

## **253 ORGANIC, LLC**

MCN281258

MPN281302

MRN281245

### **BACKGROUND & APPLICATION OF INTENT REVIEW**

1. Name of the Marijuana Establishment:

253 Organic, LLC

2. Address of the Marijuana Establishment:

253 Millers Falls Road, Montague, MA 01376

3. Type of license(s) sought:

Cultivation, Tier 4—Indoor (20,001-30,000 sq. ft) (MCN281258)

Product Manufacturing (MPN281302)

Retailer (MRN281245)

4. Applicant is a licensee or applicant for other Marijuana Establishment license(s):

The applicant is not a licensee or applicant for any other Marijuana Establishment license.

5. List of all required individuals and their business roles in the Marijuana Establishment:

Seth Rutherford—Owner/Partner

Christopher Gallant—Owner/Partner

Alan Shorr—Owner/Partner

Marcia White—Owner/Partner

Lee Olesen—Close Associate

6. List of all required entities and their roles in the Marijuana Establishment:

No other entities, other than the applicant, appear to have direct or indirect authority over the Marijuana Establishment.

7. Priority status of applicant:

These applications were submitted by a general applicant.

8. Location and status of business if it is an RMD:

The applicant is not associated with an RMD.

9. Information regarding host community agreement certification:

The Host Community Agreement was executed on April 2, 2018; certification provided.

10. Information regarding community outreach meeting:

The community outreach meeting was held on March 27, 2018.  
Notice was published at least seven days prior in the Montague Reporter.  
The applicant certified notice to the municipality and abutters.  
The applicant certified compliance with the community outreach meeting requirements.

11. Any objections regarding compliance with local ordinances and bylaws presented by the municipality:

No objections were communicated to the Commission. The Commission received a response from the municipality on September 17, 2018, stating that the applicant was in compliance with all local ordinances and bylaws.

12. Summary of plan to positively impact areas of disproportionate impact:

The applicant plans to do the following:

- a. Conduct career fairs in Greenfield, Holyoke, and Amherst;
- b. Offer job assessments and provide guidance for interested parties to receive trainings on positions available with the applicant;
- c. Make annual donations to local community initiatives; and
- d. Provide employee time to participate in community service activities related to substance abuse prevention, senior assistance, and veteran assistance.

**SUITABILITY REVIEW**

13. Concerns arising from background checks on individuals associated with the application:

No concerns.

14. Concerns arising from background checks on entities associated with the application:

No concerns.

15. Applicant's disclosure of any past civil or criminal actions:

There were disclosures, however, none of the disclosures presented suitability issues.

16. Applicant's disclosure of any occupational license issues:

There were disclosures, however, none of the disclosures presented suitability issues.

17. Applicant's disclosure of any business interests in other jurisdictions:

Seth Rutherford and Christopher Gallant disclosed that they both have a business interest in a medical marijuana provider in Maine called Maine Jane, LLC. No suitability issues arose from this disclosure.

18. Status of applicant's compliance with the Department of Revenue and Secretary of the Commonwealth:

March 19, 2018 | Certificate of Good Standing, Secretary of the Commonwealth  
March 27, 2018 | Certificate of Good Standing, Department of Revenue  
(Letter ID: L1477652608)

### **MANAGEMENT AND OPERATIONS REVIEW**

19. Applicant's proposed timeline to become operational in the adult-use market:

Upon receiving its provisional licenses, the applicant will apply for a building permit. Once the building permit is approved, and after an architectural plan is submitted and approved by the Commission, the applicant states that it could be operational in approximately 11 months.

20. Applicant's proposed hours of operation:

Cultivation and product manufacturing operations:  
Monday-Sunday—7:00 a.m. to 6:00 p.m.  
Retail operations:  
Monday-Sunday—9:00 a.m. to 8:00 p.m.

21. Applicant's compliance with submitting summaries of the following plans, policies and procedures:

- a. Security Plan
- b. Prevention of Diversion Plan
- c. Storage of Marijuana Plan
- d. Transportation Plan
- e. Inventory Procedures
- f. Quality Control and Testing Procedures
- g. Personnel Procedures
- h. Dispensing Procedures
- i. Record-Keeping Procedures
- j. Maintenance of Financial Records Policy
- k. Diversity Plan

The applicant is fully compliant with submitting all summaries. All summaries were determined to be substantially compliant with the requirements listed in 935 CMR 500.105 through 935 CMR 500.160 as applicable. Full compliance will be reviewed during inspections and will be required before a final license is issued.

22. Summary of diversity plan:

The applicant has the following goals:

- a. By the second year of being open for business, the applicant has a goal that its workforce will be comprised of 30% female and/or minority employees; and
- b. By the fifth year of being open for business, the applicant has a goal that its workforce will be comprised of 50% female and/or minority employees.

To accomplish its goals, the applicant plans to do the following:

- a. Conduct career fairs to attract diverse employees; and
- b. Schedule and conduct formal interviews specifically with individuals from diverse communities.

23. Summary of cultivation plan (if applicable):

The applicant provided the following information related to its cultivation process:

- a. The various strains it plans to propagate;
- b. The growth medium that will be utilized;
- c. Lighting standards that will be utilized; and
- d. Monitoring and tracking of plants throughout the growth/harvesting stages.

24. Summary of products to be produced and/or sold (if applicable):

The list of products that will be produced include the following:

- a. Baked goods;
- b. Hard and soft candy;
- c. Tinctures;
- d. Drinks;
- e. Oil cartridges;
- f. Vape pens;
- g. Wax; and
- h. Shatter

25. Plan for obtaining marijuana or marijuana products (if applicable):

The applicant has applied for adult-use cultivation and product manufacturing licenses. It plans to supply its own marijuana and marijuana products. If the need arises, the applicant will obtain marijuana from other licensed Marijuana Establishments.

26. ISO 17025 Certifying Body and Certificate Number (if applicable):

Not applicable.

## **RECOMMENDATION**

Commission staff recommend issuing provisional licenses to the applicant with the following conditions:

- (1) Final licenses are subject to inspection and audit to ascertain compliance with the requirements listed in 935 CMR 500.105 through 935 CMR 500.160 as applicable;
- (2) Final licenses are subject to inspection and audit to ascertain that the facilities are compliant with all applicable state and local codes, bylaws, ordinances, and regulations;
- (3) The applicant shall cooperate with and provide information to Commission investigators, agents, and employees upon request;
- (4) Provisional licenses are subject to the payment of the appropriate license fee pursuant to 935 CMR 500.005; and
- (5) The applicant shall submit to the Commission a revised diversity plan that fully complies with the requirements of 935 CMR 500.101(1)(c)(7)(k) and any guidance approved by the Commission on this matter.

This recommendation was based on the applicant's demonstrated compliance with the laws and regulations of the Commonwealth, suitability for licensure, and upon the evaluation of the thoroughness of the applicant's responses to the required criteria.

Commission staff certify that a due diligence review of the applications were performed. As of this date, the applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Accordingly, the applicant is recommended for provisional licensure with the previously mentioned conditions.