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October 2, 2024

Brenton Whitten
Brunswick Cultivation LLC.
43 Bibber Pkwy
Brunswick, ME 04011-7357

brent@agtherapeutics.com

Re: Notice of Administrative Action including Monetary Penalty
Brunswick Cultivation LLC, ACC1261
OCP Incident # 2024-ACP-1079

Dear Mr. Whitten,

This Notice of Administrative Action is issued pursuant to the Maine Administrative Procedures Act (Maine APA), Title 5, Ch. 375, subchapter 4, to Silver Therapeutics Cultivation, LLC, ACC 1261, of violations of the Cannabis Legalization Act (CLA), Title 28-B, Ch. 1 and the *Adult Use Cannabis Program Rule*, 18-691 CMR, Ch. 1 as described below. In response to these actions, the Department of Administrative and Financial Services, acting through its Office of Cannabis Policy (OCP), (collectively, "The Department") is taking the administrative actions detailed in this notice.

The licensee named herein is subject to the administrative actions pursuant to 28-B MRS § 801 as described in Part II and III below that may be timely appealed in accordance with the Maine APA in accordance with Part IV of this Notice. Failure to timely appeal will result in the imposition of the administrative actions described herein.

- I. Summary of AUCP Investigation of License regarding Brunswick Cultivation LLC (Silver Therapeutics Cultivation, LLC), ACC 1261:
1. On August 7, 2024, Silver Therapeutics Cultivation, LLC filed a Certificate of Amendment with Maine Secretary of State to change the name of the entity to Brunswick Cultivation, LLC the new owner of ACC1261. OCP Licensing Analyst Heather Doran, was notified of the name change during the facility renewal process. The principals listed are Brenton Whitten (IIC 6277) and Caitlin Seward (IIC 9227)
 2. At the time of this incident Silver Therapeutics LLC was the business name. The principal was listed as Adam Carafano (IIC 256). They were doing business as Silver Therapeutics.

3. On May 22nd, 2024, Field Investigator Victor Cote, was assigned to investigate possible testing issues involving Metrc packages 1A40D0300005B05000002924 and 1A40D0300005B05000002925. The packages had initially failed for yeast and mold. They were subsequently retested and passed, though no remediation was recorded in Metrc to document what method or processes may have occurred to contribute to the passing retests.
4. On May 23rd, 2024, FI Cote left a voicemail for Mr. Carafano and received a call back from an employee, Brenton Whitten, a short time later. Mr. Whitten explained via phone that the only process used was additional drying and stated that he had been the individual collecting the samples. FI Cote arranged to meet with Mr. Whitten on May 29th at the facility to review video of the sampling, sample collection records, and to collect audit samples of the two packages.
5. On May 24th, 2024, FI Cote received an email from Josh Ferranto, identifying himself as an owner, and advising that he had reviewed video and had observed several violations of internal standard operating procedures for sampling for mandatory testing, which he stated are based on OCP's 2022 Guide to Best Practices for Sample Collection. Mr. Ferranto advised that Silver Therapeutics had opened an internal investigation and that he would be present at the meeting on May 29th with video available for review.
6. On May 29th, 2024, FI Cote and FI Brochu met with Mr. Ferranto, Mr. Whitten, and legal counsel, Hannah King. Sample collection logs were provided to FI Cote that showed the original test samples for the source packages (Samples 2939 and 2940) collected on May 9th, 2024 at 0930. This was later confirmed via video, and Metrc recorded the creation around the same time. The sample collection log was found to be deficient in that it did not record all of the required information. No collection logs were available for any collections prior to April 2024. It was explained that the collection of information on this log had just begun in April 2024 but, since FI Cote's initial contact, the OCP Sample Collection Form was now being used.
7. During the meeting FI Cote learned that the four retest samples had been physically obtained from the two source packages by Mr. Whitten on May 14th, 2024. Metrc records showed the samples created on May 16th, 2024 between 0852 and 0912. Internal sample collection logs recorded the sample collection on May 16th at 1100. Video reviewed on site confirmed Mr. Whitten collecting the samples on May 14th, 2024 around 1123. The video showed Mr. Whitten placing the samples in open plastic containers. He then left the designated limited access area with the samples and placed them in an area, designated no cannabis on the facility plan, where vehicles and other non-cannabis items were stored. He was observed spraying a liquid onto the samples from a spray bottle at 1129. The samples then remained on a table next to a covered automobile, opened and uncovered, for two days.
8. Mr. Whitten was observed on video retrieving the samples from the same location on May 16th, 2024 at 1050. They were then repackaged into Ziploc bags and submitted to Nova Analytics via Metrc Manifest 0000840722 later that day.
9. During the interview with Mr. Whitten, he told FI Cote that he had applied liquid hydrogen peroxide to the samples as had been observed on video. He stated that it had been standard hydrogen peroxide, similar to what can be obtained over the counter, with the intention of remediating the yeast and mold on the sample.

II. Summary findings of fact and violations:

The Department finds, based upon its investigation, interviews, and inspection of Silver Therapeutics Cultivation, LLC, ACC 1261, of Brunswick, Maine the following:

1. Failure to follow sample collection procedures in Best Practices Guide and Appendix A (Standard Operating Procedure): Samples 2981, 2982, 2983, and 2984 were left open in a non-cannabis area. Furthermore, the samples were intentionally tampered with by applying a liquid, described as hydrogen peroxide, to the samples to alter, enhance, or enrich test results. This is in violation of Adult Use Rule, 18-691, C.M.R., Ch. 1, §§ 7.2 (C) and (E) and 6.3.3.
2. Failure to reconcile on premise inventory in the inventory tracking system by 11:59 P.M that same day: The retest samples were not recorded in Metrc until two days later. This is in violation of Adult Use Rule, 18-691, C.M.R., Ch. 1, §§4.1.2 and 4.1.3 (A).
3. Failure to create and retain sample collection records: Records for the collection of samples prior to April 2024 did not exist, other than Metrc entries, manifests, and sample submission receipts. The log that was used after April 2024 was deficient and did not record all required information. This is a pattern of violations of Adult Use Rule, 18-691, C.M.R., Ch. 1 § § 3.11.1 and 7.2 (D).
4. Cannabis stored outside of designated limited access area: The retest samples were taken to and stored in an area outside of limited access, as designated on the plan of record. This is in violation of Adult Use Rule, 18-691, C.M.R., Ch. 1, §3.2.3 (A)(1).

III. Summary of administrative actions taken by the Department:

Considering the violations summarized above and in order to ensure compliance with the MLA and Department rules, the Department is taking the following administrative actions to ensure licensee compliance with program requirements:

1. In response to failing to follow sample collection procedures in Best Practices Guide and Appendix A (Standard Operating Procedure). This is in violation of Adult Use Rule, 18-691, C.M.R., Ch. 1, §§7.2 (C)and (E), and 6.3.3.
 - a. OCP imposes the following fine: **\$5,000 for a major license violation affecting public safety in accordance with Section 10.2.1 (B)(9) of the AUCP Rule** to be remitted to the Department no later than 120 days from the date of this notice.
2. In response to failing to reconcile inventory in the inventory tracking system. This is in violation of Adult Use Rule, 18-691, C.M.R., Ch. 1, §4.1.2.
 - a. OCP offers technical assistance to Silver Therapeutics, LLC.
3. In response to a pattern of failure to create and retain sample collection records. This is in violation of Adult Use Rule, 18-691, C.M.R., Ch. 1 § 3.11.1 and 7.2 (D).
 - a. OCP offers technical assistance to Silver Therapeutics, LLC.
4. In response to storing cannabis outside of limited access areas. This is in violation of Adult Use Rule, 18-691, C.M.R., Ch. 1, §3.2.3 (A)(1).

- a. OCP offers technical assistance to Silver Therapeutics, LLC.

IV. Summary of administrative appeal rights:

The Department issues this Notice of Administrative Action in accordance with its authority pursuant to 28-B MRS § 801 and the Maine APA, 5 MRS, Ch. 375. If you disagree with the Department's findings of fact or administrative actions, you may timely request a formal hearing within 30 days from the date of this Notice. Failure to timely request a formal hearing of the Department will result in this Notice of Administrative Action including Monetary Penalty becoming the FINAL ORDER of the Department. You will not be able to petition for a review in Superior Court and it could impact your continued participation in the programs administered by the Office of Cannabis Policy.

A request for a formal hearing may be sent via e-mail to Deputy Director Vernon Malloch: Vernon.Malloch@maine.gov or via USPS mail to: Office of Cannabis Policy, 162 State House Station, Augusta, Maine 04333.

Sincerely,



Dean Goodale
Director of Compliance
Office of Cannabis Policy

Cc: Director John Hudak, Office of Cannabis Policy
Deputy Director Vernon Malloch, Office of Cannabis Policy
Anya Trundy, Office of the Commissioner
Deanna White, Esq., Office of the Attorney General