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ADMINISTRATIVE & FINANCIAL SERVICES

KIRSTEN LC FIGUEROA
COMMISSIONER

OFFICE OF CANNABIS POLICY

JOHN HUDAK
DIRECTOR

AMENDED February 15th, 2023

Mr. Levi Levesque
Mr. Stephen Lebel D/B/A Trich Town, LLC
185 North Auburn Road
Auburn, Maine 04210-8786

February 6th, 2023

Re: Notice of Administrative Action, Trich Town, LLC, ACD#200

Mr. Levesque and Mr. Lebel,

This Notice of Administrative Action is issued pursuant to the Maine Administrative Procedures Act (Maine APA), Title 5, Ch. 375, subchapter 4, to Trich Town, Adult Use Cannabis Program (AUCP) License ACD # 200, 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 September 14th, 2022, at 11:30 am, Field Investigators Victor Cote and Chris Giesecke along with Field Investigator Supervisor Jim Sweatt, conducted a routine cultivation inspection at Trich Town, ACD #200, cultivation located at 185 North Auburn Rd., Auburn.
2. Upon arrival, the Field Investigators met with both of you, and an employee, Derek Gillman.
3. The first point of inspection conducted was a measurement of the mature plant canopy. FI Cote and FIS Sweatt conducted this measurement with OCP provided measuring instruments.
4. The gross square footage of the perimeter was approximately 40,912 square feet. Upon inspecting the walkways of the cultivation, it was observed that most of the spaces were filled in by plant growth. An estimated measurement of the entire cultivation space was

approximately 30,000 to 35,000 square feet. There were 41 1/2 rows of plants with 60 plants per row.

5. At this time, Field Investigators attempted to inventory the plants with their RFID scanners. Due to the overgrown plants and the difficulty walking in the aisles, they stopped the inventory count, and it was not completed.
6. In speaking with both of you, you informed the Field Investigators that in the past two weeks the plants started growing more quickly and filled in much more than expected. It was further explained to us that last years' cultivation was not as full as this year. During a site visit, last year, Field Investigator Giesecke recalled seeing plants that were much smaller. It was explained that last year the plants had been growing from the ground which produced a much smaller yield. This years' plants were cultivated in pods. It was stated that you underestimated how quickly and full they would grow.
7. Field Investigators advised both of you to not to harvest the plants. Field Investigators also advised the need to destroy plants to get within your current Tier 4 license of 20,000 square feet.
8. Field Investigators returned to Trich Town on September 23, 2022, and met both of you. A rented chipper was used to destroy the excess plants.
9. At this point Field Investigators conducted a more accurate measurement of the gross mature cultivation perimeter which was 41,297 square feet. The entire cultivation area of mature plants was approximately 37,946 square feet.
10. You and your employees started the destruction of mature plants. Field Investigators observed the destruction process for some time, but due to the large volume of plants to destroy, it was advised that several days would be needed to complete the destruction.
11. It was agreed that after each day of destruction, photos would be sent of the destroyed plants and would contact FI Giesecke when it was completed. The entire process was captured on the security cameras.
12. After the destruction was complete, FI Cote, FIS Sweatt and FI Giesecke went back to Trich Town on September 29th to complete another measurement and inventory of plants.
13. The total square footage of mature plants was 22,326. You both identified three more rows of plants that would be destroyed. A measurement, minus these rows, brought the total square footage to approximately 20,000 square feet.
14. Field Investigators then conducted an inventory of the mature and destroyed plants using the RFID scanners. All tags were in numerical order by strain, and they were able to locate 100% of the mature plant inventory. All destroyed plants were accounted for in Metrc.
15. It was stated that a chipper would be rented again to destroy the excess plants immediately. It was agreed to send FI Giesecke photos of the destroyed plants and pods once completed. On September 30th, photos were sent of the destroyed plants and pods.
16. Mr. Levesque was asked how and why your cultivation was in excessive square footage over your tier 4 license. You stated you underestimated the growth due to last years' poor performance. You went on to state that at the point when OCP called about an

inspection, the plants started to grow at a quicker rate. You decided you would address the issue when we arrived for the inspection.

17. Mr. Levesque provided FI Giesecke with an e-mail on September 27th, explaining how and why the cultivation was not in compliance. You added there was no intent in being non-compliant.

II. Summary findings of fact and violations:

The Department finds, based upon its investigation, interviews, and inspection of Trich Town, LLC, (ACD200), 185 North Auburn Road, Auburn, Maine the following:

1. Exceeding allowable mature plant canopy. At no time may the total area in square feet in which mature cannabis plants are cultivated exceed the total area for which the cannabis cultivation licensee has been approved as indicated on the license issued to the licensee by the Department. This is in violation of 18-691 C.M.R. chapter 1 § 3.6.5.

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 exceeding allowable mature plant canopy. A violation of 18-691 CMR Ch. 1 § 3.6.5.
 - a. OCP imposes the following fine against Trich Town, LLC: \$10,000 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. OCP did observe Trich Town voluntarily destroy cannabis plants to come within their licensed Tier 4 allowed square footage.

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 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 the Attorney General