

<b>IN THE MATTER OF NATURE’S</b>	*	<b>BEFORE THE MARYLAND</b>
<b>CARE AND WELLNESS, LLC</b>	*	<b>CANNABIS ADMINISTRATION</b>
<b>Respondent</b>	*	
<b>LICENSE NO. DA-000006<sup>1</sup></b>	*	<b>CASE NOS. 21-00467, 22-00502</b>
	*	<b>22-00549, and 23-0011</b>
* * * * *		

**CONSENT ORDER**

The Maryland Cannabis Administration (the “Administration” or “MCA”) and **Nature’s Care and Wellness, LLC** (the “Respondent”), license number **DA-000006**, pursuant to the Cannabis Reform Act found at Md. Code Ann. Alc. Bev. & Can, § 36-503, formerly codified at Md. Code Ann., Health-Gen. (“Health Gen.”) § 13-3301, et seq. (2019 Repl. Vol. and 2021 Supp.)<sup>2</sup> and Annotated Code of Maryland Code of Maryland Regulations (COMAR) 14.17 and 10.26, hereby enter into this Consent Order in order to resolve violations of the Natalie M. LaPrade Medical Cannabis Act (the Act).

The pertinent provision of the Act is as follows:

**Health-Gen., § 13-3313.1**

(b) An advertisement for a grower, a processor, a dispensary, an independent testing laboratory, a certifying provider, or a third-party vendor may not:

- (1) Make any statement that is false or misleading in any material way or is otherwise a violation of §§ 13-301 through 13-320 of the Commercial Law Article; or
- (2) Contain a design, an illustration, a picture, or a representation that:
  - (i) Encourages or represents the recreational use of cannabis;

---

<sup>1</sup> Prior to July 1, 2023 and Respondent’s conversion of their license to the adult use program, Respondent’s medical cannabis license number was D -17-00012.

<sup>2</sup> Although the Cannabis Reform Act, codified at Md. Code Ann. Alcoholic Beverages and Cannabis, § 36-501, effective May 3, 2023, established the Maryland Cannabis Administration, this document references the Natalie M. LaPrade Medical Cannabis Commission Act as it was the governing statute at the time of the allegations set forth herein.

- (ii) Targets or is attractive to minors, including a cartoon character, a mascot, or any other depiction that is commonly used to market products to minors;
  - (iii) Displays the use of cannabis, including the consumption, smoking, or vaping of cannabis;
  - (iv) Encourages or promotes cannabis for use as an intoxicant; or
  - (v) Are obscene.
- (c) All advertising for medical cannabis, medical cannabis products, or edible cannabis products shall include a statement that the product is for use only by a qualifying patient.
- (d)(1) Any website owned, managed, or operated by a certifying provider, dispensary, grower, or processor shall employ a neutral age-screening mechanism that verifies that the user is at least 18 years of age, including by using an age-gate, age-screen, or age verification mechanism.
- (2) An advertisement placed on social media or a mobile application shall include a notification that:
- (i) A person must be at least 18 years old to view the content; and
  - (ii) Medical cannabis is for use by certified patients only.

The pertinent provisions of COMAR are as follows:

**10.62.25**

**.08 Transfer of Ownership Interest in a License**

- A. No ownership interest shall be assignable or transferable unless:
- (1) the Commission has received notice of the intent of the owner of the interest, or of the estate of the owner of the interest, to transfer or assign an ownership interest in a license or another party;
  - (2) the Commission approves the transfer or assignment;
  - (3) the transferee has paid the required fee specified in COMAR 10.62.35; and
- ....

**.11 Disclosure of Ownership and Control**

- B. The table of organization, ownership, and control shall identify the management structure, ownership and control of the licensee, including the:
- (1) Name of each owner or principal officer and any other individual or entity with the authority to control the licensee;
  - (2) The office or position held, if any; and
  - (3) The percentage of ownership interest, if any.

**10.62.27**

**.07 Video Surveillance Requirements**

A. A licensee shall maintain a motion-activated video surveillance recording system at the premises that:

...

(3) Provides a date and time stamp for every recorded frame.

**.09 Visitor to a Non-Public Area of the Premises**

A. When a visitor is admitted to a non-public area of the premises of a licensee, a registered dispensary agent shall:

(1) Log the visitor in and out.

**10.62.28**

**.02 Standard Operating Procedures.**

A. A licensee shall:

...

(2) Create and enter timely and accurate data into a perpetual inventory control system that identifies and tracks the licensee's stock of medical cannabis from the time it is delivered or produced to the time it is delivered to another licensee, a licensed grower, or a qualifying patient or caregiver.

**.03 Receipt of Products Containing Cannabis.**

A. A licensee or licensed grower that dispenses medical cannabis to patients may not:

...

(3) Transport medical cannabis to any place outside of Maryland.

**10.62.30**

**.09 Disposal of Green Waste.**

A licensee may either ship any medical cannabis that is surplus or out of date or that is waste from processing or repackaging:

A. To a licensed grower of disposal; or

B. Dispose of such material in accordance with the licensee's approved waste disposal plan.

**10.62.32**

**.03 Record Retention.**

Unless otherwise specified, a licensee, or a certifying provider shall retain a record for a period of 5 years.

**10.62.33**

**.04 Announced and Unannounced Inspections.**

...

D. During an inspection, a material misstatement, omission, misrepresentation, or untruth by the licensee or registrant or a registered agent or employee may result in:

- (1) The imposition of a civil fine;
- (2) Suspension of a license or registration; or
- (3) Revocation of a license or registration.

#### **10.62.34**

##### **.02 Pattern of Deviation from Standard Operating Procedure.**

- A. A licensee or registrant may not substantially deviate or demonstrate a pattern of deviation from the standard operating procedures or the terms set forth in the license.
- B. A licensee, registrant, agent, or employee who violates §A of this regulation is subject to a fine of up to \$5,000 per violation. The licensee, registrant, agent, or employee may:
  - (1) Elect to pay the imposed fine; or
  - (2) Request a hearing not later than 30 days after receipt of notice of the fine.
- C. In accordance with the hearing provisions of Regulation .05 of this chapter, the Commission may deny, suspend, or revoke the license or registration of a licensee, registrant, agent, or employee who violates §A of this regulation.

### **FINDINGS OF FACT**

The parties agree upon the following findings of fact:

1. At all times relevant to these Charges, Respondent operated a medical cannabis dispensary located at 4925 Pulaski Highway, Suite A, Perryville, Maryland 21903.
2. Respondent's license was awarded by the Natalie M. LaPrade Medical Cannabis Commission ("MMCC" or the "Commission")<sup>3</sup> in 2017 under license number D-17-00012.
3. The facts herein arise from one instance of self-reported conduct, three separate inspections of Respondent's dispensary by the Commission, and an anonymous complaint.

---

<sup>3</sup> The Commission preceded the Administration as the State entity responsible for regulating medical cannabis in Maryland.

**Case No. 21-00467**

4. On December 22, 2021, a Commission inspector performed an unannounced inspection at Respondent's dispensary.
5. Prior to the inspection, the inspector reviewed some of Respondent's bulk flower packages in METRC<sup>4</sup> and made the following observations:
  - a. Four negative packages ending in -43728, -57863, -18414, and -132975. "Negative packages" refers to Respondent selling re-packaged flower using the same original bulk package number but selling more than was originally in inventory, resulting in a negative balance on an original bulk package.
  - b. Respondent's agents made 1,754 package adjustments to bulk flower from October 12, 2021 to December 20, 2021, in METRC. Out of the total entries reviewed, 62 of them contained no explanation for the adjustments made, and they were all entered by the same employee.
6. A spot-check physical inspection revealed that eight packages of bulk flower were not on hand despite having been listed in Respondent's inventory in METRC.
7. The inspection also revealed that green waste was not being destroyed within seven days of being designated as green waste. Although there were 17 entries for green waste between December 12, 2021 and December 17, 2021, it had yet to be destroyed as of the December 22 inspection.
8. A review of the green waste log revealed that it did not match the green waste adjustments listed in METRC. Specifically:

---

<sup>4</sup> METRC is the Medical Marijuana (Cannabis/Marijuana) Seed-to-Sale Tracking System for the regulation of legalized medical marijuana, which includes the ability to track patient purchases against the control limits and to record any adverse reactions to the medicine (product). METRC software employs RFID Unique Identifiers. <https://www.metrc.com/partner/maryland/>

- a. Although there were only three entries in the green waste log on December 14, 2021, there were 30 package adjustments entered into METRC on that same day.
  - b. Respondent's approved waste disposal plan is a Standard Operating Procedure (SOP), which is in the form provided by the MMCC in Bulletin 2019-017, issued on 12/17/2019. The Green Waste SOP provided guidance—under “Procedure”—that, “By the close of business each day, all waste shall be documented on the Cannabis Green Waste Log attached to this standard operating procedure.” In addition, the Green Waste SOP states, “All product not manifested back to a licensed grower or processor shall immediately be rendered unusable.” Respondent's Green Waste SOP also states that, “Final destruction will occur no later than 7 days after the waste is entered into the Cannabis Green Waste Log and placed in a designated commercial waste bin for pick up and removal from the facility.” Lastly, to SOP requires, “Package adjustments, for any reason, will be immediately entered into METRC and shall contain a detailed explanation of the package adjustment.”
  - c. In these ways, Respondent was not adhering to its Green Waste SOP.
9. A review of Respondent's Delivery Manifests in METRC and available corresponding hard copies of the relevant information revealed the following:
- a. A delivery manifest was created and completed on June 28, 2021, for patient R.B., located in Ocean City, Maryland, for a sales amount of \$1,357.50. Respondent's manager was unable to locate the sales receipt or other corresponding documents related to patient R.B.'s purchase;
  - b. A delivery manifest was created and completed on June 28, 2021, for patient

A.G., located in Ocean City, Maryland, for a sales amount of \$1,391.25. Again, Respondent was unable to locate any receipts or other documentation for this purchase;

- c. Another manifest was reviewed for a sales delivery in Ocean City, Maryland to patient R.B. on November 15, 2021. Although the manifest lists patient R.B., patient A.G. (who is not a caregiver) is listed as the name of the person who signed to receive the product.
- d. A review in METRC of manifest number -56282 showed that this manifest was for a delivery in the amount of \$21,014.00 for one item, 1g, Rosetta Stone x FPOG Diamonds & Sauce. The receipt indicates that the patient was charged \$52.50. This represents a significant error in METRC reporting.

10. Further, a review of manifest numbers -59726 and -59731 revealed the following:

- a. The driving directions instructed the delivery driver to drive through Delaware to get to Berlin, MD, the package's destination. Respondent's Patient Delivery SOP requires that the delivery driver must follow the instructions listed on the manifest;
- b. The actual time of arrival for the Berlin, MD delivery (which takes over two hours) is listed in METRC as 7:44 a.m., despite the dispensary's opening time of 8 a.m. Deliveries to patients must occur within the business hours of the dispensary;
- c. The driver's next listed delivery location was in Sykesville, Maryland, with instructions to drive through Delaware to get there;
- d. Although this trip should have taken approximately three hours, the manifest

indicates that the actual time of arrival was 8:08 a.m.

11. According to the manifest ledger in METRC, numerous manifests record the same “Estimated Time of Departure,” “Estimated Time of Arrival,” and “Actual Time of Arrival” as the same time, indicating inaccurate record-keeping, at a minimum.
12. Respondent’s general manager had assured the investigator that drivers were not driving through Delaware to make deliveries.
13. The inspector reviewed six delivery manifests and all related paperwork associated with them. The inspector also reviewed Respondent’s Patient Delivery SOP, which instructs employees to follow the directions listed on the delivery manifest created and to obtain patient (or approved caregiver) signature on the delivery manifest at the time of receipt.
14. A review of the visitor log at the dispensary during the December 22, 2021 inspection revealed the following:
  - a. On two occasions in September 2021, two visitors had not signed out when leaving the dispensary;
  - b. In November 2021, two of the date lines in the log were empty; and
  - c. On two occasions in November 2021, there were four blanks where visitors should have signed out upon leaving the dispensary.
15. The inspector also reviewed Respondent’s stored video surveillance footage and found that, while Respondent had maintained the required 90 days of footage, the footage did not contain the required time and date stamp on each frame. The manager contacted the video company on the same day, and the issue was corrected.
16. On March 2, 2022, Respondent was issued a Letter of Non-Compliance related to the December 22, 2021 inspection. Respondent was provided 10 days within which to



submit a Plan of Correction to the Commission.

17. On March 14, 2022, a Plan of Correction was submitted in response to notice of probable violations in December 2021 and January 2022.

**Case No. 22-00502**

18. In November, 2022, Respondent reported to the Commission that, upon review of its ownership records, it had become aware that some transfers of its ownership interests were made without prior disclosure and approval of the Commission. At that time, Respondent submitted several Amended and Restated Annual Reports (for 2019 - 2022) and capitalization tables in order to provide corrected ownership information, and requested retroactive approval of those transfers for which it was required to seek Commission approval (i.e. transfers under 5% occurring after May 18, 2020).

19. Respondent's Amended and Restated Annual Report for 2019 revealed that in that year its Managing Member, R.W., had transferred a total of 1% of his non-voting, economic interest in Respondent to five family members, thus reducing his interest to 67%. It also revealed that in 2018, investor W.V. had transferred 1% of his non-voting economic interest in Respondent to L.C., reducing W.V.'s interest to 9%.

20. In addition, Respondent's 2019 Amended and Restated Annual Report stated that R.W. had transferred an additional 1% of his non-voting economic interest in Respondent to W.P., further reducing R.W.'s economic interest to 66% and increasing W.P.'s to 5%.

21. Respondent also submitted an Amended and Restated Annual Report for 2020, wherein Respondent self-disclosed approximately nine errors in its 2019 Annual Report and 2020 Capitalization Table, one of which included failing to include the ownership interests of at least four of its members.

22. Respondent's 2020 Amended and Restated Annual Report reflected unapproved transfers of ownership interests, all of which were less than 5%.
23. However, effective May 18, 2020, the Commission adopted amendments to COMAR 10.62.25.08A, establishing that no ownership interest shall be assignable or transferable unless: (1) the Commission has received notice of the intent of the owner of the interest, or of the estate of the owner of the interest, to transfer or assign an ownership interest in a license or another party; (2) the Commission approves the transfer or assignment; and (3) the transferee has paid the required fee specified in COMAR 10.62.35.
24. Respondent further disclosed that on December 31, 2020, R.W. acquired the additional economic interests of four other members (collectively, 1.50%), reducing their interests to 0% and increasing his economic interest to 68%.
25. Also, effective December 31, 2021, investor G.V. transferred her 0.5% interest to R.W., eliminating G.V.'s economic interest in Respondent.

**Case No. 22-00549**

26. On December 29, 2022, a Commission inspector again conducted an unannounced inspection at Respondent's dispensary.
27. Prior to the inspection, the inspector selected some of the oldest flower packages in METRC to complete a spot check during the inspection. Fourteen packages were selected for the spot check. Six of the 14 packages were located in inventory, and three packages had been green wasted the day prior to the inspection.
28. One of the packages (No. -6510) listed its remaining weight as 11.62 grams, but only seven grams were located.

29. Respondent could not locate three of the remaining seven packages from those spot-checked; nor could Respondent provide a reason for the missing product.
30. A METRC review of two of the missing packages (Nos. –33625 and –56297) indicated that erroneous adjustments must have been made during the history of the packages. Specifically, package no. –33625 was listed in METRC with a remaining weight of product of 830.8 grams (nearly two pounds), and package no. -56297 was listed in METRC with a remaining weight of 378 g (nearly one pound); however, neither package was located. Respondent could not provide an actual reason for the missing product, and speculated these losses were the result of drying and waste.
31. Two additional missing packages (Nos. – 84629 and –26521) contained concentrates that were missing 1 container each. Again, Respondent could not provide an explanation for the missing product.
32. Respondent also made an adjustment to package No. –73247, which was noted with a reason code of “theft” despite a manual entry explanation of “waste”.
33. Prior to the inspection, the inspector also reviewed Respondent’s delivery manifests in METRC.
34. Two of the delivery manifests from December 15, 2022, contained instructions for the driver to travel through Delaware in order to make deliveries.
35. Respondent’s manager advised that sometimes the software automatically inputs this information, which has to be manually corrected and that these must have been missed. He asserted that the drivers do not actually follow these directions and they do not drive through Delaware to make the deliveries.

36. During the inspection the inspector inquired about a picture of an agent holding a clear jar with flower in it.
37. Respondent's manager advised that it was a display jar only and stated that, before the flower expires, Respondent packages the flower and sells it to employees.
38. The manager was advised that this is a violation of Respondent's Green Waste SOP, and the manager stated that this practice would stop immediately.

**Case No. 23-0011**

39. In the winter of 2022, MMCC's investigator reviewed an anonymous complaint that included a video posted to Respondent's Facebook page.
40. The video showed Respondent's display at a Maryland wine festival and two people donning clear jugs on their heads and using a tube from the jug to their mouth in order to inhale smoke. This practice is known as "hot boxing."
41. Respondent's manager admitted to the investigator that the video was filmed on September 24, 2022, and that hot boxing had occurred several times that day.
42. The manager advised that he had assisted participants in hot boxing by providing smoke to the jugs over participants' heads via a tube.
43. Respondent's manager asserted that the substance provided for hot boxing was hemp CBD, but there was no signage at the event indicating the same.
44. Two additional registered agents of the dispensary were also present for the event.
45. Also, in October 2022, Respondent published an ad on its Facebook page depicting a cartoon scene potentially attractive to minors wherein it advertised an event called "Halloweed" instead of "Halloween."

46. Upon request, Respondent provided all advertising photographs, videos and other advertisements for holidays and events it hosted, including over 100 advertisements and 40 videos.
47. A number of the daily advertisements posted on Respondent's Facebook page did not contain the required statement that "Medical Cannabis is for use only by a qualifying patient."

### **CONCLUSIONS OF LAW**

48. Respondent violated COMAR 10.62.32.03 by failing to maintain records as set forth herein (e.g. Respondent's failure to produce the requested delivery manifests).
49. Respondent violated COMAR 10.62.28.02A(2) by failing to accurately document in METRC its delivery manifests with the actual times of deliveries.
50. Respondent violated COMAR 10.62.28.02.A(2) by failing to maintain a perpetual inventory in METRC of repackaged flower on four occasions, as set forth herein, so that it could be accounted for from the initial repackaging until it was dispensed in its entirety.
51. Respondent violated COMAR 10.62.25.11.A(1) for failing to timely file Annual Reports with the Commission for 2019, 2020, and 2021.
52. Respondent violated COMAR 10.62.25.11.B. by filing inaccurate Annual Reports with the Commission for 2019, 2020, 2021 and 2022.
53. Respondent violated COMAR 10.62.27.07 by failing to maintain a video surveillance system that provides a date and time stamp for every recorded frame.
54. Respondent violated COMAR 10.62.27.09 by failing to maintain an accurate visitor log.
55. Respondent violated COMAR 10.62.25.08 by failing to seek and obtain the Commission's approval prior to transferring ownership interests as stated herein.

56. Respondent violated COMAR 10.62.34.02 by allowing someone other than a patient to accept a medical cannabis delivery and sign for the same because it was impossible for the delivery driver to verify the patient's identity, as required by Respondent's SOP and COMAR.
57. Respondent also violated COMAR 10.62.34.02 by failing to adhere to its own visitor and green waste SOPs.
58. Respondent also violated COMAR 10.62.34.02 by failing to adhere to its own SOP regarding inventory of medical cannabis.
59. Respondent violated Md. Code Ann., Health-Gen., § 13-3313.1 by using advertisement images, live and on social media, which promote the recreational use of cannabis.
60. Respondent violated Md. Code Ann., Health-Gen., § 13-3313.1(d) by not consistently using an age gate for its Facebook page and ads.

### **ORDER**

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

**ORDERED** that Respondent shall pay a fine to the Commission's Compassionate Use Fund in the amount of \$37,000.00, \$7,000.00 of which shall be paid at execution of this Consent Order, and the remaining \$30,000.00 shall be paid in six (6) monthly installments of \$5,000.00 every thirty (30) days thereafter; and it is further

**ORDERED** that Respondent shall successfully complete and submit retroactive transfer requests for those unauthorized transfers identified herein, including payment of all associated fees, within 30 days of the date of this Order; and it is further

**ORDERED** that Respondent shall, within one year from the date of this Consent Order:

1. Demonstrate the successful completion of all courses offered by Metrc relating to adjustments and inventory management, including at least three levels of Metrc training, by all of its employees, new and continuing;
2. Demonstrate removal of all ads from its website and any of its social media sites which contain ads violative of the Act and COMAR as referenced herein;
3. Demonstrate compliance with Metrc and/or the MCA in the completion of quarterly inventory audits;
4. Submission of the items described in paragraphs 1-3 above shall be submitted to Todd Liddick, Compliance Supervisor, as prescribed;

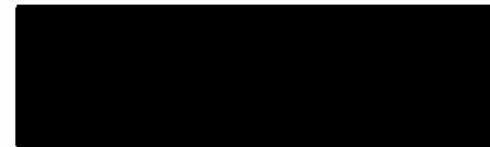
and it is further

**ORDERED** that Respondent shall be responsible for the costs associated with complying with this Order; and it is further

ORDERED that this Consent Order is a PUBLIC DOCUMENT pursuant to Md. Code Ann, Gen. Prov. § 4-333(b)(7) (2019 Repl. Vol., 2023 Supp.)

12-12-2023

Date



William Tilburg, Acting Executive Director  
Maryland Cannabis Administration

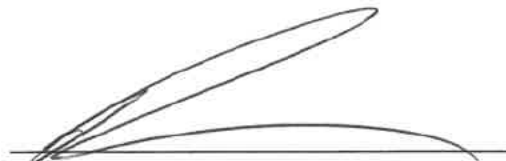
**CONSENT**

I, Robert L. Windsor am the Managing Member of Nature's Care and Wellness, LLC ("Respondent") and have legal authority to enter into this agreement on behalf of Respondent. Respondent acknowledges that it has had the opportunity to seek advice of counsel in this matter. By this Consent, Respondent agrees and accepts to be bound by this Consent Order and its conditions and restrictions. Respondent waives any rights they may have had to contest the Findings of Fact and Conclusions of Law.

Respondent acknowledges the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which the Respondent would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on their own behalf, and to all other substantive and procedural protections as provided by law. Respondent acknowledges the legal authority and the jurisdiction of the Administration to initiate these proceedings and to issue and enforce this Consent Order. Respondent also affirms that it is waiving its rights to appeal any adverse ruling of the Administration that might have followed any such hearing.

I sign this Consent Order with authority on behalf of Respondent after having had the opportunity to consult counsel, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Consent Order and understand its meaning and effect.

1/11/24  
Date

  
Representative for Respondent  
Robert L. Windsor



NOTARY

STATE OF Maryland

CITY/COUNTY OF: Baltimore

I HEREBY CERTIFY that on this 11<sup>th</sup> day of January 2024  
before me, a Notary Public of the State and County aforesaid, personally appeared  
Robert Lee Windsor, on behalf of  
Nature's Care + Wellness, LLC, and gave oath in due form of law  
that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal.

Notary Public 



My commission expires: July 25, 2027