Motion to adjourn
Meeting	March 19, 2025 - Local Cannabis Control Sub-committee Meeting - Wednesday, March 19, 2025, 6:00 PM, Bushor Conference Room 1st Floor, City Hall
Category	4. Adjournment
Department	Council and Board
Type	Action Procedural
Recommended Action	Motion to adjourn

July 10, 2024

NOTICE OF VIOLATION

Respondent:	Bern Living Organics, LLC
Licenses:	CLTV0089; MANU0068
Proprietor/Contact:	Adam "Tito" Gross
Designated Office Address:	135 Main Street, Suite 101 Burlington, Vermont 05401
Registered Agent for Service of Process	Vermont Cannabis Solutions LLC 28 Howard Street, Suite 210 Burlington, Vermont 05401

PARTIES

Respondent Bern Living Organics, LLC (hereinafter, "Respondent") holds Cannabis Control Board (CCB) licenses as a tier-2 indoor cultivator (CLTV0089) and a tier-2 manufacturer (MANU0068).

AUTHORITY

The Cannabis Control Board (CCB or "the Board") is authorized to adopt rules "concerning any cannabis establishment," to include rules concerning the operation of cannabis establishments, employment and training requirements, and health and safety requirements. 7 V.S.A. § 881.

The Board may issue civil citations and may suspend or revoke a cannabis establishment license for violations of Title 33, chapter 7 and in accordance with its administrative rules. 7 V.S.A. § 882. "Any violation may be subject to an enforcement action by the Board. The Board will assess the penalty and the severity of the penalty as provided [CCB Rule 4]." CCB Rule 4.4.1. "If the Board finds that a person has violated any board rule or related law, the Board may issue a Notice of Violation." CCB Rule 4.8.1.

FACTUAL BASIS

1. Bern Living Organics, LLC issued to the Cannabis Control Board a check for \$2,600, numbered 1567, dated August 4, 2023, in payment of fees related to submission S-1317, its application to renew licensure in manufacturing tier 2. The check was returned for insufficient funds.
2. Bern Living Organics, LLC was instructed to complete its payment using a money order or cashier's check; instead, the licensee replaced the bounced August check with a personal check, numbered 5078, dated September 9, 2023. The personal check was voided and returned to the licensee by mail with instructions to pay by money order or cashier's check. Payment on S-1317 was not received until September 21, 2023.
3. Bern Living Organics, LLC issued to the Cannabis Control Board a check for \$3,850, numbered 5314, dated March 4, 2024, in payment of fees related to submission S-5856, its application to renew licensure in cultivation tier 2. The check was returned for insufficient funds. To date, Respondent has not paid the statutory fees due for its renewal.

VIOLATIONS

The facts set out above establish that Respondent has twice made payment with a check returned for insufficient funds, a Category V violation pursuant to CCB Rule 4.5.5(b).

PENALTIES

The presumptively appropriate penalty for a first Category V violation in the immediately preceding three years is a corrective action plan and/or an administrative penalty of not more than \$2,500.

The presumptively appropriate penalty for a second Category V violation in the immediately preceding three years is a corrective action plan, and administrative penalty of not more than \$5,000, and/or a suspension for not more than 5 days of a license or cannabis Establishment identification card.

The aggregate maximum penalty for the two violations set out above therefore may include a corrective action plan, administrative penalties of \$7,500, and five days of license suspension.

WAIVER PENALTY

Based on the specific facts and circumstances of this case, the Board does not intend to impose the maximum penalty explained above, but instead intends to impose the penalty described in this section, called a waiver penalty. The waiver offer is not binding unless accepted.

If you wish to accept this Notice the waiver penalty to be imposed is:

- **Until 4:30pm, Tuesday, July 16, 2004, Respondent may accept an administrative penalty of \$4,000 in consequence of the two violations by delivering payment by cashier's check of \$7,850 (the sum of \$3,850 unpaid fees and the \$4,000 administrative penalty).**
- **After 4:30pm, Tuesday, July 16, 2004, the waiver amount shall increase by \$150 each of the twenty-three further days until the \$7,500 maximum administrative penalty is reached, at which time Respondent shall owe \$11,350 (the sum of \$3,850 unpaid fees and the \$7,500 administrative penalty).**
- Respondent shall be placed on a three-year corrective action plan requiring that all fees be paid with a cashier's check at least 48 hours prior to the date due otherwise applicable.

Should you elect to respond as described below, a pre-hearing conference will be scheduled. At the pre-hearing conference, you may discuss with CCB staff alternative penalties that might be acceptable to you and the CCB based on the specific facts and circumstances of this case and the aggravating and mitigating considerations set out at CCB Rule 4.7.

RESPONDING TO THIS NOTICE

CCB Rule 4.9 provides:

- (a) Within 15 days after service of a Notice of Violation, a person may contest the violation and/or the penalty to the Board by filing a response in writing. The response must specifically identify each issue and fact in dispute and state the position of the person, the pertinent*

facts to be determined by the Board, and the reasons supporting the person's position.

- (b) A failure to contest the violation within 15 days will constitute an admission of the violation and acceptance of the penalty.*
- (c) The Board shall consider the person's response and issue a final decision in writing within 15 days after receiving the person's response.*
- (d) A person who faces suspension or revocation of their license or Cannabis Establishment identification card may request a hearing before the Board. The hearing shall take place within 20 days of the Board receiving the request for a hearing unless the person waives the timeline. Evidence may be introduced at the hearing in accordance with 3 V.S.A. § 810. The Board may issue a final decision on the record at the hearing or may issue a final decision in writing within 15 days after the hearing is complete.*
- (e) To the extent a person is contesting whether a violation occurred, the Board may not find that a violation occurred unless such a finding is supported by a preponderance of the evidence.*
- (f) The Board's final decision may uphold its original Notice of Violation, may revise the penalty or penalties to be less severe, or may dismiss the Notice of Violation.*
- (g) A person who is aggrieved by the Board's final decision may appeal in accordance with 7 V.S.A. 847.*

Send your written response as a PDF file by email to ccb.docketclerk@vermont.gov, or send paper copy by post to:

**Cannabis Control Board
ATTN: Docket Clerk
89 Main Street
Montpelier, VT 05620-7001**

PRE-HEARING CONFERENCE

Upon timely receipt of a response contesting this Notice, the docket clerk will schedule a pre-hearing conference, at which you may speak with staff about hearing procedure and/or discuss the possibility of a stipulated resolution acceptable to you and the CCB. You are entitled to have an attorney represent you in this matter, and an attorney may accompany you to the pre-hearing conference.

Notice approved for service:

/s/gmg
Gabriel M. Gilman
General Counsel
802.261.1510

July 10, 2024
Date

LETTER OF WARNING

To: Champlain Valley Dispensary, Inc. DBA Ceres Collaborative
Karly Goranson-Kirk - karly@slangww.com

From: Cannabis Control Board
Compliance & Enforcement Division

Date: September 25, 2024

Re: **Advertising and Promotion at Higher Ground Event on July 26, 2024**

Pursuant to Cannabis Control Board (“CCB”) Rule 4.14, you are hereby warned that the advertising event described below violates Vermont laws and rules governing advertising by licensed cannabis establishments.

1. On July 24, 2024, you submitted proposed marketing materials, a 20% off coupon, to the Board you planned to use at a Higher Ground event taking place on July 26, 2024.
2. On July 26, 2024, you were informed by CCB Staff that the standard health warning needed to be added to the coupon prior to use and that the proposed coupon can only be distributed at confirmed 21+ events.
3. You did not respond to CCB Staff.
4. At the event, the coupons handed out by Ceres staff did not have the required health warning on them.
5. The Higher Ground event on July 26, 2024, was not a 21+ event.
6. You had a sign in front of the tent indicating it was a 21+ area, but there was no one checking IDs of the individuals entering the area.
7. As part of your marketing and promotion in the tent you were giving out gummies without THC.

The above violates:

CCB Rule 2.2.10(a):

- (a) All marketing, advertising, branding, packaging, and promotion must include the following warning exactly as it is below:

Cannabis has not been analyzed or approved by the Food and Drug Administration (FDA). For use by individuals 21 years of age and older or registered qualifying patient only. **KEEP THIS PRODUCT AWAY FROM CHILDREN AND PETS. DO NOT USE IF PREGNANT OR BREASTFEEDING.**

Possession or use of cannabis may carry significant legal penalties in some jurisdictions and under federal law. It may not be transported outside of the state of Vermont. **The effects of edible cannabis may be delayed by two hours or more.** Cannabis may be habit forming and can impair concentration, coordination, and judgment. Persons 25 years and younger may be more likely to experience harm to the developing brain.

It is against the law to drive or operate machinery when under the influence of this product. National Poison Control Center 1-800-222-1222.

7 V.S.A. § 864:

(b)(7) is designed to be or has the effect of being particularly appealing to persons under 21 years of age.

(c) Cannabis establishments shall not advertise their products via any medium unless the licensee can show that not more than 15 percent of the audience is reasonably expected to be under 21 years of age.

Cannabis establishments and their marketing staff should carefully review the Board's [Advertising Guidance](#), as well as the statutes and rules to which that guidance refers, available from ccb.vermont.gov/laws-rules-and-regulations.

Violating advertising laws or regulations is a Category III violation, the presumptive penalty for which is a corrective action plan and/or an administrative penalty of not more than \$10,000 for a first violation, with enhanced penalties for subsequent violations. CCB Rule 4.5.3(h).

Any violation of the CCB Rules may be subject to an enforcement action by the Board. CCB Rule 4.4.1. Not all notices of violation are preceded by a warning.

Please avoid costly violations by ensuring compliance with these requirements going forward. If you have questions, please do not hesitate to contact us at ccb.compliance@vermont.gov.

LETTER OF WARNING

To: BB CANN Inc. DBA Float On
Rajive Bhasin - info@floatondispensary.com

From: Cannabis Control Board
Compliance & Enforcement Division

Date: September 25, 2024

Re: **September 17, 2024, Compliance Check**

Pursuant to Cannabis Control Board (“CCB”) Rule 4.14, you are hereby warned that the events described below violate Vermont laws and rules governing licensed cannabis establishments.

1. On September 17, 2024, DLL Officer Jennifer Norton conducted a compliance check.
2. Officer Norton was able to enter the establishment without immediately having to provide proof of identification to an employee of Float On.
3. She was asked to show her ID only after attempting to purchase Cannabis Product after being in the store for several minutes.
4. While in the establishment Officer Norton observed two other individuals enter without being checked for ID.

The above violates:

CCB Rule 2.8.3

(a) Immediately upon a visitor entering the retail premises an individual who has been issued an identification card pursuant to Board Rule 1.16 shall inspect the visitor’s proof of identification and determine the visitor’s age. This age check shall take place in the immediate vicinity of the entrance to the retail premises.

Cannabis Establishments should carefully review the statutes and rules, available on the CCB website <https://ccb.vermont.gov/laws-rules-and-regulations>.

Knowingly permitting any activity on the premises of the dispensary that violates Vermont law is a Category III violation, the presumptive penalty for which is a corrective action plan and/or an administrative penalty of not more than \$10,000 for a first violation, with enhanced penalties for subsequent violations. CCB Rule 4.5.3(d)

Any violation of the CCB Rules may be subject to an enforcement action by the Board. CCB Rule 4.4.1. Not all notices of violation are preceded by a warning.

Please avoid costly violations by ensuring compliance with these requirements going forward. If you have questions, please do not hesitate to contact us at ccb.compliance@vermont.gov.

LETTER OF WARNING

To: Barking Dog Farm, LLC
Matthew Hogg - matthew.hogg.dna@gmail.com

From: Cannabis Control Board
Compliance & Enforcement Division

Date: September 25, 2024

Re: **Failure to Destroy or Transfer Cannabis and Cannabis Product during September 10, 2024, Cease of Operations**

Pursuant to Cannabis Control Board (“CCB”) Rule 4.14, you are hereby warned that the events described below violate Vermont laws and rules governing licensed cannabis establishments.

1. The outdoor tier-1 cultivator license held by you (SCLT0333) expired on August 21, 2024.
2. On August 26, 2024, based on your communications with Compliance Agent Denise McCarty, you do not want anyone from the CCB to complete the required Cease of Operations associated with the expiration of your Cultivation License.
3. According to your latest inventory tracking records you have not transferred any product and still have harvested cannabis in your possession.
4. You did not allow for the Cannabis and Cannabis product to be transferred or destroyed as required during a Cease of Operations.

The above violates:

CCB Rule 2

All Cannabis Establishments must abide by the prohibitions, restrictions, and requirements of Chapter 33, Title 7 of the Vermont Statutes.

CCB Rule 2.2.14

Cannabis Establishments shall submit to inspections of their physical site of operations and their records upon request of the Board or a Board designee.

7 V.S.A. § 901(a)

(a) Except as otherwise permitted by law, a person shall not engage in the cultivation, preparation, processing, packaging, transportation, testing, or sale of cannabis or cannabis products without obtaining a license from the Board.

Cannabis Establishments should carefully review the statutes and rules, available on the CCB website <https://ccb.vermont.gov/laws-rules-and-regulations>.

Operating without all required permits, Board approvals, certificates, registrations and/or licenses is a Category I violation, the presumptive penalty for which is a corrective action plan and/or an administrative penalty of not more than \$20,000 for a first violation, with enhanced penalties for subsequent violations (halved to \$10,000 for tier-1 cultivators). CCB Rule 4.5.1(a)

Obstructing a Board designee from performing his or her official duties is a Category I violation, the presumptive penalty for which is a corrective action plan and/or an administrative penalty of not more than \$20,000 for a first violation, with enhanced penalties for subsequent violations (halved to \$10,000 for tier-1 cultivators). CCB Rule 4.5.1(k)

Failure to destroy or transfer Cannabis or Cannabis Product that has been ordered destroyed by the Board is a Category II violation, the presumptive penalty for which is a corrective action plan and/or an administrative penalty of not more than \$15,000 for a first violation, with enhanced penalties for subsequent violations (halved to \$7,500 for tier-1 cultivators). CCB Rule 4.5.2(o).

Any violation of the CCB Rules may be subject to an enforcement action by the Board. CCB Rule 4.4.1. Not all notices of violation are preceded by a warning.

Please avoid costly violations by coming immediately into compliance with these requirements. If you have questions, please do not hesitate to contact us at ccb.compliance@vermont.gov.

LETTER OF WARNING

To: Heybud Collective Corp
Joshua Decatur - jadecatur@gmail.com

From: Cannabis Control Board
Compliance & Enforcement Division

Date: November 6, 2024

Re: Advertising for April 28, 2024, Cannabis Farmers Market

Pursuant to Cannabis Control Board (“CCB”) Rule 4.14, you are hereby warned that the advertising described below violates Vermont laws and rules governing advertising by licensed cannabis establishments.

Instagram Story and flyer at the Moretown General Store Creemee Stand:



The above violates:

CCB Rule 2.2.10(a):

- (a) All marketing, advertising, branding, packaging, and promotion must include the following warning exactly as it is below:

Cannabis has not been analyzed or approved by the Food and Drug Administration (FDA). For use by individuals 21 years of age and older or registered qualifying patient only. **KEEP THIS PRODUCT AWAY FROM CHILDREN AND PETS. DO NOT USE IF PREGNANT OR BREASTFEEDING.**

Possession or use of cannabis may carry significant legal penalties in some jurisdictions and under federal law. It may not be transported outside of the state of Vermont. **The effects of edible cannabis may be delayed by two hours or more.** Cannabis may be habit forming and can impair concentration, coordination, and judgment. Persons 25 years and younger may be more likely to experience harm to the developing brain.

It is against the law to drive or operate machinery when under the influence of this product. National Poison Control Center 1-800-222-1222.

CCB Rule 2.2.12

- (b) That the audience for any outdoor advertisement is the general public, and those under 21 years of age will have the same prevalence in that audience as they do in the general public, unless a prospective advertiser can demonstrate that an outdoor space will not be accessed by the general public and that those who can access it meet the audience metric of 7 V.S.A. § 864(c).

7 V.S.A. § 864:

- (c) Cannabis establishments shall not advertise their products via any medium unless the licensee can show that not more than 15 percent of the audience is reasonably expected to be under 21 years of age.

Cannabis establishments and their marketing staff should carefully review the Board's Advertising Guidance, as well as the statutes and rules to which that guidance refers, available from ccb.vermont.gov/laws-rules-and-regulations.

Violating advertising laws or regulations is a Category III violation, the presumptive penalty for which is a corrective action plan and/or an administrative

penalty of not more than \$10,000 for a first violation, with enhanced penalties for subsequent violations. CCB Rule 4.5.3(h).

Any violation of the CCB Rules may be subject to an enforcement action by the Board. CCB Rule 4.4.1. Not all notices of violation are preceded by a warning.

Please avoid costly violations by ensuring compliance with these requirements going forward. If you have questions, please do not hesitate to contact us at ccb.compliance@vermont.gov.

NOTICE OF VIOLATION

Respondent:	Heybud Collective Corp
Credential No:	RTL0080
Proprietor/Contact:	Joshua Decatur
Designated Office Address:	233 South Street South Hero, Vermont 05486
Date of Issuance	November 6, 2024

PARTIES

Heybud Collective Corp (hereinafter “Respondent”) is licensed by the Cannabis Control Board (CCB) as a retail cannabis establishment. Respondent operates at 47 Maple Street, Burlington. Joshua Decatur, David Biral, and Justin Decatur are Respondent’s principals.

AUTHORITY

The Cannabis Control Board (CCB or “the Board”) is authorized to adopt rules “concerning any cannabis establishment,” to include rules concerning the operation of cannabis establishments, employment and training requirements, and health and safety requirements. 7 V.S.A. § 881.

The Board may issue civil citations and may suspend or revoke a cannabis establishment license for violations of Title 33, chapter 7 and in accordance with its administrative rules. 7 V.S.A. § 882. “Any violation may be subject to an enforcement action by the Board. The Board will assess the penalty and the severity of the penalty as provided [CCB Rule 4].” CCB Rule 4.4.1. “If the Board finds that a person has violated any board rule or related law, the Board may issue a Notice of Violation.” CCB Rule 4.8.1.



Inventory

FACTUAL BASIS

Respondent disconnected from the CCB Inventory Tracking System beginning on September 18, 2024 and has since reported sales only on a single day, October 4.

VIOLATIONS

Respondent has committed a Category III violation by failing to update the Inventory Tracking System, in contravention of CCB Rule 4.5.3(b).

This is a continuing violation.

PENALTIES

The presumptively appropriate penalty for a first Category III violation in the immediately preceding three years is a corrective action plan and/or an administrative penalty of not more than \$10,000. Additional violations may be assessed for each day the circumstance continues.

WAIVER PENALTY

Based on the specific facts and circumstances of this case, and in light of the factors described in CCB Rule 4.7, the Board does not intend to impose the maximum penalty explained above, but instead intends to impose the penalty described in this section, called a waiver penalty. The waiver offer is not binding unless accepted.

If you wish to accept this Notice, or if you fail to reply in the time specified, the waiver penalty to be imposed is:

If immediate compliance is forthcoming and missing sales and transfers accounted-for, an administrative penalty of \$2,500.

Should you elect to respond as described below, you may request a pre-hearing conference to discuss with CCB staff alternative penalties that might be acceptable to you and the CCB based on the specific facts and circumstances of this case and the aggravating and mitigating considerations set out at CCB Rule 4.7.

RESPONDING TO THIS NOTICE



CCB Rule 4.9 provides:

- (a) *Within 15 days after service of a Notice of Violation, a person may contest the violation and/or the penalty to the Board by filing a response in writing. The response must specifically identify each issue and fact in dispute and state the position of the person, the pertinent facts to be determined by the Board, and the reasons supporting the person's position.*
- (b) *A failure to contest the violation within 15 days will constitute an admission of the violation and acceptance of the penalty.*
- (c) *The Board shall consider the person's response and issue a final decision in writing within 15 days after receiving the person's response.*
- (d) *A person who faces suspension or revocation of their license or Cannabis Establishment identification card may request a hearing before the Board. The hearing shall take place within 20 days of the Board receiving the request for a hearing unless the person waives the timeline. Evidence may be introduced at the hearing in accordance with 3 V.S.A. § 810. The Board may issue a final decision on the record at the hearing or may issue a final decision in writing within 15 days after the hearing is complete.*
- (e) *To the extent a person is contesting whether a violation occurred, the Board may not find that a violation occurred unless such a finding is supported by a preponderance of the evidence.*
- (f) *The Board's final decision may uphold its original Notice of Violation, may revise the penalty or penalties to be less severe, or may dismiss the Notice of Violation.*
- (g) *A person who is aggrieved by the Board's final decision may appeal in accordance with 7 V.S.A. 847.*

Please include the attached cover sheet with your written response.
File your response as a PDF attachment to ccb.docketclerk@vermont.gov
or by mail bearing a timely postmark to:

**Cannabis Control Board
ATTN: Docket Clerk
89 Main Street
Montpelier, VT 05620-7001**

PRE-HEARING CONFERENCE



If requested on your reply cover sheet, the docket clerk will schedule a pre-hearing conference, at which you may speak with staff about hearing procedure and/or discuss the possibility of a stipulated resolution acceptable to you and the CCB. You are entitled to have an attorney represent you in this matter, and an attorney may accompany you to the pre-hearing conference.

Notice approved for service:

/s/gmg

*Gabriel M. Gilman
General Counsel
802.261.1510*

October 14, 2024

Date



NOTICE OF VIOLATION

Respondent I:	Four Clover Corp d/b/a HEYBUD
Credential No:	CLTV0092
Proprietor/Contact:	Joshua Decatur
Designated Office Address:	1876 Belvidere Road Eden, Vermont 05653
Respondent II:	Heybud Collective Corp
Credential No:	RTLR0080
Proprietor/Contact:	Joshua Decatur
Designated Office Address:	233 South Street South Hero, Vermont 05486
Date of Issuance	November 6, 2024

PARTIES

Four Clover Corp (hereinafter “Respondent I”) is licensed by the Cannabis Control Board (CCB) as a mixed tier-2 cultivator and operates under the assumed business name HEYBUD.

Heybud Collective Corp (hereinafter “Respondent II”) is licensed by the CCB as a retail cannabis establishment. Respondent operates at 47 Maple Street, Burlington.

Respondent I and Respondent II (collectively, “Respondents”) are under common ownership by principals Joshua Decatur, David Biral, and Justin Decatur.



AUTHORITY

The Board is authorized to adopt rules “concerning any cannabis establishment,” to include rules concerning the operation of cannabis establishments, employment and training requirements, and health and safety requirements. 7 V.S.A. § 881.

The Board may issue civil citations and may suspend or revoke a cannabis establishment license for violations of Title 33, chapter 7 and in accordance with its administrative rules. 7 V.S.A. § 882. “Any violation may be subject to an enforcement action by the Board. The Board will assess the penalty and the severity of the penalty as provided [CCB Rule 4].” CCB Rule 4.4.1. “If the Board finds that a person has violated any board rule or related law, the Board may issue a Notice of Violation.” CCB Rule 4.8.1.

FACTUAL BASIS

A report memorializing the investigation into this matter is appended to this notice. The facts pertinent to the violations charged herein are as follows:

1. Respondents have never held a cannabis manufacturer license.
2. Having no license or authorization to do so, Respondents installed a Mini-Osprey washing system, as well as a freeze dryer, at the site of New England Cannabis Partners, LLC (d/b/a MothaPlant). Respondents maintained an ownership interest in the equipment.
3. In the summer of 2024, Respondents began offering cannabis manufacturing services to licensed cannabis cultivators.
4. An agent of Respondents coordinated the receipt of cannabis flower from multiple licensed cultivators and performed hash washing at the MothaPlant site. Respondents compensated MothaPlant 20% of receipts, keeping the remainder. The parties conceived of the arrangement as mutually beneficial, as Respondents’ agent could consult and train MothaPlant staff.
5. Respondents paid their agent for his time at MothaPlant, collected payment from cultivators, and even appeared as the listed producer on laboratory certificates of analysis submitted for product registration.



6. At no point in the expansion of their operations beyond their licensed cultivation and retail sites did Respondents notify the CCB of their expanded operations. Those operations were carefully planned and included acquisition and installation of equipment Respondents were not licensed to use, at a site where Respondents were not licensed to operate.

VIOLATIONS

Respondent has committed a Category I violation by operating without all required permits, Board approvals, certificates, registrations and/or licenses, in contravention of CCB Rule 4.5.1(a).

Respondent has committed a Category III violation by failing to notify the Board of a modification or expansion of the facilities of the Cannabis Establishment or dispensary, in contravention of CCB Rule 4.5.3(f).

PENALTIES

The presumptively appropriate penalty for a first Category I violation in the immediately preceding three years is a corrective action plan, an administrative penalty of not more than \$20,000, suspension for not more than 60 days, or license revocation. CCB Rule 4.5.1(t).

The presumptively appropriate penalty for a first Category III violation in the immediately preceding three years is a corrective action plan and/or an administrative penalty of not more than \$10,000.

The aggregate maximum penalty for the violations charged is \$30,000 and/or license revocation.

WAIVER PENALTY

Based on the specific facts and circumstances of this case, and in light of the factors described in CCB Rule 4.7, the Board does not intend to impose the maximum penalty explained above, but instead intends to impose the penalty described in this section, called a waiver penalty. The waiver offer is not binding unless accepted.

If you wish to accept this Notice, or if you fail to reply in the time specified, the waiver penalty to be imposed is: **An administrative penalty of \$25,000.**

Should you elect to respond as described below, you may request a pre-hearing conference to discuss with CCB staff alternative penalties that might be acceptable



to you and the CCB based on the specific facts and circumstances of this case and the aggravating and mitigating considerations set out at CCB Rule 4.7.

RESPONDING TO THIS NOTICE

CCB Rule 4.9 provides:

- (a) *Within 15 days after service of a Notice of Violation, a person may contest the violation and/or the penalty to the Board by filing a response in writing. The response must specifically identify each issue and fact in dispute and state the position of the person, the pertinent facts to be determined by the Board, and the reasons supporting the person's position.*
- (b) *A failure to contest the violation within 15 days will constitute an admission of the violation and acceptance of the penalty.*
- (c) *The Board shall consider the person's response and issue a final decision in writing within 15 days after receiving the person's response.*
- (d) *A person who faces suspension or revocation of their license or Cannabis Establishment identification card may request a hearing before the Board. The hearing shall take place within 20 days of the Board receiving the request for a hearing unless the person waives the timeline. Evidence may be introduced at the hearing in accordance with 3 V.S.A. § 810. The Board may issue a final decision on the record at the hearing or may issue a final decision in writing within 15 days after the hearing is complete.*
- (e) *To the extent a person is contesting whether a violation occurred, the Board may not find that a violation occurred unless such a finding is supported by a preponderance of the evidence.*
- (f) *The Board's final decision may uphold its original Notice of Violation, may revise the penalty or penalties to be less severe, or may dismiss the Notice of Violation.*
- (g) *A person who is aggrieved by the Board's final decision may appeal in accordance with 7 V.S.A. 847.*

Please include the attached cover sheet with your written response.
File your response as a PDF attachment to ccb.docketclerk@vermont.gov
or by mail bearing a timely postmark to:

**Cannabis Control Board
ATTN: Docket Clerk
89 Main Street
Montpelier, VT 05620-7001**



PRE-HEARING CONFERENCE

If requested on your reply cover sheet, the docket clerk will schedule a pre-hearing conference, at which you may speak with staff about hearing procedure and/or discuss the possibility of a stipulated resolution acceptable to you and the CCB. You are entitled to have an attorney represent you in this matter, and an attorney may accompany you to the pre-hearing conference.

Notice approved for service:

/s/ gmg

*Gabriel M. Gilman
General Counsel
802.261.1510*

November 5, 2024

Date



LETTER OF WARNING

To: 802Apoth LLC d/b/a TRUE-802 Cannabis
Gianna Gallucci – shane@true802cannabis.com

From: Cannabis Control Board
Compliance & Enforcement Division

Date: December 27, 2024

Re: **Advertisements on Sandwich Boards**

Pursuant to Cannabis Control Board (“CCB”) Rule 4.14, you are hereby warned that the digital advertising described below violates Vermont laws and rules governing advertising by licensed cannabis establishments.



The above advertisement violates:

CCB Rule 2.2.10:

- (a) All marketing, advertising, branding, packaging, and promotion must include the following warning exactly as it is below:

Cannabis has not been analyzed or approved by the Food and Drug Administration (FDA). For use by individuals 21 years of age and older or registered qualifying patient only. **KEEP THIS PRODUCT AWAY FROM CHILDREN AND PETS. DO NOT USE IF PREGNANT OR BREASTFEEDING.**

Possession or use of cannabis may carry significant legal penalties in some jurisdictions and under federal law. It may not be transported outside of the state of Vermont. **The effects of edible cannabis may be delayed by two hours or more.** Cannabis may be habit forming and can impair concentration, coordination, and judgment. Persons 25 years and younger may be more likely to experience harm to the developing brain.

It is against the law to drive or operate machinery when under the influence of this product. National Poison Control Center 1-800-222-1222.

CCB Rule 2.2.12:

- (b) That the audience for any outdoor advertisement is the general public, and those under 21 years of age will have the same prevalence in that audience as they do in the general public, unless a prospective advertiser can demonstrate that an outdoor space will not be accessed by the general public and that those who can access it meet the audience metric of 7 V.S.A. § 864(c).

7 V.S.A. § 864:

- (c) Cannabis establishments shall not advertise their products via any medium unless the licensee can show that not more than 15 percent of the audience is reasonably expected to be under 21 years of age.

Sandwich boards with substantive promotional content, such as substantive taglines or information about products, events, or discounts, are advertisements and must comply with audience-composition and content requirements. *See Advertising Guidance, July 2024, p. 6.*

Cannabis establishments and their marketing staff should carefully review the Board's [Advertising Guidance](#), as well as the statutes and rules to which that guidance refers, available from ccb.vermont.gov/laws-rules-and-regulations.

Violating advertising laws or regulations is a Category III violation, the presumptive penalty for which is a corrective action plan and/or an administrative penalty of not more than \$10,000 for a first violation, with enhanced penalties for subsequent violations. CCB Rule 4.5.3(h).

Any violation of the CCB Rules may be subject to an enforcement action by the Board. CCB Rule 4.4.1. Not all notices of violation are preceded by a warning.

Please avoid costly violations by ensuring compliance with these requirements going forward. If you have questions, please do not hesitate to contact us at ccb.compliance@vermont.gov.

LETTER OF WARNING

To: Judy's Holistic Solution LLC
Judy McLaurin - judysholisticsolution@gmail.com

From: Cannabis Control Board
Compliance & Enforcement Division

Date: January 22, 2025

Re: **Advertisements on Social Media**

Pursuant to Cannabis Control Board (“CCB”) Rule 4.14, you are hereby warned that the digital advertising linked below¹ violates Vermont laws and rules governing advertising by licensed cannabis establishments.

<https://www.instagram.com/p/DEsR2s7R5IU/>
https://www.instagram.com/p/DEc3B4GRLk/?img_index=1
https://www.instagram.com/p/DEQzzgZxTVQ/?img_index=1
https://www.instagram.com/p/DDxf-sgxePM/?img_index=2
<https://www.instagram.com/p/DDsOi6mxiDj/>

The above advertisements, in addition to others on your Instagram page, violate:

CCB Rule 2.2.10(a):

- (a) All marketing, advertising, branding, packaging, and promotion must include the following warning exactly as it is below:

¹ Several other posts, in addition to those linked here, violate the CCB Rules.

Cannabis has not been analyzed or approved by the Food and Drug Administration (FDA). For use by individuals 21 years of age and older or registered qualifying patient only. **KEEP THIS PRODUCT AWAY FROM CHILDREN AND PETS. DO NOT USE IF PREGNANT OR BREASTFEEDING.**

Possession or use of cannabis may carry significant legal penalties in some jurisdictions and under federal law. It may not be transported outside of the state of Vermont. **The effects of edible cannabis may be delayed by two hours or more.** Cannabis may be habit forming and can impair concentration, coordination, and judgment. Persons 25 years and younger may be more likely to experience harm to the developing brain.

It is against the law to drive or operate machinery when under the influence of this product. National Poison Control Center 1-800-222-1222.

CCB Rule 2.2.11(e):

(e) Social media accounts for Cannabis Establishments may only promote products using links to their age-gated websites.

7 V.S.A. § 864:

(c) Cannabis establishments shall not advertise their products via any medium unless the licensee can show that not more than 15 percent of the audience is reasonably expected to be under 21 years of age.

(e) All advertisements shall be submitted to the Board on a form or in a format prescribed by the Board, prior to the dissemination of the advertisement.

Cannabis establishments and their marketing staff should carefully review the Board's [Advertising Guidance](#), as well as the statutes and rules to which that guidance refers, available from ccb.vermont.gov/laws-rules-and-regulations.

Violating advertising laws or regulations is a Category III violation, the presumptive penalty for which is a corrective action plan and/or an administrative penalty of not more than \$10,000 for a first violation, with enhanced penalties for subsequent violations. CCB Rule 4.5.3(h).

Any violation of the CCB Rules may be subject to an enforcement action by the Board. CCB Rule 4.4.1. Not all notices of violation are preceded by a warning. Please avoid costly violations by coming immediately into compliance with these requirements. If you have questions, please do not hesitate to contact us at ccb.compliance@vermont.gov.

LETTER OF WARNING

To: The Herb Closet LLC
King McMillan - theherbclosetvt@gmail.com

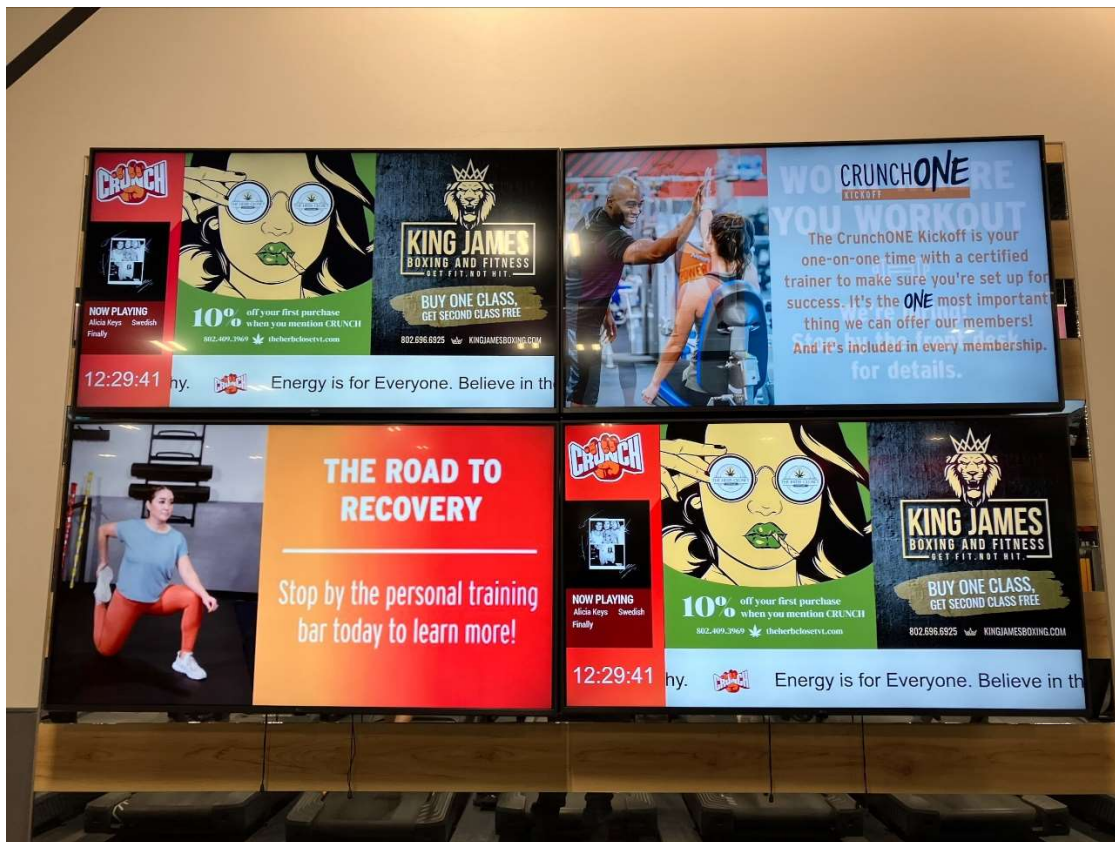
From: Cannabis Control Board
Compliance & Enforcement Division

Date: February 12, 2025

Re: **Advertisement**

Pursuant to Cannabis Control Board (“CCB”) Rule 4.14, you are hereby warned that the advertising depicted below violates Vermont laws and rules governing advertising by licensed cannabis establishments.

This photo was taken on or around January 23, 2025, from inside Crunch Fitness at 937 Shelburne Road, South Burlington.



The advertisement violates:

CCB Rule 2.2.10(a):

- (a) All marketing, advertising, branding, packaging, and promotion must include the following warning exactly as it is below:

Cannabis has not been analyzed or approved by the Food and Drug Administration (FDA). For use by individuals 21 years of age and older or registered qualifying patient only. **KEEP THIS PRODUCT AWAY FROM CHILDREN AND PETS. DO NOT USE IF PREGNANT OR BREASTFEEDING.**

Possession or use of cannabis may carry significant legal penalties in some jurisdictions and under federal law. It may not be transported outside of the state of Vermont. **The effects of edible cannabis may be delayed by two hours or more.** Cannabis may be habit forming and can impair concentration, coordination, and judgment. Persons 25 years and younger may be more likely to experience harm to the developing brain.

It is against the law to drive or operate machinery when under the influence of this product. National Poison Control Center 1-800-222-1222.

7 V.S.A. § 864:

- (c) Cannabis establishments shall not advertise their products via any medium unless the licensee can show that not more than 15 percent of the audience is reasonably expected to be under 21 years of age.
- (e) All advertisements shall be submitted to the Board on a form or in a format prescribed by the Board, prior to the dissemination of the advertisement.

Cannabis establishments and their marketing staff should carefully review the Board's [Advertising Guidance](#), as well as the statutes and rules to which that guidance refers, available from ccb.vermont.gov/laws-rules-and-regulations.

Violating advertising laws or regulations is a Category III violation, the presumptive penalty for which is a corrective action plan and/or an administrative penalty of not more than \$10,000 for a first violation, with enhanced penalties for subsequent violations. CCB Rule 4.5.3(h).

Any violation of the CCB Rules may be subject to enforcement action by the Board. CCB Rule 4.4.1. Not all notices of violation are preceded by a warning.

Please avoid costly violations by coming immediately into compliance with these requirements. If you have questions, please do not hesitate to contact us at ccb.compliance@vermont.gov.