

Pursuant to the Public Records Law, G.L. c. 66, § 10 and G.L. c. 4, § 7, cl. 26, exhibits referenced herein are investigatory material, and not subject to public disclosure at this time. Investigatory material includes (1) information relating to an ongoing investigation that could potentially alert subjects to the activities of investigative officials; (2) confidential investigative techniques the disclosure of which would prejudice future law enforcement efforts; (3) any details in witness statements, which if released create a grave risk of directly or indirectly identifying a private citizen who volunteers as a witness; and (4) the background of any person the disclosure of which would constitute an unwarranted invasion of personal privacy.<sup>1</sup>

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<sup>1</sup> See G.L. c. 94G, § 4(a)(xv); G.L. c. 4, § 7(26)(c) and (f)



February 6, 2019

Massachusetts Wellspring, Inc.  
18 Powder Mill Road  
Acton, MA 01720

**Case No. RMD-026-01**

**SUMMARY CEASE AND DESIST ORDER**  
**Pursuant to 935 CMR 501.340**

On January 29 and February 1, 2019, the Commonwealth of Massachusetts Cannabis Control Commission (the “Commission”) conducted an unannounced inspection of a Registered Marijuana Dispensary operated by Massachusetts Wellspring, Inc. (the “Respondent”) to determine Respondent’s compliance with the statutory and regulatory requirements of its Registered Marijuana Dispensary license (Registration No. 026).

Statement of Facts

The Commission identified violations of the Massachusetts Cannabis Control Commission regulations, 935 CMR 501, *et seq.*, which the Commission has determined pose an immediate or serious threat to the public health, safety, or welfare. Said violations include, but are not limited to, the following:

- a. Marijuana and marijuana products stored outside of secure locked safe or vault area approved by the Commission for adequately secured storage. *935 CMR 501.105(3)(c)(1); 501.110(1)(e).*
- b. Use of a non-approved laboratory room and cure room for secondary vault storage despite lack of panic alarm or architectural review approval to utilize area as a secure vault. Enforcement staff observed marijuana and marijuana products unsecured in the non-approved laboratory area, **Exhibit A-2**, and patient consultation area, **Exhibit A-3, A-4**. *935 CMR 501.105(3)(c)(1); 501.110(1)(e).*
- c. The vault room lacked adequate security camera coverage, adequate sanitation controls and was being used for purposes other than storage of marijuana. Enforcement staff observed Marijuana MIP beverage products stored in an unlocked refrigerator alongside employee food items. **Exhibit A-5**. *935 CMR 501.105(3)(c)(1); 501.110(1)(e); 501.110(4)(a)(4).*
- d. Unsecured access to surveillance room containing the facility’s surveillance equipment. Enforcement staff observed unlocked, open-door access to the on-site surveillance room, missing ceiling tiles and exposed wiring, unlocked storage doors containing the facility’s server equipment and accumulation excessive trash



cultivation equipment. **Exhibit A-6, A-7, A-8.** *935 CMR 501.110(4)(b), (d), and (e).*

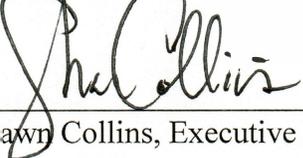
- e. Insufficient camera coverage including: (1) lack of perimeter surveillance including area with accessible hole in chain link fence, **Exhibit A-9**, (2) lack of surveillance coverage on marijuana waste disposal area, **Exhibit A-10, A-15**, (3) use of a decoy camera not capable of recording live video, (4) inability to produce a clear, color, still photo, **Exhibit A-11, A-12.** *935 CMR 501.110(1)(j); 501.110(4)(a)(4) and (6).*
- f. Insufficient perimeter security alarm coverage. Enforcement staff observed a rear exit door lacking a security alarm. *935 CMR 501.110(4)(a)(1).*
- g. Illegible and incomplete labels lacking required information specifying product origin and statement that the product had been tested for pesticides. Enforcement staff observed that labeling affirmatively acknowledged deficiency by stating that “this product may not meet established standards for pesticides.” **Exhibit A-13.** *935 CMR 501.105(3)(b)(1) & (5)(b).*
- h. Finished marijuana flower product obtained from a wholesaler and stored in plastic containers lacked testing results for various strains and types of marijuana contained therein. **Exhibit A-14.** *935 CMR 501.105(3)(b)(1) & (9).*
- i. Lack of manifests or documentation demonstrating that wholesale product is re-weighed or recounted upon delivery. *935 CMR 501.110(5)(b).*
- j. Marijuana waste disposed of without proper documentation and not rendered unusable or unrecognizable. **Exhibit A-10.** Enforcement staff determined that Respondent failed to produce waste disposal logs documenting the disposal date, type and quantity of marijuana disposed of and manner of disposal of marijuana or marijuana products. *935 CMR 501.105(9)(f); 501.105(10)(a) & (b); 501.110(1)(c).*
- k. Respondent did not have policies and procedures on site including policies and procedures for secure cash handling, diversion prevention, transportation, patient sales and cultivation. *935 CMR 501.110(1)(l).*
- l. Respondent failed to maintain a written visitor log or implement other measures to monitor facility access of vendors, contractors or outside vendors for authorized purposes. *935 CMR 501.110(1)(a) & (b).*

Summary Order

1. Based upon information obtained by the Commission as part of its ongoing investigation into this matter, the Commission hereby **ORDERS** Respondent to:
  - a. Cease and desist from all dispensing, cultivation, processing and other RMD operations pursuant to Respondent's license to operate a Registered Marijuana Dispensary;
  - b. Comply with all provisions of 935 CMR 501, *et seq.*;
  - c. Post notice of this order in a conspicuous location at the RMD; and
  - d. Immediately comply with the requirements of this order upon its receipt.
2. Failure to comply with the above conditions may result in administrative action against Respondent up to and including suspension and/or revocation of licensure.
3. The order shall remain in effect until the Commission rescinds or amends the order or until the Commission takes final action on any related pending complaint and issues a final decision.
4. If, after further investigation, the Commission determines that there are grounds to suspend or revoke a Respondent's license, it may also issue an order to show cause why the license should not be suspended or revoked or take any other administrative action it deems necessary to protect the public health, safety or welfare.
5. Respondent may request a hearing within twenty-eight (28) calendar days after the effective date stated below by making such request in writing to the Commission at 101 Federal Street, 13<sup>th</sup> Floor, Boston, MA 02210.

Effective this 7<sup>th</sup> day of February 2019:

**Commonwealth of Massachusetts Cannabis Control Commission**

  
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Shawn Collins, Executive Director