

**IN THE MATTER OF
TIMOTHY DESMOND**

Respondent

Registered Agent No.: 000595

*** BEFORE THE NATALIE M.
* LAPRADE MEDICAL
* CANNABIS COMMISSION
* Case No. 19-00012

* * * * *

PRE-CHARGE CONSENT ORDER

PROCEDURAL BACKGROUND

The Natalie M. LaPrade Medical Cannabis Commission (“the Commission”) held a pre-charge Case Resolution Conference (CRC) on January 31, 2019 with **Timothy Desmond** (the “Respondent”), Registered Agent No. **000595**, pursuant to its authority to regulate medical cannabis dispensaries under the Natalie M. LaPrade Medical Cannabis Commission Act (the “Act”) codified at Md. Code Ann., Health-Gen. § 13-3301 *et seq.* (2015 Repl. Vol. and 2018 Supp.).

Thereafter, the Respondent, along with the Administrative Prosecutor, agreed to resolve this matter as set forth herein in lieu of proceeding with formal charges. The Commission, in turn, ratified this agreement.

The pertinent provisions of the Act provide as follows:

§ 13-3308. Dispensary agents.

- (c)(1) Within 1 business day after a dispensary agent ceases to be associated with a dispensary, the dispensary shall:
 - (i) Notify the Commission; and
 - (ii) Return the dispensary agent's registration card to the Commission.
- (2) On receipt of a notice described in paragraph (1) of this subsection, the Commission shall:
 - (i) Immediately revoke the registration card of the dispensary agent; and
 - (ii) If the registration card was not returned to the Commission, notify the Department of State Police.

§ 13-3316. Regulations

The Commission shall adopt regulations to implement the provisions of this subtitle.

This Pre-Charge Consent Order is based upon the Commission's finding that the Respondent violated provisions of the Code of Maryland Regulations (COMAR), Title 10, Subtitle 62, and is subject to sanctions, pursuant to the following provisions:

10.62.30.07 Limit on Transfer of Medical Cannabis.

A licensee or registered dispensary agent may not transfer any medical cannabis to any person if the licensee or registered dispensary agent knows, or may have reason to know, that the transfer or the medical cannabis does not comply with any provision of the Health-General Article, Title 13, Subtitle 33, Annotated Code of Maryland or this subtitle.

10.62.34.01 Operational Failure Risking Diversion or Endangering Health.

In the event the Commission finds there is a reasonable likelihood of diversion, contamination of medical cannabis, or any risk to the health of a patient or any other individual, after written notice and a hearing in accordance with the State Government Article, §§10-201—10-226, Annotated Code of Maryland, the Commission may: [...]

D. Revoke the licenses, licensee, agent, employee, registration or registrant.

10.62.34.03 Violation of Requirements.

In the event the Commission finds that a licensee, registrant, agent or employee violated a requirement of this subtitle, after written notice and a hearing in accordance with the State Government Article, §§10-201—10-226, Annotated Code of Maryland, the Commission may: [...]

D. Revoke the license or registration.

FINDINGS OF FACT

The Commission finds that:

1. At all times relevant, the Respondent was, and is, a licensed dispensary agent under registration number 000595.
2. At all times relevant, the Respondent was employed as a registered agent at a dispensary located in Baltimore, Maryland (the "Dispensary").
3. On January 10, 2019, the Commission received a complaint from the owner of the Dispensary alleging an incident of employee theft.
4. According to the Complaint, on January 8, 2019, during a routine physical inventory, Dispensary employees identified 1 gm of product missing from the inventory.
5. A review of the Dispensary's video surveillance revealed that on December 31, 2018, the Respondent processed the return of three (3) medical cannabis products from a certified patient. The Respondent logged two (2) of the products into inventory and placed them in the Dispensary's designated secure location for returns.
6. The Respondent was then observed exiting the secured area with the remaining medical cannabis products in his hand and subsequently placed it into his pant pocket.
7. Respondent did not log the remaining medical cannabis product into inventory and exited the premises with it.
8. On January 9, 2019, the Respondent was interviewed and when presented with the video surveillance, admitted he stole the medical cannabis product from the Dispensary.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Commission concludes that the Respondent engaged in behavior that was a violation of COMAR 10.62.30.07, and as a result, is subject to sanctions pursuant to COMAR 10.62.34.01 and 10.62.34.03.

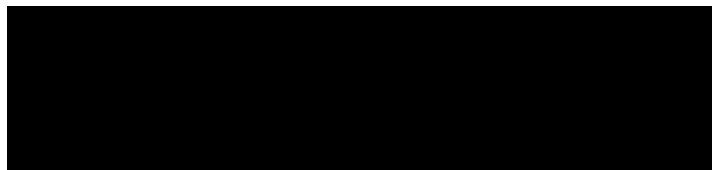
ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

ORDERED that the Respondent's agent registration, number 000595, is hereby **REVOKED** for **ONE YEAR** from the effective date of this Pre-Charge Consent Order; and it is further

ORDERED that the Respondent may petition for reinstatement of his agent registration no earlier than one month prior to the end of the revocation period, provided the Respondent meets the applicable requirements at the time of his petition; and it is further

ORDERED that this Pre-Charge Consent Order is a **PUBLIC RECORD** as defined in Md. Code Ann., Gen. Prov. § 4-101 *et seq.*

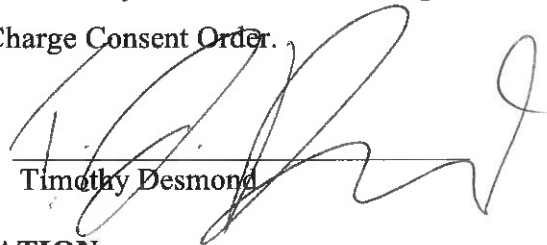


CONSENT

By this Consent, I acknowledge that I have read this Pre-Charge Consent Order in its entirety and I hereby admit the truth of the Findings of Fact, and accept and submit to the foregoing Pre-Charge Consent Order and its conditions. I acknowledge the validity of this Pre-Charge Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to legal counsel authorized to practice law in Maryland, to confront witnesses, to give testimony, to request subpoenas for witnesses, to call witnesses on my own behalf, to introduce testimony and evidence on my own behalf, and to all other substantive and procedural protections provided by law. I waive these rights, as well as any appeal rights under Md. Code Ann., State Gov't. § 10-222.

I sign this Pre-Charge Consent Order after having an opportunity to consult with an attorney, voluntarily and without reservation, and I fully understand and comprehend the language, meaning, terms, and effect of this Pre-Charge Consent Order.

5-3-2019
Date

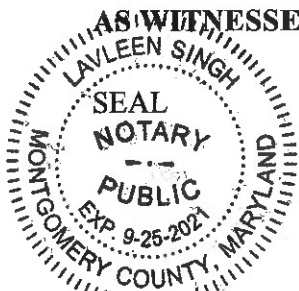

Timothy Desmond


NOTARIZATION

CITY: BALTIMORE
COUNTY: _____

I HEREBY CERTIFY that on this 3rd day of May, 2019, before me, Notary Public of the State and City/County aforesaid, **Timothy Desmond** personally appeared, and made oath in due form of law that signing the foregoing Consent Order was the voluntary act and deed of **Timothy Desmond**.

AS WITNESSETH my hand and notarial seal.





Notary Public

My Commission Expires: 09/25/2021