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ADMINISTRATIVE & FINANCIAL SERVICES

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JOHN HUDAK  
DIRECTOR

Mr. Sean O'Brien  
DBA Mystique Operations, LLC  
41 Mystique Way  
Auburn, Maine 04210-3721

September 12<sup>th</sup>, 2023



Re: Notice of Administrative Action, Mystique Operations, LLC, ACC 115

Dear Mr. O'Brien

This Notice of Administrative Action is issued pursuant to the Maine Administrative Procedures Act (Maine APA), Title 5, Ch. 375, subchapter 4, to Mystique Operations, LLC, Adult Use Cannabis Program (AUCP) Licenses ACC 115, and AMF 124 for 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

1. On May 24, 2023, Field Investigator Supervisor Jim Sweatt and Field Investigator Victor Cote were scheduled to visit Mystique Operations, LLC, License AMF121, which is co-located with their cultivation adult use license ACC115. Mystiques Operations, LLC is owned by you, Carl Lefevre, Christopher Lefevre, and Cindy Wilson. You are a principal and the notice person for both. FI Cote had learned that AMF121 and ACC115 had both submitted plan of record changes for the attached facilities. You asked if FI Cote can review facility changes in which additional rooms had been built and fencing installed for change of use.
2. FI Cote inquired if the construction had already occurred because there had been no previous review or approval of facility changes. You advised that the rooms had been built.

3. FI Cote learned that plans had been submitted for ACC115 and AMF121 on May 19<sup>th</sup>, 2023, through the online portal. No Licensing Analyst had been assigned the review. License Analyst Nichole DeHahn stated she had not reviewed the plans or had any communication with the you regarding changes. She did confirm they were received on May 19<sup>th</sup>. The proposed changes involved extending AMF121 license into ACC115 space by adding an enclosed refrigerated storage room within the current ACC115 cultivation space and putting in a fence to separate the licenses. ACC 115 showed a new enclosed drying room built into the same cultivation room as the new refrigerated storage room.
4. On May 24<sup>th</sup>, 2023, FI Supervisor Sweatt and FI Cote reviewed the existing ACC115 space and found the two new enclosed rooms built out in the space. A six-foot-high chain link fence had been mounted into the floor and a gate allowed passage through the fence. There was no lock on the gate at the time. There were no cameras installed in the rooms.

## II. Summary findings of fact and violations:

The Department finds, based upon its investigation, interviews, and inspection of Mystique Operations, LLC, (ACC115), 41 Mystique Way, Auburn, Maine the following:

1. The rule states “Changes to Facility Plan, including changes to operations, cultivation, or security information included therein. Any material changes to the facility plan of record of any cannabis establishment must be approved by the Department. A material change includes without limitation: changes to the licensed premises including changes to the floor plan, security equipment, manufacturing equipment, display cases or any other area of the licensed premises where cannabis is cultivated, manufactured, stored or sold...” 18-691 CMR Ch. 1 § 3.5.4. The rule also says no licensee shall make material changes to operations, including cultivation or security practices, until the application for changes to the facility plan have been approved by the Department. 18-691 CMR Ch. 1 § 3.5.4(B).
2. The actions of Mystique Operations, LLC in changing both plans of record by adding a new refrigerated room to the manufacturing facility and adding a new drying room to the cultivation facility before getting the changes approved by the Department are violations of these rules.

## 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 making material changes to operations, including cultivation or security practices, before the application for changes to the facility plan have been approved by the Department. Violations of 18-691 CMR Ch. 1 § 3.5.4(B):

- a. For ACC115, OCP imposes the following fine against Mystique Operations, LLC: \$1,000 for a minor license violation in accordance with Section 10.2.3 (B)(16) of the AUCP Rule to be remitted to the Department no later than 120 days from the date of this notice.
- b. For AMF121, OCP imposes the following fine against Mystique Operations, LLC: \$1,000 for a minor license violation in accordance with Section 10.2.3 (B)(16) of the AUCP Rule to be remitted to the Department no later than 120 days from the date of this notice.

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 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 <sup>W.</sup> 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 the Attorney General