

**THEORY WELLNESS INC.**  
MRN281549

**BACKGROUND & APPLICATION OF INTENT REVIEW**

1. Name of the Marijuana Establishment and its application number:

Theory Wellness Inc.

2. Address of the Marijuana Establishment:

394 Stockbridge Road, Great Barrington, MA 01230

3. Type of license sought (if cultivation, its tier level and outside/inside operation):

Retailer

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

Cultivation—Tier 1/Indoor (up to 5,000 sq. ft) (MCN281524)  
Product Manufacturer (MPN281424)

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

Nick Friedman—Board Member  
Brandon Pollock—Board Member  
Hunter Pollock—Board Member  
Andrew Linegar—Board Member  
Steven Derrey—Board Member  
Asher Woodworth—Board Member  
Teva Smith—Manager  
Benjamin Friedman—Board Member

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

SIGNET Electronic Systems—Security Vendor  
Wayne Alarm Systems—Security Vendor

7. Priority status of applicant:

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

The RMD is in compliance with the Department of Public Health (DPH).  
The RMD business will be co-located with the adult-use business in Great Barrington.  
The RMD has a Final Certificate of Registration for dispensing, cultivation, and processing.

9. Information regarding host community agreement certification:

The Host Community Agreement was executed on June 15, 2018; certification provided.

10. Information regarding community outreach meeting:

The community outreach meeting was held on June 12, 2018.  
Notice was published at least seven days prior in The Berkshire Eagle.  
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 27, 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 take the following actions:

- a. Give priority to local businesses, suppliers, contractors, builders, and vendors in Pittsfield for services to the Marijuana Establishment;
- b. Give priority to local individuals in Pittsfield for employment purposes;
- c. Sponsor and participate in cannabis industry events that are designed to encourage individuals harmed by the war on drugs to participate in the industry; and
- d. Hold an employment fair, food drive, and cannabis education seminar once a year in Pittsfield.

**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:

No disclosures that raised suitability issues.

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

No disclosures.

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

Nick Friedman disclosed marijuana-related business interests in two facilities in Oregon (Magellan Unlimited LLC and Northern Passage LLC).

Brandon Pollock disclosed a marijuana-related business interest in New Hampshire (Temescal Wellness). There was no disclosure of any interest to the same entity that has been provisionally licensed by the Commission.

No suitability issues arose from these disclosures.

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

June 6, 2018 | Certificate of Good Standing, Secretary of the Commonwealth  
(Certification Number: 18060123890)

June 11, 2018 | Certificate of Good Standing, Department of Revenue  
(Letter ID: L0234772608)

## **MANAGEMENT AND OPERATIONS REVIEW**

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

The applicant operates a vertically integrated RMD and states that it can be operational in the adult-use market once it is approved for licensure and applicable waivers are granted by the Department of Public Health.

20. Applicant's proposed hours of operation:

Monday-Sunday: 10:00 a.m. to 7:00 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 plans to hire a diverse workforce that includes women, veterans, farmers, minorities, and individuals with past drug convictions.

The applicant will hold training sessions in Pittsfield to encourage and assist individuals to become involved in the adult-use marijuana industry. The training sessions will aim to attract individuals facing systemic barriers to entry into the adult-use marijuana industry.

Once a year, the applicant will examine the effectiveness of its plan and recommend revisions.

23. Summary of cultivation plan (if applicable):

Not applicable.

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

Not applicable.

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

The applicant is a vertically integrated RMD that is applying for adult-use cultivation, product manufacturing, and retail licenses. It plans to supply its own products. In the event of any shortage, the applicant will seek marijuana and marijuana products from other licensees.

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

Not applicable.

## **RECOMMENDATION**

Commission staff recommend issuing a provisional license with the following conditions:

- (1) Final license is subject to certification that applicant remains in compliance with DPH regulations, 105 CMR 725.000;
- (2) Final license is subject to inspection and audit to ascertain compliance with the requirements listed in 935 CMR 500.105 through 935 CMR 500.160 as applicable;
- (3) Final license is subject to inspection and audit to ascertain that its facilities are compliant with all applicable state and local codes, bylaws, ordinances, and regulations;

- (4) The applicant shall cooperate with and provide information to Commission investigators, agents, and employees upon request; and
- (5) Provisional license subject to the payment of the appropriate license fee pursuant to 935 CMR 500.005.

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 application was 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.