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MARYLAND MEDICAL  
CANNABIS COMMISSION

**MEDICAL CANNABIS GROWER AND PROCESSOR LICENSE  
APPLICATIONS**

GUIDANCE FOR THE DIVERSITY AND SOCIOECONOMIC EQUITY QUESTIONS

**Table of Contents**

<b>Introduction</b> .....	<b>2</b>
<b>Diversity Plan</b> .....	<b>2</b>
Question Requirements .....	2
Diversity Plan Guidelines .....	2
Supporting Documentation .....	6
<b>Disadvantaged Equity Applicants</b> .....	<b>3</b>
Question Requirements .....	3
Qualifying as a Disadvantaged Equity Applicant .....	4
Personal Net Worth Statement .....	6
Real, Substantial, and Continuing Capital Contributions .....	10
Good Faith Efforts .....	12
<b>Economically Disadvantaged Areas</b> .....	<b>13</b>
Question Requirements .....	13
Proof of Living in an Economically Disadvantaged Area .....	15
Evidence of Median Household Income .....	15
Evidence of Experiences or Business Practices that Promote Economic Development and Empowerment in Economically Disadvantaged Areas .....	16

## **I. INTRODUCTION**

Pursuant to the Code of Maryland Regulations (COMAR) 10.62.08.05 and 10.62.19.04 the Maryland Medical Cannabis Commission (the “Commission”) will allocate fifteen (15) points on the Medical Cannabis Grower License Application and Medical Cannabis Processor Application to diversity and socioeconomic equity provisions. Specifically, the diversity and socioeconomic equity section of the Application includes three (3) scored categories: (1) Diversity Plan, (2) Disadvantaged Equity Applicants, and (3) Economically Disadvantaged Areas. This document provides guidance to individuals and entities applying for a medical cannabis grower license or medical cannabis processor license on: (1) the legal requirements for the Diversity Plan, Disadvantaged Equity Applicants, and Economically Disadvantaged Areas, and (2) how to complete the mandatory questions and required supporting documentation.

## **II. DIVERSITY PLAN**

### **A. Question Requirements**

Part D of the Application requires Applicants to submit a Diversity Plan. The Diversity Plan shall consist of the following:

1. A narrative of not more than 15,000 characters that establishes a goal of diversity in ownership, management, employment, and contracting to ensure that diverse participants and groups are afforded equality of opportunity; and
2. Any supporting documentation that evidences the Applicant’s efforts and ability to promote and ensure the goals set forth in the Diversity Plan.

### **B. Diversity Plan Guidelines**

Diverse participants include, but are not limited to individuals from diverse racial, ethnic, and cultural backgrounds and communities, small businesses, women, veterans, individuals with disabilities. However, the Commission will consider any type of diverse group where an Applicant can demonstrate that an individual has been disadvantaged and therefore, inclusion of the individual as a participant in the Diversity Plan would be beneficial.

The purpose of the Diversity Plan Guidelines is to provide Applicants with direction on developing a Diversity Plan.

The following are suggestions on how to enhance a Diversity Plan:

- Explain in a high level of detail the attributes set forth in the Diversity Plan that show a real and significant commitment to the Applicant’s Diversity Plan.
- Demonstrate multiple diverse owners, investors, employees, and contractors.
- Provide detailed proof of the breakdown of currently identified diverse employees and new employee opportunities.
- Demonstrate multiple diverse participant employees in management or leadership

- roles across the Applicant's business.
- Provide an action plan to recruit, utilize, and promote diversity of an owner, investor, employee, or a contractor.
  - Demonstrate the adoption of formal internal diversity goals, describe the method that would be used to meet those goals, and identify how the goals would be tracked.
  - Provide evidence that the Applicant has engaged in or will engage in diversity-oriented outreach such as promoting or sponsoring events, providing mentoring, training, or professional development programs, or other initiatives to promote diversity.
  - Provide evidence that the Applicant participates in civic or professional groups that promote diversity.
  - Demonstrate ongoing commitment to diversity in the future and show evidence of contracting commitments such as through letters of intent or contracts signed by the Applicant demonstrating intent to contract with diverse businesses.

### **C. Supporting Documentation**

To demonstrate the diversity status of each owner, investor, employee, and contractor, the Applicant may submit the following supporting documentation:

#### **Minority or Disadvantaged Group**

- A Diversity Attestation (Attachment A) completed by a diverse participant in the Applicant's business affirming that the participant is African American, American Indian/Native American, Asian, Hispanic, a woman, or another specified minority or disadvantaged individual.

#### **Veteran**

- A copy of a Certificate of Release or Discharge from Active Duty issued by the United States Department of Defense (DD Form 214) upon a military services member's retirement, separation, or discharge from active duty in the Armed Forces of the United States.

#### **Disability**

- Medical documentation that an individual has a disability covered by the Americans with Disabilities Act (ADA) which is defined as a physical or mental impairment that substantially limits one or more major life activities.
- Evidence of receipt of Social Security Disability Income (SSDI) or Supplemental Security Income (SSI) due to disability.

**Important:** Please note that the examples of supporting documentation listed above are for illustrative purposes only and are not exhaustive. Additional types of documentation showing additional diversity may also be submitted.

### **III. DISADVANTAGED EQUITY APPLICANTS**

#### **A. Question Requirements**

##### *Disadvantaged Equity Applicant*

COMAR 10.62.01.01 defines “disadvantaged equity applicant” as an applicant who:

1. Is a member of a qualifying minority group; **AND**
2. Has a personal net worth that does not exceed \$1,713,333.

Applicants meeting these requirements may receive 3 points on the Disadvantaged Equity Applicant question (Part D, Section VI, Question 2) of the Application.

##### *Member of the Most Disadvantaged Groups*

In addition, a member of the most disadvantaged groups in the medical cannabis industry is an Applicant who:

1. Is African American, or Native American/American Indian; **AND**
2. Has a personal net worth that does not exceed \$1,713,333.

An Applicant meeting these requirements may receive 5 points on the Disadvantaged Equity Applicant question (Part D, Section VI, Question 2) of the Application.

##### *Good Faith Waiver*

An Applicant who does not meet these requirements may receive up to 5 points on this question by demonstrating “good faith” efforts to have owners and investors who meet the requirements of a disadvantaged equity applicant and/or members of the most disadvantaged groups in the medical cannabis industry.

Guidelines for Applicants attempting to qualify as a disadvantaged equity applicant, a member of the most disadvantaged groups in the medical cannabis industry, and/or the good faith waiver are included below.

#### **B. Qualifying as a Disadvantaged Equity Applicant**

The purpose of the Guidelines is to provide Applicants with direction on demonstrating whether their Application meets the legal requirements for disadvantaged equity applicant, member(s) of the most disadvantaged groups in the medical cannabis industry, and/or the good faith waiver. The following provides guidance on the legal requirements for each of these categories and the proof an Applicant must submit to receive points in this section.

##### *How to Qualify as a Disadvantaged Equity Applicant*

Each Disadvantaged Equity Applicant must demonstrate evidence of:

1. Membership in one of more of the following minority groups: African American, American Indian/Native American, Asian, Hispanic, Women as defined in COMAR 10.62.01.01B(10)(a); and

2. A personal net worth that does not exceed \$1,713,333 as defined in COMAR 10.62.01.01B(28).

**Important:** Submission of MDOT certification as a disadvantaged owner of a Minority Business Enterprise (MBE) may be provided to demonstrate an Applicant qualifies under the personal net worth cap.

*How to Qualify as a Member of the Most Disadvantaged Groups*

The Commission has identified that African Americans and American Indians/Native Americans are the most disadvantaged groups in the medical cannabis industry.

Each Applicant who indicates that a specified percent of its ownership interest is held by members of the most disadvantaged groups in the medical cannabis industry under COMAR 10.62.08.05I6(c) or 10.62.19.04I6(c) (at least 25 percent and not more than 50 percent) or COMAR 10.62.08.05I6(d) or 10.62.19.04I6(d) (at least 51 percent) must demonstrate evidence of:

1. Membership in the following minority groups: African American, or American Indian/Native American as defined in COMAR 10.62.01.01B(10)(a); and
2. A personal net worth that does not exceed \$1,713,333 as defined in COMAR 10.62.01.01B(28).

*Evidence of Membership in Qualifying Minority Groups*

**Disadvantaged Equity Applicant:**

- Submit a signed Attachment B Attestation stating that the individual is African American, American Indian/Native American, Asian, Hispanic, or a woman that includes the individual's signature (Required).

**Member of the Most Disadvantaged Groups**

- Submit a signed Attachment E Attestation stating that the individual is African American, or American Indian/Native American (Required).

**Important:** An African American or Native American/American Indian owner/investor will either complete Attachment B or Attachment E, depending on whether the Applicant entity meets the criteria for Disadvantaged Equity Applicant (51 percent or more held by any qualifying minority group) or Member of the Most Disadvantaged Groups Applicant (51 percent or more held by African American and/or Native American/American Indian).

*Applicant who is certified as a Minority Business Enterprise (MBE)*

An applicant may qualify as a Disadvantaged Equity Applicant/Member of the Most Disadvantaged Groups in the Medical Cannabis Industry by demonstrating certification as a disadvantaged owner of a certified minority business enterprise (MBE).

Any Applicant attempting to qualify as a certified MBE must provide the following information for each individual counted within the percent of ownership interest held by those certified as an MBE:

1. The Firm Name of the MBE Business
2. MBE Certification Number

**Important:** A Disadvantaged Equity Applicant or Member of the Most Disadvantaged Groups who is certified as a disadvantaged owner of an MBE is not required to complete Attachment C – Personal Net Worth Statement. Being certified as an MBE serves as sufficient proof of having a Personal Net Worth of not more than \$1,713,333.

### **C. PERSONAL NET WORTH STATEMENT**

Each Applicant who seeks to qualify as a Disadvantaged Equity Applicant/Member of the Most Disadvantaged Groups due to having a Personal Net Worth of not more than \$1,713,333 as defined in COMAR 10.62.01.01B(28) must meet the Personal Net Worth (PNW) requirements described in this section.

Each Disadvantaged Equity Applicant must submit:

1. A completed PNW Statement (Attachment C) that lists assets minus liabilities and accumulated depreciation of each individual who is counted as part of the minority ownership on the basis of PNW; and
2. Supporting documentation of assets and liabilities for each individual counted within the percent of ownership interest on the basis of PNW.

Personal Net Worth (PNW) is reported on the Personal Financial Statement form (Attachment C). This form is required for each Disadvantaged Equity Applicant/Member of the Most Disadvantaged Groups who are not certified MBEs.

The information provided on your completed Personal Net Worth (PNW) Statement will be used to determine whether an applicant meets the legal requirements for Disadvantaged Equity Applicant/Member of the Most Disadvantaged Groups.

#### **Personal Net Worth Criteria**

An individual's personal net worth according to COMAR 10.62.01.01B(28) includes only the individual's own share of assets held separately, jointly, or as community property with the individual's spouse and excludes the following:

- The individual's ownership interest in the Applicant or certified minority business enterprise;
- The individual's equity in his or her primary place of residence; or
- The cash value of any qualified retirement savings plans or individual retirement accounts.

## ASSETS

### *Joint Assets*

Indicate on the form, if any items are jointly owned. If **ASSETS** and **LIABILITES** are jointly held, these items should be halved accordingly.

### **Example:**

- John Smith is the applicant. John and Mary Smith jointly own a vacation property valued at \$200,000. They each claim 50% ownership on the property. John would only report his 50% interest (\$100,000).
- John Smith is the Applicant. Mary Smith, John's spouse, owns a vacation home valued at \$200,000. Mary owns the property in its entirety. John Smith would not include the vacation home in his PNW calculation.

### *Asset Valuation*

All assets must be reported at their current fair market values as of the date of your statement. Assessor's assessed value for real estate, for example, is not acceptable. Assets held in a trust should be included.

### *Cash on Hand and Cash Equivalents & in Banks*

Total amount of cash on hand as well as total funds deposited in U.S. and foreign financial institutions. This includes, funds accumulated in checking, savings, certificates of deposit, and money market accounts. On page 1 of the Personal Net Worth Statement form, enter the total amount of cash or cash equivalents in bank accounts, including checking, savings, money market certificates of deposit held domestic or foreign. Provide copies of the bank statement.

### *Brokerage and Custodial Accounts, Stocks, and Bonds*

The value of personal stocks, bonds, securities, and any other investments. **Do NOT include the value of stock in the Applicant firm.** Report total value on page 1, and on page 2, section 3, enter the name of the security, brokerage account, etc.; the cost; market value of the asset; the date of acquisition, and total value as of the date of the PNW statement.

### *Assets Held in Trust*

Enter the total value of the assets held in trust on page 1, and provide the names of beneficiaries and trustees, and other information in Section 6 on page 3.

### *Loans to Shareholders and Other Receivables not listed*

Enter amounts loaned to you from your firm, from any other business entity in which you hold an ownership interest, and other receivables not listed above. Complete Section 6 on page 3.

### *Real Estate*

List the current market value of all residential property, business property and land owned by the Applicant – except for the current market value of the Applicant's primary residence. This includes rental property, condominiums, beach homes, homes in other states or countries, second homes as investments, personal property leased or rented for business purposes, farm properties or any other income producing land or property. List all mortgages against these

real properties. Mortgage information is listed under **LIABILITIES** (below). Additional details on Real Estate Owned will be collected in Section 4. Be sure to identify all mortgage holders. Attach additional sheets if necessary.

**Important:** the current market value of your primary residence or any mortgage or other loan(s) against your primary residence will not be included in the PNW calculation.

*Life Insurance*

On page 1, enter the cash surrender value of this asset. In section 5 on page 2, enter the name of the insurance company, the face value of the policy, cash surrender value, beneficiary names, and loans on the policy.

*Other Personal Property and Assets*

Enter the total value of personal property and assets you own on page 1. Personal property includes motor vehicles, boats, trailers, jewelry, furniture, household goods, collectibles, clothing, and personally-owned vehicles that are leased or rented to businesses or other individuals. In section 6 on page 3, list these assets and enter the present value, the balance of any liabilities, whether the asset is insured, and lien or note information and terms of payments. For accounts and notes receivable, enter the total value of all monies owed to you personally, if any. This should include shareholder loans to the Applicant firm, if those exist. If the asset is insured, you may be asked to provide a copy of the policy. You may also be asked to provide a copy of any liens or notes on the property.

*Other Business Interests Other than Applicant Firm*

If you have ownership interest in any other business, you must declare the current fair market value of your ownership interest in each of these businesses. Use the most recent financial statements to determine the value of your ownership interest(s). Note that the Commission will not count towards your PNW the value of any other business you own that are currently certified as an MBE in the State MBE Program, the Office of MBE.

On page 1, enter the total value of your other business investments (excluding the Applicant firm). In section 7 on page 3, enter information concerning the businesses you hold an ownership interest in, such as sole proprietorships, partnerships, joint ventures, corporations, or limited liability corporations (other than the Applicant firm). Do not reduce the value of these entries by any loans from an outside firm to the Applicant business.

*Other Assets*

Current market value of the Applicant's share of ownership in any other assets that do not fit in one of the foregoing sections.

*Total Assets*

Sum total of all assets reported.

## **LIABILITIES**

### *Mortgages on Real Estate*

Enter the total balance on all mortgages payable on real estate on page 1.

### *Loans on Life Insurance*

Enter the total value of all loans due on life insurance policies on page 1, and complete section 5 on page 2.

### *Notes & Accounts Payable to Bank and Others*

Personal obligations not reflected elsewhere in the document (i.e. credit card debit, store accounts) that are not associated with the Applicant firm and are payable by the Applicant personally. On page 1, section 2, enter details concerning any liability, including the name of noteholders, original and current balances, payment terms, and security/collateral information. The entries should include automobile installment accounts. This should not, however, include any mortgage balances as this information is captured in section 4. Do not include loans for your business or mortgages for your properties in this section. You may be asked to submit a copy of note/security agreement, and the most recent account statement.

### *Unpaid Taxes*

Enter the total amount of all taxes that are currently due, but are unpaid on page 1, and complete section 8 on page 3. Contingent tax liabilities or anticipated taxes for current year should not be included. Describe in detail the name of the individual obligated, names of co-signers, the type of unpaid tax, to whom the tax is payable, due date, amount, and to what property, if any, the tax lien attaches. If none, state "NONE." You must include documentation, such as tax liens, to support the amounts.

### *Other Liabilities*

Applicant's share of any liability not previously accounted for. **Do NOT list any deferred liabilities. DO NOT list any applicant business liabilities.** On page 1, enter the total value due on all other liabilities not listed in the previous entries. In section 8, page 3, report the name of the individual obligated, names of co-signers, description of the liability, the name of the entity owned, the date of the obligation, payment amounts and terms. Note: Do not include contingent liabilities in this section. Contingent liabilities are liabilities that belong to you only if an event(s) should occur. For example, if you have co-signed a relative's loan, but you are not responsible for the debt until your relative defaults, that is a contingent liability. Contingent liabilities do not count toward your net worth until they actually become liabilities.

## **TRANSFERS OF ASSETS**

### *Transfer of Assets*

If you checked the box indicating yes on page 3 in this category, provided details on all asset transfers (within 2 years of the date of this personal net worth statement) to a spouse, domestic partner, relative, or entity in which you have an ownership or beneficial interest including a trust. Include a description of the asset; names of individuals on the deed, title, note or other instrument indicating ownership rights; the names of individuals receiving the assets and their

relation to the transferor; the date of the transfer; and the value of the consideration received. Submit documentation request on the form related to the transfer.

*Total Liabilities*

Sum total of all liabilities reported.

*Net Worth*

Total ASSETS minus total LIABILITIES.

**AFFIDAVIT**

Be sure to sign and date the Personal Net Worth Statement. The PNW Statement must be notarized.

**D. REAL, SUBSTANTIAL, AND CONTINUING CONTRIBUTIONS**

Applicants seeking to qualify as Disadvantaged Equity Applicants, Members of the Most Disadvantaged Groups in the Medical Cannabis Industry, and Economically Disadvantaged Applicants have the burden of proving membership in a disadvantaged group and/or ownership interest.

Bona fide status as a member of a minority group can be established on the basis of the individual's claim that he or she is a member of such a group through an affidavit. However, the Commission is not required to accept this claim if it determines the claim to be invalid based on the totality of the evidence.

In determining ownership interest, all the facts in the record will be considered as a whole, including the origin of all assets and how and when they were used in obtaining the business. All transactions for the establishment and ownership must be in the normal course of business, reflecting commercial and arm's-length practices.

The ownership interest, including the contribution of capital or expertise to acquire the ownership interest must be real, substantial, and continuing, going beyond pro forma ownership of the business as reflected in the ownership documents. Proof of contribution of capital must be submitted at the time of the Application. When the contribution of capital is through a loan, there must be documentation of the value of assets used as collateral for the loan.

Examples of insufficient ownership interest include, but are not limited to, an unsecured note payable to the business or an owner who is not a disadvantaged individual, mere intent to participate in the business's activities as an employee, or capitalization not commensurate with the value of the business. Debt instruments from financial institutions or other organizations that lend funds in the normal course of their business do not render a business ineligible, even if the debtor's ownership interest is security for the loan. The disadvantaged owner/investor shall enjoy the customary incidents of ownership and shall share in the risks and profits commensurate with his/her ownership interest, as demonstrated by an examination of the substance rather than the form of arrangements.

## EXAMPLES – OWNERSHIP DETERMINATIONS

1. An individual pays \$100 to acquire a majority interest in a business worth \$1 million. The individual's contribution to capital would not be viewed as substantial.
2. A 51% disadvantaged owner and a non-disadvantaged 49% owner contribute \$100 and \$10,000, respectively, to acquire a business grossing \$1 million. This may be indicative of a pro forma arrangement that does not meet the requirements of an ownership interest that is real, substantial, and continuing.
3. An individual spends \$250 to file articles of incorporation and obtains a \$100,000 loan, but makes only nominal or sporadic payments to repay the loan. This type of contribution is not of a continuing nature.
4. An individual contributes \$100,000 and agrees to serve as the chief operating officer in exchange for an ownership interest of 51 percent. If the Applicant demonstrates that the individual has specialized expertise (as discussed below) to control the day-to-day operations and bring value to the business, the arrangement may meet the requirements of an ownership interest that is real, substantial, and continuing.

All securities that constitute ownership of a business shall be held directly by disadvantaged persons. Except as provided in this paragraph, no securities or assets held in trust, or by any guardian for a minor, are considered as held by disadvantaged persons in determining the ownership of a business. However, securities or assets held in trust are regarded as held by a disadvantaged individual for purposes of determining ownership of the business, if:

- (1) The beneficial owner of securities or assets held in trust is a disadvantaged individual, and the trustee is the same or another such individual; or
- (2) The beneficial owner of a trust is a disadvantaged individual who, rather than the trustee, exercises effective control over the management, policy-making, and daily operational activities of the business. Assets held in a revocable living trust may be counted only in the situation where the same disadvantaged individual is the sole grantor, beneficiary, and trustee.

The contributions of expertise by disadvantaged owners to acquire an ownership interests must be real and substantial. The following requirements apply to situations in which expertise is relied upon as part of a disadvantaged owner's contribution to acquire ownership:

- (1) The owner's expertise must be:
  - (i) In a specialized field;
  - (ii) Of outstanding quality;
  - (iii) In areas critical to the business's operations;
  - (iv) Indispensable to the business's potential success;
  - (v) Specific to the type of work the business performs; and
  - (vi) Documented in a manner that clearly shows the contribution of expertise and its value to the business.

(2) The individual whose expertise is relied upon must also have a significant financial investment in the business.

Ownership is a factual determination which will be decided on a case-by-case basis, in consideration of all facts in the record. The Commission may interview any disadvantaged owner/investor named in the Application to discuss the associated supporting documentation and gather any additional data concerning the business operation and the role of the various owners/investors. A material misstatement of fact is grounds for denial or disqualification of an Application.

**Important:** The Commission will closely scrutinize Applicant businesses whose ownership changes prior to the final approval of a license to determine the impact of the change and the reasons for the timing of the change. If the change results in a reduction in the percentage of disadvantaged ownership, Stage One Pre-Approval may be rescinded if it adversely impacts the scoring of the Application.

## **E. GOOD FAITH EFFORTS**

Applicants seeking to qualify as a disadvantaged applicant as the result of making good faith efforts to have a specified percent of its ownership interest held by 1) Disadvantaged Equity Applicants, or 2) Members of the Most Disadvantaged Groups in the Medical Cannabis Industry, as identified by the Commission (African Americans and American Indian/Native Americans), must submit the following:

1. A detailed summary of the Applicants good faith efforts, including a description of the Applicant's steps taken to identify potential disadvantaged owners and investors;
2. Attachment B – Affidavit of Certification of Disadvantaged Equity Applicant Status for each owner and investor upon which status as a Disadvantaged Equity Applicant is relied;
3. Attachment E – Affidavit of Certification of Most Disadvantaged Members in the Medical Cannabis Industry upon which status as a member of one of the most disadvantaged groups in the medical cannabis industry is relied; and
4. Attachment D – Good Faith Efforts Documentation that contains a list of the names and addresses of all potential owners interviewed and identifies those who qualify as Disadvantaged Equity Applicants or the most disadvantaged groups in the medical cannabis industry and whether any of those disadvantaged potential owners or investors have purchased an equity share in the entity submitting the Application.

The “Good Faith Efforts” requirement means that the Applicant must demonstrate that the Applicant took all necessary and reasonable steps to achieve ownership/investment participation by the individuals who are among the specified disadvantaged population, which by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient disadvantaged participation, even though those steps were not fully successful. An Applicant seeking to score points based on good faith efforts must justify, with sufficient written documentation, the Applicant's efforts to recruit disadvantaged equity applicants or those from the most disadvantaged groups identified by the Commission (African

Americans/American Indians/Native Americans) as potential owners and investors in the business for which the Applicant is seeking a grower's or processor's license.

Whether an Applicant seeking eligibility as a disadvantaged Applicant made adequate good faith efforts will be determined by considering the quality, quantity, and intensity of the different kinds of efforts the Applicant has made. The efforts employed by the Applicant should be those that one could reasonably expect the Applicant would make to meet the disadvantaged ownership/investment goals. Mere *pro forma* efforts to meet the eligibility requirements are not adequate. Good faith efforts must extend beyond merely interviewing members of disadvantaged groups and must include documentation of offers for ownership and equity interests made to the members of the specified disadvantaged groups.

An Applicant seeking to show good faith efforts must complete Attachment D Good Faith Efforts Documentation form that contains a list of the names and addresses of all potential owners and investors interviewed and identifies those who qualify as Disadvantaged Equity Applicants or as being among the most disadvantaged groups identified by the Commission and whether any of those potential owners or investors have purchased an equity share in the entity submitting the Application. Where appropriate, good faith efforts include following up initial solicitations of interest by contacting individuals who are African American, American Indian/Native American, Asian, Hispanic, women, those with the requisite PNW of ≤\$1,713,333, or MBE firms to further determine if they are interested.

The following is a listing of potential ways to enhance the efforts that can be made and will be considered a part of the Applicant's good faith efforts to achieve a specified percentage of ownership by a Disadvantaged Equity Applicant or those from the most disadvantaged groups in the medical cannabis industry:

1. Coordinating any meetings at which individuals who are African American, American Indian/Native American, Asian, Hispanic, Women, or MBE firms could be informed of the ownership opportunity.
2. Advertising in general circulation, trade association, and minority-focused media concerning the opportunities for participation.
3. Contacting minority and women business organizations and educational institutions concerning the opportunities for ownership participation.

Please provide supporting documentation of any good faith efforts, including dates and contact information.

#### **IV. ECONOMICALLY DISADVANTAGED AREAS**

##### **A. Question Requirements**

COMAR 10.62.08.05(e) and 10.62.19.04(e) establish that an Applicant may be awarded 5 points for demonstrating that their Application meets three or more of the following criteria:

1. At least 51 percent of its ownership interest is held by one or more individuals who have lived in an economically disadvantaged area for at least 5 of the preceding 10 years;
2. A majority of the current employees live in an economically disadvantaged area;
3. A majority of current contractors live in an economically disadvantaged area;
4. At least 51 percent of its ownership interest is held by one or more individuals who are a member of a household that earns no more than 80 percent of the State median income; and
5. The applicant has significant past experiences in or business practices that promote economic development in economically disadvantaged areas.

**Important:** A “majority of current contractors,” as described in COMAR 10.62.08.05(e)(iii) and 10.62.19.04(e)(iii), means a majority of the *owners* of the Applicant’s contractors. For example, if an Applicant has agreements with a security contractor, building contractor, and technology contractor, the Applicant would need to demonstrate that the owner of 2 out of 3 of these contractors live in an economically disadvantaged area in order to meet the criteria.

Applicants who fail to meet three or more of the criteria will receive 0 points for the question.

Applicants can determine whether an owner, investor, employee, or contractor lives in an Economically Disadvantaged Area (EDA) by identifying whether the zip code tabulation area (ZCTA) associated with the address where the owner, investor, employee, or contractor lives or has lived appears on the chart below. **ZCTAs are not Zip Codes. The ZCTA is a generalized areal representation of the U.S. Postal Service ZIP Code service area developed by the U.S. Census Bureau. A ZCTA and ZIP Code associated with the same address may be different.** Therefore, to determine whether a zip code associated with an address falls within one of the 62 ZCTAs designated as Economically Disadvantaged Areas, the Applicant MUST enter the address information online as follows:

1. Go to the United States Census Bureau’s [Fact Finder webpage](https://bit.ly/2JCmR0B) - <https://bit.ly/2JCmR0B>.
2. Enter the street address (including city and state) and click “Go”

Economically Disadvantaged Areas (Zip Code Tabulation Areas)								
20626	20903	21206	21224	21531	21613	21659	21824	21864
20684	21040	21213	21225	21538	21626	21660	21835	21866
20710	21052	21215	21229	21539	21628	21672	21850	21871
20737	21130	21216	21239	21540	21632	21740	21851	21872
20743	21201	21217	21502	21542	21639	21767	21853	21875
20745	21202	21218	21523	21555	21643	21814	21856	21801
20784	21205	21223	21524	21557	21649	21817	21862	

These ZCTAs were identified by the Commission as EDAs based upon an evaluation of each socioeconomic measurement set forth within the definition of Economically Disadvantaged Area in COMAR 10.62.01.01B(13). The Commission evaluated each socioeconomic measurement (e.g. median income; unemployment rate; health insurance rate; food stamp or Supplemental Nutrition Assistance Plan (SNAP) rate; and poverty rate) by using 2012-2016 American Community Survey (ACS) socioeconomic data, which is an ongoing, nationwide survey conducted by the U.S. Census Bureau. A map of the qualifying zip codes may be viewed [here](#).

## **B. Proof of Living in an Economically Disadvantaged Area**

Each Applicant must complete Part A and Part B of the Application indicating where all owners, investors, managing directors, employees, and contractors live. For contractors the Application should put the address of the residences of the individual(s) who own the contracting businesses.

An Applicant seeking to demonstrate that an owner, an investor, an employee, or a contractor lives or has lived in an Economically Disadvantaged Area must submit supporting documentation pertaining to each individual for whom the Applicant seeks to prove lives in an EDA. For example, an Applicant may submit the following to demonstrate an individual lives or has lived in an EDA:

- Property deeds, mortgage documents or residential lease agreements.
- Financial records reflecting lease or mortgage payments that are dated and contain the name of the owner/employee/contractor.
- Records reflecting government housing assistance that are dated and contain the name of the owner/investor/employee/contractor.
- Utility bills, car registration, tax or financial records, employment records, insurance documents, or government-issued documents that are dated and contain the name and address of the owner/employee/contractor.
- Education records from a school, including transcripts or enrollment documents, which reflect the residence of the owner/investor/employee/contractor.
- Affidavit signed under penalty of perjury by a parent or former guardian or caregiver of an owner, an investor, an employee, or a contractor that describes, in detail, the time period in which the owner, investor, employee, or contractor lived in the residence of the parent, guardian, or caregiver, and which attaches documentation sufficient to prove that the residence of the parent, guardian, or caregiver was an EDA.
- Any other document an owner, an employee, or a contractor contends evidences residency in an Economically Disadvantaged Area for the requisite number of years.

**Important:** Applicants **may not** include a driver's license or similar government-issued identification that includes a photograph as evidence of living in an EDA.

### **C. Evidence of Median Household Income**

An Applicant seeking to demonstrate that an owner or investor is a member of a household that earns no more than 80 percent of the household median income in the State (\$64,620.80) must submit documentation pertaining to all of the persons living in the particular household. The median household income in Maryland is \$80,776, and therefore, 80 percent of the median household income in the State is \$64,620.80.

For those Applicants who are required to file a tax return, the following must be submitted as proof of income for each individual who is a member of the Applicant's household:

- Federal and State Income Tax Returns for the past five years

For those individuals who live in the Applicant's household who are exempt from filing a tax return, any of the following items (or combination of items) may be submitted as proof of income:

- W-2 Income Statement
- Social Security Statement
- Pension Distribution Statement
- Annuity Statement
- Bank Statements
- Unemployment Compensation
- Unemployment Statement
- Workman's Compensation Letter
- Court-ordered Awards Letter
- Severance Statement
- Proof of Bonus/Incentive Payments

### **D. Evidence of Experiences or Business Practices that Promote Economic Development and Empowerment in Economically Disadvantaged Areas**

An Applicant seeking to qualify as an Economically Disadvantaged Applicant based in part on past experiences in or business practices that promote economic development and empowerment in economically disadvantaged areas must submit a narrative that describes the Applicant's experiences or business practices along with any supporting documentation.

Evidence of these experiences or business practices may include providing access to employment and employment training; unions and union programs; credit or capital; housing; transportation; shopping facilities; places of worship, medical care; education; and establishing programs for recycling or reducing illegal dumping, littering, graffiti, and blight.