



JANET T. MILLS
GOVERNOR

STATE OF MAINE
OFFICE OF CANNABIS POLICY
162 STATE HOUSE STATION
19 UNION STREET
FIRST FLOOR
AUGUSTA, MAINE 04333-0162

ADMINISTRATIVE & FINANCIAL SERVICES

KIRSTEN LC FIGUEROA
COMMISSIONER

OFFICE OF CANNABIS POLICY

ERIK GUNDERSEN
DIRECTOR

August 4th, 2022

Via Electronic Mail and USPS First Class Mail

Tonny Arias



Subject: Notice of Revocation of Registry Identification Card(s)

Dear Mr. Arais

The Maine Department of Administrative & Financial Services, Office of Cannabis Policy (Department) is responsible for the administration and oversight of the Maine Medical Use of Cannabis Program (MMCP). Protection for authorized conduct requires compliance with the Maine Medical Use of Marijuana Act and program rules. Pursuant to its authority under 22 M.R.S., Chapter 558-C, §2430-F, the Department revokes the following Registry Identification Card(s): CGR 30649. Such revocations are effective three (3) calendar days after the date of this notice.

I. Justification for revocation:

The Department's decision to revoke your Registry Identification Card(s) is based on your violation of the Maine Medical Use of Marijuana Act. More specifically, the Department's MMCP field investigation staff have provided the Department with sufficient evidence to demonstrate the following statutory and regulatory violations:

1. On April 12, 2022, Field Investigator Daniel Summers sent you an email with an attached questionnaire to begin correspondence with you and to schedule an upcoming caregiver inspection.
2. On April 15, 2022, after receiving no answer to his email, FI Summers called the contact phone number listed for you. During your conversation with FI Summers, you confirmed that the email and phone number is also used by your wife. You informed FI Summers that you were not in the area and would have to get back to him on a date and time that would work for you.
3. You communicated to FI Summers that your availability would be either April 21st or 22nd of 2022. You requested that FI Summers call you then to confirm a date for inspection. You also confirmed for FI Summers that you had in fact received his email with an attached questionnaire listing the questions commonly asked during an inspection. FI Summers also asked you whether your wife, Ana, would be present as she

is also a caregiver and was due for an inspection. You informed FI Summers that Ana would be present also.

4. On April 21, 2022, during your conversation with FI Summers, via phone, he asked you about a date for inspection that would be good for you. You informed FI Summers that you and your wife were in Miami, Florida taking care of an ill relative and that you did not know when you would be able to return to the State of Maine.
5. On April 26, 2022, FI Summers went to [REDACTED] to investigate the address to see if you were in fact living there. FI Summers placed business cards in the doorway as well as the door located in between the two bay garage doors and left the property. FI Summers then went to the town office and confirmed the owner of the property to be Rafael Duarte.
6. On April 27, 2022, FI Summers received a telephone call from a man who identified himself as Ralph "Rafael" Duarte, the owner of the [REDACTED] address. FI Summers learned that you and your wife were evicted from the property in February 2022. FI Summers learned that you and Ana have not been on the property or in the State of Maine since that time.
7. On April 27, 2022, FI Summers attempted to reach out to you and Ana by phone as well as text messaging. FI Summers did not hear back from either of you. Other attempts were made on April 28th, May 4th, May 5th, May 6th. FI Summers received no response from you or Ana.
8. In addition to the first inspection request sent to you and Ana on April 6, 2022 by the Office of Cannabis Policy, a second and final inspection request was sent to you and Ana on May 11, 2022 with instructions to immediately contact FI Summers and schedule an inspection no later than May 17, 2022 at 5:00 PM. You were provided his contact information. As of June 7, 2022, you have not contacted him.

For these reasons, your eligibility to participate in the MMCP has been revoked.

- Willful failure to comply with an inspection, a violation of 22 MRS Section 2430-G (2)(C).
- You are no longer a resident of Maine since you were evicted from your home address in Brownville in February 2022. Since that time, you have not informed OCP of any new domicile in Maine and have been living in Miami, Florida. If you are not domiciled in Maine, you no longer qualify to be a registered caregiver and so are in violation of the statute. 22 MRS §§ 2423-A (2) and 2422(13-B).

Please immediately return your Registry Identification Card to:

Department of Administrative & Financial Services
Office of Cannabis Policy
Maine Medical Use of Cannabis Program
162 State House Station
Augusta, ME 04333-0162

II. Registration Revocation and Right to Request an Administrative Hearing:

Pursuant to 22 M.R.S. §2430-F, the Department may suspend or revoke a registry identification card for violation of Chapter 558-C and the rules adopted by the Department. A person who has had authorization for conduct under Chapter 558-C revoked due to failure to comply with Chapter 558-C and rules adopted by the Department may request an administrative hearing. If you would like to request an administrative hearing, please notify the Department in writing within thirty (30) calendar days of the revocation effective date at the address information provided above. A request for an administrative hearing should be sent to Vernon Malloch, Deputy Director of Operations by email at Vernon.Malloch@maine.gov or USPS at 162 State House Station, 19 Union Street, Augusta, Maine 04333-0062. If the Department does not receive a hearing request in accordance with the policy, the revocation becomes final.

Sincerely,

Michael W. Field

Michael W. Field
Director of Compliance
Office of Cannabis Policy

Cc: file