

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
JOHN O. PASTORE CENTER, BLDGS. 68-69
1511 PONTIAC AVENUE
CRANSTON, RI 02920**

IN THE MATTER OF: :
 :
EVERGREEN GARDENS, LLC, : **DBR No. 17MM003**
 :
RESPONDENT. :
_____ :

CONSENT AGREEMENT

The Department of Business Regulation (“Department”) and EVERGREEN GARDENS, LLC, a Rhode Island limited liability company (“Respondent”), hereby consent and agree that:

1. Respondent is licensed as a medical marijuana cultivator (License No. MMP CV 0001 – Class B) by the Department to engage in the business of cultivation of medical marijuana at the licensed premises located at [REDACTED] Warwick, Rhode Island (the “Premises”).

2. On February 7, 2017, at approximately 2:15 p.m., while viewing live video feed from Respondent’s Premises, the Department’s Chief Public Protection Inspector (the “Inspector”) observed two individual males trimming, picking leaves and watering medical marijuana plants. The Inspector, who has knowledge of Respondent’s two male licensed cultivator cardholders (the “CV Cardholders”), recognized that one of the males was not a CV Cardholder.

3. On March 8, 2017, while viewing the live video feed from Respondent’s Premises, the Inspector observed that the same male who is not a CV Cardholder was in and about the Premises from approximately 11:30 a.m. through 1:00 p.m.

3. On March 9, 2017, the Department's Principal Economic and Policy Analyst (the "Principal") met with Armand T. Lusi, the manager/member of Respondent (the "Manager") who confirmed that the subject male observed at the Premises was not a CV Cardholder of Respondent.

4. Having had a person who is not a CV Cardholder involved in Respondent's marijuana cultivation operations at the Premises, Respondent has violated R.I. Gen. Laws § 21-28.6-16(k) and Sections 1.6(B) and (C)(1) of the *Rules and Regulations related to the Medical Marijuana Program Administered by the Department of Business Regulation*. 230-RICR-800-05-1 (formerly known as 161-RICR-300-35-1) (the "Regulations").

BASED ON THE FOREGOING, the Department has reason to believe that Respondent violated the Regulations as described previously herein. Accordingly, the Department has sufficient cause to take enforcement action against Respondent pursuant to R.I. Gen. Laws § 21-28.6-16 and Section 1.7(J)(4) of the Regulations.

In an effort to effect a timely and amicable resolution of the issues raised in this Consent Agreement without administrative hearing and to allow Respondent to maintain its license in good-standing, Respondent represents and agrees as follows:

- a. Respondent represents and warrants to the Department that Respondent shall hereafter comply in all respects with the registry identification card requirements under R.I. Gen. Laws § 21-28.6-16 and Section 1.6 of the Regulations.
- b. Upon execution of this Agreement, Respondent shall pay an administrative penalty in the amount of \$1000.00 to the Rhode Island General Treasurer, on account of the violation cited in paragraph 4

herein. The total amount of the penalty shall be paid upon the execution of this Agreement.


By agreeing to resolve this matter through the execution of this Consent Agreement Respondent voluntarily waives its right to the administrative hearing process, voluntarily waives its right to appeal any finding therefrom to the superior court, and agrees to take all necessary action as delineated in this Consent Agreement to maintain its license in good standing.

Respondent hereby acknowledges and agrees that failure to abide by any of the requirements of this Consent Agreement shall be grounds for the Department to initiate further administrative proceedings to impose penalties against Respondent including, but not limited to: (i) revocation and/or suspension, and (ii) such additional administrative penalties that the Department deems appropriate.

THE DEPARTMENT AND RESPONDENT HEREBY CONSENT AND AGREE TO THE FOREGOING AS TO FORM AND SUBSTANCE:

Department:


DEPARTMENT OF BUSINESS
REGULATION

By: 
Norman Birenbaum
Principal Economic and Policy Analyst

DATE: 8/11/17

Respondent:

EVERGREEN GARDENS, LLC

By: 
Armand T. Lusi
Its duly authorized Manager/Member

DATE: 8/11/17