

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF BUSINESS REGULATION  
1511 PONTIAC AVENUE, BLDG. 69-2  
CRANSTON, RHODE ISLAND 02920**

---

**In the Matter of:**

**Max Lopez d/b/a Grow  
Pharma Technologies, LLC,**

**Respondent.**

---

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**DBR No.: 19MM008**

**DECISION**

**I. INTRODUCTION**

This matter arose pursuant to an Order to Show Cause Why Application Should not be Denied, Notice of Hearing and Appointment of Hearing Officer (“Order to Show Cause”)<sup>1</sup> issued by the Department of Business Regulation (“Department”) to Max Lopez d/b/a Grow Technologies, LLC (“Respondent”) on August 9, 2019. A prehearing conference was held on October 30, 2019. A hearing was held on February 27, 2020. The Department was represented by counsel and the Respondent was *pro se*. Briefs were timely filed by March 20, 2020.

**II. JURISDICTION**

The administrative hearing was held pursuant to R.I. Gen. Laws § 42-14-1 *et seq.*, R.I. Gen. Laws § 21-28.6-1 *et seq.*, R.I. Gen. Laws § 42-35-1 *et seq.*, and 230-RICR-10-00-2 *Rules of Procedure for Administrative Hearings* (“Hearing Regulation”).

---

<sup>1</sup> At hearing, the Department moved to amend the fifth paragraph of the Order to Show Cause to which the Respondent did not object. It was ordered that said paragraph be amended to add “written” prior to the word “communication” and to change the date “May 2, 2018” to “October 30, 2017.”

### III. ISSUE

Whether pursuant to R.I. Gen. Laws § 21-28.6-1 *et seq.* and 230-RICR-80-5-1 *Rules and Regulations Related to the Medical Marijuana Program Administered by the Department of Business Regulation* (“MMP Rules”),<sup>2</sup> the Respondent’s application (“Application”) for a medical marijuana cultivator license should be denied.

### IV. TESTIMONY AND MATERIAL FACTS

Peter Squatrito (“Squatrito”), Chief Public Protection Inspector, testified on behalf of the Department. He testified that he is one of the cannabis program inspectors responsible for compliance by licensed cultivators and compassion centers. He testified that the medical marijuana cultivator license application period was open from January 1 to April 30, 2017 during which the Department received 117 applications which were logged and numbered and the Respondent’s Application was number 107. He testified that the applications were reviewed in the order received and sometimes the Department would need more information about an application. Department’s Exhibit One (1) (redacted Application).

Squatrito testified that on October 25, 2017, the Department emailed the Respondent requesting more information about his Application. He testified that on October 30, 2017, the Respondent responded and provided an unsigned operating agreement and some updated answers but not all of the answers. Department’s Exhibits Two (2) and Three (3). Having received no further correspondence from the Respondent after October 30, 2017, he testified that on August 7, 2018, the Department sent a follow-up email to the Respondent. He testified that the Department had not received either a signed operating agreement or a diagram of the premises as requested.

---

<sup>2</sup> MMP Rules refers to those regulations in effect at the time of the Application which were effective from January 1, 2017 to March 25, 2020.

Department's Exhibit Four (4). He testified he reviewed all of his emails and found no response from the Respondent between October 30, 2017 and August 7, 2018.

Squatrito testified between August 7, 2018 and May 22, 2019, there was no communication from the Respondent. He testified that when the Department did not hear from applicants, applicants would be given a chance to cure deficiencies which was done for about 15 to 20 applicants. He testified that when there were no responses to the deficiency letters, denials were sent and about eight (8) to 12 applicants were issued orders to show cause like the Respondent. He testified that on May 22, 2019, a letter was sent to the Respondent detailing the outstanding deficiencies in the Application and allowing him ten (10) days to cure the deficiencies. Department's Exhibit Five (5).<sup>3</sup> He testified that the letter was returned as undelivered but it was also emailed to the Respondent. He testified that no response was received to the May 22, 2019 letter so on June 6, 2019, a denial letter was sent to the Respondent. Department's Exhibit Six (6).

Squatrito testified that around June 14, 2019, the Respondent came to see him at the Department. He testified the Respondent brought a letter requesting a hearing on the denial and mentioned a potential investor and also told him that he still had the same location. Squatrito testified that he told the Respondent that the Department would need to have a premises diagram before it could be inspected. He testified that after he met with the Respondent, he sent an email to the Respondent on June 20, 2019 confirming the information needed so that the Department could process the application. Department's Exhibit Seven (7).

Squatrito testified that on July 3, 2019, the Respondent requested a hearing via email to which the Department responded on July 5, 2019. Department's Exhibits Eight (8) and Nine (9). He testified that on July 6, 2019, the Respondent emailed asking when the Department could do a

---

<sup>3</sup> Squatrito testified that the second paragraph of this letter erroneously indicated that the Respondent's last communication was May 2, 2018 when it really was October 30, 2017.

walkthrough and he replied on July 7, 2019 that he could not do a walkthrough without the completed information including a copy of the lease. Department's Exhibits Ten (10) and 11. He testified that the Application included a letter of intent for the location but with the passage of time, he requested a lease to confirm the location. He testified that on July 8, 2019, he emailed the Respondent indicating that he had five (5) days to cure the deficiencies since the Respondent still had not provided all of the information requested. Department's Exhibit 12.

Squatrito testified that on July 15, 2019, the Respondent emailed that the landlord of the proposed location had died so the letter of intent was void and he needed a new space and that was the first time the Department heard about the landlord's passing. Department's Exhibit 13. He testified that on July 15, 2019, the Department emailed the Respondent and requested the information be provided by that day including an updated form 2 (key personnel) since the form has been revised and the Respondent indicated he might have a new investor. Squatrito testified on that day, the Respondent replied that he could give an updated form 2 but not the landlord consent. Department's Exhibit 15. He testified that he replied asking when the Respondent heard about the landlord's passing and the Respondent replied that he had found out the prior week but it had happened during the winter. Department's Exhibits 16 and 17. Squatrito testified he googled the landlord and found he died in October, 2018. He testified he emailed the Respondent that day, July 15, 2019, that the Department needed the information by July 17, 2019 and that was the final notice to cure. Department's Exhibit 18. He testified that the Respondent forwarded him the completed form 2 on July 16, 2019 but asked for more time to get the landlord consent. Department's Exhibit 19. He testified that he replied to the Respondent that the information was needed by July 17, 2019. Department's Exhibit 20. He testified that the Respondent replied that he was working on the lease and why was it such a hard date. Department's Exhibit 21.

Squatrito testified that the Department sent a second denial letter on July 22, 2019. Department's Exhibit 22. He testified that while the Department sent a denial letter on June 6, 2019, it had allowed the Respondent more time to cure deficiencies so it issued a second denial letter. He testified that on July 29, 2019, the Respondent again requested a hearing. Department's Exhibits 23 and 24. He testified that between October 30, 2017 and May 22, 2019, he did not receive any telephone calls from the Respondent but he did receive some from the Respondent after he received the Department's letters.

On cross-examination, Squatrito testified that he requested an update on the proposed location because time had passed so he needed to verify that the property was still properly zoned. He testified the application period closed April 30, 2017 and the Department said it would give updates to applicants by June, 2017. He testified he met with the Respondent in June, 2019 and told the Respondent that he could do a walkthrough once the Department received the requested information. He testified the Application included a letter of intent but 20 months later the Department needed a lease and that the majority of applicants had leases rather than letters of intent. He was asked why on July 15, 2019 (Department's Exhibit 14), he only gave the Respondent one (1) day to provide the requested information and Squatrito testified that the Department had been asking for more information since October, 2017 so the Department did not give just one (1) day to comply with its requests for more information.

The Respondent testified on his behalf. He testified that the medical marijuana cultivator license application process was unfair, mismanaged, and disorganized. He testified that the Department kept asking for additional information which it already had such as asking for the location's plat and address. He testified the applicants were told they would hear in two (2) weeks but they did not. He testified that he felt ignored and when he called, no one spoke with him. He

testified that in July 2019, he got a letter from the Department only giving him one (1) day to respond. He testified that he spent four (4) months on the Application and felt the Department did not care about him. He testified that if the Department had sent better emails explaining why it needed information, the process would have gone differently and he would have given different responses. He testified that he responded to the Department on October 30, 2017. He testified that he gave an updated diagram. He testified that he did not hear from the Department for ages and if he had he could have sorted it out with the landlord before he died. He testified that he was given no time to correct the lease and the Department only wanted the lease once the landlord died. He testified he believed that the Department stopped approving applications because the market was overwhelmed so it only approved 55 out of 117 applications.<sup>4</sup>

On cross-examination, the Respondent testified that he is a professional sailboat racer and works as a patient caregiver. He testified that since the Department was not listening to him, he strategically chose not to respond to the Department's August 7, 2018 email because he felt the Department had what it needed. He testified that he found out on July 14, 2019 that the landlord died, and he needed a lease in one (1) day. He testified that he was asked on June 20, 2019 about the proposed location but the Department already had the location information. He testified that he had a letter of intent for the location in March/April, 2017 and spoke to the landlord in June, 2017 and then maybe every three (3) months but did not speak to him in January to May of 2019 so by time he received the May, 2019 letter from the Department, he had not spoken to the landlord in six (6) months. He testified that Section J of the cultivator license application states that the Department may ask for additional information in order to process an application.

---

<sup>4</sup> Squatrito testified that only 55 of those 117 applications were approved.

## V. DISCUSSION

### A. **Legislative Intent**

The Rhode Island Supreme Court has consistently held that it effectuates legislative intent by examining a statute in its entirety and giving words their plain and ordinary meaning. *In re Falstaff Brewing Corp.*, 637 A.2d 1047 (R.I. 1994). If a statute is clear and unambiguous, “the Court must interpret the statute literally and must give the words of the statute their plain and ordinary meanings.” *Oliveira v. Lombardi*, 794 A.2d 453, 457 (R.I. 2002) (citation omitted). The Supreme Court has also established that it will not interpret legislative enactments in a manner that renders them nugatory or that would produce an unreasonable result. See *Defenders of Animals v. DEM*, 553 A.2d 541 (R.I. 1989) (citation omitted). In cases where a statute may contain ambiguous language, the Rhode Island Supreme Court has consistently held that the legislative intent must be considered. *Providence Journal Co. v. Rodgers*, 711 A.2d 1131, 1134 (R.I. 1998). The statutory provisions must be examined in their entirety and the meaning most consistent with the policies and purposes of the legislature must be effectuated. *Id.*

### B. **Standard of Review for an Administrative Hearing**

It is well settled that in formal or informal adjudications modeled on the Federal Administrative Procedures Act, the initial burdens of production and persuasion rest with the moving party. 2 Richard J. Pierce, *Administrative Law Treatise* § 10.7 (2002). Unless otherwise specified, a preponderance of the evidence is generally required in order to prevail. *Id.* See *Lyons v. Rhode Island Pub. Employees Council 94*, 559 A.2d 130, 134 (R.I. 1989) (preponderance standard is the “normal” standard in civil cases). This means that for each element to be proven, the fact-finder must believe that the facts asserted by the proponent are more probably true than false. *Id.* When there is no direct evidence on a particular issue, a fair preponderance of the

evidence may be supported by circumstantial evidence. *Narragansett Electric Co. v. Carbone*, 898 A.2d 87 (R.I. 2006).

### **C. Relevant Statute and Regulation**

R.I. Gen. Laws § 21-28.6-16 provides in part as follows:

Licensed medical marijuana cultivators. (a) A licensed medical marijuana cultivator licensed under this section may acquire, possess, manufacture, cultivate, deliver, or transfer medical marijuana to licensed compassion centers, to another licensed medical marijuana cultivator. A licensed medical marijuana cultivator shall not be a primary caregiver cardholder registered with any qualifying patient(s) and shall not hold a cooperative cultivation license. Except as specifically provided to the contrary, all provisions of this chapter (the Edward O. Hawkins and Thomas C. Slater medical marijuana act), apply to a licensed medical marijuana cultivator unless they conflict with a provision contained in this section.

(b) Licensing of medical marijuana cultivators -- Department of business regulation authority. The department of business regulation shall promulgate regulations governing the manner in which it shall consider applications for the licensing of medical marijuana cultivators, including regulations governing:

(1) The form and content of licensing and renewal applications;

\*\*\*

(i) Medical marijuana cultivators shall only be licensed to grow marijuana at a single location registered with the department of business regulation and the department of public safety. The department of business regulation may promulgate regulations governing where cultivators are allowed to grow. Medical marijuana cultivators must abide by all local ordinances, including zoning ordinances.

Section 1.5 of the MMP Rules provide in part as follows:

#### **A. Authority**

R.I. Gen. Laws § 21-28.6-16(b)(1) authorizes DBR to promulgate regulations regarding the form and content of licensing and renewal applications for licensed cultivators.

#### **B. Licensed Cultivator Application and License Timeline**

1. Licensed cultivator applications may be submitted to DBR for consideration through April 30, 2017. The application period will be re-opened each subsequent year during the months of January, February, and March. DBR reserves the right to modify the application periods based on patient and program need. DBR also reserves the right to issue regulations limiting the number and/or classes of new licenses available for application based on the projected needs of the Rhode Island Medical Marijuana Program population. See R.I. Gen. Laws § 21-28.6-16 (location and possession restrictions, regulation of licensing and oversight requirements).

\*\*\*



#### D. Application for Cultivator License

1. DBR will evaluate applicants based upon the information provided by applicants on the application forms/submissions and otherwise obtained during the application process.

2. Each application for a licensed cultivator shall be on such forms and through such submission mechanisms as designated by DBR.

3. All categories of cultivator applications shall be accompanied by a non-refundable application fee of five-thousand dollars (\$5000).

4. Pursuant to R.I. Gen. Laws § 21-28.6-16(i), cultivators shall only be licensed at a single location registered with DBR and RISP, must abide by all local ordinances, including zoning ordinances, and may be subject to any additional location restrictions promulgated by DBR. With respect to local zoning, medical marijuana cultivation may fall within various zoning use categories including without limitation the following zoning use categories: agricultural uses (such as greenhouse and nursery), industrial uses (light and general), manufacturing and processing (such as factory) or specific medical marijuana related use categories. Whether medical marijuana cultivation is a permitted use, prohibited use or allowed by special use permit within these or any other use categories is determined by local zoning authorities. Furthermore, in accordance with R.I. Gen. Laws § 21-28.6-16(i):

a. Only one cultivator license will be issued per structural building.

b. The application must contain the following minimum information:

(1) The proposed physical location of the licensed cultivator (by plat and lot number, mailing address, etc.), if a precise location has been determined. If a precise physical location has not been determined, a description of the general location(s) where it may be sited, if approved, and the expected schedule for purchasing or leasing said location(s).

(2) Approximate calculation of the square footage of the proposed facility.

(3) Evidence of the location's compliance or preliminary determination of compatibility with the local zoning laws.

\*\*\*

(5) A draft diagram of the proposed facility, including where within the facility the medical marijuana will be cultivated, stored, processed, packaged, and/or manufactured, and where security alarms and cameras and surveillance recording storage will be located, and showing the location of the facility relative to streets and other public areas.

\*\*\*

(7) Evidence of either ownership of property or agreement by owner of property to allow the operation of a licensed cultivator on the property, if property has already been purchased or leased at the time of the application.

5. The application shall also provide the following minimum information:

a. The applicant's legal and any d/b/a name(s), certificate of incorporation or organization in Rhode Island or certificate of authority to transact business in Rhode Island, articles of incorporation or organization, and bylaws or operating agreement.

- b. A business plan, including scope of activities, budget and resource narratives, and timeline for initiating operations.
- c. The legal name, current address, and date of birth of each officer and director or member/manager of the applicant.
- d. A list of all persons or business entities (legal names and current addresses) that currently have or are expected to have direct or indirect authority over the management or policies of the applicant.

\*\*\*

- j. All other information required by DBR as described in the application form, including for example experience and regulatory history of the applicant and its key personnel.

6. Only applications which DBR has determined to be complete (i.e., adequately address all application requirements above) shall be eligible for review. An applicant who submits an incomplete application shall receive written notification from DBR regarding the specific deficiencies and shall be allowed to resubmit additional material to address these deficiencies within a reasonable timeframe without additional application fees.

#### **D. Arguments**

The Department argued that the Application should be denied because the Respondent did not have a location and never corrected the Application's deficiencies despite being given time to cure the deficiencies.

The Respondent argued that the State took his non-refundable application fee and mismanaged the whole process when it should have limited the number of applicants. The Respondent acknowledged that perhaps he should not have ignored the Department between October, 2017 and May, 2019; however, he argued the Department was at fault because it was overwhelmed with applications. The Respondent argued that because the State waited so long, his landlord died. He argued that the Department kept asking for information that it already had.

#### **E. Whether the Application Should be Granted or Denied**

On or about April 28, 2017, the Respondent applied for a marijuana cultivator license. Department's Exhibit One (1). However, the Respondent failed to provide all of the further information requested by the Department on October 25, 2017. Eventually the landlord of the

proposed location died and the Respondent was unable to provide a location for his Application leading to the second denial of his Application. At hearing, the Respondent testified that he felt the Department ignored and treated him poorly so as a result, he decided to ignore the Department. He then complained that the Department did not give him what he felt was enough time to procure a lease for a location after his proposed landlord passed away. In order to understand this process, it is useful to review the timeline.

On April 28, 2017, the Respondent submitted his Application. On October 25, 2017, the Department emailed the Respondent that it needed more information including a premises diagram, information about investors, operating agreement, and further details for certain questions. Department's Exhibit Two (2). On October 30, 2017, the Respondent provided the Department with answers to the questions requested as well as a copy of an unsigned operating agreement. The Respondent indicated that he could not provide the diagram since his architect was out of the country but was providing everything else. Department's Exhibit Three (3).

After October 30, 2017, the Respondent did not forward a copy of the requested diagram. Therefore, on August 7, 2018, the Department emailed the Respondent requesting the diagram it had already requested on October 25, 2017 and a signed copy of the operating agreement. While the Respondent testified that he provided this diagram, the evidence is that he did not. He did not produce the diagram and the Department did not have it. Despite the Department's August 7, 2018 email being a follow up with the Respondent regarding his failure to provide the diagram he had indicated he would provide and also requesting a signed operating agreement, the Respondent decided that he would not communicate with the Department anymore because he felt ignored and he was being strategic. It is unclear what strategy the

Respondent could have been engaging in by not providing the licensing authority with the information necessary to be licensed.

On May 22, 2019, not having received a response from the Respondent to the August 7, 2018 email, the Department contacted the Respondent giving him ten (10) days to cure the deficiencies in his Application (that had been outstanding since 2017). The Respondent did not attempt to cure his deficiencies at that time so that on June 6, 2019, the Department issued a denial letter. Once the Department issued the first denial letter, the Respondent chose to respond and about June 14, 2019, he met with Squatrito and asked for a walkthrough. Squatrito told the Respondent at the meeting that before a walkthrough could be done, the Department needed the updated information. On June 20, 2019, Squatrito emailed the Respondent detailing the additional information needed such as address, plat, landlord permission to cultivate if leasing property, etc. On July 7, 2019, the Department emailed the Respondent that it needed a lease and updated information before a walkthrough could be done. On July 8, 2019, Squatrito emailed the Respondent again indicating what information was still required by the Department. The information required was zoning evidence, plat, lease, revised form 2, and information about any investors. Department's Exhibit Seven (7).

The Department requested a lease prior to learning the landlord had died. On July 15, 2019, the Respondent provided the zoning information, the plat, indicated form 2 had no changes, and informed the Department that the landlord had passed. On July 15, 2019, the Department indicated to the Respondent that it still needed the revised form 2 and a lease. On July 16, 2019, the Respondent provided a revised form 2.<sup>5</sup> The Respondent was unable to provide a lease or landlord consent by July 17, 2019 as requested by the Department.

---

<sup>5</sup> The revised form showed there was a difference in who the investors were between the Application (Department's Exhibit One (1)) and July 16, 2019 (Department's Exhibit 19) (revised form 2)).

In October, 2017, the Respondent only needed to provide a diagram and the operating agreement. However, instead of following up on his own email of October 30, 2017, the Respondent never provided the diagram and when the Department asked him again for the diagram and a signed operating agreement on August 7, 2018, he did not respond and strategically ignored that request.<sup>6</sup>

After the Respondent requested a hearing in June, 2019, he was allowed time to cure his deficiencies. He provided most of the updated information; though, he testified he did not know why the Department asked him again for the plat and address since the Department already had that information. The Department merely requested that the Respondent confirm information in his Application since that information could change with the passage of time.

In July, 2019, more than two (2) years from the initial application, the Department requested a copy of the lease. As detailed above, the MMP Rules, §1.5(D)(4)(b)(7) states that an applicant must provide “[e]vidence of either ownership of property or agreement by owner of property to allow the operation of a licensed cultivator on the property, if property has already been purchased or leased at the time of the application.” Section 1.5(D)(5)(j) of the MMP Rules provides that the Department may ask for information required in the application. Section 1.5(D)(6) of the MMP Rules provides that an applicant shall be given written notice of and time to cure application deficiencies.

---

<sup>6</sup> During his testimony, the Respondent seemed particularly miffed that the Department did not contact him in what he felt was an appropriate time period. In the application form, the Department anticipated that all applications would be evaluated by July 1, 2017. Department’s Exhibit One (1), page eight (8). In this matter, the Department first corresponded with the Respondent on October 25, 2017 so four (4) months after it had anticipated completing its evaluation of all applications. The term anticipated does not provide that July 1, 2017 was the hard deadline for the Department to respond. While it took longer than expected by the Department to evaluate applications for this new license, the Department corresponded with the Respondent regarding the further information required and the Respondent then never followed through with the information that he said he would provide to the Department.

The letter of intent for the proposed location in the Application was dated April 12, 2017. July, 2019 was more than two (2) years from the date of Application. In order to comply with the MMP Rules, an applicant needs to show there is an agreement with the location's owner to allow the operation of a licensed cultivator. As time had passed from the initial contact on October 25, 2017 by the Department with the Respondent, the Department merely requested an update for information required to be provided in an application.

The Respondent complained that the Department only gave him one (1) day to provide a lease. However, the Department contacted the Respondent in 2017 and 2018 and 2019 requesting more information and explained in 2019 to the Respondent what was deficient in the Application. The Respondent never completed his Application in October, 2017 when he was first contacted for more information. Due to the Respondent's delay in responding, he ended up with no location after the landlord died in October, 2018 and which the Respondent found out in July, 2019. Due to the death of the landlord, the letter of intent was voided. The Respondent was unable to obtain a new agreement with the new owner(s) of the location or to obtain another location.

The Respondent failed to provide a location which is required to be licensed as a marijuana cultivator pursuant to R.I. Gen. Laws § 21-28.6-16(i) and §1.5(D)(4) of the MMP Rules. The Respondent also failed to provide a diagram (required by §1.5(D)(4)(b)(5) of the MMP Rules) and failed to provide a signed operating agreement (required by §1.5(D)(5)(a) of the MMP Rules).<sup>7</sup>

---

<sup>7</sup> At hearing, the Respondent speculated that the Department wanted to deny applications because the medical marijuana cultivator market had become saturated and he believed a better policy would have been to cap the number of such licenses issued. The General Assembly chose not to cap the number of licenses granted so that anyone could apply and decide for him or herself whether to get into this new market or not. The Department is charged with implementing its statutory mandate to oversee the licensing of medical marijuana cultivators. In order to do so, the Department requested information from the Respondent that was required by statute and regulation to be provided by all applicants in order to be licensed.

## **VII. FINDINGS OF FACT**

1. On or about August 9, 2019, the Order to Show Cause was issued to the Respondent by the Department.
2. A hearing was held on February 27, 2020. The Department was represented by counsel and the Respondent was *pro se*. Briefs were timely filed by March 20, 2020.
3. The Respondent did not provide a premises diagram or signed operating agreement to the Department and did not have a location for his proposed business.
4. The facts contained in Section IV and VI are reincorporated by reference herein.

## **VIII. CONCLUSIONS OF LAW**

Based on the testimony and facts presented:

1. The Department has jurisdiction over this matter pursuant to R.I. Gen. Laws § 21-28.6-1 *et seq.*, R.I. Gen. Laws § 42-14-1 *et seq.*, R.I. Gen. Laws § 42-35-1 *et seq.*, and the Hearing Regulation.
2. In order to be licensed as a medical marijuana cultivator, R.I. Gen. Laws § 21-28.6-16 and §1.5(D) of the MMP Rules require a location, a premises diagram, and an operating agreement.

## **IX. RECOMMENDATION**

Based on the foregoing, pursuant to R.I. Gen. Laws § 21-28.6-16 and §1.5(D) of the MMP Rules, the undersigned recommends that the Respondent's Application for a medical marijuana cultivator license be denied.

Dated: April 14, 2020

*/s/ Catherine R. Warren*

---

Catherine R. Warren, Esquire  
Hearing Officer

**ORDER**

I have read the Hearing Officer's Decision and Recommendation in this matter, and I hereby take the following action with regard to the Decision and Recommendation:

  X   ADOPT  
       REJECT  
       MODIFY

Dated:   4/14/2020  



Elizabeth Kelleher Dwyer, Esquire  
Deputy Director

**NOTICE OF APPELLATE RIGHTS**

**THIS DECISION CONSTITUTES A FINAL ORDER OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO R.I. GEN. LAWS § 42-35-12. PURSUANT TO R.I. GEN. LAWS § 42-35-15, THIS ORDER MAY BE APPEALED TO THE SUPERIOR COURT SITTING IN AND FOR THE COUNTY OF PROVIDENCE WITHIN THIRTY (30) DAYS OF THE MAILING DATE OF THIS DECISION. SUCH APPEAL, IF TAKEN, MUST BE COMPLETED BY FILING A PETITION FOR REVIEW IN SUPERIOR COURT. THE FILING OF THE COMPLAINT DOES NOT ITSELF STAY ENFORCEMENT OF THIS ORDER. THE AGENCY MAY GRANT, OR THE REVIEWING COURT MAY ORDER, A STAY UPON THE APPROPRIATE TERMS.**

**CERTIFICATION**

I hereby certify that on this   14   day of April, 2020, that a copy of the within decision was sent by first class mail, postage prepaid, certified mail, return receipt requested and electronic delivery to Respondent c/o Mr. Max Lopez, 12 Murphy Avenue, Bristol, R.I. 02809 and by electronic delivery to Sara Tindall-Woodman, Esquire, Department of Business Regulation, Pastore Complex, 1511 Pontiac Avenue. Cranston, R.I.

  /s/Amy J. Morales