



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

JOHN HUDAK  
DIRECTOR

AMENDED

February 16, 2024

Mr. Brett Scott  
DBA: Cannabis Haven Auburn 20 Union ST AU  
202 Union Street, Unit C  
[Auburn, Maine 04210-5794](tel:04210-5794)



Re: Notice of Administrative Action, Cannabis Haven Auburn 20 Union, AMS 1302

Dear Mr. Scott,

This Notice of Administrative Action is issued pursuant to the Maine Administrative Procedures Act (Maine APA), Title 5, Ch. 375, subchapter 4, to Cannabis Haven Auburn 20 Union, AMS 1302, of violations of the Marijuana Legalization Act (MLA), 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 East Coast Gold Products:
  1. Cannabis Haven 20 Union St is owned by Haven Corporation. You are the sole principal.
  2. On 09-20-2023, the Office of Cannabis Policy (OCP), received a complaint that an adult use store, Wildfire Retail (AMS1398), had sold an 8-ounce Lemon Lemonade single serving drink with 100 mg of THC, which was manufactured by East Coast Gold. Investigation revealed that a number of these 8-ounce, single serving drinks that each contained 100 milligrams of THC, were distributed, and sold.
  3. After reviewing the retail store inventories, the retail stores returns, manifests and receipts, FI Luce was able to determine the quantity that Cannabis Haven had sold of the drinks.

| Retail Store             | License # | Tag#                     | Product             | QTY Purchased | QTY Sold | QTY Returned |
|--------------------------|-----------|--------------------------|---------------------|---------------|----------|--------------|
| Cannabis Haven -Union St | AMS1302   | 1A40D03000035E9000000708 | Lemon Lemonade      | 10            | 3        | 7            |
|                          |           | 1A40D03000035E9000000709 | Blueberry Lemonade  | 10            | 10       | 0            |
|                          |           | 1A40D03000035E9000000710 | Strawberry Lemonade | 10            | 10       | 0            |
|                          |           | 1A40D03000035E9000001215 | Strawberry Lemonade | 5             | 0        | 5            |
|                          |           | 1A40D03000035E9000000809 | Strawberry Lemonade | 5             | 2        | 3            |
|                          |           | 1A40D03000035E9000000711 | Mango Lemonade      | 10            | 9        | 1            |
|                          |           | 1A40D03000035E9000000810 | Mango Lemonade      | 5             | 0        | 5            |
|                          |           | 1A40D03000035E9000000811 | Blueberry Lemonade  | 5             | 4        | 1            |

- On 10-19-2023, FI Luce met with Caleb Richardson, who was one of the managers at the store. Mr. Richardson advised that when the drinks were sold at Cannabis Haven, they were placed into a child resistant exit bag.

## II. Summary of AUCP Investigation regarding JAR Co. products.

- Field Investigator Victor Cote was following up with an administration hold on products manufactured by JAR Co., and at your store. The product had been held because it was not tested for pesticides which is required before sale to consumers.
- There were four units of JAR Sugar, 1 gram, Wedding Pie in your inventory. FI Cote had contacted the store and spoke with Mr. Niko Foti and advised him of the administrative hold and that the manufacture would be contacting them to arrange the recall.
- On October 16<sup>th</sup>, 2023, FI Cote spoke with Mr. Foti. Mr. Foti advised that the 4 units were noted in Metrc as destroyed. FI Cote asked to see the video for confirmation.
- FI Cote again met with Mr. Foti to review the video on October 18, 2023. At that time, Mr. Foti advised that the 4 units described above were not destroyed. They were put into a drawer where trade samples are stored. He advised that he did this knowingly and that the units would be available to employees and not destroyed. Video on September 28<sup>th</sup>, 2023, confirmed Mr. Foti's explanation.
- Mr. Foti explained that he made the entry into Metrc on the same date selecting State Mandated Destruction for the reason.
- Mr. Foti explained that once contacted by FI Cote, he went to check the trade sample drawer and found only one unit. The other three units were missing and would not be able to be recovered.

## III. Summary findings of fact and violations:

The Department finds, based upon its investigation, interviews, and inspection of Cannabis Haven 20 Union St of Auburn, Maine the following:

- The rule states that retail sale of edible cannabis products must clearly display the information on the marketing layer of the package for retail sale.

- a. Serving size not to exceed 10 mg
- b. The label must state, "This product contains cannabis. And Keep away from children."

This is in violation of Maine Adult Use Rules, 18-691, CMR Ch. 1 §§§ 9.4.2 (B) and (E) and 28-B MRS § 703(1)(F).

2. The rule states that conduct while conduct while using inventory tracking system. A cannabis establishment and its designated inventory tracking system administrator(s) and inventory tracking system user(s) shall enter data into the inventory tracking system that fully and transparently accounts for all inventory tracking activities and authorized transfers. Both the cannabis establishment and the individuals using the inventory tracking system are responsible for the accuracy of all information entered into the inventory tracking system. Any misstatements or omissions may be considered a major license violation affecting public safety.

This is in violation of Maine Adult Use Rules, 18-691 CMR Ch. 1 § 4.1.3(A).

3. The rule states that OCP may order an administrative hold of cannabis or cannabis products to prevent destruction of evidence, diversion, or other threats to public safety, while permitting a licensee to retain its inventory pending further investigation, pursuant to the following procedure. While the administrative hold is in effect, the licensee is prohibited from selling, giving away, transferring, transporting, or destroying the cannabis plants, cannabis or cannabis products subject to the administrative hold, except as otherwise authorized by this rule.

This is in violation of Maine Adult Use Rules, 18-691 CMR Ch. 1 § 10.6.2 (D).

#### IV. 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 the marketing label exceeded the 10 mg per serving size, and not including required label statements. Violations of Maine Adult Use Rules, 18-691, CMR Ch. 1 §§§ 9.4.2(A)(B)(C):
  - a. OCP imposes technical assistance. Products must clearly display the information on the marketing layer of the package for retail sale.
2. In response to entering product under an Administrative Hold into the tracking system. (Metr) as destroyed which was misstating what actually occurred with the products. Violations of 18-691 CMR Ch. 1 § 4.1.3(A):
  - a. OCP imposes the following fine: \$5,000.00, a major license violation in accordance with Section 10.2.2 (B)(12) of the AUCP Rule

to be remitted to the Department no later than 120 days from the date of this notice.

3. In response to giving away cannabis products when an administrative hold is in effect. A violation of 18-691 CMR Ch. 1 § 10.6.2 (D):
  - a. OCP imposes the following fine: \$2,500 or a major license violation in accordance with Section 10.2.2 (B)(12) of the AUCP Rule to be remitted to the Department no later than 120 days from the date of this notice.

V. 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 the Department executing the administrative action(s) listed in Part III above and could impact your continued participation in Office of Cannabis Policy programs.

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

Sincerely,

*Michael W. Field*

Michael W. Field  
Director of Compliance

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 t