

IN THE
COURT OF APPEALS OF MARYLAND

September Term, 2017

No. 98

JANE AND JOHN DOE, *et al.*,

Appellants,

v.

ALTERNATIVE MEDICINE MARYLAND, LLC, *et al.*,

Appellees.

*On Writ of Certiorari to the Court of Special Appeals
(The Honorable Barry G. Williams)*

RECORD EXTRACT

Volume 2 of 3

Arnold M. Weiner, Esq.
Michael D. Berman, Esq.
Barry L. Gogel, Esq.
Rifkin Weiner Livingston LLC
2002 Clipper Park Road, Suite 108
Baltimore, MD 21211
(410) 769-8080
aweiner@rwillaw.com
mberman@rwillaw.com
bgogel@rwillaw.com

Alan M. Rifkin, Esq.
Rifkin Weiner Livingston LLC
225 Duke of Gloucester Street
Annapolis, MD 21401
(410) 269-5066
arifkin@rwillaw.com

*Attorneys for Appellants Jane and John
Doe, Curio Wellness, LLC, Doctor's
Orders Maryland, LLC, Green Leaf
Medical, LLC, Kind Therapeutics, USA,
LLC, SunMed Growers, LLC, Maryland
Wholesale Medical Cannabis Trade
Association, and, the Coalition for Patient
Medicinal Access, LLC*

Record Extract -- Table of Contents

Pursuant to Rule 8-501(i), the date of filing of each paper reproduced in the extract is stated at the head of the copy in the extract.

Volume I

Certified Case Docket, 06/12/2017 E 1

DOCKET #: 88/1, Order of Court [Order Appealed From], 06/02/2017..... E 29

DOCKET #: 24/6, ORDERED, that the Proposed Intervening Defts' Motion to Intervene (Pleading No. 24) is hereby DENIED, Williams, B., Judge [Order Appealed From], 02/21/2017E 33

DOCKET #: 38/2, Order of Court ORDERED, that the Proposed Intervening Defendant Holistic Industries, LLC’s Motion to Intervene (Pleading No. 38) is hereby Denied, Williams, B., Judge [Order Appealed From], 02/23/2017 E 36

DOCKET #: 101/1, Order of Court ORDERED that ForwardGro, LLC's request to "govern itself as party" going forward in this matter is DENIED; etc., Williams, B., Judge [Order Appealed From], 05/31/2017 E 39

DOCKET #: 1/0, Complaint for Declaratory Judgment and Preliminary and Permanent Injunctive Relief, 10/31/2016 E 41

DOCKET #: 1/1, Answer to Complaint for Declaratory Judgment Filed by DEF001Natalie M. LaPrade Maryland Medical Cannabis Commission, DEF002 Maryland Department of Health and Mental Hygiene, 03/10/2017 E 64

DOCKET #: 20/0, Notice of Service of Discovery Material filed by Alternative Medicine Maryland, LLC, 12/02/2016 E 83

DOCKET #: 21/0, Defendants' Motion to Dismiss, or in the alternative, Motion for Summary Judgment Filed by DEF001 Natalie M. LaPrade Maryland Medical Cannabis Commission, DEF002 Maryland Department of Health And Mental Hygiene, 12/12/2016..... E 85

DOCKET #: 21/1, Pages 1 and 8 of Opposition To Defendants' Motion To Dismiss, Or In the Alternative, Motion for Summary Judgment, With Exhibits And Request For Hearing, 12/30/2016	E 89
Exhibit 1: Article by Michael Dresser – October 14, 2016	E 92
Exhibit 2: Article by Fenit Nerappil – August 26 [no year provided by author]	E 96
DOCKET #: 21/2, Supplement to Opposition to Defendants' Motion to Dismiss, or in the alternative Motion for Summary Judgment, 02/17/2017	E 103
Exhibit 1: Affidavit of Plaintiff’s Counsel Byron B. Warnken	E 105
DOCKET #: 21/3, Order of Court ORDERED that the Defts' Motion to Dismiss, or in the Alternative, for Summary Judgment (Pleading No. 21) is hereby DENIED, Williams, B., Judge, 02/21/2017	E 112
DOCKET #: 24/0 Motion To Intervene, With Exhibits (Entry Of Appearance Attached But Not Entered) Filed by INT003-Doe, INT004-The Coalition For Patient Medicinal Access, LLC, INT005-Curio Cultivation LLC, INT002-Doe, INT008-SunMed Growers, LLC, 12/30/2016	E 115
Exhibit 1: Motion to Specially Assign Consolidate, and Dismiss this Action.....	E 125
DOCKET #: 30/0, Line Filed By Proposed Intervening Defendants [REDLINES OMMITTED], 01/03/2017.....	E 133
Final Copy of corrected Exhibit 1 to Motion to Intervene filed on December 30, 2016.....	E 137
Final Copy of corrected entry of appearance	E 143
DOCKET #: 24/2 Response To Motion To Intervene Filed by DEF001Natalie M. LaPrade Maryland Medical Cannabis Commission, DEF002 Maryland Department Of Health And Mental Hygiene, 01/05/2017	E 148

Attachment 1: Defendant's Initial Response to Motion to Specially Assign, Consolidate, and Dismiss the Action, 01/05/2017.....	E 151
DOCKET #: 24/3 Intervening Defendant’s Line Supplementing Motion To Intervene, With Objection, And Rule 2-504 Request For Scheduling Conference, With Exhibits And Request For Hearing [REDLINES OMITTED], 01/12/2017	E 155
Exhibit A: January 12, 2017 Letter to The Honorable W. Michel Pierson	E 164
Exhibit B: E-mail chain dated January 11, 2017	E 167
Exhibit C: E-mail chain dated January 4, 2017.....	E 170
Exhibit D: E-mail chain dated January 9, 2017.....	E 174
DOCKET #: 24/4 Opposition to Motion to Intervene and Request for Hearing filed by Alternative Medicine Maryland, LLC, 01/05/2017	E 179
DOCKET 24/5 Cover Page and Exhibits to Reply Memorandum filed by INT003-Doe, INT004-The Coalition For Patient Medicinal Access, LLC, INT005-Curio Cultivation LLC, INT002-Doe, INT008-SunMed Growers, LLC, 01/11/2017	E 188
Exhibit A: E-mail chain dated January 10, 2017	E 190
Exhibit B: E-mail chain dated January 9, 2017	E 194
DOCKET #: 26/2, Order of Court ORDERED, that the Proposed Intervening Defts' Motion to Consolidate (Pleading No. 26 & 40) is hereby Denied, Williams, B., Judge, 02/21/2017	E 199
DOCKET #: 27/3, Order of Court ORDERED, that the Proposed Intervening Defendant’s Motion to Dismiss (Pleading No. 27 & 39) is hereby DENIED as moot, 02/21/2017	E 203
DOCKET #: 32/1, Page 1 of Intervenors’ Reply In Support Of Motion To Specially Assign, and Signature Page, Filed by INT003-Doe, INT004-The Coalition For Patient Medicinal Access, LLC, INT005-Curio Cultivation LLC, INT002-Doe, INT008-SunMed Growers, LLC, 01/11/2017	E 206

Exhibit A: E-mail chain dated 01/10/2017	E 209
Exhibit B: E-mail chain dated 01/09/2017	E 213
DOCKET #: 34/0, Alternative Medicine Maryland, LLC’s Notice of Service of Discovery Material, 01/05/2017	E 218
DOCKET #: 38/0, Motion to Intervene, Exhibits and Request for Hearing filed by Holistic Industries, LLC, 01/25/2017	E 220
Exhibit A: Motion to Specially Assign, Consolidate, and Dismiss filed 01/03/2017	E 228
DOCKET #: 38/1, Alternative Medicine Maryland, LLC’s Opposition to Proposed Intervenor Holistic Industries, LLC's Motion to Intervene and Request for Hearing, 02/09/2017	E 233
DOCKET #: 39/0, Proposed Motion to Dismiss filed by Proposed Intervening Defendants INT003-Doe, INT004-The Coalition For Patient Medicinal Access, LLC, INT005-Curio Cultivation LLC, INT002-Doe, INT008-SunMed Growers, LLC -- SEE ENTRY #27/3 FOR ORDER OF COURT [REDLINES OMITTED], 01/03/2017	E 239
DOCKET #: 42/0, Order of Court, It is this 7th day of February 2017 Ordered this case is specially assigned to Honorable Barry Williams for all further proceedings, Pierson, J, 02/07/2017.....	E 246
DOCKET #: 45/0, Line with affidavits Filed by INT003-Doe, INT004-The Coalition For Patient Medicinal Access, LLC, INT005-Curio Cultivation LLC, INT002-Doe, INT008-SunMed Growers, LLC, 2/20/2017	E 247
Affidavit of Michael G. Bronfein dated 01/23/2017	E 251
Affidavit of Jake Van Wingerden dated 01/23/2017	E 255
Affidavit of ForwardGro, LLC dated 01/23/2017	E 259
Affidavit of Parent of Jane and John Doe dated 01/23/2017	E 263
DOCKET #: 46/0, Alternative Medicine Maryland, LLC’s Notice of Service of Discovery Material, 03/10/2017	E 266

DOCKET #47/0, Appeal Order to COSA Filed by INT002 Doe, INT003 Doe, INT004 The Coalition For Patient Medicinal Access, LLC, INT005 Curio Cultivation LLC, INT006 ForwardGro LLC, INT007 Doctors Orders Maryland LLC, INT008 SunMed Growers, LLC 03/15/2017 E 268

DOCKET #: 48/0, Appeal Order to COSA Filed by Proposed Intervening Defendant, Holistic Industries, LLC, 03/16/2017.....E 272

DOCKET #: 49/0, Alternative Medicine Maryland, LLC’s Notice of Service of Discovery Material, 03/17/2017 E 275

DOCKET#: 52/0, Amended Appeal Order to COSA Filed by INT002-Doe, INT003-Doe, INT004-The Coalition For Patient Medicinal Access, LLC, INT005-Curio Cultivation LLC, INT006-ForwardGro LLC, INT007-Doctors Orders Maryland LLC, INT008-SunMed Growers, LLC [REDLINES OMITTED], 3/22/2017 E 277

DOCKET #: 54/0, Transcript of Proceedings held on 02/21/17 before Judge Barry G. Williams for Case No. 24-C-16-005801, 02/21/17 E 281

Transcript of Proceedings held on 02/21/17 before Judge Barry G. Williams for GTI Case No. 24-C-16-005134 E 324

Volume II

DOCKET #: 55/0, Appeal Order to COSA Order To Proceed No. 00040 September Term, 2017, 3/28/2017 E 363

DOCKET #: 57/1, Order of Court Denying #57, #58, and #59, 5/03/2017 E 364

DOCKET #: 67/0, Appeal Order to COSA Filed by DEF001-Natalie M. LaPrade Maryland Medical Cannabis Commission, DEF002-Maryland Department Of Health And Mental Hygiene, 5/08/2017 E 367

DOCKET #: 68/0, Motion to Stay Circuit Court Proceedings Pending Further Review Filed by DEF001-Natalie M. LaPrade Maryland

Medical Cannabis Commission, DEF002-Maryland Department Of Health And Mental Hygiene, 05/08/2017	E 369
Exhibit 1: Notice of Appeal, 05/08/2017	E 373
Exhibit 2: Certified Docket, 05/08/2017	E 376
Exhibit 3: Affidavit of Commissioner Col. Harry Robshaw, III, 2/12/2016	E 395
DOCKET #: 68/1, Alternative Medicine Maryland, LLC’s Response in Opposition to Motion to Stay and Request for Hearing, 05/15/2017	E 399
DOCKET #: 68/2, Order of Court, 05/26/2017.....	E 408
DOCKET #: 72/0, Alternative Medicine Maryland, LLC’s Motion for Emergency Temporary Restraining Order and Request for Immediate Emergency Hearing, 5/15/2017	E 409
Pages 1 and 22 of Alternative Medicine Maryland, LLC’s Memorandum of Law in Support of Motion for Emergency Temporary Restraining Order and Request for Immediate emergency hearing	E 415
Exhibit A: Complaint for Declaratory Judgment and Preliminary and Permanent Injunctive Relief [Omitted; <i>see</i> Docket 1/0]	E 418
Exhibit B: Affidavit of Professor F. Michael Higginbotham (with exhibits).....	E 419
Exhibit C: Affidavit of Dr. Gregory Daniel, Managing Member Plaintiff Alternative Medicine Maryland, LLC (with exhibits	E 477
Exhibit D: Article by Erin Cox with the Baltimore Sun dated April 29, 2017	E 493
Exhibit E: Transcript of Conference Call dated April 14, 2017	E 499
Exhibit F: Deposition transcript of Harry “Buddy” Robshaw dated May 10, 2017	E 538
Exhibit G: Letter to Delegate West dated March 13, 2015	E 623
Exhibit H: Letter to Special Secretary Rhee dated April 27, 2017	E 627
DOCKET #: 72/1, Opposition to Plaintiff's Motion for Emergency Temporary Restraining Order and Request for Order to Show Cause Why a Preliminary Injunction Should Not be Granted, with Exhibits Filed by DEF002-Maryland Department Of Health And Mental	

Hygiene, DEF001-Natalie M. LaPrade Maryland Medical Cannabis Commission 05/17/2017	E 629
Exhibit: Affidavit of Mary-Jo Mather dated July 17, 2017	E 638
Exhibit: July 19, 2016 Letter from Maryland Department of Health and Mental Hygiene	E 642
Exhibit: July 19, 2016 Letter from Alternative Medicine Maryland	E 646
Exhibit: Grower Applicant E-mail List	E 650
Exhibit: Unique Identifier County List	E 652
Exhibit: Comments for Regulations for June 14 th , 2016 Meeting of the Policy Committee	E 654
 DOCKET #: 72/2, Commission's Supplement to Commission's Opposition to Plaintiff's Motion for Emergency Temporary Restraining Order and Request for Order to Show Cause Why a Preliminary Injunction Should Not be Granted, with Exhibits Filed by DEF001-Natalie M. LaPrade Maryland Medical Cannabis Commission, DEF002-Maryland Department Of Health And Mental Hygiene, 05/24/2017	 E 655
Exhibit 1: Affidavit of Jennifer Porcari, 05/16/2017	E 658
Exhibit 2: Affidavit of Jennifer Beedie, 05/22/2017	E 662
 DOCKET #: 72/5, ForwardGro's Memorandum in Opposition to Preliminary Injunction, [Exhibit A Omitted See Dkt 54/0] 05/30/2017 [Printed in Vol. III]	 E 1070
Exhibit B: E-mail from Alyson Kierzewski	E 1078
Exhibit C: Affidavit of Gail L. Rand.....	E 1081
Exhibit D: Affidavit of Debra Kimless, M.D.....	E 1087
Exhibit E: Affidavit of Gary Mangum	E 1093
Exhibit F: Affidavit of Carol Loveless.....	E 1100
 Transcript of Proceedings on Motion for TRO Hearing Case No. 24-C-16- 005801 before the Honorable Barry G. Williams, 05/25/17 [Printed in Vol. III]	 E 1017
 DOCKET #: 72/3, Order Granting Pltf's Emergency Motion For Temporary Restraining Order, 5/25/2017	 E 667

DOCKET #78/0, Court of Special Appeals Order of Court, 05/19/2017	E 670
E-mail Correspondence from Alyson Parker-Kierzewski, Law Clerk to the Honorable Barry G. Williams, 05/25/2017	E 671
DOCKET #: 82/0, Line filing bond pursuant to Order Dated May 25, 2017, 05/26/2017	E 672
DOCKET #: 83/0, Motion to Shorten Time to Respond to Renewal of the Motion to Intervene, Motion to Intervene in this Action, to Consolidate, for Stay Pending Appeal and Motion to Continue June 2, 2017 Hearing; and Opposition to Motion for Preliminary Injunction Filed by Jane Doe, John Doe, Curio Wellness, LLC, Doctor’s Orders Maryland, LLC, Green Leaf Medical, LLC, Kind Therapeutics, USA, LLC, SunMed Growers, LLC, Maryland Wholesale Medical Cannabis Trade Association, and, Coalition for Patient Medicinal Access, LLC, 05/30/2017	E 678
DOCKET #: 84/0, Motion to Continue June 2, 2017 Hearing Filed Jane Doe, John Doe, Curio Wellness, LLC, Doctor’s Orders Maryland, LLC, Green Leaf Medical, LLC, Kind Therapeutics, USA, LLC, SunMed Growers, LLC, Maryland Wholesale Medical Cannabis Trade Association, and, Coalition for Patient Medicinal Access, LLC [Exhibit Omitted See Docket # 89/0], 05/30/2017	E 686

Volume III

DOCKET #: 85/0, Emergency Motion to Dissolve or Modify TRO; for Renewal of the Motion to Intervene; to Intervene in this Action; to Consolidate; for Stay Pending Appeal; and in Opposition to Motion for Preliminary Injunction, with Exhibits Filed by Jane Doe, John Doe, Curio Wellness, LLC, Doctor’s Orders Maryland, LLC, Green Leaf Medical, LLC, Kind Therapeutics, USA, LLC, SunMed Growers, LLC, Maryland Wholesale Medical Cannabis Trade Association, and, Coalition for Patient Medicinal Access, LLC, 05/30/2017	E 695
Exhibits A. 1 – A. 25: Affidavits in Support of Motion.....	E 705
Exhibit B: Affidavit of Edward L. Weidenfeld	E 794
Exhibit C: E-mail Chain dated May 25, 2017	E 813
Exhibit D: Senate Bill 1197	E 815

Exhibit E: House Bill 1443	E 827
Exhibit F: Letter from DHMH dated March 29, 2017	E 843
Exhibit G: E-mail Chain dated May 26, 2017	E 846
Exhibit H-1: Court of Special Appeals Briefing Order dated May 25, 2017.....	E 849
Exhibit H-2: Court of Special Appeals Briefing Order dated May 16, 2017	E 854
 DOCKET #: 96/0, Line With Exhibits and Affidavits Filed by INT003- Doe, INT002-Doe, INT005-Curio Cultivation LLC, INT007-Doctors Orders Maryland LLC, INT008-SunMed Growers, LLC, INT004-The Coalition For Patient Medicinal Access, LLC, 05/31/2017	 E 859
 E-mail chain dated May 31, 2017	E 863
Affidavits (Exhibit A.26-A.51) to supplement Exhibit A to Movants’ May 30, 2017 filing.....	E 865
 DOCKET #: 87/0, Renewed Motion to Consolidate, with Exhibits, filed by Holistic Industries, LLC, 05/31/2017	 E 952
 [See Docket # 85/0] [Exhibit Omitted], 05/31/2017	E 956
 DOCKET #: 89/0, Motion to Continue June 2, 2017 Hearing filed by Holistic Industries, LLC, [Exhibit Omitted; see docket #84/0], 05/31/2017	 E 957
 DOCKET #: 88/0, Emergency Motion to Dissolve or Modify Temporary Restraining Order, and Opposition to the Motion for Preliminary Injunction Filed by Holistic Industries, LLC, 05/31/2017.....	 E 962
 Exhibit 1: Affidavit of Josh Genderson dated May 30, 2017	E 968
 DOCKET #: 98/0, Temescal Wellness Consolidated Motion to Dissolve or Modify TRO etc. with Exhibit 1 and Request for Hearing, 05/31/2017 [Printed in Vol. III]	 E 1103
 Exhibit 1: Affidavit of Edward T. Rebholz, Jr. [Printed in Vol. III]	E 1108

DOCKET #: 90/0, Motion to Stay Pending Outcome of Related Appeal, with Request for Hearing, 05/31/2017	E 975
Exhibit A: Court of Special Appeals Briefing Order	E 980
DOCKET #: 91/0, Motion to Shorten Time filed by Holistic Industries, LLC, 05/31/2017	E 985
DOCKET #: 93/0, Renewed Motion to Intervene and Request for Hearing filed by Holistic Industries, LLC 5/31/2017	E 989
DOCKET #: 94/0, Notice of Withdrawal of Appearance of Rifkin Weiner Livingston for ForwardGro, LLC, 05/31/2017	E 997
DOCKET #: 99/0 Bench Memorandum pages 1, 3, and 10 Filed by Alternative Medicine, Maryland, LLC, 06/01/2017	E 1001
DOCKET #: 101/0, Notice of Appearance of New Counsel, 05/30/2017	E 1004
Exhibit A: E-mail chain dated May 25, 2017	E 1007
DOCKET #: 103/0, Appeal Order to COSA Filed by INT007-Doctors Orders Maryland LLC, INT001-Holistic Industries, LLC, INT002-Doe, INT003-Doe, INT004-The Coalition For Patient Medicinal Access, LLC, INT005-CurioCultivation LLC, INT006-ForwardGro LLC, INT008-SunMed Growers, LLC, INT009-TemescaWellness Of Maryland, LLC [Attachment omitted; <i>see</i> Docket #: 88/1], 06/01/2017	E 1009
Order, In the Court of Appeals of Maryland, Petition Docket No. 148 (No. 40, Sept Term, 2017 Court of Special Appeals), 6/09/2017	E 1014
Writ of Certiorari, In the Court of Appeals of Maryland, Petition Docket No. 148 September Term 2017 (No. 40 Sept. Term, 2017 Court of Special Appeals), 06/09/2017	E 1016

Jane Doe et al.
vs.
Alternative Medicine Maryland LLC et al.

*
*
* IN THE
* COURT OF SPECIAL APPEALS
*
* No. 00040
* September Term, 2017
*
*

ORDER

The Court of Special Appeals, pursuant to Maryland Rule 8-206(a)(1), orders and directs that the above captioned appeal proceed without a Prehearing Conference.

BY THE COURT



PETER B. KRAUSER, CHIEF JUDGE

Date: March 28, 2017

MARILYN BENTLEY, CLERK
CIRCUIT COURT FOR BALTIMORE CITY
(See attached Mailing List)

Dear Clerk: Will you kindly place this order with the record in this cause (024C16005801). The date of this Order establishes commencement of the 10 day period under Md. Rule 8-411(b) and the 60 day period for transmittal of the record under Md. Rule 8-412(a).

ALTERNATIVE MEDICINE MARYLAND,
LLC,
Plaintiff

* IN THE
* CIRCUIT COURT

v.

* FOR

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMMISSION,
et al.,

* BALTIMORE CITY

* Case No.: 24-C-16-005801

Defendants

*

* * * * *

ORDER

Upon consideration of the Defendants' Motion for a Protective Order (#57), Motion to Quash Subpoena for Deposition (#58) and Emergency Motion to Shorten Time for Response (#59), and any and all responses thereto, and noting that Defendants attached the affidavit of Commissioner Harry Robshaw to their previously filed Motion to Dismiss and in the alternative Motion for Summary Judgment, which included statements concerning the grower subcommittee's selection process, and offered that affidavit in support of their motion, and noting that Commissioner Harry Robshaw has made public comments concerning the grower subcommittee's deliberations and selection process, the Defendants cannot now invoke either the deliberative process privilege or executive privilege to forestall discovery of information concerning the grower subcommittee's deliberations and the selection process, it is this 3rd day of May, 2017, by the Circuit Court for Baltimore City;

ORDERED that Defendants' Motion for a Protective Order (#57) is hereby **DENIED**; and it is further

ORDERED that Defendants' Motion to Quash Subpoena for Deposition (#58) is hereby **DENIED**; and it is further

ORDERED that Defendants' Emergency Motion to Shorten Time for Response (#59) is hereby **DENIED**; and it is further

ORDERED that Plaintiff Alternative Medicine Maryland, LLC be permitted to depose Commissioner Harry Robshaw on May 10, 2017.

Judge's Signature Appears
On Original Document

Judge Barry G. Williams
Circuit Court for Baltimore City

**TRUE COPY
TEST**

Marilyn Bentley

MARILYN BENTLEY, CLERK



CIRCUIT COURT FOR BALTIMORE CITY

Marilyn Bentley
Clerk of the Circuit Court
Courthouse East

111 North Calvert Street - Room 462

Baltimore, MD 21202-

410-333-3722 TTY for Deaf: (410)-333-4389

May 8, 2017

Case Number: 24-C-16-005801 / OG /

Alternative Medicine Maryland, LLC Vs Natalie M.

Brian S Brown Esq
Brown & Barron LLC
7 St. Paul Street
Suite 800
Baltimore, MD 21202

FOLD HERE

E 000366

ALTERNATIVE MEDICINE
MARYLAND, LLC

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMMISSION,
et al.,

Defendants.

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* Case No.: 24-C-16-005801
*

* * * * *

NOTICE OF APPEAL

The Natalie M. LaPrade Maryland Medical Cannabis Commission, all individually-named commissioners, and the Department of Health and Mental Hygiene, note an appeal to the Court of Special Appeals in the above-captioned case.¹

Respectfully submitted,

BRIAN E. FROSH
Attorney General of Maryland



HEATHER B. NELSON
Assistant Attorneys General
300 W. Preston Street, Suite 302
Baltimore, Maryland 21201
Office: (410) 767-1877
Fax: (410) 333-7894
heather.nelson1@maryland.gov

May 8, 2017

Attorneys for Defendants

¹ This notice relates to the May 3, 2017, Order.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of May, 2017, a copy of the Defendants' Notice of Appeal was electronically mailed and mailed via first-class mail postage prepaid to:

Byron L. Warnken
Byron B. Warnken
WARNKEN, LLC
2 Reservoir Cir. #104
Baltimore, MD 21208
443-921-1100
Byron@warnkenlaw.com

John A. Pica, Jr.
John Pica and Associates, LLC
14 State Circle
Annapolis, MD 21401
jpica@johnpica.com

Brian S. Brown
Brown & Barron, LLC
7 St. Paul Street, Suite 800
Baltimore, Maryland 21202
bbrown@brownbarron.com

Counsel for Alternative Medicine Maryland


Heather B. Nelson

NATALIE M. LAPRADE
MARYLAND MEDICAL CANNABIS
COMMISSION, *et al.*,

Appellants,

v.

ALTERNATIVE MEDICINE
MARYLAND, LLC, *et al.*,

Appellees.

* IN THE
* COURT OF SPECIAL APPEALS
* OF MARYLAND
* September Term, 2017
* No. _____
* (Circuit Court for Baltimore City
* No. 24-C-16-005801)

* * * * *

**MOTION FOR IMMEDIATE STAY OF CIRCUIT COURT
PROCEEDINGS PENDING FURTHER REVIEW**

Pursuant to Rule 8-425 and the inherent power of the Court, the appellants, the Natalie M. LaPrade Maryland Medical Cannabis Commission (the “Commission”), the Department of Health and Mental Hygiene (“DHMH”), and the individually-named commissioners, through counsel, move for an immediate stay pending appeal of the order entered on May 3, 2017 by the Circuit Court for Baltimore City in *Alternative Medicine Maryland, LLC v. Natalie M. LaPrade Maryland Medical Cannabis Commission, et al.*, Civil Case No.: 24-C-16-005801, and a stay of all further proceedings in that case. This motion requires this Court’s immediate attention because the circuit court’s order directs that a deposition of a member of the Commission go forward on Wednesday, May 10, 2017, and precludes the Commission from invoking “either the deliberative process privilege or executive privilege” during that deposition.


**MEMORANDUM OF LAW
EXCLUDED PURSUANT TO
MARYLAND RULE 8-501(c)**

CONCLUSION

The defendants respectfully ask the Court to issue an immediate stay of proceedings in *Alternative Medicine Maryland, LLC v. Natalie M. LaPrade Maryland Medical Cannabis Commission, et al.*, Circuit Court for Baltimore City, No. 24-C-16-005801, pending disposition of the appeal.

Respectfully submitted,

BRIAN E. FROSH
Attorney General of Maryland


HEATHER B. NELSON
Assistant Attorneys General
300 W. Preston Street, Suite 302
Baltimore, Maryland 21201
Office: (410) 767-1877
Fax: (410) 333-7894
heather.nelson1@maryland.gov

May 8, 2017

Attorneys for Defendants

CERTIFICATE OF SERVICE

I certify that on this 8th day of May, 2017, a copy of the Defendants' Motion for Immediate Stay of Circuit Court Proceedings was electronically mailed and served via first-class mail postage prepaid on:

Byron L. Warnken, Esquire
Byron B. Warnken, Esquire
WARNKEN, LLC
2 Reservoir Cir. #104
Baltimore, MD 21208
443-921-1100
Byron@warnkenlaw.com

John A. Pica, Jr., Esquire
John Pica and Associates, LLC
14 State Circle
Annapolis, MD 21401
jpica@johnpica.com

Brian S. Brown, Esquire
Brown & Barron, LLC
7 St. Paul Street, Suite 800
Baltimore, Maryland 21202
bbrown@brownbarron.com

Counsel for Alternative Medicine Maryland


Heather B. Nelson

EXHIBIT 1

ALTERNATIVE MEDICINE
MARYLAND, LLC

Plaintiff,

v,

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMMISSION,
et al.,

Defendants.

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* Case No.: 24-C-16-005801
*

* * * * *

NOTICE OF APPEAL

The Natalie M. LaPrade Maryland Medical Cannabis Commission, all individually-named commissioners, and the Department of Health and Mental Hygiene, note an appeal to the Court of Special Appeals in the above-captioned case.¹

Respectfully submitted,

BRIAN E. FROSH
Attorney General of Maryland


HEATHER B. NELSON

Assistant Attorneys General
300 W. Preston Street, Suite 302
Baltimore, Maryland 21201
Office: (410) 767-1877
Fax: (410) 333-7894
heather.nelson1@maryland.gov

May 8, 2017

Attorneys for Defendants

¹ This notice relates to the May 3, 2017, Order.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of May, 2017, a copy of the Defendants'

Notice of Appeal was electronically mailed and mailed via first-class mail postage

prepaid to:

Byron L. Warnken
Byron B. Warnken
WARNKEN, LLC
2 Reservoir Cir. #104
Baltimore, MD 21208
443-921-1100
Byron@warnkenlaw.com

John A. Pica, Jr.
John Pica and Associates, LLC
14 State Circle
Annapolis, MD 21401
jpica@johnpica.com

Brian S. Brown
Brown & Barron, LLC
7 St. Paul Street, Suite 800
Baltimore, Maryland 21202
bbrown@brownbarron.com

Counsel for Alternative Medicine Maryland


Heather B. Nelson

EXHIBIT 2

CIRCUIT COURT FOR BALTIMORE CITY
Marilyn Bentley
Clerk of the Circuit Court
Courthouse East
111 North Calvert Street
Room 462
Baltimore, MD 21202-
(410)-333-3722, TTY for Deaf: (410)-333-4389

05/08/17

Case Number: 24-C-16-005801 OG DJ
Date Filed: 10/31/2016
Status: Open/Inactive
Judge Assigned: Williams, Barry G.
Location :
CTS Start : 10/31/16 Target : 04/29/18

Alternative Medicine Maryland, LLC Vs Natalie M. Laprade Maryland Medi

C A S E H I S T O R Y

OTHER REFERENCE NUMBERS

Description	Number
Case Folder ID	C16005801V04

INVOLVED PARTIES

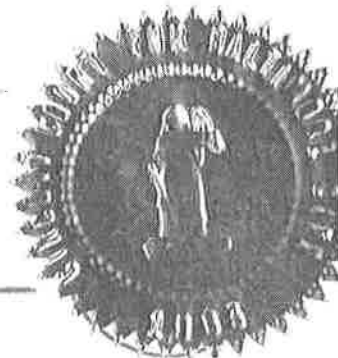
Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
PLT	001 Alternative Medicine Maryland, LLC			10/31/16
		Party ID: 5260349		
	Mail: 14 State Circle Annapolis, MD 21401	10/31/16		11/01/16 AAW
	Attorney: 0008326 Pica, John A Royston, Mueller, McLean & Reid, LLP 102 W Pennsylvania Avenue 102 W Pennsylvania Ave, S Suite 600, MD 21204-4510 (410)823-1800	Appear: 10/31/2016		11/01/16
	0008964 Brown, Brian S Brown & Barron LLC 7 St. Paul Street Suite 800	Appear: 03/16/2017		03/20/17

I, Marilyn Bentley, Clerk of the Circuit Court
for Baltimore City, hereby certify that this is
a true copy from the record in this court.
Witness the hand and act of the undersigned

this 8th day of May 2017

Marilyn Bentley

Clerk of the Circuit Court
E 000377 Baltimore City, Maryland



CIRCUIT COURT FOR BALTIMORE CITY
 Marilyn Bentley
 Clerk of the Circuit Court
 Courthouse East
 111 North Calvert Street
 Room 462
 Baltimore, MD 21202-
 (410)-333-3722, TTY for Deaf: (410)-333-4389

05/08/17

Case Number: 24-C-16-005801 OG DJ
 Date Filed: 10/31/2016
 Status: Open/Inactive
 Judge Assigned: Williams, Barry G.
 Location :
 CTS Start : 10/31/16 Target : 04/29/18

Alternative Medicine Maryland, LLC Vs Natalie M. Laprade Maryland Medi

C A S E H I S T O R Y

OTHER REFERENCE NUMBERS

Description	Number
Case Folder ID	C16005801V04

INVOLVED PARTIES

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
PLT 001	Alternative Medicine Maryland, LLC			10/31/16
		Party ID: 5260349		
	Mail: 14 State Circle Annapolis, MD 21401	10/31/16		11/01/16 AAW
	Attorney: 0008326 Pica, John A Royston, Mueller, McLean & Reid, LLP 102 W Pennsylvania Avenue 102 W Pennsylvania Ave. S Suite 600, MD 21204-4510 (410)823-1800	Appear: 10/31/2016		11/01/16
	0008964 Brown, Brian S Brown & Barron LLC 7 St. Paul Street Suite 800	Appear: 03/16/2017		03/20/17

Baltimore, MD 21202
(410)547-0202

0012294 Warnken, Byron L
Warnken, LLC
2 Reservoir Circle
Suite 104
Pikesville, MD 21208
(443)921-1100

Appear: 10/31/2016

11/01/16

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
DEF 001	Natalie M. Laprade Maryland Medical Cannabis Commission			10/31/16
		Party ID: 5260350		
	Mail: 200 Saint Paul Place	10/31/16		11/01/16 AAW
	Baltimore, MD 21202			
	Serve On: Brian E. Frosh, Attorney General			
	Attorney: 0823322 Nelson, Heather B	Appear: 12/14/2016		01/06/17
	Attorney General's Office			
	300 W Preston Street			
	Suite 302			
	Baltimore, MD 21201			
	(410)767-7546			
DEF 002	Maryland Department Of Health And Mental Hygiene			10/31/16
		Party ID: 5260351		
	Mail: 200 Saint Paul Street	10/31/16		11/01/16 AAW
	Baltimore, MD 21202			
	Serve On: Brian E. Frosh, Attorney General			
	Attorney: 0823322 Nelson, Heather B	Appear: 12/14/2016		01/06/17
	Attorney General's Office			
	300 W Preston Street			
	Suite 302			
	Baltimore, MD 21201			
	(410)767-7546			
DEF 003	Davies, Paul W., M.D.			10/31/16
		Party ID: 5260353		
	Capacity : C/O The Natalie M. LaPrade			
	Mail: Maryland Medical Cannabis Commission	10/31/16		11/01/16 AAW
	4201 Patterson Avenue			
	Baltimore, MD 21215			
DEF 004	Broccolino, Dario, Esq.			10/31/16
		Party ID: 5260354		
	Capacity : C/O The Natalie M. LaPrade			

Mail: Maryland Medical Cannabis Commission 10/31/16
 4201 Patterson Avenue
 Baltimore, MD 21215

11/01/16 AAW

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
----------	----------------------------	--------------	---------------------------	---------

DEF	005 Charles, Pharm.D., William C.			10/31/16
-----	-----------------------------------	--	--	----------

Party ID: 5260356

Capacity : C/O The Natalie M. LaPrade
 Mail: Maryland Medical Cannabis Commission 10/31/16
 4201 Patterson Avenue
 Baltimore, MD 21215

11/01/16 AAW

DEF	006 Chen, Kevin W., Ph.D			10/31/16
-----	--------------------------	--	--	----------

Party ID: 5260357

Capacity : C/O The Natalie M. LaPrade
 Mail: Maryland Medical Cannabis Commission 10/31/16
 4201 Patterson Avenue
 Baltimore, MD 21215

11/01/16 AAW

DEF	007 Gontrum, John T., Esq.			10/31/16
-----	----------------------------	--	--	----------

Party ID: 5260358

Capacity : C/O The Natalie M. LaPrade
 Mail: Maryland Medical Cannabis Commission 10/31/16
 4201 Patterson Avenue
 Baltimore, MD 21215

11/01/16 AAW

DEF	008 Gouin-Paul, Cristina			10/31/16
-----	--------------------------	--	--	----------

Party ID: 5260360

Capacity : C/O The Natalie M. LaPrade
 Mail: Maryland Medical Cannabis Commission 10/31/16
 4201 Patterson Avenue
 Baltimore, MD 21215

11/01/16 AAW

DEF	009 Horberg, M.D., MAS, FACP, FIDSA, Michael A.			10/31/16
-----	-------------------------------------------------	--	--	----------

Party ID: 5260362

Capacity : C/O The Natalie M. LaPrade
 Mail: Maryland Medical Cannabis Commission 10/31/16
 4201 Patterson Avenue
 Baltimore, MD 21215

11/01/16 AAW

DEF	010 Lavin, Robert A., M.D.			10/31/16
-----	----------------------------	--	--	----------

Party ID: 5260364

Capacity : C/O The Natalie M. LaPrade
 Mail: Maryland Medical Cannabis Commission 10/31/16
 4201 Patterson Avenue

11/01/16 AAW

Baltimore, MD 21215

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
DEF	011 Marshall, Jean Gilmor, R.N.			10/31/16
		Party ID: 5260366		
	Capacity : C/O The Natalie M. LaPrade			
	Mail: Maryland Medical Cannabis Commission	10/31/16		11/01/16 AAW
	4201 Patterson Avenue			
	Baltimore, MD 21215			
DEF	012 Washington, Sandra			10/31/16
		Party ID: 5260367		
	Capacity : C/O The Natalie M. LaPrade			
	Mail: Maryland Medical Cannabis Commission	10/31/16		11/01/16 AAW
	4201 Patterson Avenue			
	Baltimore, MD 21215			
DEF	013 Moore, Shannon K.			10/31/16
		Party ID: 5260368		
	Capacity : C/O The Natalie M. LaPrade			
	Mail: Maryland Medical Cannabis Commission	10/31/16		11/01/16 AAW
	4201 Patterson Avenue			
	Baltimore, MD 21215			
DEF	014 Robshaw, Colonel Harry, III			10/31/16
		Party ID: 5260369		
	Capacity : C/O The Natalie M. LaPrade			
	Mail: Maryland Medical Cannabis Commission	10/31/16		11/01/16 AAW
	4201 Patterson Avenue			
	Baltimore, MD 21215			
DEF	015 Rosen-Cohen, Nancy, Ph.D			10/31/16
		Party ID: 5260370		
	Capacity : C/O The Natalie M. LaPrade			
	Mail: Maryland Medical Cannabis Commission	10/31/16		11/01/16 AAW
	4201 Patterson Avenue			
	Baltimore, MD 21215			
DEF	016 Sterling, Eric E., Esq.			10/31/16
		Party ID: 5260371		
	Capacity : C/O The Natalie M. LaPrade			
	Mail: Maryland Medical Cannabis Commission	10/31/16		11/01/16 AAW
	4201 Patterson Avenue			
	Baltimore, MD 21215			

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
DEF 017	Taylor, Allison W.			10/31/16
		Party ID: 5260372		
	Capacity : C/O The Natalie M. LaPrade			
	Mail: Maryland Medical Cannabis Commission	10/31/16		11/01/16 AAW
	4201 Patterson Avenue			
	Baltimore, MD 21215			
DEF 018	Traunfeld, Jon. M.S.			10/31/16
		Party ID: 5260373		
	Capacity : C/O The Natalie M. LaPrade			
	Mail: Maryland Medical Cannabis Commission	10/31/16		11/01/16 AAW
	4201 Patterson Avenue			
	Baltimore, MD 21215			
INT 001	Holistic Industries, LLC			01/25/17
		Party ID: 5295780		
	Attorney: 0012751 Marcus, Bruce L		Appear: 01/25/2017	01/27/17
	MarcusBonsib, L L C			
	6411 Ivy Lane			
	Suite 116			
	Greenbelt, MD 20770			
	(301)441-3000			
	0022799 Jones, Gary R		Appear: 01/25/2017	01/27/17
	Baxter, Baker, Sidle, Conn & Jones, P A			
	120 E Baltimore Street			
	Suite 2100			
	Baltimore, MD 21202-1643			
	(410)230-3800			
	0816717 Vranian, Danielle M		Appear: 01/25/2017	01/27/17
	Baxter, Baker, Sidle, Conn & Jones PA			
	120 East Baltimore Street			
	Suite 2100			
	Baltimore, MD 21202			
	(410)230-3800			
	0820837 Patterson, Sydney M		Appear: 01/25/2017	01/27/17
	Law Office Of MarcusBonsib, LLC			
	6411 Ivy Lane			
	Suite 116			
	Greenbelt, MD 20770			
	(301)441-3000			
INT 002	Doe, Jane			02/08/17
		Party ID: 5299903		

Attorney: 0814637 Berman, Michael D Appear: 02/08/2017 02/08/17
 Rifkin, Weiner, Livingston, Levitan & Silver, LLC
 2002 Clipper Park Road
 Suite 108
 Baltimore, MD 21211
 (410)206-5049

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entcred
----------	----------------------------	--------------	---------------------------	---------

INT	003 Doe, John			02/08/17
		Party ID: 5299904		

Attorney: 0814637 Berman, Michael D Appear: 02/08/2017 02/08/17
 Rifkin, Weiner, Livingston, Levitan & Silver, LLC
 2002 Clipper Park Road
 Suite 108
 Baltimore, MD 21211
 (410)206-5049

INT	004 The Coalition For Patient Medicinal Access, LLC			02/08/17
		Party ID: 5299909		

Attorney: 0814637 Berman, Michael D Appear: 02/08/2017 02/08/17
 Rifkin, Weiner, Livingston, Levitan & Silver, LLC
 2002 Clipper Park Road
 Suite 108
 Baltimore, MD 21211
 (410)206-5049

INT	005 Curio Cultivation LLC			02/08/17
		Party ID: 5299911		

Attorney: 0814637 Berman, Michael D Appear: 02/08/2017 02/08/17
 Rifkin, Weiner, Livingston, Levitan & Silver, LLC
 2002 Clipper Park Road
 Suite 108
 Baltimore, MD 21211
 (410)206-5049

INT	006 ForwardGro LLC			02/08/17
		Party ID: 5299913		

Attorney: 0814637 Berman, Michael D Appear: 02/08/2017 02/08/17
 Rifkin, Weiner, Livingston, Levitan & Silver, LLC
 2002 Clipper Park Road
 Suite 108
 Baltimore, MD 21211
 (410)206-5049

INT	007 Doctors Orders Maryland LLC			02/08/17
		Party ID: 5299914		

Attorney: 0814637 Berman, Michael D
 Rifkin, Weiner, Livingston, Levitan & Silver, LLC
 2002 Clipper Park Road
 Suite 108
 Baltimore, MD 21211
 (410)206-5049

Appear: 02/08/2017

02/08/17

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
----------	----------------------------	--------------	---------------------------	---------

INT 008 SunMed Growers, LLC

Party ID: 5299915

02/08/17

Attorney: 0814637 Berman, Michael D
 Rifkin, Weiner, Livingston, Levitan & Silver, LLC
 2002 Clipper Park Road
 Suite 108
 Baltimore, MD 21211
 (410)206-5049

Appear: 02/08/2017

02/08/17

CALENDAR EVENTS

Date	Time	Fac	Event Description	Text SA	Jdg Day	Of Notice	User ID
Result			ResultDt By Result Judge	Rec			
02/21/17	02:00P	528	Motion Hearing (Civil)	Y	BGW	01 /01	02/10/17 DLI
Held/Concluded			02/24/17 E B.Williams	N			

JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign Date	Removal	RSN
BGW Williams, Barry G.	J	01/05/17	RR	01/06/17
BGW Williams, Barry G.	J	02/07/17		

DOCUMENT TRACKING

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00001000	Complaint for Declaratory Judgment and Preliminary and Permanent Injunctive Relief with Exhibits	10/31/16	11/01/16	PLT001	TBA		AAW
00001001	Answer to Complaint for Declaratory Judgment	03/10/17	03/15/17	DEF001	TBA		PW PW

Filed by DEF001-Natalie M. Laprade Maryland Medical Cannabis
Commission, DEF002-Maryland Department Of Health And Mental
Hygiene

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00002000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	11/14/16	11/28/16	DEF005	TBA Moot	11/28/16	LAH LAH
00003000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	11/14/16	11/28/16	DEF016	TBA Moot	11/28/16	LAH LAH
00004000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	11/14/16	11/28/16	DEF018	TBA Moot	11/28/16	LAH LAH
00005000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	11/14/16	11/28/16	DEF017	TBA Moot	11/28/16	LAH LAH
00006000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	11/28/16	11/28/16	DEF015	TBA Moot	11/28/16	LAH LAH
00007000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	11/14/16	11/28/16	DEF014	TBA Moot	11/28/16	LAH LAH
00008000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	11/14/16	11/28/16	DEF003	TBA Moot	11/28/16	LAH LAH
00009000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	11/14/16	11/28/16	DEF004	TBA Moot	11/28/16	LAH LAH
00010000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	11/14/16	11/28/16	DEF010	TBA Moot	11/28/16	LAH LAH
00011000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	11/14/16	11/28/16	DEF002	TBA Moot	11/28/16	LAH LAH
00012000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	11/14/16	11/28/16	DEF001	TBA Moot	11/28/16	LAH LAH
00013000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	11/14/16	11/28/16	DEF007	TBA Moot	11/28/16	LAH LAH
00014000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	11/14/16	11/28/16	DEF008	TBA Moot	11/28/16	LAH LAH
00015000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	11/14/16	11/28/16	DEF011	TBA Moot	11/28/16	LAH LAH
00016000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	11/14/16	11/28/16	DEF009	TBA Moot	11/28/16	LAH LAH
00017000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	11/14/16	11/28/16	DEF012	TBA Moot	11/28/16	LAH LAH

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00018000	Return of Service - Served WRIT OF SUMMONS (Private Process) served 11/04/16	11/14/16	11/28/16	DEF013	TBA Moot	11/28/16	LAH LAH
00019000	Return of Service - Served WRIT OF SUMMONS (Private Process) served 11/04/16	11/14/16	11/28/16	DEF006	TBA Moot	11/28/16	LAH LAH
00020000	Notice of Service of Discovery Material	12/05/16	12/07/16	PLT001	TBA		PW
00021000	Defendants' Motion to Dismiss, or in the alternative, Motion for Summary Judgment, Memorandum, Exhibits Filed by DEF001-Natalie M. Laprade Maryland Medical Cannabis Commission, DEF002-Maryland Department Of Health And Mental Hygiene	12/12/16	12/14/16	DEF001	BGW Denied	02/21/17	HK DG
00021001	Opposition To Defendants' Motion To Dismiss, Or In the Alternative, Motion For Summary Judgment, With Exhibits And Request For Hearing	12/30/16	01/03/17	PLT001	TBA		AS
00021002	Supplement to Opposition to Defendants' Motion to Dismiss, or in the alternative Motion for Summary Judgment, Exhibits	02/17/17	02/21/17	PLT001	TBA		HK
00021003	Order of Court ORDERED that the Defpts' Motion to Dismiss, or in the Alternative, for Summary Judgment (Pleading No. 21) is hereby DENIED. Williams, B. Judge	02/23/17	02/23/17	000	BGW		DG
00021004	Copies Mailed	02/23/17	02/23/17	000	TBA		DG
00022000	Line to Supplement Filed by DEF001-Natalie M. Laprade Maryland Medical Cannabis Commission, DEF002-Maryland Department Of Health And Mental Hygiene	12/23/16	12/27/16	DEF001	TBA Moot	12/27/16	TP
00024000	Motion To Intervene, With Exhibits And Memorandum (Entry Of Appearance Attached But Not Entered)	12/30/16	01/03/17	000	BGW Denied	02/21/17	AS DG
00024001	Request for Hearing on Selected Motion	12/30/16	01/03/17	000	TBA		AS AS
00024002	Response To Motion To Intervene Filed by DEF001-Natalie M. Laprade Maryland Medical Cannabis Commission, DEF002-Maryland Department Of Health And Mental Hygiene	01/05/17	01/06/17	DEF001	TBA		AS
00024003	Intervening Defendants Line Supplementing Motion To Intervene, With Objection, And Rule 2-504 Request For Scheduling Conference, With Exhibits And Request For Hearing	01/12/17	01/13/17	000	TBA		AS AS

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00024004	Opposition to motion to intervene. memorandum of law and req for hearing	01/05/17	02/02/17	PLT001	TBA		VT VT
00024005	Reply in support of motion to intervene filed by proposed defs	01/11/17	02/02/17	000	TBA		VT
00024006	Order of Court ORDERED, that the Proposed Intervening Defts' Motion to Intervene (Pleading No. 24) is hereby DENIED, Williams, B. Judge	02/23/17	02/23/17	000	BGW		DG
00024007	Copies Mailed	02/23/17	02/23/17	000	TBA		DG
00025000	Motion For Specially Assign, With Memorandum	12/30/16	01/03/17	000	TBA		AS AS
00025001	Initial Response To Motion To Specially Assign Filed by DEF001-Natalie M. Laprade Maryland Medical Cannabis Commission, DEF002-Maryland Department Of Health And Mental Hygiene	01/05/17	01/06/17	DEF001	TBA		AS
00026000	Motion to Consolidate, With Memorandum	12/30/16	01/03/17	000	BGW Denied	02/21/17	AS DG
00026001	Initial Response To Consolidate Filed by DEF001-Natalie M. Laprade Maryland Medical Cannabis Commission, DEF002-Maryland Department Of Health And Mental Hygiene	01/05/17	01/06/17	DEF001	TBA		AS
00026002	Order of Court ORDERED, that the Proposed Intervening Defts' Motion to Consolidate (Pleading No. 26 & 40) is hereby Denied, Williams, B. Judge	02/23/17	02/23/17	000	BGW		DG
00026003	Copies Mailed	02/23/17	02/23/17	000	TBA		DG
00027000	Motion to Dismiss This Action, With Memorandum	12/30/16	01/03/17	000	BGW Denied	02/21/17	AS DG
00027001	Request for Hearing on Selected Motion	12/30/16	01/03/17	000	TBA		AS
00027002	Initial Response To Motion To Dismiss The Action Filed by DEF001-Natalie M. Laprade Maryland Medical Cannabis Commission, DEF002-Maryland Department Of Health And Mental Hygiene	01/05/17	01/06/17	DEF001	TBA		AS
00027003	Order of Court ORDERED, that the Proposed Intervening Defts' Motion to Dismiss (Pleading No. 27 & 39) is hereby DENIED as moot, Williams B. Judge	02/23/17	02/23/17	000	BGW		DG

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00027004	Copies Mailed	02/23/17	02/23/17	000	TBA		DG
00028000	Designation of Expert Witnesses	12/30/16	01/03/17	PLT001	TBA		AS
00029000	SUPPLEMENTAL CERTIFICATE OF SERVICE FILE BY PROPOSED INTERVENING DEFTS	01/03/17	01/04/17	000	TBA		BLB
00030000	LINE FILED BY PROPOSED INTERVENING DEFTS	01/03/17	01/04/17	000	TBA Moot	01/04/17	BLB
00031000	AMENDED ENTRY OF APPEARANCE OF ATTYS, FOR PROPOSED INTERVENING DEFENDANTS AND REDLINED	01/03/17	01/04/17	000	TBA Moot	01/04/17	BLB BLB
00032000	MOTION TO SPECIALLY ASSIGN AND REDLINED FILED BY PROPOSED INTERVENING DEFTS WITH A REQUEST FOR HEARING	01/03/17	01/04/17	000	TBA		BLB VT
00032001	REPLY IN SUPPORT OF MOTION TO SPECIALLY ASSIGN EXHIBITS AND REQUEST HEARING FILED BY THE PROPOSED INTERVENING DEFTS	01/11/17	01/17/17	000	TBA		BLB VT
00033000	Correspondence To the Judge	01/05/17	01/06/17	PLT001	TBA		AS
00034000	Notice of Service of Discovery Material	01/09/17	01/10/17	PLT001	TBA		KLF
00035000	Intervening Defendants' Correspondence To Judge Pierson	01/12/17	01/13/17	000	TBA		AS AS
00036000	Intervening Defendants' Correspondence To Judge Williams	01/12/17	01/13/17	000	TBA		AS
00037000	Entry of Appearance	01/25/17	01/27/17	INT001	TBA		AAW
00038000	Motion to Intervene Memorandum, Exhibits and Request Hearing	01/25/17	01/31/17	INT001	BGW Denied	02/21/17	BLB DG
00038001	Opposition to Proposed Intervenor Holistic Industries, LLC's Motion to Intervene and Request for Hearing	02/09/17	02/10/17	PLT001	TBA		HK
00038002	Order of Court ORDERED, that the Proposed Intervening Deft's Motion to Intervene (Pleading No. 38) is hereby Denied. Williams, B., Judge	02/23/17	02/23/17	000	BGW		DG
00038003	Copies Mailed	02/23/17	02/23/17	000	TBA		DG
00039000	Motion to Dismiss w/redlined copy, memorandum and req for hearing filed by proposed intervening defs *** PLEASE SEE ENTRY #27/3 FOR ORDER OF COURT ***	01/03/17	02/02/17	000	BGW Denied	02/21/17	VT DG

Item/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00040000	Motion to Consolidate w/redlined copy, memorandum and red for hearing filed by proposed intervening parties **** PLEASE SEE ENTRY #26/2 FOR ORDER OF COURT ****	01/03/17	02/02/17	000	BGW Denied	02/21/17	VT DG
00041001	Reply in support of motion to consolidate w/req for hearing filed by proposed intervening parties	01/11/17	02/02/17	000	TBA		VT VT
00041000	Supplemental Motion to Consolidate Filed by INT003-Doe, INT002-Doe, INT001-Holistic Industries, LLC, INT008-SunMed Growers, LLC, INT004-The Coalition For Patient Medicinal Access, LLC, INT005-Curio Cultivation LLC, INT006-ForwardGro LLC, INT007-Doctors Orders Maryland LLC	02/06/17	02/08/17	INT003	TBA		VB VB
00042000	Order of Court It is this 7th day of February 2017 Ordered this case is specially assigned to Honorable Barry Williams for all further proceedings Pierson, J	02/08/17	02/08/17	000	WMP		VT
00043000	Notice Motion Hearing Sent Event: MOTN Block Date: 02/21/17 Facility: 528 PARTIES : Nelson, Heather 300 W Preston Street Suite 302, Baltimore, MD, 21201 Davies, Paul Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Broccolino, Dario Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Charles, Pharm.D., William Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Chen, Kevin Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Gontrum, John Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Gouin-Paul, Cristina Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Horberg, M.D., MAS, FACP, FIDSA, Michael Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Lavin, Robert Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Marshall, Jean Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Washington, Sandra Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Moore, Shannon Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Robshaw, Colonel Harry Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Rosen-Cohen, Nancy Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215	02/10/17	02/10/17	000	TBA Moot	02/10/17	DLI

Sterling, Eric Maryland Medical Cannabis Commission 4201
 Patterson Avenue, Baltimore, MD, 21215
 Taylor, Allison Maryland Medical Cannabis Commission 4201
 Patterson Avenue, Baltimore, MD, 21215
 Traunfeld, Jon Maryland Medical Cannabis Commission 4201
 Patterson Avenue, Baltimore, MD, 21215
 Marcus, Bruce 6411 Ivy Lane Suite 116, Greenbelt, MD, 20770
 Patterson, Sydney 6411 Ivy Lane Suite 116, Greenbelt, MD, 20770
 Jones, Gary 120 E Baltimore Street Suite 2100, Baltimore, MD,
 212021643
 Vranian, Danielle 120 East Baltimore Street Suite 2100,
 Baltimore, MD, 21202
 Berman, Michael 2002 Clipper Park Road Suite 108, Baltimore, MD,
 21211
 Warnken, Byron 2 Reservoir Circle Suite 104, Pikesville, MD,
 21208
 Pica, John 102 W Pennsylvania Avenue 102 W Pennsylvania Ave, S,
 Suite 600, MD, 212044510

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00044000	Open Court Proceeding 2/21/17 Defendants motion to intervene in Alternative Medicine Maryland, LLC is hereby heard and "Denied". (Williams, J) 2/21/17 Defendants motion to dismiss, or in the alternative for summary judgment in Alternative Medicine Maryland, LLC is hereby heard and "Denied". (Williams, J)	02/21/17	02/21/17	000	TBA		MC ELJ
00045000	Line with Affidavits Filed by INT003-Doe, INT004-The Coalition For Patient Medicinal Access, LLC, INT005-Curio Cultivation LLC, INT002-Doe, INT008-SunMed Growers, LLC	02/21/17	02/22/17	INT003	TBA Moot	02/22/17	AAW
00046000	Notice of Service of Discovery Material	03/10/17	03/13/17	PLT001	TBA		GI
00047000	Appeal Order to COSA Filed by INT002-Doe, INT003-Doe, INT004-The Coalition For Patient Medicinal Access, LLC, INT005-Curio Cultivation LLC, INT006-ForwardGro LLC, INT007-Doctors Orders Maryland LLC, INT008-SunMed Growers, LLC	03/15/17	03/16/17	INT002	TBA		WZ
00048000	Appeal Order to COSA	03/16/17	03/17/17	INT001	TBA		WZ
00049000	Notice of Service of Discovery Material	03/17/17	03/20/17	PLT001	TBA		GI
00050000	Notice to Enter Appearance	03/16/17	03/20/17	PLT001	TBA		AS
00051000	Objection To Subpoena For Deposition	03/23/17	03/24/17	DEF002	TBA		TP
00052000	Amended Appeal Order to COSA Filed by INT002-Doe, INT003-Doe, INT004-The Coalition For Patient Medicinal Access, LLC, INT005-Curio Cultivation LLC,	03/22/17	03/24/17	INT002	TBA		WZ

INT006-ForwardGro LLC, INT007-Doctors Orders Maryland LLC,
INT008-SunMed Growers, LLC

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00053000	Correspondence	03/27/17	03/28/17	000	TBA		JF JF
00054000	Transcript of Testimony held on 02/21/17 before Judge Barry G. Williams Cost: \$34.00	03/31/17	03/31/17	000	TBA		MK
00055000	Appeal Order to COSA ORDER TO PROCEED NO. 00040 SEPTEMBER TERM, 2017, DUE MAY 30, 2017 ASSIGN TO J.FORTUNE	03/31/17	03/31/17	000	TBA		JF
00056000	Court of Special Correspondence March 28, 2017 Civil Appeal information Report Received for Appellant's Amended Notice of Appeal noted on March 22, 2017. This information Report will be made a part of the file previously established for the appeal noted on March 15, 2017 and the cross appeal noted March 16, 2017, all will be assigned No. 40 September Term, 2017	04/03/17	04/05/17	000	TBA		JF
00057000	Motion for Protective Order, with Memorandum Filed by DEF001-Natalie M. Laprade Maryland Medical Cannabis Commission, DEF002-Maryland Department Of Health And Mental Hygiene Filed by DEF002-Maryland Department Of Health And Mental Hygiene, DEF001-Natalie M. Laprade Maryland Medical Cannabis Commission	04/17/17	04/18/17	DEF002	TBA		AS AS
00058000	Motion to Quash Subpoena for Deposition, with Memorandum Filed by DEF001-Natalie M. Laprade Maryland Medical Cannabis Commission, DEF002-Maryland Department Of Health And Mental Hygiene	04/17/17	04/18/17	DEF001	TBA		AS
00059000	Emergency Motion to Shorten Time for Response Filed by DEF002-Maryland Department Of Health And Mental Hygiene, DEF001 Natalie M. Laprade Maryland Medical Cannabis Commission	04/17/17	04/18/17	DEF002	TBA		AS AS
00060000	Notice of Service of Discovery Material	04/18/17	04/19/17	PLI001	IBA		BE
00061000	Affidavit of Service AS TO A SUBPOENA ON SANDY HILLMAN ON 4/20/17	04/28/17	05/01/17	000	TBA		BE
00062000	Motion to Compel and Request For Hearing, proposed order, memo and Exhibits Attached	05/01/17	05/02/17	PLT001	TBA		TP TP
00063000	Objection to Subpoenas for Deposition	05/01/17	05/02/17	DEF002	TBA		VB

Form/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00064000	Notice of Service of Discovery Material	05/02/17	05/05/17	PLT001	TBA		PW
00065000	Objection to Subpoenas for deposition Filed by DEF001-Natalie M. Laprade Maryland Medical Cannabis Commission, DEF002-Maryland Department Of Health And Mental Hygiene	05/04/17	05/05/17	DEF001	TBA		TP
00066000	Subpoena Issued	05/05/17	05/08/17	PLT001	TBA		GI

SERVICE

Form Name	Issued	Response	Served	Returned	Agency
WRIT OF SUMMONS (Private Process) DEF001 Natalie M. Laprade Maryland Medic	11/01/16	12/04/16	11/04/16		Private Process
WRIT OF SUMMONS (Private Process) DEF002 Maryland Department Of Health And	11/01/16	12/04/16	11/04/16		Private Process
WRIT OF SUMMONS (Private Process) DEF003 Davies, Paul	11/01/16	12/04/16	11/04/16		Private Process
WRIT OF SUMMONS (Private Process) DEF004 Broccolino, Dario	11/01/16	12/04/16	11/04/16		Private Process
WRIT OF SUMMONS (Private Process) DEF005 Charles, Pharm.D., William	11/01/16	12/04/16	11/04/16		Private Process
WRIT OF SUMMONS (Private Process) DEF006 Chen, Kevin	11/01/16	12/04/16	11/04/16		Private Process
WRIT OF SUMMONS (Private Process) DEF007 Gontrum, John	11/01/16	12/04/16	11/04/16		Private Process
WRIT OF SUMMONS (Private Process) DEF008 Gouin-Paul, Cristina	11/01/16	12/04/16	11/04/16		Private Process
WRIT OF SUMMONS (Private Process) DEF009 Horberg, M.D., MAS, FACP, FIDSA,	11/01/16	12/04/16	11/04/16		Private Process
WRIT OF SUMMONS (Private Process) DEF010 Lavin, Robert	11/01/16	12/04/16	11/04/16		Private Process
WRIT OF SUMMONS (Private Process) DEF011 Marshall, Jean	11/01/16	12/04/16	11/04/16		Private Process
WRIT OF SUMMONS (Private Process) DEF012 Washington, Sandra	11/01/16	12/04/16	11/04/16		Private Process

Form Name	Issued	Response Served	Returned Agency
WRIT OF SUMMONS (Private Process) DEF013 Moore, Shannon	11/01/16	12/04/16 11/04/16	Private Process
WRIT OF SUMMONS (Private Process) DEF014 Robshaw, Colonel Harry	11/01/16	12/04/16 11/04/16	Private Process
WRIT OF SUMMONS (Private Process) DEF015 Rosen-Cohen, Nancy	11/01/16	12/04/16 11/04/16	Private Process
WRIT OF SUMMONS (Private Process) DEF016 Sterling, Eric	11/01/16	12/04/16 11/04/16	Private Process
WRIT OF SUMMONS (Private Process) DEF017 Taylor, Allison	11/01/16	12/04/16 11/04/16	Private Process
WRIT OF SUMMONS (Private Process) DEF018 Traunfeld, Jon	11/01/16	12/04/16 11/04/16	Private Process

TICKLE

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type	Num	Seq
DANS	1st Answer Tickle	OPEN	03/15/17	0	no	no	DANS	D	1	001
ESRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000
ESRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000
ESRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000
ESRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000
ESRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000
ESRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000
ESRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000
ESRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000
ESRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000
ESRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000
ESRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000
ESRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000
ESRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type	Num	Seq
LSRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000
LSRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000
LSRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000
LSRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000
LSRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000
SLDR	Set List - Discovery	CANCEL	05/08/17	21	no	no	MPRT	D	57	000
SLDR	Set List - Discovery	OPEN	05/22/17	21	no	no	MCOP	D	62	000
SLMH	Set List For Motions	CANCEL	01/04/17	5	no	no	DHRR	D	24	001
SLMR	Set List For Motions	CANCEL	01/20/17	21	yes	no	MOPH	D	27	000
SLMR	Set List For Motions	CANCEL	01/20/17	21	yes	no	MCON	D	26	000
SLMR	Set List For Motions	CANCEL	01/20/17	39	yes	no	DHRR	T	21	000
SLMR	Set List For Motions	CANCEL	02/15/17	43	yes	no	MOPH	D	32	000
TIME	Motion To Extend/Sho	CANCEL	12/31/16	1	yes	no	DSPC	D	25	000
TIME	Motion To Extend/Sho	CANCEL	04/18/17	1	yes	no	MTST	D	59	000

DIFFERENTIATED CASE MANAGEMENT

TRACKS AND MILESTONES

PUBLIC NOTE TITLES

- 1) 1/17/17 #32/1 SENT TO JUDGE BARRY WILLIAMN FILE IS WITH HIM
- 2) 1/17/17 #24/3-35 & 36 SENT TO JUDGE BARRY WILLAMS FILE IS
- 3) CLERK NOTES 2/23/17 PLEADINGS HAND DELIVERED TO JUDGE WILLIAMS
- 4) Answer to Complaint for Declaratory Judgment
- 5) Clerk Notes 4/26/17, Pleadings 57, 58, & 59 Sent To Judge Williams

CASE FOLDER HISTORY

Date	Time	Type	User	Location	Clerk	Reason
04/26/17	2:17 PM	Transfer	CID	Room 462 Courthouse East	JF	appeals
04/26/17	2:17 PM	Transfer	CID	Room 462 Courthouse East	JF	appeals
04/26/17	2:17 PM	Transfer	CID	Room 462 Courthouse East	JF	appeals
04/26/17	2:17 PM	Transfer	CID	Room 462 Courthouse East	JF	appeals

EXHIBIT 3

ALTERNATIVE MEDICINE
MARYLAND, LLC

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMMISSION,
et al.,

Defendants.

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* Case No.: 24-C-16-005801

* * * * *
* * * * *


AFFIDAVIT OF COMMISSIONER COL. HARRY ROBSHAW, III

1. I am over 18 years of age, a resident of Maryland, competent to testify, and have personal knowledge of the facts set forth herein.
2. I am a Commissioner of the Natalie M. LaPrade Maryland Medical Cannabis Commission (“Commission”).
3. On July 12, 2016, the Commission voted to adopt a Grower Evaluation Guidance (“Guidance”) document to support Commissioners’ efforts in the review process. The Guidance, attached hereto, advised commissioners as to the information available for them to consider, and guided Commissioners on how to conform their review to current regulations.
4. The Guidance did not indicate that Commissioners should consider race or ethnicity as a scoring or ranking criteria.
5. On August 5, 2016, the Commission met in open session to consider issuing pre-approvals for medical cannabis grower and processor licenses.

6. During that meeting, the Commission received recommendations from the Grower Evaluation Subcommittee and the Processor Evaluation Subcommittee and discussed those recommendations.
7. The Commission then voted on the Commission's ranking of the top 20 applicants for a medical cannabis grower license and voted to issue pre-approvals to the top 15 applicants, subject to satisfactory examinations of good moral character and compliance with tax obligations.
8. At the August 5, 2016 meeting, the Commission also voted on a Commission ranking of the top 30 ranked applicants for a medical cannabis processor license and voted to issue immediate pre-approvals to the top 15 of those applicants, also subject to satisfactory examinations of good moral character and compliance with tax obligations.
9. The Commission has not yet issued any medical cannabis grower licenses.
10. The Commission is continuing its work to seek to achieve racial and ethnic diversity and intends to retain a diversity consultant to support these efforts.

I HEREBY DECLARE OR AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT BASED UPON MY PERSONAL KNOWLEDGE.

12-12-16
Date


Col. Harry Robshaw, III

NATALIE M. LAPRADE
MARYLAND MEDICAL CANNABIS
COMMISSION, *et al.*,

Appellants,

v.

ALTERNATIVE MEDICINE
MARYLAND, LLC, *et al.*,

Appellees.

* IN THE
* COURT OF SPECIAL APPEALS
* OF MARYLAND
* September Term, 2017
* No. _____
* (Circuit Court for Baltimore City
* No. 24-C-16-005801)

* * * * *

ORDER

Upon consideration of Appellants’ Motion for Immediate Stay of Circuit Court Proceedings Pending Further Review, it is on this _____ day of _____ 2017, by the Court of Special Appeals of Maryland,

ORDERED that Appellants’ motion is GRANTED; and all proceedings in the Circuit Court for Baltimore City in the matter of *Alternative Medicine Maryland, LLC v. Natalie M. LaPrade Maryland Medical Cannabis Commission, et al.*, No. 24-C-16-005801) are hereby STAYED pending further order of this Court.

JUDGE

ALTERNATIVE MEDICINE
MARYLAND, LLC

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMMISSION, *et al.*

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* Case No.: 24-C-16-005801
* Judge: Barry G. Williams

FILE COPY
MAY 15 2017
CIVIL DIVISION

* * * * *

**PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANTS' MOTION
TO STAY CIRCUIT COURT PROCEEDINGS PENDING FURTHER REVIEW
AND
REQUEST FOR HEARING**

COMES NOW the Plaintiff, Alternative Medicine Maryland, LLC, by and through counsel, Brian S. Brown, Christopher T. Casciano, Brown & Barron, LLC, Byron L. Warnken, Byron B. Warnken, Warnken, LLC, John A. Pica, Jr., and John Pica and Associates, LLC, and hereby responds in opposition to Defendants' Motion to Stay Circuit Court Proceedings Pending Further Review and appeal of this Honorable Court's May 3, 2017, discovery order, and in support thereof, states as follows:

INTRODUCTION

As Defendants' Notice of Appeal to the Court of Special Appeals of Maryland is premature, improper and moot, it stands to reason that Defendants' collateral Motion to Stay Circuit Court Proceedings Pending Further Review must be summarily denied on the same grounds.

Defendants' interlocutory appeal, dated May 8, 2017, sought immediate and emergency review of, and relief from, this Honorable Court's May 3, 2017 discovery order denying Defendants' Motion for Protective Order, and otherwise precluding Defendants from invoking

“either the deliberative process privilege or executive privilege to forestall the discovery of information concerning the grower subcommittee’s deliberations and selection process” during the course of Commissioner Harry Robshaw’s discovery deposition. Interestingly, and despite the purported urgency of Defendants’ request for “immediate” relief here, Defendants’ counsel elected not to file a Motion to Shorten Time for Response with this Honorable Court, so as to effectuate and obtain a prompt and timely ruling prior to the commencement of Commissioner Robshaw’s deposition, until after the completion of Commissioner Robshaw’s Deposition.

At this late juncture, and now that Commissioner Robshaw’s May 10, 2017 discovery deposition has already transpired, the “further review” and “immediate” relief sought by Defendants (*i.e.*, a protective order precluding Plaintiff from compelling Commissioner Robshaw to provide testimony concerning the deliberations underlying the Commission’s discretionary decisions)¹, and the noted Appeal, is now moot. Essentially, Defendants are now asking this Court for leave to undo something that cannot be undone.

Furthermore, Defendants’ interlocutory appeal is categorically premature and improper. Generally, appellate review must ordinarily await the entry of a final judgment disposing of all claims against the parties. However, the collateral order doctrine provides for a limited exception to this general rule where, among other things, (a) the interlocutory order resolves an issue that is completely separate from the merits of the action and (b) the issue would be effectively unreviewable if the appeal had to await the entry of a final judgment. Here, the instant appeal fails

¹ Plaintiff asserts that the foundation of Defendants’ Appeal, and the instant Motion to Stay Circuit Court Proceedings Pending Further Review, is invalid as Defendants acknowledge that the deliberative process privilege only applies to the Commission’s “discretionary decisions”, as opposed to a mandatory legislative directive. Therefore, because the Maryland Legislature unambiguously required and mandated that the Commission “actively seek to achieve racial, ethnic and geographic diversity when licensing medical cannabis growers”, a discretionary decision is not at issue here and the deliberative process privilege is not implicated in the first instance.

to satisfy these two critical requirements of the collateral order doctrine, and therefore, is an impermissible interlocutory appeal.

Finally, should Defendants wish to pursue appellate review of this Honorable Court's reasoned determination that they waived their right to assert either the deliberative process privilege or executive privilege in connection with Commissioner Robshaw's discovery deposition, they must now wait until the conclusion of the case, when final judgment is entered because a determination that a party has waived a recognized privilege (whether it be a deliberative process privilege, an attorney-client privilege, or the like) is not an exception to the general rule that interlocutory orders are not immediately appealable.

For these reasons, as well as those detailed herein, Defendants' Motion to Stay Circuit Court Proceedings Pending Further Review is unnecessary and moot, and therefore, must be summarily denied.

BACKGROUND AND PROCEDURAL POSTURE

Plaintiff, Alternative Medicine Maryland, LLC (hereinafter "AMM"), an aggrieved and unsuccessful applicant for one of the fifteen (15) medical cannabis grower licenses issued by the Defendant, Maryland Medical Cannabis Commission (hereinafter "the Commission"), filed a Complaint for Declaratory Judgment and for Preliminary and Permanent Injunctive Relief with this Honorable Court on October 31, 2016, asserting, among other things, that the Commission acted contrary to its legislatively-mandated statutory directive to "actively seek to achieve racial and ethnic diversity" in implementing and administering Maryland's Medical Cannabis Program, and that the Commission's intentional and/or negligent failure to take the steps necessary to affirmatively seek to achieve racial and ethnic diversity amongst the applicants and pre-approved

medical cannabis licensees, contrary to its enabling statute, was illegal, arbitrary and/or capricious. It is undisputed that the Commission did not comply with this legislative mandate.

On or about March 17, 2017, Plaintiff issued and served a Subpoena and Notice to Take Deposition of Colonel Harry “Buddy” Robshaw, III, a Commissioner with, and Vice Chairman of, the Maryland Medical Cannabis Commission, compelling Commissioner Robshaw to appear for a discovery deposition on May 10, 2017.

On April 17, 2017, Defendants filed a Motion to Quash Subpoena, a Motion for Protective Order, and an Emergency Motion to Shorten Time for Response, wherein Defendants requested that the subpoena for Commissioner Robshaw’s discovery deposition be quashed, and that a protective order be issued precluding Plaintiff from compelling Commissioner Robshaw to provide deposition testimony concerning the deliberations underlying the Commission’s discretionary decisions throughout the Medical Cannabis Program’s application and licensing process.

On May 3, 2017, this Honorable Court summarily denied Defendants’ motions, and in doing so, ordered that (a) Plaintiff be permitted to depose Commissioner Robshaw on May 10, 2017, and (b) during the course Commissioner Robshaw’s discovery deposition, Defendants be precluded from invoking the deliberative process privilege and/or executive privilege to forestall the discovery of information concerning the grower subcommittee’s deliberations and selection process. (See Judge Williams’ May 3, 2017 Order, attached hereto as Exhibit 1).

On May 8, 2017, Defendants filed a Notice of Appeal with the Court of Special Appeals of Maryland seeking an interlocutory appeal of the May 3, 2017 discovery order. (See Defendants’ Notice of Appeal, attached hereto as Exhibit 2). Concurrent with their Notice of Appeal, Defendants also filed the instant Motion to Stay Circuit Court Proceedings Pending Further Review, as well as a Motion for Immediate Stay of Circuit Court Proceedings Pending Further

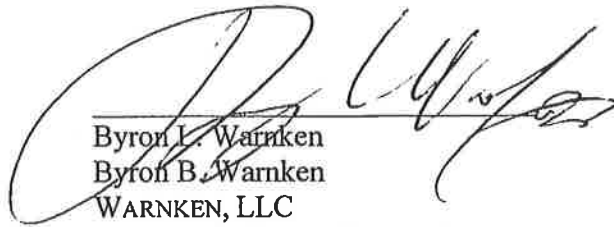
Review in the Court of Special Appeals of Maryland.² Strikingly absent from Defendants' May 8th filings was a Motion to Shorten Time for Response with this Honorable Court and/or the Court of Special Appeals of Maryland, so as to effectuate and obtain a prompt and timely ruling prior to the commencement of Commissioner Robshaw's May 10, 2017 deposition.

Absent rulings from both this Honorable Court and the Court of Special Appeals of Maryland concerning Defendants' two respective and aforementioned Motions to Stay, the May 10, 2017 discovery deposition of Commissioner Robshaw proceeded as scheduled. During his deposition, and pursuant to the May 3, 2017 discovery order, Commissioner Robshaw was asked and permitted to answer (albeit, under a continuing objection from Defendants' counsel) questions concerning, among other things, deliberations of the Commission and the Commission's Grower Evaluation Subcommittee, the evolution of draft and final regulations, the evaluations, recommendations, and applicant scoring of the Regional Economic Studies Institute (hereinafter "RESI"), the grower license pre-approval selection process, and the Commission's efforts (or lack thereof) to "actively seek to achieve racial and ethnic diversity" in implementing and administering Maryland's Medical Cannabis Program. (*See, generally*, the Deposition Transcript of Commissioner Robshaw, attached hereto as Exhibit 3).

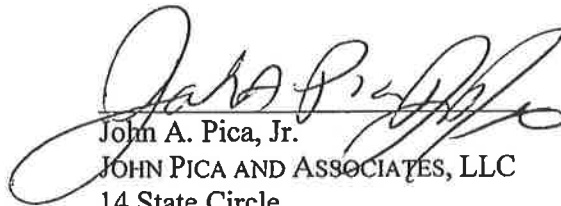
As it currently stands, (a) given that Commissioner Robshaw's discovery deposition was permitted to move forward on May 10, 2017, and (b) given that Commissioner Robshaw was asked, and permitted to answer, questions concerning the Commission's decision-making and other programmatic processes, purportedly implicating the deliberative process privilege and/or executive privilege, the requested relief and review sought by way of Defendants' Notice of

² As of the filing of Appellee's instant Motion in Response, the Circuit Court for Baltimore City had not yet ruled on Appellants' Motion to Stay Circuit Court Proceedings Pending Further Review, nor is the responsive pleading yet due.

**MEMORANDUM OF LAW
EXCLUDED PURSUANT TO
MARYLAND RULE 8-501(c)**



Byron L. Warnken
Byron B. Warnken
WARNKEN, LLC
2 Reservoir Circle, Suite 104
Baltimore, Maryland 21208
byron@warnkenlaw.com
P: (443) 921-1100
F: (443) 921-1111
Counsel for Plaintiff

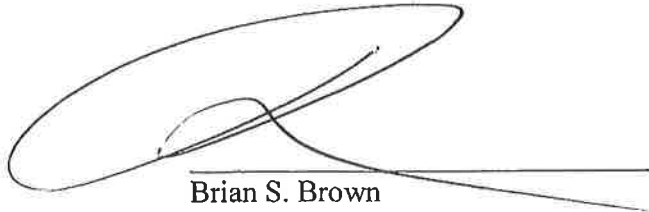


John A. Pica, Jr.
JOHN PICA AND ASSOCIATES, LLC
14 State Circle
Annapolis, Maryland 21401
jpica@johnpica.com
P: (410) 990-1250
F: (410) 280-2546
Counsel for Plaintiff

REQUEST FOR HEARING

Plaintiff, Alternative Medicine Maryland, LLC, respectfully requests a hearing on Defendants' Motion for Immediate Stay of Circuit Court Proceedings Pending Further Review.

Dated: May 15, 2017



Brian S. Brown

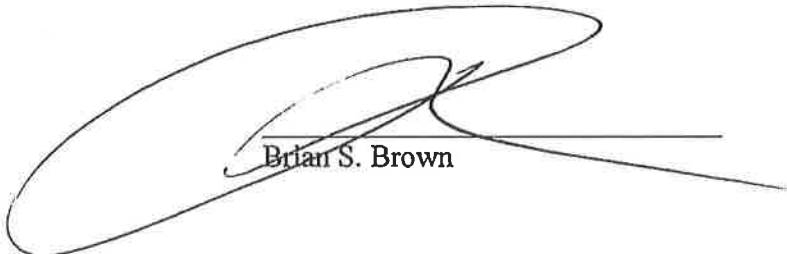
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of May, 2017, copies of the forgoing Plaintiff's Response in Opposition to Defendants' Motion to Stay Circuit Court Proceedings Pending Further Review, Request for Hearing, and a proposed Order were sent via electronic mail and by hand-delivery to:

Heather B. Nelson, Esquire
Assistant Attorney General
300 W. Preston Street, Suite 302
Baltimore, Maryland 21201
Email: heather.nelson1@maryland.gov
Counsel for Defendants

with courtesy copies hand-delivered to:

The Honorable Barry Williams
Circuit Court for Baltimore City
Courthouse East – Room 534
111 N. Calvert Street
Baltimore, Maryland 21202



Brian S. Brown

ALTERNATIVE MEDICINE
MARYLAND, LLC

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMMISSION, *et al.*

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* Case No.: 24-C-16-005801
* Judge: Barry G. Williams
*

* * * * *

ORDER

UPON CONSIDERATION of Defendants’ Motion to Stay Circuit Court Proceedings Pending Further Review, Plaintiff’s Response in Opposition thereto, and any argument of counsel, it is this _____ day of _____, 2017, by the Circuit Court for Baltimore City, Maryland, hereby:

ORDERED, that Defendants’ Motion to Stay Circuit Court Proceedings Pending Further Review be, and hereby is, **DENIED**.

Judge, Circuit Court for Baltimore City

Copies to: ALL COUNSEL OF RECORD

7/1/2

ALTERNATIVE MEDICINE MARYLAND, LLC,

Plaintiff

v.

NATALIE M. LAPRADE MARYLAND MEDICAL CANNABIS COMMISSION, et al.,

Defendants

IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

Case No.: 24-C-16-005801

* * * * *

ORDER

Upon consideration of the Defendants' Motion to Stay Circuit Court Proceedings Pending Further Review (#68) and Defendants' Motion to Shorten Time For Response (#71) and any opposition thereto, it is this 26th day of May, 2017, by the Circuit Court for Baltimore City:

ORDERED, that Defendants' Motion to Stay Circuit Court Proceedings Pending Further Review (#68) is hereby **DENIED**; and it is further

ORDERED that Defendants' Motion to Shorten Time for Response (#71) is hereby **DENIED** as moot.

Judge's Signature Appears on Original Document

Judge Barry G. Williams
Circuit Court for Baltimore City

TRUE COPY
TEST

Marilyn Bentley

MARILYN BENTLEY, CLERK



Notice to Clerk: Please mail copies to all parties.

ALTERNATIVE MEDICINE
MARYLAND, LLC

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMMISSION, *et al.*

Defendants.

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* Case No.: 24-C-16-005801
* Judge: Barry G. Williams
*

* * * * *

**PLAINTIFF'S MOTION FOR EMERGENCY TEMPORARY
RESTRAINING ORDER AND REQUEST FOR ORDER TO SHOW
CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT BE GRANTED
AND
REQUEST FOR IMMEDIATE EMERGENCY HEARING**

COMES NOW the Plaintiff, Alternative Medicine Maryland, LLC (hereinafter "AMM"), by and through counsel, Brian S. Brown, Christopher T. Casciano, Brown & Barron, LLC, Byron L. Warnken, Byron B. Warnken, Warnken, LLC, John A. Pica, Jr., and John Pica and Associates, LLC, and pursuant to Maryland Rules 15-501, *et seq.*, hereby moves this Honorable Court for an Emergency Temporary Restraining Order and respectfully requests that the Court issue an Order to Show Cause as to why a Preliminary Injunction should not be granted against the Defendants, Natalie M. LaPrade Maryland Medical Cannabis Commission (hereinafter "the Commission"), *et al.*, and respectfully requests an expedited hearing with regard to the above, and in support thereof, states as follows:

1. The Maryland Rules expressly provide for the issuance of a Temporary Restraining Order, prior to the opportunity for a full adversarial hearing on the propriety of a Preliminary Injunction, upon a showing from specific facts, supported by statements under oath, that immediate, substantial and irreparable harm will result to the party seeking the order. Md. Rule 15-501, *et seq.*

2. The record is clear from the facts and sworn testimony in this case, as set forth more specifically in the attached Memorandum of Law in Support, that unless and until a Temporary Restraining Order is granted, AMM will suffer immediate, substantial, and irreparable harm before a full adversarial hearing can be held on the propriety of a preliminary injunction.

3. AMM has a strong likelihood of success on the merits of its Complaint for Declaratory Judgment and Preliminary and Permanent Injunctive Relief, filed with this Honorable Court on October 31, 2016 (Docket No. 1/0), and attached hereto as Exhibit A.

4. The harm to AMM if a Temporary Restraining Order is not granted strongly outweighs any potential harm to the Defendants if a Temporary Restraining Order and/or a Preliminary Injunction are granted.

5. In the event that injunctive relief is not granted, AMM has in the past, and will in the future, suffer immediate, substantial, and irreparable injury for which there is no adequate remedy at law.

6. A Temporary Restraining Order and/or Preliminary Injunction are necessary to preserve the "status quo" while further facts are developed by way of discovery and to definitively prevent the accrual of further irreparable harm to the Plaintiff.

7. The public interest is best served by granting a Temporary Restraining Order and/or a subsequent Preliminary Injunction.

8. In further support of Plaintiff's Motion for Emergency Temporary Restraining Order and Request for Order to Show Cause Why a Preliminary Injunction Should Not Be Granted, this Honorable Court is respectfully referred to the accompanying Memorandum of Law in Support, the Affidavit of Professor F. Michael Higginbotham, attached hereto as Exhibit B; and the Affidavit of Dr. Gregory Daniel, AMM's Managing Member, attached hereto as Exhibit C, all

of which the Plaintiff incorporates by reference and attachment hereto, as if fully set forth herein.

9. Plaintiff also represents that Heather B. Nelson, Esquire, of the Maryland Attorney General's Office, and counsel of record for the Defendants, has been provided with notice of and served, via electronic mail and hand-delivery, with copies of the instant Motion, along with all supporting documentation.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court:

A. Issue a Temporary Restraining Order so as to maintain the "status quo," and ORDER that the Defendants, Natalie M. LaPrade Maryland Medical Cannabis Commission, *et al.*, by and/or through their duly-authorized commissioners, agents, servants, and/or employees, be temporarily:

(1) RESTRAINED and ENJOINED from authorizing, granting and/or issuing any final licenses to cultivate and grow medical cannabis in Maryland prior to a full adversarial hearing on the propriety of granting a Preliminary Injunction;

(2) RESTRAINED and ENJOINED from taking any additional action pursuant to and in furtherance of the Commission's Stage 2 medical cannabis grower licensing scheme, including the immediate suspension of inspections of and for the fifteen (15) pre-approved medical cannabis growing facilities, prior to a full adversarial hearing on the propriety of granting a Preliminary Injunction;

B. Issue a Show Cause Order requiring the Defendants, Natalie M. LaPrade Maryland Medical Cannabis Commission, *et al.*, by and/or through their duly-authorized commissioners, agents, servants, and/or employees, to affirmatively

show cause as to why the Court should not issue a preliminary injunction, prior to a full and final adjudication on the merits;

C. Issue a Preliminary Injunction in order to maintain the “status quo,” and ORDER that the Defendants, Natalie M. LaPrade Maryland Medical Cannabis Commission, *et al.*, by and/or through their duly-authorized commissioners, agents, servants, and/or employees, be preliminarily:

(1) RESTRAINED and ENJOINED from authorizing, granting and/or issuing any final licenses to cultivate and grow medical cannabis in Maryland prior to a full trial on the merits and propriety of granting a Permanent Injunction;

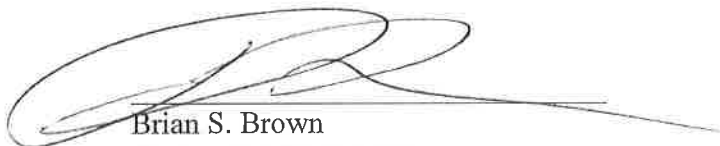
(2) RESTRAINED and ENJOINED from taking any additional action pursuant to and in furtherance of the Commission’s Stage 2 medical cannabis grower licensing scheme, including the immediate suspension of inspections of and for the fifteen (15) pre-approved medical cannabis growing facilities, prior to a full adversarial hearing on the propriety of granting a Permanent Injunction;

D. Waive and dispense with the requirement of surety or other security for a bond, pursuant to Md. Rule 15-503(c) and the Court’s discretionary powers, as one of the parties is a governmental entity and the Plaintiff otherwise seeks to enforce an important legally recognized and mandated right well within the purview of the public interest; and

E. For such other and further relief as the Court deems appropriate and just.

Dated: May 15, 2017

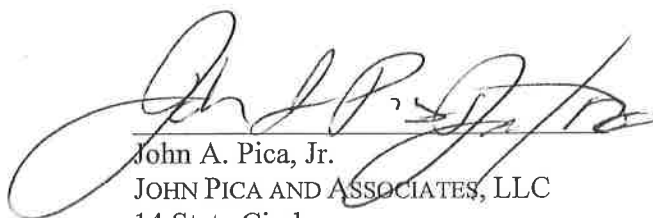
Respectfully submitted,



Brian S. Brown
Christopher T. Casciano
BROWN & BARRON, LLC
7 St. Paul Street, Suite 800
Baltimore, Maryland 21202
bbrown@brownbarron.com
ccasciano@brownbarron.com
P: (410) 547-0202
F: (410) 332-4509
Counsel for Plaintiff



Byron L. Warnken
Byron B. Warnken
WARNKEN, LLC
2 Reservoir Circle, Suite 104
Baltimore, Maryland 21208
byron@warnkenlaw.com
P: (443) 921-1100
F: (443) 921-1111
Counsel for Plaintiff



John A. Pica, Jr.
JOHN PICA AND ASSOCIATES, LLC
14 State Circle
Annapolis, Maryland 21401
jpica@johnpica.com
P: (410) 990-1250
F: (410) 280-2546
Counsel for Plaintiff

I HEREBY DECLARE AND AFFIRM, UNDER THE PENALTIES OF PERJURY, THAT THE CONTENTS OF THE FOREGOING PLAINTIFF'S MOTION FOR EMERGENCY TEMPORARY RESTRAINING ORDER AND REQUEST FOR ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT BE GRANTED, AND MEMORANDUM OF LAW IN SUPPORT THEREOF, ARE TRUE, ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

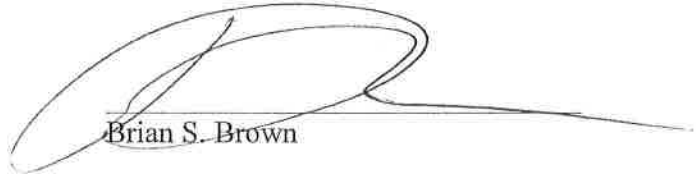
5/15/17
DATE



BRIAN S. BROWN, ESQUIRE

REQUEST FOR EXPEDITED HEARING

Plaintiff, Alternative Medicine Maryland, LLC, hereby requests an expedited hearing on the foregoing Plaintiff's Motion for Emergency Temporary Restraining Order and Request for Order to Show Cause Why A Preliminary Injunction Should Not Be Granted.



Brian S. Brown

CERTIFICATE OF SERVICE

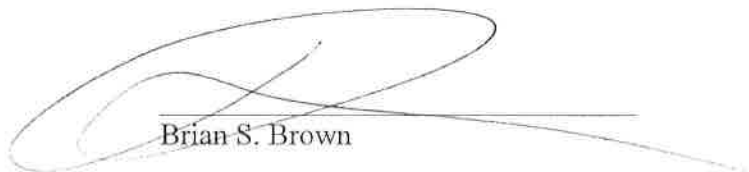
I HEREBY CERTIFY that on this 15th day of May, 2017, copies of the forgoing Plaintiff's Motion for Emergency Temporary Restraining Order and Request for Order to Show Cause Why A Preliminary Injunction Should Not Be Granted, Memorandum of Law in Support thereof, Exhibits, Request for Expedited Hearing, and proposed Orders, were sent via electronic mail and by hand-delivery to:

Heather B. Nelson, Esquire
Assistant Attorney General
300 W. Preston Street, Suite 302
Baltimore, Maryland 21201
Email: heather.nelson1@maryland.gov
Counsel for Defendants

with courtesy copies hand-delivered to:

The Honorable Barry Williams
Circuit Court for Baltimore City
Courthouse East – Room 534
111 N. Calvert Street
Baltimore, Maryland 21202

The Honorable Althea M. Handy
Circuit Court for Baltimore City
Courthouse East – Room 529
111 N. Calvert Street
Baltimore, Maryland 21202



Brian S. Brown

ALTERNATIVE MEDICINE
MARYLAND, LLC

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMMISSION, *et al.*

Defendants.

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* Case No.: 24-C-16-005801
* Judge: Barry G. Williams
*

* * * * *

**MEMORANDUM OF LAW IN SUPPORT OF
PLAINTIFF’S MOTION FOR EMERGENCY TEMPORARY
RESTRAINING ORDER AND REQUEST FOR ORDER TO SHOW
CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT BE GRANTED**

COMES NOW the Plaintiff, Alternative Medicine Maryland, LLC (hereinafter “AMM”), by and through counsel, Brian S. Brown, Christopher T. Casciano, Brown & Barron, LLC, Byron L. Warnken, Byron B. Warnken, Warnken, LLC, John A. Pica, Jr., and John Pica and Associates, LLC, and pursuant to Maryland Rules 15-501, *et seq.*, 1-351 and 2-311(c)-(d), hereby submits the foregoing Memorandum of Law in Support of Plaintiff’s Motion for Temporary Restraining Order and Order to Show Cause why a Preliminary Injunction Should Not Be Issued.

INTRODUCTION

AMM seeks the remedies of a temporary restraining order and subsequent preliminary injunction to address the Defendant Maryland Medical Cannabis Commission’s (hereinafter “the Commission”) illegal, arbitrary, capricious and unreasonable actions, omissions and patent missteps in implementing and administering Maryland’s Medical Cannabis Program.

Specifically, the record is clear that the Commission intentionally and/or negligently ignored its legislatively-mandated duty and directive to “actively seek to achieve racial, ethnic, and geographic diversity when licensing medical cannabis growers.” MD. CODE ANN., HEALTH

B. The Balance of Convenience Weighs In Favor Of Immediate Injunctive Relief.

There is little potential for harm to the Defendants in granting AMM's request for a Temporary Restraining Order and subsequent Preliminary Injunction, as the requested relief will merely preserve the "status quo," and otherwise reinforce the Defendant Commission's legislatively-mandated duty to "actively seek to achieve racial, ethnic, and geographic diversity when licensing medical cannabis growers;" an unambiguous legislative directive which the Commission intentionally and/or negligently disregarded, in direct contravention of its authorizing statute.

Furthermore, Defendants are not market participants, so they do not stand to lose economically in the event that the licensing process is halted and/or re-initiated in accordance with Maryland law. Pursuant to statute, Defendants have until June 1, 2018 to license the first 15 medical cannabis growers. (*See* Health Gen. § 13-3306(a)). It took the Commission approximately ten (10) months to review and rank the initial 145 medical cannabis grower applications. Reconsidering Stage 1 applicants in accordance with the proper and legislatively-mandated statutory criteria will take substantially less time than the initial ten-month review process because the Commission already has before it extensive information about each applicant. Thus, there is every indication that the Commission has ample time to redo the Stage 1 approval process in the 12+ months before the June 2018 statutory deadline to award the first 15 licenses.

C. AMM Has Been and Will Continue To Be Immediately and Irreparably Harmed.

Irreparable harm is a "pliant term adaptable to the unique circumstances which an individual case might present." *Commission on Human Relations v. Talbot County Detention Center*, 370 Md. 115, 140 (2002). As explained by the Maryland Court of Appeals:

[A]n injury is irreparable, within the law of injunctions, where it is of such a character that a fair and reasonable redress may not be had in a court of law, so that

**MEMORANDUM OF LAW
EXCLUDED PURSUANT TO
MARYLAND RULE 8-501(c)**

Exhibit A Omitted

**Please see Docket 1/0
(Complaint)**

EXHIBIT B

ALTERNATIVE MEDICINE
MARYLAND, LLC

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMMISSION, *et al.*

Defendants.

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* Case No.: 24-C-16-005801
* Judge: Barry G. Williams
*

* * * * *

AFFIDAVIT OF PROFESSOR F. MICHAEL HIGGINBOTHAM

1. I am over 18 years of age, a resident of Maryland, competent to testify, and have personal knowledge of the facts set forth herein.

2. I am currently the Dean Joseph Curtis Professor of Law and the former Interim Dean at the University of Baltimore School of Law.

3. I am the co-founder of the Fannie Angelos Program for Academic Excellence and the former President of the Public Justice Center, the former chair of the Maryland Attorney General's Task Force on Electronic Weapons, and the former chairperson of the Association of American Law Schools Committee on Recruitment and Retention of Minority Faculty.

4. I have authored numerous publications in the areas of Constitutional Law, Equal Protection, Human Rights, and Race Relations, including "Ghosts of Jim Crow: Ending Racism In Post-Racial America", published in February 2013, and "Race Law: Cases, Commentary, and Questions", published in June 2015.

5. A copy of my *Curriculum Vitae* is attached hereto as Exhibit 1.

6. I have been retained by the Plaintiff, Alternative Medicine Maryland, LLC, as an expert witness in the areas of Constitutional Law, Equal Protection, Human Rights, and Race Relations.

7. My opinions are based upon my knowledge, training and experience in the areas of Constitutional Law, Equal Protection, Human Rights, and Race Relations, as well as my review of the relevant materials relating to the racial and ethnic diversity aspects of this case, including (a) the Maryland Medical Cannabis Commission’s authorizing and governing statutes, MD. CODE ANN., HEALTH GEN. §13-33000, *et seq.*, (b) COMAR 10.62.08.05, *et seq.*, (c) Commission regulations, (d) federal and state laws on affirmative action, (e) federal and state judicial decisions on affirmative action, and (f) and other relevant materials.

8. It is my opinion to a reasonably degree of constitutional certainty that the Defendants (hereinafter collectively “the Commission”) had actions available to it which would have enabled the Commission to comply with its authorizing and governing statute, and that could have been implemented without violating state or federal constitutional law, and therefore, the Commission should not have abandoned its affirmative legislative mandate to “actively seek to achieve” racial and ethnic diversity when licensing medical cannabis growers. More specifically, but without limitation, I offer the following:

- a. On January 23, 2015, the Commission initially issued proposed regulations that considered “racial, ethnic, and geographic diversity,” and minority business enterprise status in the scoring criteria for Stage 1 grower license pre-approvals. (*See* Complaint, at ¶ 36).
- b. During the 2015 legislative session, Delegate Christopher West requested advice from the Attorney General’s (AG) office about the constitutionality of the requirement for the Commission to “actively seek to achieve” racial and ethnic diversity, and to “encourage” minority business enterprises to apply. (*See* Complaint, at ¶ 37).

- c. The AG responded to Delegate West on March 13, 2015, by letter authored by Kathryn Rowe, an Assistant Attorney General, and the letter was provided to the Commission. The letter stated, in part, that “constitutional limits, however, would prevent the Commission from conducting race or ethnicity-conscious licensing in the absence of a disparity study showing past discrimination in similar programs.” The AG also advised that absent a study, “the efforts of the Commission to seek racial and ethnic diversity among growers and dispensaries would have to be limited to broad publicity given to the availability of the licenses and encouragement of those from various groups.” (See the March 13, 2015 Correspondence from Assistant Attorney General Kathryn M Rowe to Delegate Chris West, attached hereto as Exhibit 2).
- d. On September 14, 2015, the Commission removed all references to and mention of racial and ethnic diversity from its regulations. (See Complaint, at ¶ 38). The final version of COMAR 10.62.08.05 provides, among other things, that the Commission may consider geographic diversity for scoring purposes within the Stage 1 rating system. (See COMAR 10.62.08.05, attached hereto as Exhibit 3). After this final COMAR version, none of the Commission’s regulations mention consideration of racial or ethnic diversity in the licensing process. *Id.*
- e. On August 26, 2015, the Washington Post printed an article wherein it was noted that “[n]one of the businesses [pre-]approved [by the Commission] for cultivation are led by African Americans, even though the legislature

seeks to create a racially diverse industry in a state where nearly a third of the population is black.” (See Fenit Nirappil, *Hogan, Frosh concerned about lack of diversity in Maryland’s medical pot licenses*, The Washington Post, August 26, 2016, attached hereto as Exhibit 4). In the same article, Delegate Cheryl D. Glenn (D-Baltimore), who was reportedly “instrumental in passing the bill that legalized medical marijuana,” stated that “[w]e are not going to accept licenses being awarded and **people getting an unfair advantage in this billion-dollar industry** with no minority participation.” *Id.* (Emphasis added). The article goes on to state that “[a]fter [Delegate] Glenn and other black lawmakers raised concerns, the attorney general’s office said the commission should not have concluded from the [March 13, 2015] letter [from Assistant Attorney General Kathryn Rowe to Delegate West] that it would be wrong to take the race of prospective marijuana business owners into account.” *Id.* Raquel Coombs, a spokeswoman for Attorney General Frosh, indicated that “the commission could have researched whether there is evidence of racial disparity in industries similar to medical marijuana” and “[i]f there is...the commission would be justified in taking race into account.” *Id.* Ms. Coombs was further quoted as saying that “[t]he attorney general strongly believes that this [medical cannabis] industry should reflect the diversity of the state.” *Id.*

- f. In a letter from Paul Davies, M.D., Chair of the Commission, posted on the Commission’s website in response to the August 26, 2016 Washington Post article on racial diversity, Davies claims that the Commission had a “**strong**

belief that minority inclusion is of paramount importance” to the medical marijuana growing industry in Maryland. (See Davies Letter, attached hereto as Exhibit 5). Notably, Commissioner Davies also states that “[the commission] realize[s] that this emerging [medical cannabis] industry creates numerous possibilities for growth and economic opportunity for many in Maryland;” that “**the Commission is committed to seeking and promoting racial diversity and minority inclusion;**” and that the Commission “believe[s] that **diversity is in the best interest of the industry and an important responsibility.**” *Id.* If Commissioner Davies’ statements were, in fact, true, one would expect that abandonment of racial and ethnic diversity as a weighted component in the licensing selection process would have been done only after careful consideration. At a minimum, one would have expected a request to the Attorney General to make certain that every possible method to satisfy the legislative mandate was being implemented, particularly if the Commission members had any doubts as to what methods could be utilized after receipt of the March 13, 2015 letter from Assistant Attorney General Rowe. Yet no requests or inquiry appears to have been made. Instead, based upon an erroneous reading of the March 13, 2015 letter, the Commission simply abandoned all race-conscious efforts to achieve racial and ethnic diversity in the selection of medical marijuana licenses for growers, and accordingly, “there were no requirements to disclose race on the application.” *Id.*

- g. After the selection of the 15 Stage 1 grower license pre-approvals were

identified, much criticism was forthcoming from members of Maryland's Legislative Black Caucus for the lack of racial and ethnic diversity in the designated licensees. (See Pamela Wood, *Panel awards licenses for 102 Marijuana dispensaries*, The Baltimore Sun, December 10, 2016, attached hereto as Exhibit 6).

- h. Governor Larry Hogan and Attorney General Brian Frosh also criticized this lack of diversity. (See Exhibit 4). Specifically, Attorney General Frosh indicated he thought more could have been done to foster racial diversity and Governor Hogan assigned two top staff members to help address these diversity issues. (See Fenit Nirappil, *Medical-pot regulators in Maryland blast AG for conflicting advice on racial diversity*, The Washington Post, September 1, 2016, attached hereto as Exhibit 7).
- i. Subsequently, the Commission hired a diversity consultant to advise on the feasibility of conducting a disparity study at this stage in the process, as well as providing guidance on what actions, if any, may be undertaken to satisfy the legislative directive to the Commission to "actively seek to achieve" racial and ethnic diversity. (See Erin Cox, *Maryland medical marijuana panel will hire diversity consultant*, The Baltimore Sun, November 28, 2016, attached hereto as Exhibit 8).
- j. Hiring a diversity consultant at this late stage in the process indicates a recognition that much more could have and should have been done by the Commission from the outset to foster racial and ethnic diversity when licensing medical cannabis growers.

9. It is my opinion to a reasonably degree of constitutional certainty that there were several actions the Commission should have taken to satisfy its legislatively-directed duty to “actively seek to achieve” racial and ethnic diversity when licensing medical cannabis growers within the current constitutional restrictions on the utilization of government mandated racial identification to achieve diversity in government contracting: (a) the Commission should have conducted a racial disparity study; (b) even without a disparity study, there were certain race-conscious methods that should have been utilized; and (c) even without a disparity study, there were certain race-neutral methods of fostering racial and ethnic diversity that should have been employed.

10. It is my opinion to a reasonable degree of constitutional certainty that the Commission could have and should have conducted a racial disparity study in furtherance of the legislative mandates set forth in their authorizing and governing statutes. More specifically, but without limitation, I offer the following:

- a. Even though race-based affirmative action programs are subject to the strictest judicial scrutiny when subject to Fourteenth Amendment Equal Protection Clause challenge (*City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989)), in certain circumstances they are constitutionally permitted. *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200 (1995). The *Adarand* Court explained that strict scrutiny does not prohibit government remedial action. Writing for the majority opinion, Justice Sandra Day O’Connor stated: “We wish to dispel the notion that strict scrutiny is ‘strict in theory, but fatal in fact.’ The unhappy persistence of both the practice and lingering effects of racial discrimination against minority groups in this country is an

unfortunate reality, and government is not disqualified from acting in response to it.” *Adarand*, 515 U.S. at 237.

- b. Following the Supreme Court’s decision in *Adarand*, the Justice Department issued guidelines to govern the use of race-conscious remedies. (See 48 C.F.R. § 19.201 (2005)). The guidelines provided: “The mere fact that there has been generalized, historical societal discrimination in the country against minorities is an insufficient predicate for race-conscious remedial measures; the discrimination to be remedied must be identified more concretely. The federal government would have a compelling interest in taking remedial action in its procurement activities, however, if it can show with some degree of specificity just how ‘the persistence of both the practice and the lingering effects of racial discrimination’ – to use Justice O’Connor’s phrase in *Adarand*- has diminished contracting opportunities for members of racial and ethnic minority groups.” *Adarand*, 515 U.S. at 237.
- c. As the Justice Department indicated, in order to provide the requisite justification for race-conscious remedies, the first requirement of strict scrutiny is that a government entity, state or federal (*Adarand*, 515 U.S. at 235), must have a “compelling” reason. One way to satisfy this requisite compelling interest is to establish the existence of present-day discrimination or the ongoing effects of past racial or ethnic discrimination within an industry/market of a particular state. *Croson*, 488 U.S. at 485-486, 492, 509. Such a finding must be supported by a strong basis in evidence.

Crosby, 488 U.S. at 510. Disparity studies can provide such a strong basis in evidence, and, therefore, a compelling reason should the studies establish a showing of present discrimination or present effects of past discrimination in the industry/market or similar industries/markets within the state. *Crosby*, 488 U.S. at 509.

- d. Maryland Assistant Attorney General Kathryn Rowe's letter to Delegate Chris West of March 13, 2015 indicates that, absent a disparity study, no race-conscious selection process would be appropriate. (See Exhibit 2). The letter did not indicate any legal prohibition against conducting such a disparity study. *Id.* The letter did not provide any express or implied preference by the Attorney General, or his designees, that no study be conducted. *Id.* The letter indicated only that Assistant Attorney General Rowe was unaware of any disparity study that would cover grower licenses or licensing in general. *Id.* Yet, the Commission chose to proceed without investigating whether any studies had already been done that would shed light on the racial disparities that might exist in the industry/market under review or whether other studies existed of related or similar industries/markets in other states. Notably, at this time, 29 states (and the District of Columbia) have legalized medical marijuana. (See www.medicalmarijuana.procon.org).
- e. In fact, two disparity studies had already been completed in two recently created Maryland markets, the gaming industry and wind energy industry. (See Exhibit 4). Therefore, just because an industry may be newly created

in the state would not provide the requisite justification for preventing a disparity study examining the medical marijuana growing industry in Maryland. Similarly, a disparity study could have been done on marijuana growing industries in other states. Moreover, disparity studies could have been conducted for industries /markets within Maryland that were similar in nature to marijuana growing such as various agriculture growing industries/markets or drug manufacturing industries/markets. Such disparity studies would likely shed light on conditions for minorities trying to get into the medical marijuana growing business in Maryland.

- f. Since use or growing of marijuana, even for medical purposes, has been completely prohibited in the state of Maryland until recently, no disparity studies had been conducted for that particular market. With the passage of legislation creating a commission to conduct a process for permitting the growing of marijuana by designated businesses, a disparity study should have been authorized by the Commission to determine if it could fulfill its statutory obligations. This is particularly clear when considering the Maryland Assembly legislative directive of 2014 that expressly directed the Commission to “actively seek to achieve” racial and ethnic diversity and the Maryland Assistant Attorney General’s indication that such a disparity study would be needed before any race-conscious selection remedies could be implemented.
- g. The Commission did incorporate a geographical diversity component into the process consistent with the legislative directive to actively seek

geographic diversity, but it did not include a racial or ethnic one. The letter from Paul Davies (*see Exhibit 5*), Chair of the Commission, indicates the Commission removed all references to racial and ethnic diversity on September 14, 2015. It is apparent therefore that the Commission erroneously believed, based on its misinterpretation of the Assistant Attorney General's letter of March 13, 2015 (*see Exhibit 2*), that race-conscious remedies could not be implemented even after a diversity study had been completed. The Commission did not conduct any study or research whether other studies had been done in similar industries/markets. The Commission refused to follow the law as provided in *Adarand* and The Justice Department guidelines. As a consequence, the Commission ended up with a racially disparate result. The Commission's determination not to conduct a racial disparity study constitutes a patent failure to satisfy the legislative mandate to "actively seek to achieve" racial and ethnic diversity.

- h. Notably, on April 27, 2017, Governor Larry Hogan formally requested that the Governor's Office of Minority Affairs (GOMA) "initiate a disparity study of the state's regulated medical cannabis industry and market" and directed that the study be completed "as expeditiously as possible in order to ensure diversity in Maryland's medical cannabis industry...as the issue of promoting diversity is of great importance to [the Governor] and [his] administration." (*See* April 27, 2017 Letter from Governor Larry Hogan to Special Secretary of Minority Affairs, Jimmy H. Rhee, attached hereto as Exhibit 9).

11. It is my opinion to a reasonable degree of constitutional certainty that, even without a disparity study, there were certain race-conscious methods and remedies that should have been utilized and employed by the Commission. More specifically, but without limitation, I offer the following:

- a. As the Maryland Assistant Attorney General Kathryn Rowe's letter to Delegate Chris West of March 13, 2015 indicates (*see* Exhibit 2), the Commission, without conducting a disparity study, could have encouraged minority-owned businesses to apply to participate in the selection process. This type of race-conscious effort, often characterized as "outreach programs," are constitutionally permitted even without a disparity study demonstrating past discrimination within the industry or similar industries or the present effects of such past discrimination. Aside from encouraging applications, such typical outreach efforts include training programs, resource allocation, information gathering, and adoption of goals and timetables.
- b. Since *Adarand*, the Supreme Court has not decided an affirmative action case involving government contracts. Yet several affirmative action cases dealing with education provide guidance on constitutionally permissible race-conscious methods absent a racial disparity study. In a concurring opinion in *Parents Involved in Community Schools v. Seattle School District No. 1*, Justice Anthony Kennedy provided some suggestions on how school districts can constitutionally use race-conscious measures to achieve diversity in the absence of evidence of historical discrimination within the

particular industry/market. 551 U.S. 701, 789 (2007). Justice Kennedy suggested several race-conscious approaches such as strategic site selection of new schools, drawing attendance zones with recognition of the demographics, allocating resources for diversity programs, recruiting students and faculty on a targeted fashion, and tracking enrollment and other statistics by race for informational purposes. *Parents Involved*, 551 U.S. at 788-790.

- c. Applying Justice Kennedy's suggestions in the education arena to government licensing merits consideration, Justice Kennedy's list suggests two easily identifiable and readily transferable race-conscious methods: recruitment and statistical gathering for informational purposes. Although the Commission claimed to have implemented race-conscious recruitment methods to foster racial diversity in grower license applications, it abandoned any efforts at statistical gathering by race or ethnicity for informational purposes by prohibiting the identification of race on the license applications. Supreme Court decisions do not require such prohibition. The Commission has since tried to correct this mistake by requesting, on a voluntary basis, that those awarded grower licenses provide racial and ethnic ownership information. This should have been required from the outset. The Commission's failure to adopt all race-conscious outreach efforts is indicative of the mistaken lack of value, whether intentional or negligent, it placed on satisfying the legislative mandate to "actively seek to achieve" racial and ethnic diversity.

12. It is my opinion to a reasonable degree of constitutional certainty that, even without a disparity study, there were certain race-neutral methods fostering racial and ethnic diversity that should have been utilized and employed by the Commission. More specifically, but without limitation, I offer the following:

- a. Due to the country's long history of racial and ethnic discrimination, and continued racially segregated housing patterns throughout the state of Maryland, race-neutral factors could have been utilized in license selection criteria that would have fostered racial and ethnic diversity in the process, even without the benefit of a disparity study.
- b. First, the Commission could have added to its Stage 1 scoring of grower applications under "Additional factors that will be afforded 15 percent weight," two factors to the four provided. One factor could have been "overcoming historical discrimination" including "racial, ethnic, gender, religious, economic, social, cultural, and other related factors." Another factor could have been close ties to geographic areas within the state with high poverty and/or unemployment rates. Applicants that satisfy one of these factors would be awarded 15 percent weight. Since higher percentages of minority-owned businesses may satisfy one or more of these factors, incorporation of either or both race-neutral factors may have increased the likelihood of a more diverse selected group of applicants.
- c. Race-neutral affirmative action programs that foster racial or ethnic diversity are subject to the lowest level of judicial scrutiny, and are generally permissible as long as the government has a legitimate interest,

and the classification is rationally related to achieving that interest. *Croson*, 488 U.S. at 485-486. Because the Commission was empowered by the Legislature to “actively seek to achieve” racial and ethnic diversity when organizing the selection process under Maryland law, it was empowered, and, in fact, required, to utilize race-neutral methods of selection, if it believed that race-based methods were forbidden.

- d. The Commission could have identified and utilized certain race-neutral selection criteria to increase the likelihood of the selection of a more diverse group of applicants. The letter authored by Commissioner Davies (*see Exhibit 5*) claims that the Commission “took every step possible to include racial diversity as a weighted component in the selection process” and that the Commission has a “strong belief that minority inclusion is of paramount importance to this new industry.” *Id.* Yet the letter makes no mention of any race-neutral factors to foster racial and ethnic inclusion that were adopted by the Commission after the Assistant Attorney General’s letter to Delegate Chris West on March 13, 2015. The failure to adopt such race-neutral measures seriously undermines Chairman Davies’ claim that the Commission’s selection process valued racial and ethnic diversity.

13. Finally, it is my opinion to a reasonable degree of constitutional certainty that the Defendants failed to abide by and otherwise fulfill their legislative mandate to “actively seek to achieve” racial and ethnic diversity. More specifically, but without limitation, I offer the following:

- a. The Commission’s selection process violated its statutory obligations

because it failed to actively seek to achieve racial and ethnic diversity.

- b. There are two ways to proceed moving forward, consistent with the Commission's legislative mandate to "actively seek to achieve" racial and ethnic diversity when licensing medical cannabis growers.
- c. The first is to reject the entire Stage 1 preliminary approval selection scheme and begin a new bidding process after the Commission conducts a racial and ethnic disparity study. Based on the findings of this study, the Commission may then proceed with appropriate race-conscious remedies.
- d. Alternatively, the Commission could conduct a racial and ethnic disparity study and, based upon the findings of the study, add additional licenses consistent with race-conscious remedies. While this approach does not cleanse the original flawed process, and may create other equality concerns, it does allow for the Commission to satisfy its legislative mandate to "actively seek to achieve" racial and ethnic diversity.

14. This Affidavit is not a comprehensive recitation of all of the opinions and the bases for those opinions that I hold with regard to this matter, but rather, merely represents a broad summary of my opinions.

I HEREBY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE FOREGOING AFFIDAVIT ARE TRUE, ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

05/13/17
DATE


F. MICHAEL HIGGINBOTHAM

HIGGINBOTHAM AFFIDAVIT
EXHIBIT 1

CURRICULUM VITAE OF F. MICHAEL HIGGINBOTHAM

PERSONAL

Business Address:
University of Baltimore School of Law
1401 North Charles Street, Angelos Law Center Room 1115
Baltimore, MD 21201
410-837-4649 (Voice)
410-837-4560 (Fax)
higginbotham@ubalt.edu (E-mail)
fmichaelhigginbotham.org (Website)
@professorhigg (Twitter)

EDUCATION

LEGAL

Degrees:

Cambridge University Cambridge, England (GB)
Master of Laws Degree awarded June 1985 (International Law) (Human Rights)
Yale University New Haven, Connecticut (USA)
Juris Doctor Degree awarded June 1982 (Constitutional Law) (Civil Rights)

Honors:

Yale BALSAs Citation of Merit Award. Master of Laws Degree awarded with Honors.
Rotary Scholar (Cambridge University). Hawks' Club (Cambridge Athletic Honor Society).
First ever Full-Blue awarded in Basketball by Cambridge University.

Activities:

Student Representative, Yale Law School Admissions Committee. President, Cambridge University Basketball Club. Captain, British Universities Basketball Team.

NON-LEGAL

Degrees:

Brown University Providence, Rhode Island (USA)
Bachelor of Arts Degree awarded June 1979 (Classics and Ancient Greek History)

Honors:

Bachelor of Arts Degree awarded Magna Cum Laude. Bachelor of Arts Degree awarded with Honors in Classics.

Activities:

Member, Varsity Football Team. Representative, University Council of Students.
Counselor, Residential Life Program.

EXPERIENCE

<u>University of Baltimore School of Law</u> Joseph Curtis Professor of Law, 2013-Present (Endowed Professorship Awarded 2013)	Baltimore, Maryland (USA)
<u>University of Baltimore School of Law</u> Interim Dean, 2011-2012	Baltimore, Maryland (USA)
<u>University of Pennsylvania Law School</u> Visiting Professor of Law, 2011	Philadelphia, Pennsylvania (USA)
<u>University of Baltimore School of Law</u> Professor of Law, 2007-2011	Baltimore, Maryland (USA)
<u>University of Baltimore School of Law</u> Wilson Elkins Professor of Law, 2004-2007 (Endowed Professorship Awarded 2004)	Baltimore, Maryland (USA)
<u>University of Miami Law School</u> Visiting Professor of Law, 2004	Miami, Florida (USA)
<u>University of Baltimore School of Law</u> Professor of Law, 1995-2004 (Promoted 1995)	Baltimore, Maryland (USA)
<u>New York University Law School</u> Adjunct Professor of Law, 1991-2010	New York, New York (USA)
<u>University of Baltimore School of Law</u> Associate Professor of Law, 1991-1995 (Promoted and Tenured 1991)	Baltimore, Maryland (USA)
<u>University of Baltimore School of Law</u> Assistant Professor of Law, 1988-1991	Baltimore, Maryland (USA)
<u>University of Pennsylvania Law School</u> Lecturer in Law, 1986-1988	Philadelphia, Pennsylvania (USA)
<u>Davis, Polk & Wardwell</u> Associate, 1983-1984	Washington, District of Columbia (USA)

United States Court of Appeals
Law Clerk to Judge Cecil Poole, 1982

San Francisco, California (USA)

SELECTED PUBLICATIONS

BOOKS

- Teacher's Manual, RACE LAW: CASES, COMMENTARY, AND QUESTIONS (Fourth Edition), Carolina Academic Press (July 2015)
- Casebook, RACE LAW: CASES, COMMENTARY, AND QUESTIONS (Fourth Edition), Carolina Academic Press (June 2015)
- Instructor's Guide, GHOSTS OF JIM CROW: ENDING RACISM IN POST-RACIAL AMERICA, New York University Press (April 2014)
- Book, GHOSTS OF JIM CROW: ENDING RACISM IN POST-RACIAL AMERICA , New York University Press (March 2013)
- Teacher's Manual, RACE LAW: CASES, COMMENTARY AND QUESTIONS (Third Edition), Carolina Academic Press (August 2010)
- Casebook, RACE LAW: CASES, COMMENTARY AND QUESTIONS (Third Edition), Carolina Academic Press (May 2010)
- Teacher's Manual, RACE LAW: CASES, COMMENTARY AND QUESTIONS (Second Edition), Carolina Academic Press (January 2005)
- Casebook, RACE LAW: CASES, COMMENTARY AND QUESTIONS (Second Edition), Carolina Academic Press (January 2005)
- Teacher's Manual, RACE LAW: CASES, COMMENTARY AND QUESTIONS, Carolina Academic Press (September 2001)
- Casebook, RACE LAW: CASES, COMMENTARY AND QUESTIONS, Carolina Academic Press (September 2001)

ARTICLES

- An Open Letter From Heaven To Barack Obama, 32 University of Hawaii Law Review 1 (April 2010)
- An Open Letter From Heaven To Justice Samuel Alito, 23 Harvard Blackletter Law Journal 9 (February 2007)

A Dream Revived: The Rise of the Black Reparations Movement, 58 Annual Survey of American Law 447 (February 2003)

Soldiers For Justice: The Role of the Tuskegee Airmen in the Desegregation of the American Armed Forces, 8 William & Mary Bill of Rights Law Journal 273 (June 2000) (reprinted in 1 Nota Bene 19 (Spring 2001)

Affirmative Action in the United States and South Africa: Lessons From the Other Side, 13 Temple International & Comparative Law Journal 101 (February 2000) (reprinted in Portuguese in 3 Cadernos Do PPG Dir./UFRGS 197 (March 2005)

Affirmative Action and the Mistakes of *Adarand*, 1995 Annual Survey of American Law 401 (February 1996)

The Price of Apartheid, 38 Howard University Law Journal 371 (May 1995)

Sins From the Past and Lessons For the Future: Eliminating Apartheid In South African Public Accommodations and the Challenge To An Enlightened Judiciary, 12 Boston University International Law Journal 1 (January 1995)

“Yearning to Breathe Free”: Legal Barriers Against and Options In Favor of Liberty In Antebellum Virginia, with A. Leon Higginbotham, Jr., 68 New York University Law Review 401 (June 1994)

De Jure Housing Segregation in the United States and South Africa: The Difficult Pursuit For Racial Justice, with A. Leon Higginbotham, Jr. and S. Sandile Ngcobo, 1990 University of Illinois Law Review 763 (March 1991)

International Law, the Use of Force In Self-Defense, and the Southern African Conflict, 25 Columbia Journal of Transnational Law 529 (December 1987)

“See No Evil, Hear No Evil, Speak No Evil”: Developing A Policy For Disclosure By Counsel To Public Corporations, 7 Journal of Corporation Law 285 (January 1982)

EDITORIALS

Voting Trump A Big Risk, Baltimore Sun A18 (September 21, 2016)

America’s Racial Soul, Baltimore Sun A15 (June 9, 2016)

Saving The Dream For All, GPSOLO 18 (November/December 2014)

Race-Based Affirmative Action Still Necessary, New York Times (Online)(April 27, 2014)

Jackie Robinson, the Moderate Radical, Baltimore Sun A21 (April 15, 2014)

Ending Racial Disparities, Islamic Monthly 20 (Spring 2014)

Valuing Black Life, Baltimore Afro-American A8 (February 21, 2014)

Congress Must Act To Guard Our Most Important Right, Orlando Sentinel A14 (August 16, 2013)

Access and Fairness in the Fisher Affirmative Action Case, Baltimore Afro-American A7 (June 8, 2013)

Action That's Still Needed, Baltimore Sun A19 (June 7, 2013)

Ghosts of Jim Crow Haunt Us Still, Baltimore Sun A19 (January 24, 2013)

The Case of the Missing Post-Racial Election, Baltimore Afro-American A7 (November 6, 2012)

A Request From Heaven to the President, Daily News A15 (January 31, 2010)

Is America Finally Ready To Elect A Black President?, Desert Sun B8 (October 16, 2008)

Racism Less Pervasive More Complex, Baltimore Sun A21 (April 4, 2008)

Recognition Long Overdue, Washington Afro-American A9 (March 31, 2007)

Worst Supreme Court Decision Ever Continues To Haunt, Washington Afro-American A8 (March 9, 2007)

Setting the Record Straight, Washington Afro-American A11 (January 28, 2006)

Hard-Won Victory Must Be Secured, Baltimore Sun C5 (August 7, 2005)

Bush and the Black Vote, Washington Afro-American A13 (October 30, 2004)

The Court Has Granted Wide Deference To Colleges, Chronical Review B11 (March 28, 2003)
(reprinted in 63 Louisiana Law Review 697 (December 2003))

Townsend— The Clear Choice, Baltimore Afro-American A7 (November 2, 2002)

Democrats For Ehrlich? What A Confused Group!, Prince George's Journal A11 (October 31, 2002)

William Gosnell: *Brown's* Unsung Hero, Baltimore Afro-American A6 (July 6, 2000)

Drum Majors For Justice, Baltimore Sun A17 (February 18, 1999)

Glendening—The Clear Choice, Baltimore Afro-American A5 (October 31, 1998)

Bar Group Rolls Up Welcome Mat, Crisis Magazine 12 (September 1998)

A Military Strike Against Racism, Boston Globe A15 (July 25, 1998)

An American Tragedy: The Enduring Legacy of *Plessy*, Baltimore Afro-American A5 (May 25, 1996)

On Gender and Racial Issues Justices Suffer From Rare Disease, 2 University of Baltimore Alumni Magazine 21 (Fall 1995)

And Now The Hard Work Begins In South Africa, Boston Globe A14 (May 16, 1994)

TRIBUTES

Judge Robert Bell and Racial Equality In Jury Selection, 72 University of Maryland Law Review 1106 (October 2013)

Judge Harry Edwards, contained in AFRICAN-AMERICAN LIVES 266, Oxford University Press (February 2004)

Speaking Truth To Power, 20 Yale Law and Policy Review 341 (July 2002)

Promises Kept, 6 Harvard Journal of African American Public Policy 11 (July 2001)

Who Will Carry The Baton?, 33 Loyola Los Angeles Law Review 1015 (August 2000)

A Man For All Seasons, 16 Harvard Blackletter Law Journal 7 (July 2000)

Saving The Dream For All, Human Rights Magazine 23 (May 1999)

Judge Higginbotham Will Be Sorely Missed, National Law Journal A26 (December 28, 1998)

Thurgood Marshall: Legal Strategist For The Civil Rights Movement, 1997 Association for the Study of Afro-American History 14 (November 1996)

SELECTED MEDIA APPEARANCES

Guest, CNN Tonight (Discussing Presidential Power), CNN Television (February 6, 2017)

Guest, CNN Tonight (Discussing Muslim Ban), CNN Television (February 3, 2017)

Guest, CNN Tonight (Discussing Trump Inauguration), CNN Television (January 23, 2017)

Guest, CNN Tonight (Discussing King Legacy), CNN Television (January 16, 2017)

Guest, CNN Tonight (Discussing Trump Transition), CNN Television (January 5, 2017)

Guest, CNN Tonight (Discussing Trump Victory), CNN Television (November 18, 2016)

Guest, CNN Tonight (Discussing Trump Candidacy), CNN Television (September 16, 2016)

Panelist, Book TV (Discussing Racial Equality), C-SPAN Television (August 23, 2016)

Guest, 11 TV Hill (Discussing Black History), WBAL Television (February 28, 2016)

Guest, 11 News Sunday (Discussing Police Trials), WBAL Television (December 13, 2015)

Guest, CNN Tonight (Discussing Clinton Candidacy), CNN Television (November 24, 2015)

Moderator, After Words (Discussing Politics with Joy Reid), C-SPAN Television (September 12, 2015)

Guest, Weekends with Alex Witt (Discussing Baltimore Riots), MSNBC Television (May 3, 2015)

Guest, Direct Connection (Discussing Freddie Gray Incident), MPT Television (April 27, 2015)

Guest, CNN Tonight (Discussing Racist Language), CNN Television (April 22, 2015)

Commentator, NBC News Election Coverage (Discussing Maryland Governor's Race) WBAL Television (November 4, 2014)

Panelist, Book TV (Discussing Race Relations), C-SPAN Television (September 21, 2014)

Guest, The Last Word (Discussing Voting Rights), MSNBC Television (May 21, 2014)

Guest, Smerconish (Discussing Donald Sterling), MSNBC Television (April 30, 2014)

Guest, The Cycle (Discussing Voting Rights Act), MSNBC Television (August 28, 2013)

Guest, Piers Morgan Live (Discussing *State of Florida v. Zimmerman*), CNN Television (July 29, 2013)

Guest, On Time (Discussing *Shelby County v. Holder*), WJZ Television (July 28, 2013).

Guest, The Cycle (Discussing Voting Rights), MSNBC Television (July 16, 2013).

SELECTED AWARDS

Black Law Student's Association Award (2014 Outstanding Faculty Member)

Joseph Curtis designation (Endowed Professorship awarded 2013 by the University of Baltimore School of Law)

Power 100 List (100 most influential blacks in law in 2012) (OBABL Media)

Leadership In Law Award (25 most influential leaders in law in Maryland in 2011) (Daily Record)

Educator of the Year (awarded 2009 by the Minority Business Summit)

Wilson Elkins designation (Endowed Professorship awarded 2004 by the University of Maryland System)

Honorary Doctor of Humanities (awarded 2004 at Shenandoah University)

Women's Bar Association Award (2002 Outstanding Faculty Member)

Brown University Athletic Hall of Fame (2001 Group Inductee) (Member 1976 Varsity Football Team)

Distinguished Faculty Award (2000 University of Baltimore Teacher of the Year)

James May Award of Excellence (1995 University of Baltimore School of Law Recognition of Outstanding Teaching)

SELECTED SPEECHES

Keynote Speaker, "Post-Racial Realities," Cornell University Diversity Lecture, Ithaca, New York, March 15, 2017

Keynote Speaker, "Hopeful Dreams," FEMA Black History Month Lecture, Washington, DC, February 28, 2017

Keynote Speaker, "Peace With Justice," Social Security Administration King Memorial Lecture, Baltimore, Maryland, January 11, 2017

Keynote Speaker, "Race and Politics," Heman Sweatt Symposium at the University of Texas, Austin, Texas, April 28, 2016

Keynote Speaker, "Keeping Thurgood's Promise," Thurgood Marshall Lecture at the University of Maryland Law School, Baltimore, Maryland, April 7, 2016

Keynote Speaker, "Keeping the Dream Alive," James Campbell Matthews Lecture at Albany Law School, Albany, New York, February 10, 2015

Keynote Speaker, "Cause Lawyering," La Verne Law Review Symposium, Ontario, California, February 28, 2014

Keynote Speaker, "Hopeful Dreams and Post-Racial Realities," University of Notre Dame Diversity Lecture, South Bend, Indiana, November 14, 2013

Keynote Speaker, "Ending Racism In Post-Racial America," Cleveland Marshall Law School Constitution Day Lecture, Cleveland, Ohio, September 17, 2013

Keynote Speaker, "Saving The Dream For All," Delta State University's James Madison Center Nellie Nugent Sommerville Lecture, Cleveland, Mississippi, September 11, 2013

Keynote Speaker, "Dr. King's Dream Revisited," Widener Law School Dean's Diversity Forum, Harrisburg, Pennsylvania, March 26, 2013

SELECTED AFFILIATIONS

Member, District of Columbia Bar

Member, NAACP

Member, National Bar Association

Member, Council On Foreign Relations

Member, Brown University Athletic Council

Former Chair, Maryland Attorney General's Task Force On Electronic Weapons

Former Co-Chair, O'Malley/Brown Transition Team Minority Affairs Working Group

Former President, Public Justice Center

Former Chair, AALS Committee on Recruitment and Retention of Minority Faculty

Co-Founder, Fannie Angelos Program For Academic Excellence

SELECTED INFORMATION

References, Letters of Recommendation, Employment Evaluations, and Writing Samples available upon request.

HIGGINBOTHAM AFFIDAVIT
EXHIBIT 2

BRIAN E. FROSH
ATTORNEY GENERAL

ELIZABETH F. HARRIS
CHIEF DEPUTY ATTORNEY GENERAL

THIRUVENDRAN VIGNARAJAH
DEPUTY ATTORNEY GENERAL



SANDRA BENSON BRANTLEY
COUNSEL TO THE GENERAL ASSEMBLY

KATHRYN M. ROWE
DEPUTY COUNSEL

JEREMY M. MCCOY
ASSISTANT ATTORNEY GENERAL

DAVID W. STAMPER
ASSISTANT ATTORNEY GENERAL

THE ATTORNEY GENERAL OF MARYLAND
OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

March 13, 2015

The Honorable Chris West
303 House Office Building
Annapolis, Maryland 21401-1991

Dear Delegate West:

You have asked for advice concerning the validity of certain provisions of the Natalie M. LaPrade Medical Marijuana Commission Law. Specifically, you have asked whether these provisions are unconstitutional. It is my view that these provisions must be administered in accordance with the United States Constitution, but, in the event that they were found to be unconstitutional, they would be severable from the remainder of the law.

Health - General Article, § 13-3309(a)(9)(i) provides that, in licensing growers of medical marijuana, the Medical Marijuana Commission ("the Commission") shall:

1. Actively seek to achieve racial, ethnic, and geographic diversity when licensing medical marijuana growers; and
2. Encourage applicants who qualify as a minority business enterprise, as defined in § 14-301 of the State Finance and Procurement Article.

Health - General Article, § 13-3310(c), which relates to the licensing of dispensaries, provides that the Commission shall:

- (2) Actively seek to achieve racial, ethnic, and geographic diversity when licensing dispensaries.

In the bill review letter on House Bill 881 (Chapter 240) and Senate Bill 923 (Chapter 256) of 2014, the Attorney General advised "that these provisions be implemented consistent with the provisions of the United States Constitution as described in *Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989) and *Fisher v. University of Texas at Austin*, 133 S.Ct. 2411 (2013)." See Form Bill Review letter dated April 11, 2014. It is well-established that a race-conscious affirmative action program is subject to strict scrutiny and will be upheld by the courts only if it is narrowly tailored to achieve a compelling public purpose. 91 *Opinions of the Attorney General* 181, 182 (2006), citing *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200 (1995); *City of Richmond v. J.A. Croson Co.*, 488

The Honorable Chris West
March 13, 2015
Page 2

U.S. 469 (1989). The *Croson* case held that a governmental entity has a compelling interest in remedying identified past and present race discrimination. *Id.* at 492, 509. For this interest to be compelling, the government must be able to identify discrimination in the relevant market in which the entity is a participant. *Id.* at 501-504. In addition, there must be a "strong basis in evidence" of that discrimination at the time the program is established. *Id.* at 500, 510. In the context of government contracting, which was the subject of *Croson*, this requires a study showing a "significant statistical disparity" between the availability of qualified, willing, and able minority subcontractors and the utilization of such subcontractors by the governmental entity or its prime contractors. *HB Rowe Co., Inc. v. Tippett*, 615 F.3d 233, 241 (4th Cir. 2010). The *Fisher* case, for our purposes, confirms that the test set out in *Croson* still stands, and that a Court will closely scrutinize a government's justification of a race-conscious program and its evidence in support of that program.

The provisions of *Croson* and *Fisher* apply to ethnicity in the same way as race. They do not, however, apply to geographically conscious programs. Thus, the law should be read to have full force to the extent that it requires the Commission to seek geographic diversity to the extent possible. Moreover, it is not unconstitutional to encourage businesses of any type, including those in the minority business enterprise program, to apply to participate in any type of government program. Constitutional limits, however, would prevent the Commission from conducting race- or ethnicity conscious licensing in the absence of a disparity study showing past discrimination in similar programs. I am aware of no study that would cover grower or dispensary licensees, or even licensing in general. Most State licensing programs license everyone who meets the licensing qualifications, and thus would not give rise to the ability to pick some and not others. As a result, the efforts of the Commission to seek racial and ethnic diversity among growers and dispensaries would have to be limited to broad publicity given to the availability of the licenses and encouragement of those from various groups.

Even if the provisions are implemented in a way that leads to a determination of their invalidity, however, it is my view that they are severable from the remainder of the law. The primary inquiry in this determination is what would have been the intent of the legislature had they known that these provisions could not be given effect. *Davis v. State*, 294 Md. 370, 383 (1982). Generally courts will assume "that a legislative body generally intends its enactments to be severed if possible." *Id.*; see also Article 1, § 23 ("[t]he provisions of all statutes . . . are severable unless the statute specifically provides that its provisions are not severable."). Thus, "when the dominant purpose of a statute may largely be carried out notwithstanding the invalid provision, courts will ordinarily sever the statute and enforce the valid portion." *Id.* at 384. In this case, it is clear that the program is "complete and capable of execution," *Migdal v. State*, 358 Md. 308, 324 (2000), without the diversity provisions. Therefore, it is our view that, if found invalid, the diversity provisions would be treated as severable and the remainder of the law would remain in effect.

The Honorable Chris West
March 13, 2015
Page 3

Sincerely,

A handwritten signature in black ink, appearing to read 'K. M. Rowe', with a long horizontal flourish extending to the right.

Kathryn M. Rowe
Assistant Attorney General

KMR/kmr
west01.wpd

HIGGINBOTHAM AFFIDAVIT
EXHIBIT 3

KeyCite Yellow Flag - Negative Treatment
Proposed Regulation

Code of Maryland Regulations
Title 10. Department of Health and Mental Hygiene
Subtitle 62. Natalie M. Laprade Medical Cannabis Commission
Chapter 08. Medical Cannabis Grower License (Refs & Annos)

COMAR 10.62.08.05

.05 Application Review.

Currentness

- A. The burden of proving an applicant's qualifications rests on the applicant.
- B. The Commission may deny an application that contains a misstatement, omission, misrepresentation, or untruth.
- C. An application shall be complete in every material detail.
- D. The Commission may request any additional information the Commission determines is necessary to process and fully investigate an application.
- E. The applicant shall provide requested additional information by the close of business of the 14th business day after the request has been received by the applicant.
- F. If the applicant does not provide the requested information within 14 business days, the Commission may consider the application to be suspended.
- G. The Commission intends to award the licenses to the best applications that most efficiently and effectively ensure public safety and safe access to medical cannabis.
- H. The Commission shall provide guidelines and detailed instructions for submitting the application form for the Commission's consideration.
- I. The Commission, or a Commission independent contractor, shall review for a pre-approval for a license the submitted applications as described in Regulations .02B and .05E of this chapter. The applications shall be ranked based on the following weighted criteria:

(1) Operational factors will be afforded 20 percent weight, including:

- (a) A detailed operational plan for the cultivation of medical cannabis; and

- (b) Summaries of policies and procedures for:
 - (i) Cultivation;
 - (ii) Growth;
 - (iii) Processing; and
 - (iv) Packaging;

- (2) Safety and Security factors will be afforded 20 percent weight, including:
 - (a) Detailed plan or information describing the security features and procedures;
 - (b) Detailed plan describing how the grower will prevent diversion; and
 - (c) Detailed plan describing safety procedures;

- (3) Commercial horticultural or agricultural factors will be afforded 15 percent weight, including, experience, knowledge and training in:
 - (a) Horticultural production; or
 - (b) Agricultural production;

- (4) Production control factors will be afforded 15 percent weight, including:
 - (a) A detailed quality control plan;
 - (b) A detailed inventory control plan; and
 - (c) A detailed medical cannabis waste disposal plan;

- (5) Business and economic factors will be afforded 15 percent weight, including:

- (a) A business plan demonstrating a likelihood of success, a sufficient business ability and experience on the part of the applicant, and providing for appropriate employee working conditions, benefits and training;
 - (b) Demonstration of adequate capitalization;
 - (c) A detailed plan evidencing how the grower will enforce the alcohol and drug free workplace policy
- (6) Additional factors that will be afforded 15 percent weight, including:
- (a) Demonstrated Maryland residency among the owners and investors;
 - (b) Evidence that applicant is not in arrears regarding any tax obligation in Maryland and other jurisdictions;
 - (c) A detailed plan evidencing how the grower will distribute to dispensaries and processors; and,
 - (d) A list of proposed medical cannabis varieties proposed to be grown with proposed cannabinoid profiles, including:
 - (i) Varieties with high cannabidiol content; and
 - (ii) Whether the strain has any demonstrated success in alleviating symptoms of specific diseases or conditions.

J. For scoring purposes, the Commission may take into account the geographic location of the growing operation to ensure there is geographic diversity in the award of licenses.

Credits

Adopted Sept. 14, 2015.

Complete through Maryland Register Vol. 44, Issue 7, dated March 31, 2017.

COMAR 10.62.08.05, MD ADC 10.62.08.05

HIGGINBOTHAM AFFIDAVIT
EXHIBIT 4

Hogan, Frosh concerned about lack of diversity in Maryland's medical pot licenses

Darryl Hill, 72, a lifelong advocate for minority advancement in business and the first African American on the University of Maryland football team, was part of a team that applied for a medical marijuana grow license and was denied. (Jabin Botsford/The Washington Post)

By Fenit Nirappil August 26

Maryland Gov. Larry Hogan (R) and Attorney General Brian E. Frosh (D) have joined black state lawmakers in expressing dismay about the lack of diversity in Maryland's burgeoning medical-marijuana industry.

At the same time, the head of the legislative black caucus is calling for legislation to ban elected officials from taking jobs in the industry. Del. Cheryl D. Glenn (D-Baltimore), who was instrumental in passing the bill that legalized medical marijuana, said she's angry that another leader in that effort later joined a company seeking a license to grow, process and sell the drug, without publicly making clear his dual roles.

The controversies are the latest snags for Maryland's potentially lucrative medical-marijuana industry, which has been plagued by multiple delays and missteps since legislation to legalize cannabis for medical use passed in 2013.

Black business leaders.]

This month, state regulators cleared 15 companies to grow marijuana and 15 companies to process the plant into medical products. None of the businesses approved for cultivation are led by African Americans, even though the legislation seeks to create a racially diverse industry in a state where nearly a third of the population is black.

Delegate Dan K. Morhaim (D-Baltimore County) has drawn criticism for working on medical-marijuana legislation without disclosing his role with a company applying for a license to sell the drug. (Algerina Perna/Baltimore Sun)

Glenn raised the issue in a Thursday meeting with Hogan. She

pushed the governor to call for a special legislative session this fall to address minority ownership, perhaps by authorizing regulators to award additional licenses to minority-owned companies.

The legislature's next regular session begins in January.

"We are not going to accept licenses being awarded and people getting an unfair advantage in this billion-dollar industry with no minority participation," Glenn said.

Hogan spokesman Doug Mayer says the governor agrees that racial diversity in the new industry is important but will not call a special session. Instead, the governor has deployed his chief lobbyist, Chris Shank, and adviser Keiffer Mitchell to explore options to address the issue.

The Maryland Medical Cannabis Commission operates independently of the governor's office, which has no say in who gets marijuana licenses but appoints the commission's members and executive director.

[Growing medical marijuana could be big business in Maryland]

The law that allows people to profit from growing medical marijuana in Maryland does not have racial, ethnic and gender diversity requirements.

Here's who wants to profit from growing medical marijuana in Maryland

The commission awarded preliminary licenses based on rankings from outside reviewers, who read and scored application materials with the names of people involved redacted. The commission did consider geographic diversity, moving up lower-ranked applications to approve licenses for growers in Prince George's and Worcester counties in an effort to ensure that cultivators were spread out across the state.

But the commission did not provide extra weight to minority-owned companies, citing a 2015 advice letter it received from the attorney general's office that said

These concerns involving a new industry without a history of racial discrimination would probably be unconstitutional.

After Glenn and other black lawmakers raised concerns, the attorney general's office said the commission should not have concluded from the letter that it would be wrong to take the race of prospective marijuana business owners into account.

Instead, Frosh spokeswoman Raquel Coombs said, the commission could have researched whether there is evidence of racial disparity in industries similar to medical marijuana.

If there is, she said, the commission would be justified in taking race into account.

Coombs said similar efforts have led to the state trying to expand minority participation in other new industries, including off-shore wind farming and gaming.

"The attorney general strongly believes that this industry should reflect the diversity of the state," Coombs said of medical cannabis.

But Col. Harry Robshaw III, vice chairman of the commission, said this proposed approach to achieve racial diversity was news to the commission. He said the message from the office was crystal clear: It was too early to grant racial preferences.

“It’s frustrating that somehow we should have interpreted the letter differently,” Robshaw said.

Coombs said Frosh’s office has cleared marijuana regulators to develop outreach programs to attract applications from minority-owned companies.

[Lawmaker who pushed medical pot is part of team applying to sell the drug]

On a separate issue, Glenn said she is considering legislation to bar lawmakers from working with medical-marijuana companies after learning that Del. Dan K. Morhaim (D-Baltimore County) had agreed to act as clinical director for one such company.

Local Headlines newsletter

[Sign up](#)

Daily headlines about the Washington region.

Glenn says the dual roles, revealed by The Washington Post last month, made her “livid” and tainted the process.

“I wasn’t pushing for medical marijuana to fatten my pockets, and I am disappointed that it is evidently

something he was doing all along, Glenn said. “It’s wrong. It’s just wrong.”

Morhaim, a physician, says he’s not a formal employee or owner of Doctor’s Orders, which was granted preliminary licenses to grow and process the drug in Dorchester County and has dispensary license applications pending.

Maryland law does not forbid lawmakers from sponsoring or voting on legislation affecting industries in which they work, and Morhaim said he cleared his position with the General Assembly’s ethics adviser.

Morhaim, who has advocated for medical marijuana for more than a decade, did not return a call or email Friday seeking a response to Glenn’s criticism.

30 Comments

Fenit Nirappil covers politics and government in Maryland, Virginia and D.C. He previously covered the California statehouse and suburban government outside Portland, Ore. Follow @FenitN

HIGGINBOTHAM AFFIDAVIT
EXHIBIT 5

A Letter from the Chairman of the Maryland Medical Cannabis Commission:

I am writing in response to a recent *Washington Post* news article, in which the Maryland Attorney General's office made public statements regarding the Maryland Medical Cannabis Commission's licensing process. The advice given to a client by its lawyer should be complete, confidential and thorough.

When drafting the original law for issuing licenses to grow, process, and dispense medicinal cannabis in the State of Maryland, the Commission initially took every step possible to include racial diversity as a weighted component of the regulations. The specific legislative intent required the Commission to, "actively seek to achieve racial, ethnic, and geographic diversity when licensing medical marijuana growers; and encourage applicants who qualify as a minority business enterprise..." *Health-General, Annotated Code of Maryland, sections 13-3306(a)(i)(1)*.

The Commission deliberately supported this language in the original statutory language because of a strong belief that minority inclusion is of paramount importance to this new industry. After requesting the customary legal review, the Commission subsequently received thorough and complete legal advice from the Maryland Office of the Attorney General stating that race-based mandates would violate the United States and Maryland Constitutions. Based on the Attorney General's opinion to Delegate Chris West concerning this issue, the Commission found it necessary to remove the provisions from the final regulations.

To be specific, an opinion letter dated March 13, 2015 to Delegate Chris West, written by Assistant Attorney General Kathryn M. Rowe, stated:

"The provisions of *Croson* and *Fisher* apply to ethnicity in the same way as race. They do not, however, apply to geographically conscious programs. **Thus, the law should be read to have full force to the extent that it requires the Commission to seek geographic diversity to the extent possible** [emphasis added]. Moreover, it is not unconstitutional to encourage businesses of any type, including those in the minority business enterprise program, to apply to participate in any type of government program. **Constitutional limits, however, would prevent the Commission from conducting race- or ethnicity conscious licensing in the absence of a disparity study showing past discrimination in similar programs. I am aware of no study that would cover grower or dispensary licenses, or even licensing in general** [emphasis added]. Most State licensing programs license everyone who meets the licensing qualifications, and thus would not give rise to the ability to pick some and not others. As a result, the efforts of the Commission to seek racial and ethnic diversity among growers and dispensaries would have to be limited to broad publicity given the availability of the licenses and encouragement of those from various groups."

The Attorney General's Office at the time of that opinion admitted that there was no such disparity study known to exist nor did they promulgate other novel remedies.

I, as the Chairman, along with all of the other Commissioners, followed strict regulations and guidelines defined at the beginning of the application process as required by law, to ensure a fair and objective selection process. The Commission enlisted Towson University's Regional Economic Studies Institute ("RESI") to conduct the evaluation of applicants through a double-blinded process. Due to the Attorney General's opinion and the change in the legislative language as noted above, there were no requirements to disclose race on the application. In addition, all identifying information such as individual, entity, investor, and employee names was redacted. The Commissioners voted only on coded and redacted RESI applications.

We all know that this process was extremely competitive. The Commission received 145 Grower applications, but could only grant up to 15 Grower pre-approvals because of statutory limitations implemented by the legislature. Additionally, we realize that this emerging industry creates numerous possibilities for growth and economic opportunity for many in Maryland. We take our responsibility extremely seriously to ensure that qualifying patients, the sick and suffering of Maryland, are provided with a process to receive the most safe and effective medicine possible. We remain dedicated to this mission and are confused to see the Attorney General's office recent public statements regarding their position.

Finally, I would like to reiterate that the Commission is committed to seeking and promoting racial diversity and minority inclusion. We believe that diversity is in the best interest of the industry and an important responsibility. The Commission will continue to work with the legislature to help solve these complex problems.

Paul Davies, M.D., Chair
Maryland Medical Cannabis Commission

E 000462

**HIGGINBOTHAM AFFIDAVIT
EXHIBIT 6**



Panel awards licenses for 102 marijuana dispensaries

Medical cannabis won't be available till late 2017 or '18

By **Pamela Wood** The Baltimore Sun

Maryland moved another step closer to making medical marijuana available to patients with the announcement Friday of preliminary licenses for 102 dispensaries across the state.

The companies picked to run the dispensaries now must undergo additional review by the state and pass inspections before opening. They'll also have to wait for Maryland's growers and processors to produce medical cannabis products, a process that has been complicated by litigation and political wrangling.

Maryland's medical marijuana program — already off to a slow start — might still be a year or more away.

“Patients probably won't be served until late 2017 or early 2018,” said Darrell Carrington, executive director of the Maryland Cannabis Industry Association. “That's the reality.”

The Maryland Medical Cannabis Commission selected the preliminary dispensary licensees in late November, but didn't unveil their identities until Friday. The list was posted on the commission's website.

One company selected is connected to state Del. Dan K. Morhaim, who faces a legislative ethics inquiry for advocating for the industry while also working for a company seeking a lucrative license.

Morhaim, a Baltimore County Democrat, agreed to be clinical director for Doctor's Orders, which secured preliminary licenses to grow and process cannabis this year. The

company won a license Friday to operate a dispensary in Southeast Baltimore.

Morhaim, a physician, has said he should have disclosed his relationship with Doctor's Orders more publicly. He declined to comment Friday.

Ten of the dispensary licenses announced Friday went to companies that have preliminary licenses to grow the drug.

The 15 companies that received preliminary licenses to grow cannabis were also eligible to apply for dispensary licenses. All 10 that sought a preliminary dispensary license received one.

The other 92 companies are scattered across the state. Up to two stand-alone dispensaries were allowed in each of Maryland's 47 legislative districts.

In most districts, two companies were awarded licenses. Two districts — District 2 in Washington County and District 41 in Northwest Baltimore — had only one company win a preliminary license.

Some districts had more than two companies receive preliminary dispensary licenses. Companies that hold a preliminary grower license and also sought a dispensary license did not count toward the two-per-district total.

Preliminary dispensary licensees were awarded to four companies in District 17 in Montgomery, which includes Gaithersburg and Rockville. Seven other districts saw three companies receive licenses.

The commission listed the winning dispensary licensees only by name and legislative district. The companies' addresses won't be made public until they receive any necessary local approvals and the proposed sites are inspected and approved by state regulators.

Company ownership information was not immediately available.

Many of the companies used wordplay in their names. In Baltimore County, one is named Cannavations MD and another is called Chesacanna. MaryLeaf and PharmaCann plan to do business in Montgomery County.

The commission picked winners of preliminary licenses based on applications that shielded the identities of the applicants.

Towson University's Regional Economic Studies Institute was directed to rank each applicant without regard to its identity. Towson's rankings guided the commission's vote.

Dr. Paul W. Davies, the commission chairman, said the panel received more than 800 applications to open dispensaries.

The number was inflated because some companies applied to open a dispensary in every single legislative district. By law, an applicant can hold only one dispensary license.

Davies said announcing the dispensary licenses will help keep momentum going for the fledgling industry.

But the effort still faces obstacles.

Three companies that were passed over for preliminary growing licenses have sued the commission. With those lawsuits pending, none of the prospective growers and processors granted preliminary licenses have secured final licenses.

Black lawmakers in the General Assembly have criticized the commission for not taking racial diversity into account when awarding the licensees. Some lawmakers have discussed introducing legislation on cannabis licenses during the 2017 General Assembly session, which opens Jan. 11.

Maryland's medical marijuana program, first authorized in 2014, has been one of the slowest in the nation to launch.

Davies said the state can now focus on setting up the software programs and staffing that will be needed to regulate the cannabis industry, in spite of unresolved legal and legislative challenges.

He said the commission also will work to educate doctors and patients about the pros and cons of medical cannabis.

The commission plans to hire a consultant to review what steps — if any — it could take to improve diversity in the state's nascent medical marijuana industry.

“It's very much at the forefront of our efforts to make sure we have ethnic and racial diversity throughout the industry,” Davies said.

Carrington, of the industry association, said the dispensary license announcements were important. Now, he said, the winners can nail down their locations, refine their operating procedures and hire and train employees. That will allow the dispensaries to be ready to sell once growers and processors begin producing cannabis products.

Carrington said anticipation was high waiting for the state's announcement.

He refreshed his browser all afternoon, and as soon as the list was posted, his phone began ringing with calls from companies that won licenses.

“It's great we have these things moving forward,” he said.

pwood@baltsun.com

twitter.com/pwoodreporter

< PREVIOUS ARTICLE

Article 19 of 77

NEXT ARTICLE >

HIGGINBOTHAM AFFIDAVIT
EXHIBIT 7

Medical-pot regulators in Maryland blast AG for conflicting advice on racial diversity

By Fenit Nirappil September 1, 2016

Medical marijuana regulators on Thursday released a letter criticizing Maryland Attorney General Brian E. Frosh (D) for what they called conflicting information about whether the state should consider racial diversity when awarding licenses to prospective cannabis businesses.

The Maryland Medical Cannabis Commission is facing outrage from policymakers and some prospective companies because minorities lead few of the 30 businesses that the commission approved to grow and process marijuana for medical purposes.

The state law legalizing medical marijuana in Maryland requires the commission to “actively seek to achieve” racial and ethnic diversity in the industry.

But regulators ultimately decided against giving preferences to minority applicants, citing a 2015 advice letter from the attorney general’s office that said such a move would be unconstitutional unless there was a demonstrated history of racial disparities in the industry.

In recent weeks, Frosh and his office have backed away from that letter, telling The Washington Post that the commission had ways to take race into account after all.

Officials in the attorney general’s office said it would be possible to justify racial preferences if the commission conducted a study showing racial disparities in industries similar to medical marijuana.

The letter to Frosh from Paul Davies, chairman of the cannabis commission, said the attorney general’s office did not propose such “novel remedies” when it warned against race-conscious licensing.

“The Commission is committed to seeking and promoting racial diversity and minority inclusion,” the letter said. “We believe that diversity is in the best interest of the industry and an important responsibility.”

Davies told the Baltimore Sun on Thursday that he was planning to meet with Frosh to discuss ways to increase racial diversity when awarding as many as 94 licenses for medical marijuana dispensaries. Frosh’s office confirmed a meeting next Tuesday but declined to comment on the letter.

The lack of minority involvement in the nascent industry has prompted threats of legal challenges and proposals for legislation that would offer ways to include more minority-owned businesses.

Gov. Larry Hogan (R) has assigned two top staffers to look at ways to address the issue.

Fenit Nirappil covers politics and government in Maryland, Virginia and D.C. He previously covered the California statehouse and suburban government outside Portland, Ore. [🐦 Follow @FenitN](#)

HIGGINBOTHAM AFFIDAVIT
EXHIBIT 8

Maryland medical marijuana panel will hire diversity consultant



By Erin Cox
The Baltimore Sun

SHARE THIS



Following criticism, Maryland's medical marijuana panel plans to hire a diversity consultant.

NOVEMBER 28, 2016, 7:23 PM

The Maryland Cannabis Commission announced Monday it will hire a consultant to review what steps — if any — it could take to improve diversity in the state's nascent medical marijuana industry.

The consultant will determine if it is feasible to conduct a study of whether minorities have been unfairly excluded from the industry, among other tasks. Such a determination would allow Maryland to consider race when awarding licenses to grow, process or distribute marijuana for medical use.

The announcement follows the filing of a lawsuit alleging the commission improperly ignored race when evaluating applicants for licenses, and calls by African-American lawmakers to halt the licensing process.

Nearly all the firms that have won preliminary licenses are owned by white men.

A state law requires the commission to "actively seek to achieve" racial diversity.

The commission has said it was following the advice of the state attorney general's office when it declined to include race-based selection criteria in applications.

The attorney general's office had said it would be unconstitutional to do so without first completing a disparity study.

Hiring a consultant will not delay the licensing process, officials said. The commission expects to award final licenses to grow, process and dispense the drug in time for the entire program to be up and running this summer.

Plans to hire the consultant were announced at a meeting in Ellicott City, where the commission also selected

Copyright © 2016 The Baltimore Sun. All rights reserved. [Privacy Policy](#)

11/28/16 11:23 AM

E 000472

Patrick Jameson, the commission's executive director, said Monday the consultant will review "the whole big picture" of diversity in medical marijuana.

It was not immediately clear what steps the consultant would take. Jameson said he was not sure it was possible to do a disparity study on a new industry.

It was unclear whether the consultant would study Maryland's industry as it stands now, the medical marijuana industry in other states, or review data from other industries that could shed light on conditions for minorities trying to get into the medical cannabis business in Maryland.

Del. Cheryl Glenn, leader of the Legislative Black Caucus and an architect of the medical cannabis law, called talk of studying the feasibility of a disparity study "ridiculous."

"It shouldn't be any question in anyone's mind," said Glenn, a Baltimore Democrat. "Obviously, marijuana is a new industry for Maryland. There's no disagreement about that. But you don't have to look at marijuana to see disparities.

"Look at the current pharmaceutical industry. Look at the issues for black farmers.

"This commission never ceases to amaze me."

Alternative Medicine Maryland filed a lawsuit in Baltimore Circuit Court last month alleging the commission illegally disregarded racial diversity when selecting applicants.

Jameson declined to discuss the lawsuit but said companies selected to receive the 15 preliminary licenses to grow and 15 preliminary licenses to process marijuana have "significant minority participation" in their ranks.

The commission discussed the lawsuit in a closed-door meeting.

Jameson also said the commission is "highly encouraging" businesses to "engage and recruit minority owners, investors and employees where practical."

Glenn and other members of the Black Caucus argue that working for a cannabis company is not equivalent to owning a company that holds one of the lucrative licenses.

She said Monday that the caucus would not accept the results of a study conducted at the commission's behest.

"If they're hired by the commission, then we don't trust them," she said. "We don't trust the commission at this point."

Darrell Carrington, executive director of the Maryland Cannabis Industry Association, said he would "wait and

Separately, the commission said it used a Nobel Prize-winning optimization algorithm to help determine which of the more than 800 dispensary applicants would receive a license.

Several companies applied to open dispensaries in all of Maryland's 47 legislative districts. No company can hold more than one dispensary license.

Ten of the 15 companies that were awarded preliminary licenses to grow marijuana also won dispensary licenses, Commissioner Shannon Moore said.

Maryland's medical marijuana program has been among the slowest in the country to get off the ground. The law first passed in 2013, was rewritten in 2014, and was then expanded to allow a wide range of medical professionals, including dentists and podiatrists, to recommend the drug.

The state allows medical professionals to recommend marijuana to treat a long list of ailments. It limits how many licenses can be issued to grow, process and dispense the drug.

The prospect of a market with broad demand and limited supply sparked intense interest from investors, who submitted more than three times as many applications as regulators expected.

Commission Chairman Dr. Paul Davies said Monday that Maryland would not have been inundated with applications if it had not set up a good program.

"We have moved as fast as possible," Davies said. "The only delay that we have seen is because of our success."

ecox@baltsun.com

twitter.com/ErinatTheSun

Copyright © 2017, The Baltimore Sun, a Baltimore Sun Media Group publication | Place an Ad

This article is related to: Nobel Prize Awards

HIGGINBOTHAM AFFIDAVIT
EXHIBIT 9



LARRY HOGAN
GOVERNOR

STATE OF MARYLAND
OFFICE OF THE GOVERNOR

April 27, 2017

Jimmy H. Rhee
Special Secretary of Minority Affairs
100 Community Place, 3rd Floor
Crownsville, MD 21302

Dear Special Secretary Rhee:

Pursuant to Maryland State Government Article, Section 9-305, I am directing the Governor's Office of Minority Affairs (GOMA) to initiate a disparity study of the state's regulated medical cannabis industry and market. GOMA should work together with the Natalie M. LaPrade Medical Cannabis Commission and the Maryland Department of Transportation to complete a disparity study as expeditiously as possible in order to ensure diversity in Maryland's medical cannabis industry.

While a disparity study was contemplated during this past legislative session, there is no approved bill for me to sign that would initiate this process. As the issue of promoting diversity is of great importance to me and my administration, your office should begin this process immediately in order to ensure opportunities for minority participation in the industry.

Thank you for your assistance and leadership in addressing this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Larry Hogan', with a long horizontal flourish extending to the right.

Larry Hogan
Governor

EXHIBIT C

ALTERNATIVE MEDICINE
MARYLAND, LLC

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMMISSION, *et al.*

Defendants.

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* Case No.: 24-C-16-005801
* Judge: Barry G. Williams
*

* * * * *

**AFFIDAVIT OF DR. GREGORY DANIEL, MANAGING MEMBER,
PLAINTIFF ALTERNATIVE MEDICINE MARYLAND, LLC**

1. I am over the age of 18 years, a resident of New York, competent to testify, and have personal knowledge of the facts set forth herein.
2. I am the managing member of Plaintiff Alternative Medicine Maryland, LLC.
3. Plaintiff Alternative Medicine Maryland, LLC has raised and/or secured commitments for in excess of Ten Million Dollars (\$10,000,000) in capitalization to be utilized and invested in a medical cannabis growing operation in Easton, Maryland.
4. Plaintiff Alternative Medicine Maryland, LLC is also actively seeking to secure medical cannabis research partnerships with several companies in Canada in an effort to optimize the efficiency and effectiveness of any future medical cannabis product.
5. Plaintiff Alternative Medicine Maryland, LLC filed a timely application to grow medical cannabis pursuant to the Defendant Natalie M. Laprade Maryland Medical Cannabis Commission's scheme to license medical cannabis growers in Maryland.
6. Plaintiff Alternative Medicine Maryland, LLC was not awarded a Stage 1 pre-approval to obtain a license to grow medical cannabis in Maryland.
7. Subsequent to Plaintiff Alternative Medicine Maryland, LLC being informed by

the Defendant that it had not been awarded a Stage 1 pre-approval to grow medical cannabis, Plaintiff came to believe that the law was not followed in the Stage 1 licensing process.

8. Thereafter, Plaintiff Alternative Medicine Maryland, LLC hired counsel who investigated the aforementioned allegations, filed a complaint, and is currently active in the discovery process.

9. In light of the decision not to award Alternative Medicine Maryland, LLC a Stage 1 pre-approval to obtain a license to grow medical cannabis in Maryland, Plaintiff currently is not permitted, and has no prospects, to grow medical cannabis in Maryland for the foreseeable future.

10. In light of the decision not to award Alternative Medicine Maryland, LLC a Stage 1 pre-approval to obtain a license to grow medical cannabis in Maryland, Plaintiff currently is not permitted, and has no prospects, to benefit economically from growing medical cannabis in Maryland for the foreseeable future.

11. I am aware of a recent media report, attached as Exhibit 1, which states that one or more Stage 1 pre-approved growing licensees have applied to receive final Stage 2 approval and growing licenses. This media report also indicates that the Defendants have scheduled inspections for one or more medical cannabis grow facilities; a necessary step in issuing the final licenses to grow.

12. I have also read the letter from Chairman Paul Davies of the Maryland Medical Cannabis Commission, attached as Exhibit 2, stating that Maryland's medical cannabis "industry creates many possibilities for growth and economic opportunity," which is consistent with my understanding the of economic impact of obtaining one of the 15 Stage 1 license pre-approvals to grow medical cannabis in Maryland.

13. If and when Stage 2 final licenses to grow medical cannabis are issued, Plaintiff Alternative Medicine Maryland, LLC will be immediately, substantially and irreparably harmed, and otherwise forever precluded from obtaining one of the first 15 licenses to grow medical cannabis in Maryland.

14. I have read an article, attached as Exhibit 3, and am now aware that, in alignment with Plaintiff Alternative Medicine Maryland, LLC's claims, Maryland's Legislative Black Caucus has taken issue with the lack of racial and ethnic diversity amongst the Commission's 15 Stage 1 pre-approved licensees. The article I read indicated that "[l]awmakers and several advocates said [that] letting other businesses move forward while leaving African-American [businesses] behind – even if they are later awarded licenses – was unacceptable" in that "[t]hose minority-owned companies...would be put at a disadvantage if they didn't start at the same time in what's expected to be a multibillion-dollar national industry...with national sales of legal marijuana [projected] to hit \$21.8 billion by 2020, generating as much or more revenue annually as the National Football League."

15. The economic harm to Plaintiff Alternative Medicine Maryland, LLC, in not being awarded one of the 15 Stage 1 pre-approvals, in not being awarded one of the a Stage 2 final licenses to grow medical cannabis, and/or in potentially receiving a growers license more than 12 months after the initial 15 Stage 2 licenses are issued, will result in immediate, substantial and irreparable harm to Plaintiff Alternative Medicine Maryland, LLC

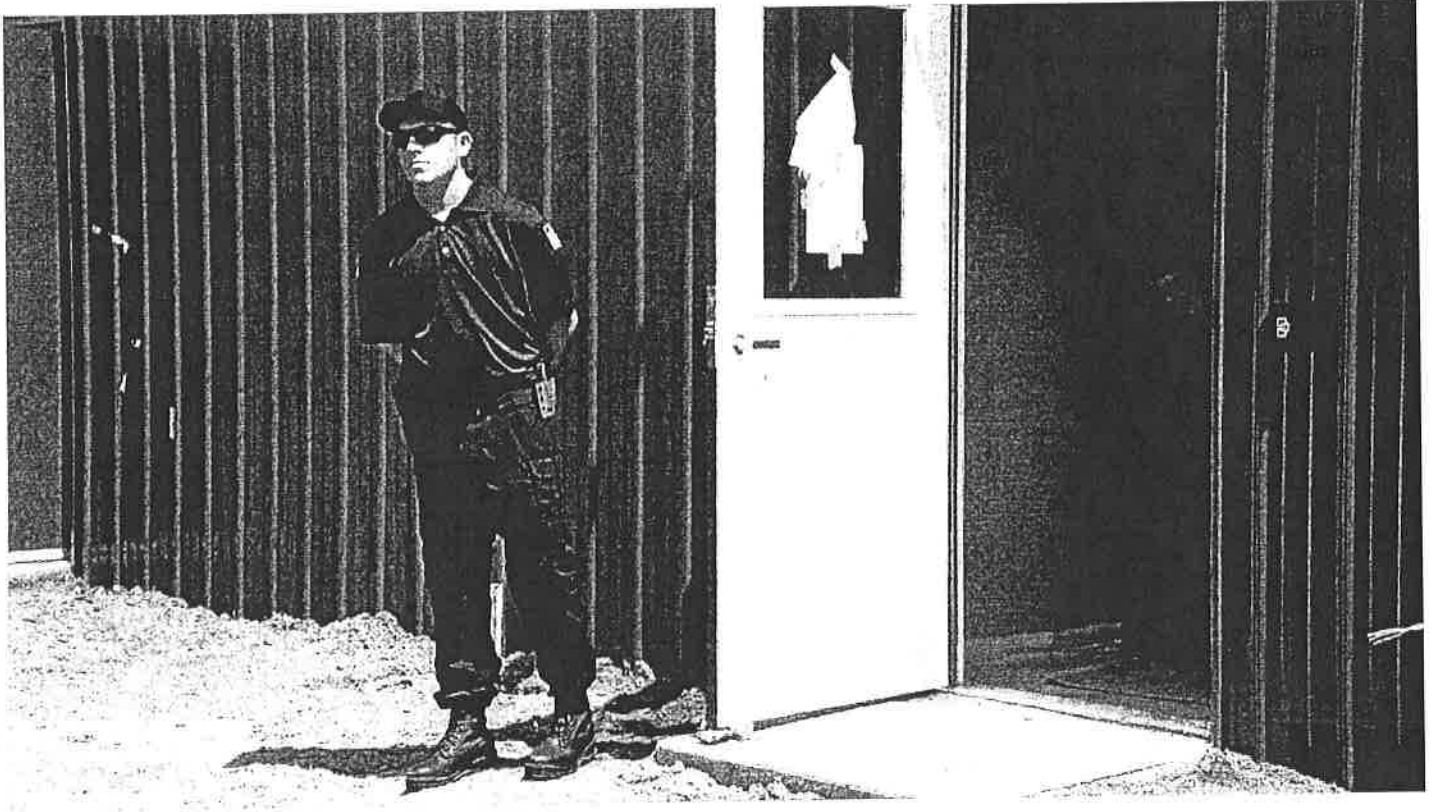
I HEREBY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE FOREGOING AFFIDAVIT ARE TRUE, ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

5/13/17
DATE


GREGORY DANIEL, M.D.

EXHIBIT 1

Despite controversy, Maryland medical marijuana grower on brink of starting cultivation



Taking a tour of ForwardGro, one of the 15 pre-approved medical marijuana growers in the state. (Kim Hairston / Baltimore Sun)



By Erin Cox
The Baltimore Sun

APRIL 29, 2017, 8:18 PM

Since lawmakers approved medical marijuana in Maryland, the nascent industry has been mired in legal and political controversy.

A judge is deciding whether the state improperly awarded licenses to grow and process the plant. Black lawmakers said minorities didn't have a fair chance of getting those licenses. Now the governor has ordered a study.

ForwardGro isn't waiting to see how it all turns out.

ForwardGro is one of 23 companies licensed to grow or process marijuana in Maryland for patients suffering from cancer, epilepsy and other conditions. Amid the uncertainty that has slowed the development of the industry, most are forging ahead with costly plans to build elaborate growing operations that could have crops ready as soon as August.

"We're very excited that some of our members are 30 days away from planting their first plants," said Jake Van Wingerden, chairman of the Maryland Wholesale Medical Cannabis Trade Association. "You'll see product in the marketplace by this fall."

Van Wingerden, president of SunMed Growers in Cecil County, said his company expects to finish construction of its facility in July. At a meeting this month of his association's 13 growers, he said, "everybody expressed optimism that they are on schedule."

ForwardGro and its sprawling 2-acre compound in southern Anne Arundel County is poised next week to receive final inspection to secure a license to grow medical marijuana, company executives said.

As early as next month, the Maryland Medical Cannabis Commission could allow them to turn on the lights and begin growing the first medical marijuana plants — more than four years after the state made it legal.

On a recent afternoon, the ForwardGro executive team navigated around electricians and painters, chatting with county building inspectors and envisioning what the massive cavern would look like once workers in medical scrubs and hairnets finally begin growing the potent pot for patients.

"I'm going to be a mess when we start growing," Chief Financial Officer Gail Rand said.

Rand spent years lobbying the legislature to legalize medical marijuana to help children like her son, Logan, who has epilepsy. One of the company's first products will be a strain she picked out for him.

"I'm looking to give this to my 7-year-old son," she said. "That's my standard of quality."

The facility will be capable of generating 9,000 pounds of medical marijuana each year, with a retail value of roughly \$45 million. ForwardGro and other growers will sell their products wholesale for less than that to a processor who will turn them into oils, tinctures or topical creams. Or they will prepare it to be inhaled from vaporizers or smoked the old-fashioned way.

Up to 94 dispensaries will sell medical marijuana to registered patients who have had the drug recommended by a certified physician. The Arcview Group, a marijuana industry research group, estimates Maryland's market will be worth \$129.7 million by 2020.

While ForwardGro is not certain how big the market will be — 4,673 patients have registered in the past three

It also built the shell of a processing center, which company executives said can be an active lab within six weeks of getting the green light from the state.

And the 153-acre property has enough land to accommodate up to 24 acres of greenhouses, which theoretically could grow 216,000 pounds of marijuana a year.

The complex is set off a rural road, below the embankment of the former mine. Its address is marked in spray paint. There are no signs for ForwardGro. A dilapidated trailer at the entrance belies the multimillion-dollar operation being built.

"We don't mind that it's hard to find," Rand said. "We'll never have a lot of people come through here."

By law, the operation is encircled by razor wire and patrolled 24 hours a day by two armed guards.

Inside, each acre cost eight times more to build than a traditional greenhouse.

An elaborate climate-control system detects the intensity of sunlight and the floor temperature, and automatically adjusts to produce the optimum warm, sunny growing conditions favored by pot plants.

Water, kept at a brisk 55 degrees, trickles down a cooling wall at the end of greenhouse. The system is poised to blow moist, cool air across the room if the summer sun heats the room half a degree too hot.

A series of overhead fans simulate a natural breeze to strengthen the plant stems, because stronger plants can support larger marijuana flowers and give a better yield. The floors can radiate heat upward to promote faster root growth.

Water drawn from on-site springs is treated, oxygenated, and filtered in a specialized system, then infiltrated with a mix of fertilizers that is automatically dripped onto the plants. A series of screens can be drawn across the ceiling to adjust the light intensity, and overhead lamps can simulate natural sunlight during the darker winter months.

"Everything in here is controlled," said Austin Insley, ForwardGro's director of cultivation. "We can really manage this on our phones."

Data about the growing conditions are fed into a computer, which is connected to an app on Insley's iPhone. If the humidity unexpectedly dips at 2 a.m. on a Tuesday, for instance, Insley will get an alert.

So much of the greenhouse is automated that when the compound is fully operational, it will employ only about 15 people.

Maryland forbids growers from using pesticides or fungicides, so workers will treat the grow space like an

2013-03-28 10:00 AM
A. J. [unclear] [unclear]

STACY NEWS

"They're using more stuff on food you buy in the supermarket than we're allowed to use on the cannabis," Insley said.

Huge fans recycle the air in the greenhouse every minute. Outside, copper coils ringed with a sponge-like material emit essential oils that dampen the pungent scent of marijuana plants as that air is released.

Other operations are ramping up around the state. Phil Goldberg, chief executive of Green Leaf Medical in Frederick County, said the company will produce 320 pounds of "high-quality" cannabis at its 45,000-square-foot facility each month, plus 60 pounds of lower-grade "trim" to sell to processors.

He said his firm is about eight to 10 weeks from being ready for inspection. He hopes to have medical cannabis products on the market by Oct. 1.

Goldberg said Green Leaf has lined up 31 prospective dispensaries to distribute its products statewide. He said the company would like to be first to the market, but doesn't see that as essential.

"We want to make sure it's done right," he said.

ForwardGro, Green Leaf and the other growers will be required to send off samples for testing at a state-certified lab such as Steep Hill Maryland in Columbia.

"We will be ready for them," said Dr. Andrew Rosenstein, Steep Hill Maryland's CEO.

The company has built out a 2,000-square-foot lab in a business park, Rosenstein said, and will have all its testing equipment delivered next week.

Steep Hill Maryland will test for the presence of eight heavy metals, any pesticides, and an array of solvents used in processing the marijuana.

"It's a very regulated market," Rosenstein said.

The company, which has labs across the country, has a location in Washington that tests medical marijuana for patients and users. Such testing is not required in Washington, but helps companies market their products.

Labs must be inspected and certified by the state. But unlike medical marijuana growers, processors and distributors, they are not required to seek a license.

Rosenstein said the company endured extra expenses and setbacks from a year of uncertainty stemming from legal challenges to the state's licensing process and political debate in Annapolis about over whether to make adjustments.

The commission had awarded licenses to two companies that had ranked lower in the state's scoring system. The commission said it awarded those licenses to achieve greater geographic diversity in the industry.

The Legislative Black Caucus has demanded that extra licenses be awarded to create greater minority participation in the industry. No African-American-owned company received a preliminary license to grow cannabis.

The General Assembly ultimately did not pass legislation to change the industry. But the lawsuits are moving forward. Theoretically, a judge could decide the commission needs to start the entire process over again.

"It's been a big stress for the businesses that are trying to get ready," Rosenstein said. "We couldn't exactly be sure when we had to be ready."

"It's probably cost us several hundred thousand in carrying costs and delays while we're waiting. It's been tough to swallow."

ForwardGro executives say they're ready but still uncertain about all the next steps before they can bring in plants and start cultivating.

"We don't know, because no one in the state has done this before," Rand said.

A spokeswoman for the Maryland Medical Cannabis Commission would not say how many companies have requested final inspections or when the agency would grant final licenses.

The company will not say where the initial batch of plants will come from. It's a felony to transport clones across state lines.

"It's immaculate conception," Rand said.

Baltimore Sun reporter Michael Dresser contributed to this article.

ecox@baltsun.com

twitter.com/ErinatTheSun

Copyright © 2017, The Baltimore Sun, a Baltimore Sun Media Group publication | Place an Ad

This article is related to: Maryland General Assembly

EXHIBIT 2

A Letter from the Chairman of the Maryland Medical Cannabis Commission:

I am writing in response to a recent *Washington Post* news article, in which the Maryland Attorney General's office made public statements regarding the Maryland Medical Cannabis Commission's licensing process. The advice given to a client by its lawyer should be complete, confidential and thorough.

When drafting the original law for issuing licenses to grow, process, and dispense medicinal cannabis in the State of Maryland, the Commission initially took every step possible to include racial diversity as a weighted component of the regulations. The specific legislative intent required the Commission to, "actively seek to achieve racial, ethnic, and geographic diversity when licensing medical marijuana growers; and encourage applicants who qualify as a minority business enterprise..." *Health-General, Annotated Code of Maryland, sections 13-3306(a)(i)(1)*.

The Commission deliberately supported this language in the original statutory language because of a strong belief that minority inclusion is of paramount importance to this new industry. After requesting the customary legal review, the Commission subsequently received thorough and complete legal advice from the Maryland Office of the Attorney General stating that race-based mandates would violate the United States and Maryland Constitutions. Based on the Attorney General's opinion to Delegate Chris West concerning this issue, the Commission found it necessary to remove the provisions from the final regulations.

To be specific, an opinion letter dated March 13, 2015 to Delegate Chris West, written by Assistant Attorney General Kathryn M. Rowe, stated:

"The provisions of *Croson* and *Fisher* apply to ethnicity in the same way as race. They do not, however, apply to geographically conscious programs. ***Thus, the law should be read to have full force to the extent that it requires the Commission to seek geographic diversity to the extent possible*** [emphasis added]. Moreover, it is not unconstitutional to encourage businesses of any type, including those in the minority business enterprise program, to apply to participate in any type of government program. ***Constitutional limits, however, would prevent the Commission from conducting race- or ethnicity conscious licensing in the absence of a disparity study showing past discrimination in similar programs. I am aware of no study that would cover grower or dispensary licenses, or even licensing in general*** [emphasis added]. Most State licensing programs license everyone who meets the licensing qualifications, and thus would not give rise to the ability to pick some and not others. As a result, the efforts of the Commission to seek racial and ethnic diversity among growers and dispensaries would have to be limited to broad publicity given the availability of the licenses and encouragement of those from various groups."

The Attorney General's Office at the time of that opinion admitted that there was no such disparity study known to exist nor did they promulgate other novel remedies.

I, as the Chairman, along with all of the other Commissioners, followed strict regulations and guidelines defined at the beginning of the application process as required by law, to ensure a fair and objective selection process. The Commission enlisted Towson University's Regional Economic Studies Institute ("RESI") to conduct the evaluation of applicants through a double-blinded process. Due to the Attorney General's opinion and the change in the legislative language as noted above, there were no requirements to disclose race on the application. In addition, all identifying information such as individual, entity, investor, and employee names was redacted. The Commissioners voted only on coded and redacted RESI applications.

We all know that this process was extremely competitive. The Commission received 145 Grower applications, but could only grant up to 15 Grower pre-approvals because of statutory limitations implemented by the legislature. Additionally, we realize that this emerging industry creates numerous possibilities for growth and economic opportunity for many in Maryland. We take our responsibility extremely seriously to ensure that qualifying patients, the sick and suffering of Maryland, are provided with a process to receive the most safe and effective medicine possible. We remain dedicated to this mission and are confused to see the Attorney General's office recent public statements regarding their position.

Finally, I would like to reiterate that the Commission is committed to seeking and promoting racial diversity and minority inclusion. We believe that diversity is in the best interest of the industry and an important responsibility. The Commission will continue to work with the legislature to help solve these complex problems.

Paul Davies, M.D., Chair
Maryland Medical Cannabis Commission

E 000488

EXHIBIT 3

Black caucus pledges to halt Maryland medical marijuana licensing



The Legislative Black Caucus is challenging the medical marijuana licensing process. (WJZ)



By **Erin Cox**
The Baltimore Sun

SHARE THIS



Black leaders in Annapolis refuse to let Maryland's medical pot program move forward without diversity.

SEPTEMBER 9, 2016, 7:10 PM

The Legislative Black Caucus plans to use any means necessary to stop Maryland's medical marijuana commission from issuing final licenses until more are awarded to minority-owned businesses.

"We will not be accepting crumbs." Del. Cheryl Glenn, chair of the caucus, said Friday at a forum in Annapolis.

The Baltimore Democrat presided over nearly three hours of testimony from African-American, Hispanic and female business owners who were not among the preliminary winners of 30 lucrative licenses to grow or process medical marijuana in the state.

The caucus has not decided on a single course of action, but it is weighing filing an injunction against the Maryland Medical Cannabis Commission, expanding how many growing licenses are available, scrapping the entire application process and introducing emergency legislation to strip authority from the commission.

"This is a fast-moving train," said Glenn, who was one of the architects of the state's long-delayed medical marijuana program. She later added that the caucus would primarily rely on political pressure and not the Maryland court system.

The black caucus has 45 members and represents a substantial political force in the 188-member General Assembly. Republican Gov. Larry Hogan has promised to do what he can to help, but he has no direct authority over the medical marijuana commission.

Although a state law required the medical marijuana panel to actively seek racial diversity, the commission ultimately relied on a "blind" process that did not. It did give significant weight to geographic and other factors that failed applicants said were discriminatory.

Most of the preliminary licenses to grow or process marijuana went to companies led by white men. More than 800 preliminary licenses to dispense the drug are still pending, and commission Chairman Paul Davies has promised to work with the attorney general's office to better ensure diversity moving forward.

But the black caucus said Friday that members will stand in the way of any of the preliminary licenses getting final approval.

The promise to fight the process drew some concerns about whether it would further delay getting the drug to patients, who have been waiting for years. The state's first attempt to create a medical marijuana program, in 2013, failed, and was replaced by a 2014 law that is still not implemented. The national Marijuana Policy Project advocacy group ranks Maryland's program as the slowest to get off the ground.

"We have to come up with something that moves quickly," said Darrell Carrington, executive director of the Maryland Cannabis Industry Association and a consultant for some companies who won licenses and others who lost. "I don't know if starting all the way over again from scratch is fair to the patient."

Baltimore Del. Nathaniel Oaks, a Democrat, replied, "Fairness is out the backdoor already."

Lawmakers and several advocates said letting other businesses move forward while leaving African-American ones behind — even if they are later awarded licenses — was unacceptable.

California-based research group ArcView projects national sales of legal marijuana to hit \$21.8 billion by 2020, generating as much or more revenue annually as the National Football League.

Some companies that lost out on Maryland licenses complained Friday that unfair regulations stacked the deck against them. They said some required unnecessary experience that is uncommon for black business owners. Others suggested they were expected to have access to huge amounts of capital.

"The notion that we have to be multimillionaires to enter this industry is ridiculous," said Ovetta White, who said her company, Sugarloaf Enterprises, did not win a preliminary license to grow marijuana in Montgomery County.

The commission has not released all of the details about how it made ranking decisions, a process that took months longer than many anticipated.

Glenn and other caucus leaders on Friday debated the best way to increase minority-owned businesses in the industry. They said they would seek more oversight of the commission in the future, regardless of the outcome of the licensure issue.

"The process was flawed," said Del. Darryl Barnes, a Democrat from Prince George's County.

The medical marijuana commission relied on a double-blind ranking system that it outsourced to the Regional Economic Studies Institute, known as RESI, at Towson University. Top companies were selected without regard to the identities of the applicants.

Since preliminary licenses were announced last month, leaders of the commission acknowledged that they should have found a way to increase diversity among the winners of growing and processing licenses. They are working with Maryland's attorney general to determine a legal way to do so when they now turn to awarding dispensary licenses.

Two companies that were originally ranked in the top 15 of grower applicants by RESI were bumped out as winning bidders to make room for others who would add geographic diversity among growers.

One of those companies, GTI Maryland LLC, has 30 percent African-American ownership. The group's general manager said Friday that the commission let geographic diversity trump merit.

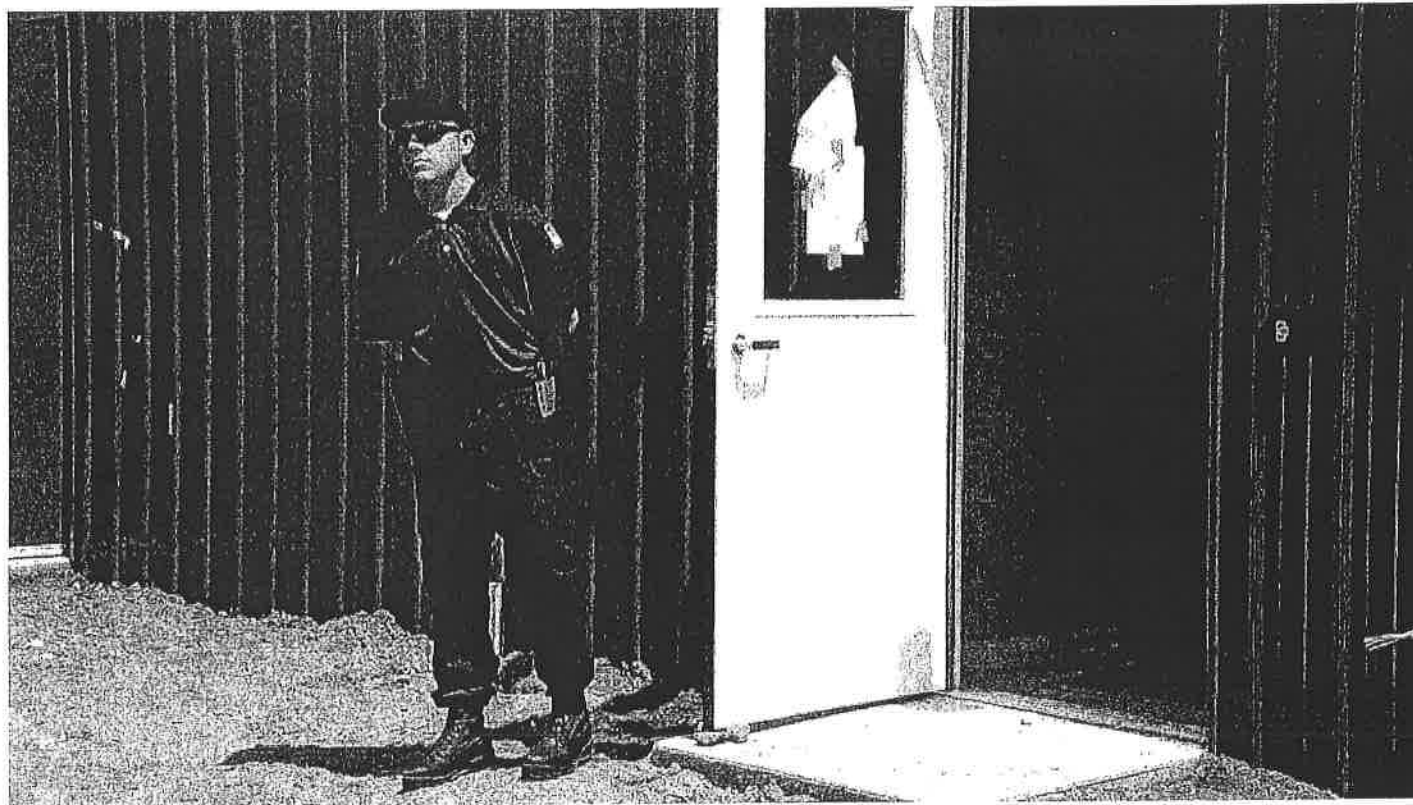
"We were passed over for a lower-scoring company," said Sterling Crockett, the general manager.

ecox@baltsun.com

twttier.com/ErinatTheSun

EXHIBIT D

Despite controversy, Maryland medical marijuana grower on brink of starting cultivation



Taking a tour of ForwardGro, one of the 15 pre-approved medical marijuana growers in the state. (Kim Hairston / Baltimore Sun)



By **Erin Cox**
The Baltimore Sun

APRIL 29, 2017, 8:18 PM

Since lawmakers approved medical marijuana in Maryland, the nascent industry has been mired in legal and political controversy.

A judge is deciding whether the state improperly awarded licenses to grow and process the plant. Black lawmakers said minorities didn't have a fair chance of getting those licenses. Now the governor has ordered a study.

ForwardGro isn't waiting to see how it all turns out.

Support Quality Journalism
Subscribe for only 99¢

[START NOW >](#)

E 000494

ForwardGro is one of 23 companies licensed to grow or process marijuana in Maryland for patients suffering from cancer, epilepsy and other conditions. Amid the uncertainty that has slowed the development of the industry, most are forging ahead with costly plans to build elaborate growing operations that could have crops ready as soon as August.

"We're very excited that some of our members are 30 days away from planting their first plants," said Jake Van Wingerden, chairman of the Maryland Wholesale Medical Cannabis Trade Association. "You'll see product in the marketplace by this fall."

Van Wingerden, president of SunMed Growers in Cecil County, said his company expects to finish construction of its facility in July. At a meeting this month of his association's 13 growers, he said, "everybody expressed optimism that they are on schedule."

ForwardGro and its sprawling 2-acre compound in southern Anne Arundel County is poised next week to receive final inspection to secure a license to grow medical marijuana, company executives said.

As early as next month, the Maryland Medical Cannabis Commission could allow them to turn on the lights and begin growing the first medical marijuana plants — more than four years after the state made it legal.

On a recent afternoon, the ForwardGro executive team navigated around electricians and painters, chatting with county building inspectors and envisioning what the massive cavern would look like once workers in medical scrubs and hairnets finally begin growing the potent pot for patients.

"I'm going to be a mess when we start growing," Chief Financial Officer Gail Rand said.

Rand spent years lobbying the legislature to legalize medical marijuana to help children like her son, Logan, who has epilepsy. One of the company's first products will be a strain she picked out for him.

"I'm looking to give this to my 7-year-old son," she said. "That's my standard of quality."

The facility will be capable of generating 9,000 pounds of medical marijuana each year, with a retail value of roughly \$45 million. ForwardGro and other growers will sell their products wholesale for less than that to a processor who will turn them into oils, tinctures or topical creams. Or they will prepare it to be inhaled from vaporizers or smoked the old-fashioned way.

Up to 94 dispensaries will sell medical marijuana to registered patients who have had the drug recommended by a certified physician. The Arcview Group, a marijuana industry research group, estimates Maryland's market will be worth \$129.7 million by 2020.

While ForwardGro is not certain how big the market will be — 4,673 patients have registered in the past three

It also built the shell of a processing center, which company executives said can be an active lab within six weeks of getting the green light from the state.

And the 153-acre property has enough land to accommodate up to 24 acres of greenhouses, which theoretically could grow 216,000 pounds of marijuana a year.

The complex is set off a rural road, below the embankment of the former mine. Its address is marked in spray paint. There are no signs for ForwardGro. A dilapidated trailer at the entrance belies the multimillion-dollar operation being built.

"We don't mind that it's hard to find," Rand said. "We'll never have a lot of people come through here."

By law, the operation is encircled by razor wire and patrolled 24 hours a day by two armed guards.

Inside, each acre cost eight times more to build than a traditional greenhouse.

An elaborate climate-control system detects the intensity of sunlight and the floor temperature, and automatically adjusts to produce the optimum warm, sunny growing conditions favored by pot plants.

Water, kept at a brisk 55 degrees, trickles down a cooling wall at the end of greenhouse. The system is poised to blow moist, cool air across the room if the summer sun heats the room half a degree too hot.

A series of overhead fans simulate a natural breeze to strengthen the plant stems, because stronger plants can support larger marijuana flowers and give a better yield. The floors can radiate heat upward to promote faster root growth.

Water drawn from on-site springs is treated, oxygenated, and filtered in a specialized system, then infiltrated with a mix of fertilizers that is automatically dripped onto the plants. A series of screens can be drawn across the ceiling to adjust the light intensity, and overhead lamps can simulate natural sunlight during the darker winter months.

"Everything in here is controlled," said Austin Insley, ForwardGro's director of cultivation. "We can really manage this on our phones."

Data about the growing conditions are fed into a computer, which is connected to an app on Insley's iPhone. If the humidity unexpectedly dips at 2 a.m. on a Tuesday, for instance, Insley will get an alert.

So much of the greenhouse is automated that when the compound is fully operational, it will employ only about 15 people.

Maryland forbids growers from using pesticides or fungicides, so workers will treat the grow space like an

"They're using more stuff on food you buy in the supermarket than we're allowed to use on the cannabis," Insley said.

Huge fans recycle the air in the greenhouse every minute. Outside, copper coils ringed with a sponge-like material emit essential oils that dampen the pungent scent of marijuana plants as that air is released.

Other operations are ramping up around the state. Phil Goldberg, chief executive of Green Leaf Medical in Frederick County, said the company will produce 320 pounds of "high-quality" cannabis at its 45,000-square-foot facility each month, plus 60 pounds of lower-grade "trim" to sell to processors.

He said his firm is about eight to 10 weeks from being ready for inspection. He hopes to have medical cannabis products on the market by Oct. 1.

Goldberg said Green Leaf has lined up 31 prospective dispensaries to distribute its products statewide. He said the company would like to be first to the market, but doesn't see that as essential.

"We want to make sure it's done right," he said.

ForwardGro, Green Leaf and the other growers will be required to send off samples for testing at a state-certified lab such as Steep Hill Maryland in Columbia.

"We will be ready for them," said Dr. Andrew Rosenstein, Steep Hill Maryland's CEO.

The company has built out a 2,000-square-foot lab in a business park, Rosenstein said, and will have all its testing equipment delivered next week.

Steep Hill Maryland will test for the presence of eight heavy metals, any pesticides, and an array of solvents used in processing the marijuana.

"It's a very regulated market," Rosenstein said.

The company, which has labs across the country, has a location in Washington that tests medical marijuana for patients and users. Such testing is not required in Washington, but helps companies market their products.

Labs must be inspected and certified by the state. But unlike medical marijuana growers, processors and distributors, they are not required to seek a license.

Rosenstein said the company endured extra expenses and setbacks from a year of uncertainty stemming from legal challenges to the state's licensing process and political debate in Annapolis about over whether to make adjustments.

The commission had awarded licenses to two companies that had ranked lower in the state's scoring system. The commission said it awarded those licenses to achieve greater geographic diversity in the industry.

The Legislative Black Caucus has demanded that extra licenses be awarded to create greater minority participation in the industry. No African-American-owned company received a preliminary license to grow cannabis.

The General Assembly ultimately did not pass legislation to change the industry. But the lawsuits are moving forward. Theoretically, a judge could decide the commission needs to start the entire process over again.

"It's been a big stress for the businesses that are trying to get ready," Rosenstein said. "We couldn't exactly be sure when we had to be ready.

"It's probably cost us several hundred thousand in carrying costs and delays while we're waiting. It's been tough to swallow."

ForwardGro executives say they're ready but still uncertain about all the next steps before they can bring in plants and start cultivating.

"We don't know, because no one in the state has done this before," Rand said.

A spokeswoman for the Maryland Medical Cannabis Commission would not say how many companies have requested final inspections or when the agency would grant final licenses.

The company will not say where the initial batch of plants will come from. It's a felony to transport clones across state lines.

"It's immaculate conception," Rand said.

Baltimore Sun reporter Michael Dresser contributed to this article.

ecox@baltsun.com

twitter.com/ErinatTheSun

Copyright © 2017, The Baltimore Sun, a Baltimore Sun Media Group publication | Place an Ad

This article is related to: Maryland General Assembly

Support Quality Journalism
Subscribe for only 99¢

START NOW >

E 000498

EXHIBIT E



Planet Depos
We Make It Happen

Transcript of Conference Call

Date: April 14, 2017

Case: Maryland Medical Cannabis Commission Telephonic Meeting

Planet Depos
Phone: 888-433-3767
Fax: 888-503-3767
Email: transcripts@planetdepos.com
www.planetdepos.com

WORLDWIDE COURT REPORTING | INTERPRETATION | TRIAL SERVICES

E 000500

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

TRANSCRIPT OF
Maryland Medical Cannabis Commission
Friday, April 14, 2017
10:05 a.m.
Conducted by Conference Call
Baltimore, Maryland

Job No.: 141636

Pages: 1 - 26

Reported by: Katherine Schilling, RPR, CA CSR #14163

1 A P P E A R A N C E S

2 Paul W. Davies, M.D. (Chairman)

3 Dario Broccolino, J.D.

4 Cristina Castro

5 Michael A. Horberg, M.D., MAS, FACP, FIDSA

6 Robert A. Lavin, M.D.

7 Vanessa Lyon

8 Jeanie Gilmore Marshall, RN, BSN

9 Shannon K. Moore

10 James R. Pyles

11 Colonel Harry Robshaw, III

12 Nancy Rosen-Cohen, Ph.D.

13 Eric E. Sterling, Esq.

14 Jon Traunfeld, M.S.

15 Saundra Washington

16 Mary Jo Mather

17 Patrick Jameson

18

19

20

21

22

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

P R O C E E D I N G S

CHAIRMAN DAVIES: Right. Well, I'm Paul Davies. I'm Chairman of the Maryland Medical Cannabis Commission, and I'm a physician.

Dario, can you can introduce yourself?

DARIO BROCCOLINO: Yeah. I'm Dario Broccolino. I'm the Howard County state's attorney and representative of the Maryland State's Attorneys' Association on the Commission.

NANCY ROSEN-COHEN: I'm Nancy Rosen-Cohen, representing National Council on Alcoholism and Drug Dependence for the State of Maryland as commissioner.

SHANNON MOORE: Shannon Moore. I'm a patient advocate -- sorry, Doctor.

MICHAEL HORBERG: Oh, no worries. I'm Michael Horberg, representing physicians and researchers.

ROBERT LAVIN: Robert Lavin, representing the University of Maryland and physician.

JON TRAUNFELD: John Traunfeld representing University of Maryland Extension.

1 JEANIE MARSHALL: Jeanie Marshall,
2 hospice nurse.

3 SAUNDRA WASHINGTON: Sandy Washington,
4 community member, patient advocate.

5 CHAIRMAN DAVIES: Any other commissioners
6 on the phone?

7 ERIC STERLING: This is Eric Sterling
8 from the Criminal Justice Policy Foundation. I'm
9 the lawyer member.

10 JAMES PYLES: Good morning. Maryland
11 Department of Health and Mental Hygiene.

12 CHAIRMAN DAVIES: Any other
13 commissioners? We have a quorum. Mary Jo, we do
14 have a quorum.

15 MARY JO MATHER: Yeah. We have more than
16 a quorum.

17 CHAIRMAN DAVIES: How many members?

18 MARY JO MATHER: 11 members have
19 introduced themselves.

20 CHAIRMAN DAVIES: Okay. And we've got
21 Heather on the line, Vanessa, Patrick, and Mary Jo?

22 MARY JO MATHER: Yes.

1 CHAIRMAN DAVIES: Vanessa, are you on the
2 line? Okay.

3 Buddy, have you joined the call? Buddy?

4 NANCY ROSEN-COHEN: I'll send him
5 another --

6 CHAIRMAN DAVIES: Okay. Thank you,
7 everyone, for the introductions. Welcome to the
8 public to this meeting of the Medical Cannabis
9 Commission. First order of business is the
10 executive director's report.

11 Patrick, do you want go ahead and get
12 that?

13 PATRICK JAMESON: Yeah. I just wanted to
14 hold on one second until Buddy was able to get on
15 the line, but I'll just give it a couple more
16 seconds. I know that he's trying to call in right
17 now.

18 CHAIRMAN DAVIES: Buddy, have you joined
19 the call?

20 DARIO BROCCOLINO: I propose that we get
21 started, Patrick, because I know you want to -- we
22 don't know how long that's going to be.

1 PATRICK JAMESON: Well, I was just on the
2 phone with him, so he should be dialing in right at
3 this time.

4 DARIO BROCCOLINO: Well, a lot of us have
5 very hard stops, and we left other meetings, so
6 you've got to get moving.

7 PATRICK JAMESON: All right. I'm trying
8 to get started right now.

9 All right. Good morning, everybody. As
10 I just introduced, I'm Patrick Jameson. I'm
11 executive director.

12 And I am very optimistic about getting
13 this industry off the ground. You know, I just want
14 all the commissioners to realize -- everyone to
15 realize this is a new and changing industry, and
16 it'll probably, you know, take a couple years until
17 it reaches full maturity.

18 And I also hope that everybody also
19 understands that it is dependent on supply and
20 demand. As I think many entrepreneurs know, being
21 the first one to the market has its advantages and
22 sometimes inherent financial risks. And it may not

1 be the most advantageous position to be in.

2 This industry really needs the
3 opportunity to get up and running immediately. You
4 know, despite all the politics, it's critical that
5 we really get this industry up and running. There's
6 so much discourse that's been out there now and a
7 lot of false narrative that's being promulgated.

8 At the Commission, we're making
9 tremendous progress. We're making great progress on
10 getting this whole process going, and we're moving
11 forward at a good rate.

12 We're now in Stage 2 of the application
13 process. And as a reminder to everybody, that's
14 where the preapproved applicants complete their
15 financing, zoning, construction, hiring, and
16 training and are in the process to prepare to be
17 open.

18 The Commission wants us to gain the
19 applicant's financial background. And the financial
20 due diligence will be done on principals, directors,
21 investors of 5 percent or more. They have 365 days
22 to get all of their operations ready.

1 The applicants then advise the Commission
2 of when they're ready for inspection. The
3 Commission goes and inspects the -- and reviews
4 their SOPs in training. So it's incumbent upon the
5 applicants that they receive a -- you know, to all
6 the commissioners and anybody who may be listening,
7 it's incumbent upon all the applicants that they
8 receive all of their occupancy and building permits
9 and zoning approvals prior to requesting final
10 inspection from the Commission.

11 We highly recommend that an applicant --
12 any applicants that have not submitted their state's
13 two applications do so in a timely manner.

14 Just so there's no mystery how this
15 process will work once final inspections have
16 completed. The Bureau of Enforcement and Compliance
17 of the Commission will come out, do the inspection.
18 If the applicant has passed the inspection at that
19 point, the Commission -- the Bureau of Enforcement
20 and Compliance will submit its report to the final
21 review subcommittee. That subcommittee will review
22 the report from the Bureau of Enforcement and

1 Compliance, and then that group will then submit
2 their recommendation to the full Commission for
3 voting on licensure.

4 So under the operational aspect -- I
5 mean, now in the process, as I said, of doing these
6 things to -- background investigations. We're doing
7 financial due diligence on roughly 700 people in
8 this process. And we're completing all of our
9 background investigations, and we are moving
10 forward. So it's very critical that we move forward
11 for the patients, you know, in this process.

12 And I just want to say one thing. You
13 know, every day this office -- or, actually, every
14 week, this office receives heartbreaking stories
15 from patients. And I just want to read a part of
16 one that we got.

17 A patient has written in that they have
18 degenerative arthritis and that they've had 41
19 operations, and they have another one scheduled for
20 next month. And they are asking -- they are
21 basically saying -- they're saying, Please have some
22 mercy on us for those people that are suffering so

1 that they can alleviate their pain.

2 And I think that's the critical element
3 of what we're doing here and why we need to get this
4 program up and running immediately.

5 So I think -- I hope that everybody knows
6 one thing that we're extremely happy about is that
7 we've rolled out a brand-new website. And that
8 website is -- was built to make sure that it is
9 very, very customer- and user-friendly. So I hope
10 everyone has had the opportunity to go see the new
11 website, which is the front-facing portal for our
12 patient registry rollout.

13 So the patient registry rollout actually
14 began on March 31st, where we did a soft rollout.
15 We used a focus group of some advocacy groups that
16 were giving us some information. It was still in a
17 testing stage. It was a pretesting rollout. And we
18 have listed on the website what the rollout will be.

19 So what's transpired since Monday is that
20 we've allowed patients to register with the last
21 names of A through L. On April 17th, we'll let
22 patients register M through Z. And on Monday,

1 April 24th, all of the website will be open for
2 general open enrollment.

3 And what we've done is also set up some
4 places around the state that will allow for patients
5 that really need help registering. We understand
6 that there may be some people that have problems
7 registering, and we want to make ourselves available
8 and make sure that we provide access to all of those
9 patients around the state.

10 On May 1st, we'll be at the Eastern Shore
11 Hospital Center in Cambridge -- all of this
12 information is listed on the website. On May 2nd,
13 we'll be in Kaplan University in Hagerstown. On May
14 3rd, we'll be in the Charles County Government
15 building in La Plata. On the 4th, we'll be at the
16 Department of Health and Mental Hygiene here in
17 Baltimore. And then we have a couple more dates
18 that are coming up. And it will be listed on the
19 website in Prince George's County.

20 As it stands now, we have roughly 1,200
21 patients that have provided applications, and we
22 have 42 caregivers that also are applying on the

1 site. So we're having some good numbers that are
2 coming in. As you-all know, this is a rolling
3 process -- that this is just beginning to get
4 started, and the rollout so far is going well.

5 We have approximately 250 physicians that
6 have registered at this time. So we are making very
7 good progress on this. And this is a critical,
8 critical element to getting this whole industry up
9 and going.

10 So I encourage everybody to go to the
11 website. We have a lot of quick links on there of
12 where people can purchase their ID cards. Our
13 Commission meetings are listed on there. And all of
14 the information that's there -- we want everybody to
15 read the information on the website prior to them
16 registering because the the registering process --
17 there is a sequential order that has to be put in
18 place. And it's important for everybody to read
19 what's on the website.

20 We've also put some industry information
21 on there as well as getting our -- our -- our other
22 dispensary information will be put on there. Once

1 we -- once we get all these back locations of the
2 dispensaries. Again, I encourage any of the
3 industry people to please get their supplementary
4 applications in, because the clock is ticking on
5 that right now.

6 So with that, that's all I have right
7 now.

8 HARRY ROBSHAW, III: I'm on the line if
9 you can hear me.

10 NANCY ROSEN-COHEN: Thanks, Buddy.

11 HARRY ROBSHAW, III: Yeah, I apologize.
12 I could hear everyone. Apparently, I didn't press
13 the right button for the code.

14 If you're done, Patrick, I have some
15 comments to make.

16 PATRICK JAMESON: Yes. So that is my
17 executive director's report at this time.

18 HARRY ROBSHAW, III: Okay.

19 Commission members, members of the
20 public, thank you for attending today's
21 teleconference. As you know, the last several
22 months there have been both positive and negative

1 news swirling around the Commission.

2 On one hand, good work has been
3 recognized as it should have. And on the other
4 hand, there's been disparaging and self-serving
5 words and hints of corruption. For me, I've been a
6 police officer for 43 years. At the end of the day,
7 my reputation and credibility mean everything to me.
8 I can absolutely assure everyone that I would do
9 nothing to endanger either -- nor would any other
10 current member of this Commission.

11 We have always and will always remain
12 committed to bringing medical cannabis to the
13 residents of Maryland who so desperately need it.
14 Now, we are going to make a response to the request
15 of the Speaker of the House. Regarding that
16 request, I would like to reiterate something that I
17 said the day that we made the growers selections as
18 the growers selections subcommittee chairman.

19 The subcommittee considered geographic
20 diversity in accordance with the agricultural
21 regions map of Maryland, for which there are five:
22 Western Maryland, Central Maryland, Southern

1 Maryland, the Upper Eastern Shore, and the Lower
2 Eastern Shore.

3 We took the top 15 resident applicants
4 and overlaid them over that map. And if you did,
5 you would see that there was 10 in Central Maryland,
6 six of which were clustered in the western counties
7 of Washington and Frederick. There were three in
8 the Eastern Shore, one in Western Maryland, one in
9 Southern Maryland, and none or zero in the Lower
10 Eastern Shore.

11 At the time of our initial meeting, six
12 had not committed to the county that they were going
13 to be placed in. We had a subsequent meeting of the
14 growers subcommittee. We reconvened, and we voted
15 to replace the bottom-rank applicants in
16 Washington -- Washington and Frederick County with
17 the top-ranked applicants in Southern Maryland and
18 the Lower Eastern Shore. This created a more
19 equitable and fair distribution.

20 The full Commission voted on this to
21 adopt these alterations from the initial breakdown,
22 which was 10 in the Central, three in the Eastern

1 Shore, one in Western Maryland, one in Southern
2 Maryland, and zero in the Eastern Shore, to the
3 final breakdown, which was eight in Central
4 Maryland, three in Eastern Shore, two in Southern
5 Maryland, one in Western Maryland, and finally, one
6 in the Lower Eastern Shore. This assured that our
7 growers covered 16 counties and Baltimore City.

8 I know there's been some words about this
9 and some misunderstanding. And I want to clarify
10 that that's how the selection process was made. If
11 there are no comments on that, I would like to make
12 a report from the final review subcommittee to the
13 rest of the Commission.

14 The final review subcommittee, over the
15 last several months, has been discussing ways that
16 we could handle problems on investigations that
17 started in the Commission and investigate them or
18 help in the investigation in a way that would not
19 only bring clarity to the subjects we were talking
20 about, but it would also be a way for us to make
21 recommendations as to what we should do.

22 And I wanted to make the rest of the

1 Commission aware just of some basic principles that
2 we discussed in hopes that other members of the
3 Commission would think about those and forward any
4 requests to us. Or if anyone in the public had any
5 comments, that they would have the ability to
6 forward their written recommendations to the
7 Commission in the next seven days, starting today.

8 Some of our original thoughts were -- was
9 that if an applicant requested to the Commission the
10 opportunity to relocate, that the Commission
11 could -- should consider this and evaluate it based
12 not only on the facts presented but also on a number
13 of premises that we think are important.

14 One, the applicant should be able to
15 carry out its preapproved operations at a new
16 location consistent with its original application.
17 That the applicant is a grower -- the location is in
18 the same agricultural zone, if the applicant is a
19 grower. Or if the applicant is a dispensary, that
20 the location be -- should be in the same senatorial
21 district.

22 We came up with some ideas that there

1 should be a business necessity to relocate. And
2 some examples of that are the inability to obtain
3 zoning or other permissions; the community
4 opposition to the location of the licensee; the
5 damage or destruction of the former premises; or,
6 compared to a former location, that the proposed
7 location provides significant economic advantages,
8 such as reduced expenses, improved patient access,
9 improved operations for a greater likelihood of
10 zoning approval or community welcome. And, finally,
11 that there should be no substantial reason why the
12 request should not be granted.

13 Those are ideas that the final review
14 subcommittee came up with. I request that other
15 members of the Commission give that due
16 consideration and offer any suggestions as to how
17 that should be carried out or what they think. And
18 we also offer the public the opportunity to comment
19 on those as well.

20 Absent any questions on those, I'd like
21 to move to Eric Sterling -- Commissioner Eric
22 Sterling for a review on the policy subcommittee.

1 ERIC STERLING: Thank you, Buddy.

2 Mr. Chairman, members of the Commission,
3 the -- what I've been working on and I've shared
4 with members of the policy committee are first
5 drafts of amendments to the regulations to a -- the
6 additional health care providers that were
7 authorized by Chapter 474 of the active -- of 2016:
8 dentists, podiatrists, certified nurse
9 practitioners, and certificated nurse midwives.

10 These would require amendments to
11 Chapter 1, definitions, Chapter 3, certifying --
12 certifying physicians which have become certifying
13 providers. Chapter 5, giving a written
14 certification, and Chapter 6, giving the
15 identification cards.

16 In addition, with Shannon Moore and our
17 chemist and others, I'm working on -- and having
18 comments from the public regarding proposals of last
19 fall on clarifying the quality control and testing
20 requirements and the registration of independent
21 testing laboratories. And those materials will be
22 moved forward more formally and so that the policy

1 committee can meet and address these necessary
2 regulatory changes.

3 Thank you.

4 HARRY ROBshaw, III: Thank you, Eric.

5 Is there any new business that -- while
6 we have all the commissioners on the phone, any new
7 items to discuss?

8 DARIO BROCCOLINO: This is Dario. I have
9 a question about the Bureau of Inspection and
10 Enforcement.

11 Have we gotten any requests to come out
12 and be examined?

13 PATRICK JAMESON: We have one request,
14 yes. One company.

15 DARIO BROCCOLINO: Now, could you give me
16 an idea of the timeline that we foresee? I mean,
17 how long does it take the inspection, and then how
18 long will it take the Bureau of Inspection and
19 Enforcement to prepare their report, send it to the
20 subcommittee, the subcommittee reviews it and then
21 reports to the entire Commission? I mean, is
22 that -- I'm hoping that that's really a condensed

1 period of time.

2 PATRICK JAMESON: Yes. Absolutely. I
3 mean, it's hard to give you a timeline on that,
4 because we won't know if there are elements of the
5 inspection that have all been passed. As you know,
6 there's several other different departments that are
7 involved in this process, i.e., the local zoning
8 boards, occupancy -- you know, occupancy and
9 dwelling permits that have to be obtained. There's
10 the Department of Agriculture that's involved in
11 different types of nutrient management plans.
12 There's the fire marshal's office that's involved.

13 So there's several other entities that
14 are involved, but as far as we're concerned, when we
15 get out there, we're going to do our best to make
16 sure that we move through this process very
17 expeditiously if we're not finding any problems or
18 if the companies have all of their inspection
19 procedures in place already, and they've fulfilled
20 all of those requirements prior to us getting out
21 there.

22 DARIO BROCCOLINO: Well, all those

1 requirements from outside agencies, aren't they done
2 before we even go out there?

3 PATRICK JAMESON: They should be.

4 DARIO BROCCOLINO: Okay.

5 PATRICK JAMESON: But we won't -- we hope
6 that they are. But we won't know until we go out
7 there. And that's incumbent upon all of the
8 businesses to make sure that they're squared away on
9 their end.

10 DARIO BROCCOLINO: Okay. So let's assume
11 all that's done and everything's in order. Then we
12 are going to send it to a subcommittee of this
13 Commission, which will review it and then get it --
14 I mean, I just really want to keep this moving, you
15 know -- keep the fire under everyone to make sure
16 this doesn't get stalled down and that it adds to
17 the lens of this rollout.

18 PATRICK JAMESON: We're not stalling
19 anything on our end. We're actually ready to go.
20 We've -- we're caught up on a lot of -- almost all
21 the background investigations, and we're moving
22 forward. We're -- as you know, I think that there's

1 a general perception that on X date, the whole
2 industry will be up and running.

3 This is a -- you know, more of a complex
4 problem for the industry to build their buildings,
5 do their construction. Some will be coming on at
6 certain times; some will be coming on at other
7 times. But as far as we're concerned, we're not
8 going to be holding that process up at all.

9 DARIO BROCCOLINO: Okay. Thanks.

10 HARRY ROBSHAW, III: Any other comments
11 from commissioners or any other new business?

12 Hearing none, can I get a motion to
13 adjourn this meeting?

14 SAUNDRA WASHINGTON: This is Sandra. I
15 make a motion to adjourn.

16 HARRY ROBSHAW, III: Can I get --

17 ERIC STERLING: I object.

18 HARRY ROBSHAW, III: Eric --

19 ERIC STERLING: It's my impression that
20 the Commission is seeking to have -- is not planning
21 to adjourn but is planning to recess in order to get
22 legal guidance on a number of matters.

1 I think that our request to go into -- to
2 go in an executive session for receiving legal
3 matter is a matter of business and can't be done
4 after we adjourn.

5 HARRY ROBSHAW, III: Okay.

6 SAUNDRA WASHINGTON: Shall I withdraw the
7 motion?

8 PATRICK JAMESON: Buddy, it's my
9 understanding that that issue has been withdrawn at
10 this moment and will be reconsidered -- and will be
11 reconsidered at the next meeting.

12 HARRY ROBSHAW, III: An issue that was
13 going to require us to go into that postponement has
14 been put off until the next general meeting, which
15 will not require us to go into a secondary
16 conversation, Eric. I apologize for not making that
17 clear. So this -- that aspect where we're going to
18 have a conversation with our legal staff has been
19 put off to the next general meeting.

20 ERIC STERLING: Very well. I withdraw my
21 objection.

22 HARRY ROBSHAW, III: Okay. I apologize

1 for not making that clear. Any other comments, or
2 can I have the second now to adjourn the meeting?

3 SAUNDRA WASHINGTON: I second. This is
4 Sandy.

5 HARRY ROBSHAW, III: Okay. Then in the
6 mind of the vice-chair, this meeting is adjourned.
7 Thank you, everyone, for attending. Thank you, both
8 to the public and for the commissioners as well.

9 ERIC STERLING: Thank you, Buddy.

10 SAUNDRA WASHINGTON: Thanks, Buddy.

11 (Meeting adjourned at 10:32 a.m.)
12
13
14
15
16
17
18
19
20
21
22

1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

2 I, KATHERINE SCHILLING, Court Reporter and
3 Notary Public, the officer before whom the foregoing
4 teleconference was taken, do hereby certify that the
5 foregoing transcript is a true and correct record of
6 the testimony given; that said testimony was taken
7 by me stenographically and thereafter reduced to
8 typewriting under my direction; that reading and
9 signing was not requested; and that I am neither
10 counsel for, related to, nor employed by any of the
11 parties to this case and have no interest, financial
12 or otherwise, in its outcome.

13 IN WITNESS WHEREOF, I have hereunto set my
14 hand and affixed my notarial seal this 16th day of
15 April 2017.

16 My commission expires April 30, 2020.

17

18

19

20



21

NOTARY PUBLIC IN AND FOR

22

THE COMMONWEALTH OF VIRGINIA

Transcript of Conference Call
 Conducted on April 14, 2017

A			
ability	affixed	another	11:1, 26:15,
17:5	26:14	5:5, 9:19	26:16
able	after	any	aren't
5:14, 17:14	24:4	4:5, 4:12,	22:1
about	again	8:12, 13:2,	around
6:12, 10:6,	13:2	14:9, 17:3,	11:4, 11:9,
16:8, 16:20,	agencies	17:4, 18:16,	14:1
17:3, 20:9	22:1	18:20, 20:5,	arthritis
absent	agricultural	20:6, 20:11,	9:18
18:20	14:20, 17:18	21:17, 23:10,	asking
absolutely	agriculture	23:11, 25:1,	9:20
14:8, 21:2	21:10	26:10	aspect
access	ahead	anybody	9:4, 24:17
11:8, 18:8	5:11	8:6	association
accordance	alcoholism	anyone	3:9
14:20	3:12	17:4	assume
active	all	anything	22:10
19:7	6:7, 6:9, 6:14,	22:19	assure
actually	7:4, 7:22, 8:5,	apologize	14:8
9:13, 10:13,	8:7, 8:8, 9:8,	13:11, 24:16,	assured
22:19	11:1, 11:8,	24:22	16:6
addition	11:11, 12:13,	apparently	attending
19:16	13:1, 13:6,	13:12	13:20, 25:7
additional	20:6, 21:5,	applicant	attorney
19:6	21:18, 21:20,	8:11, 8:18,	3:7
address	21:22, 22:7,	17:9, 17:14,	attorneys
20:1	22:11, 22:20,	17:17, 17:18,	3:9
adds	23:8	17:19	authorized
22:16	alleviate	applicant's	19:7
adjourn	10:1	7:19	available
23:13, 23:15,	allow	applicants	11:7
23:21, 24:4,	11:4	7:14, 8:1, 8:5,	aware
25:2	allowed	8:7, 8:12, 15:3,	17:1
adjourned	10:20	15:15, 15:17	away
25:6, 25:11	almost	application	22:8
adopt	22:20	7:12, 17:16	
15:21	already	applications	B
advantageous	21:19	8:13, 11:21,	back
7:1	also	13:4	13:1
advantages	6:18, 11:3,	applying	background
6:21, 18:7	11:22, 12:20,	11:22	7:19, 9:6, 9:9,
advise	16:20, 17:12,	approval	22:21
8:1	18:18	18:10	baltimore
advocacy	alterations	approvals	1:12, 11:17,
10:15	15:21	8:9	16:7
advocate	always	approximately	based
3:15, 4:4	14:11	12:5	17:11
	amendments	april	basic
	19:5, 19:10	1:9, 10:21,	17:1

Transcript of Conference Call
 Conducted on April 14, 2017

<p>basically 9:21 because 5:21, 12:16, 13:4, 21:4 become 19:12 been 7:6, 13:22, 14:2, 14:4, 14:5, 16:8, 16:15, 19:3, 21:5, 24:9, 24:14, 24:18 before 22:2, 26:3 began 10:14 beginning 12:3 being 6:20, 7:7 best 21:15 boards 21:8 both 13:22, 25:7 bottom-rank 15:15 brand-new 10:7 breakdown 15:21, 16:3 bring 16:19 bringing 14:12 broccolino 2:3, 3:6, 3:7, 5:20, 6:4, 20:8, 20:15, 21:22, 22:4, 22:10, 23:9 bsn 2:8 buddy 5:3, 5:14,</p>	<p>5:18, 13:10, 19:1, 24:8, 25:9, 25:10 build 23:4 building 8:8, 11:15 buildings 23:4 built 10:8 bureau 8:16, 8:19, 8:22, 20:9, 20:18 business 5:9, 18:1, 20:5, 23:11, 24:3 businesses 22:8 button 13:13</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>ca 1:22 call 1:11, 5:3, 5:16, 5:19 cambridge 11:11 came 17:22, 18:14 can't 24:3 cannabis 1:8, 3:4, 5:8, 14:12 cards 12:12, 19:15 care 19:6 caregivers 11:22 carried 18:17 carry 17:15</p>	<p>case 26:11 castro 2:4 caught 22:20 center 11:11 central 14:22, 15:5, 15:22, 16:3 certain 23:6 certificate 26:1 certificated 19:9 certification 19:14 certified 19:8 certify 26:4 certifying 19:11, 19:12 chairman 2:2, 3:2, 3:3, 4:5, 4:12, 4:17, 4:20, 5:1, 5:6, 5:18, 14:18, 19:2 changes 20:2 changing 6:15 chapter 19:7, 19:11, 19:13, 19:14 charles 11:14 chemist 19:17 city 16:7 clarify 16:9 clarifying 19:19</p>	<p>clarity 16:19 clear 24:17, 25:1 clock 13:4 clustered 15:6 code 13:13 colonel 2:11 come 8:17, 20:11 coming 11:18, 12:2, 23:5, 23:6 comment 18:18 comments 13:15, 16:11, 17:5, 19:18, 23:10, 25:1 commission 1:8, 3:4, 3:9, 5:9, 7:8, 7:18, 8:1, 8:3, 8:10, 8:17, 8:19, 9:2, 12:13, 13:19, 14:1, 14:10, 15:20, 16:13, 16:17, 17:1, 17:3, 17:7, 17:9, 17:10, 18:15, 19:2, 20:21, 22:13, 23:20, 26:16 commissioner 3:13, 18:21 commissioners 4:5, 4:13, 6:14, 8:6, 20:6, 23:11, 25:8 committed 14:12, 15:12 committee 19:4, 20:1 commonwealth 26:22</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Transcript of Conference Call
 Conducted on April 14, 2017

<p>community 4:4, 18:3, 18:10 companies 21:18 company 20:14 compared 18:6 complete 7:14 completed 8:16 completing 9:8 complex 23:3 compliance 8:16, 8:20, 9:1 concerned 21:14, 23:7 condensed 20:22 conducted 1:11 conference 1:11 consider 17:11 consideration 18:16 considered 14:19 consistent 17:16 construction 7:15, 23:5 control 19:19 conversation 24:16, 24:18 correct 26:5 corruption 14:5 could 13:12, 16:16, 17:11, 20:15</p>	<p>council 3:11 counsel 26:10 counties 15:6, 16:7 county 3:7, 11:14, 11:19, 15:12, 15:16 couple 5:15, 6:16, 11:17 court 26:2 covered 16:7 created 15:18 credibility 14:7 criminal 4:8 cristina 2:4 critical 7:4, 9:10, 10:2, 12:7, 12:8 csr 1:22 current 14:10 customer 10:9</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>damage 18:5 dario 2:3, 3:5, 3:6, 5:20, 6:4, 20:8, 20:15, 21:22, 22:4, 22:10, 23:9 date 23:1 dates 11:17</p>	<p>davies 2:2, 3:2, 3:3, 4:5, 4:12, 4:17, 4:20, 5:1, 5:6, 5:18 day 9:13, 14:6, 14:17, 26:14 days 7:21, 17:7 definitions 19:11 degenerative 9:18 demand 6:20 dentists 19:8 department 4:11, 11:16, 21:10 departments 21:6 dependence 3:12 dependent 6:19 desperately 14:13 despite 7:4 destruction 18:5 dialing 6:2 different 21:6, 21:11 diligence 7:20, 9:7 direction 26:8 director 6:11 director's 5:10, 13:17 directors 7:20 discourse 7:6</p>	<p>discuss 20:7 discussed 17:2 discussing 16:15 disparaging 14:4 dispensaries 13:2 dispensary 12:22, 17:19 distribution 15:19 district 17:21 diversity 14:20 doctor 3:15 doing 9:5, 9:6, 10:3 done 7:20, 11:3, 13:14, 22:1, 22:11, 24:3 down 22:16 drafts 19:5 drug 3:12 due 7:20, 9:7, 18:15 dwelling 21:9</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>eastern 11:10, 15:1, 15:2, 15:8, 15:10, 15:18, 15:22, 16:2, 16:4, 16:6 economic 18:7 eight 16:3</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Transcript of Conference Call
 Conducted on April 14, 2017

<p>either 14:9 element 10:2, 12:8 elements 21:4 employed 26:10 encourage 12:10, 13:2 end 14:6, 22:9, 22:19 endanger 14:9 enforcement 8:16, 8:19, 8:22, 20:10, 20:19 enrollment 11:2 entire 20:21 entities 21:13 entrepreneurs 6:20 equitable 15:19 eric 2:13, 4:7, 18:21, 19:1, 20:4, 23:17, 23:18, 23:19, 24:16, 24:20, 25:9 esq 2:13 evaluate 17:11 even 22:2 every 9:13 everybody 6:9, 6:18, 7:13, 10:5, 12:10, 12:14,</p>	<p>12:18 everyone 5:7, 6:14, 10:10, 13:12, 14:8, 22:15, 25:7 everything 14:7 everything's 22:11 examined 20:12 examples 18:2 executive 5:10, 6:11, 13:17, 24:2 expeditiously 21:17 expenses 18:8 expires 26:16 extension 3:22 extremely 10:6</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>facp 2:5 facts 17:12 fair 15:19 fall 19:19 false 7:7 far 12:4, 21:14, 23:7 fidsa 2:5 final 8:9, 8:15, 8:20, 16:3, 16:12, 16:14,</p>	<p>18:13 finally 16:5, 18:10 financial 6:22, 7:19, 9:7, 26:11 financing 7:15 finding 21:17 fire 21:12, 22:15 first 5:9, 6:21, 19:4 five 14:21 focus 10:15 foregoing 26:3, 26:5 foresee 20:16 formally 19:22 former 18:5, 18:6 forward 7:11, 9:10, 17:3, 17:6, 19:22, 22:22 foundation 4:8 frederick 15:7, 15:16 friday 1:9 front-facing 10:11 fulfilled 21:19 full 6:17, 9:2, 15:20</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>gain 7:18 general 11:2, 23:1,</p>	<p>24:14, 24:19 geographic 14:19 george's 11:19 getting 6:12, 7:10, 12:8, 12:21, 21:20 gilmor 2:8 give 5:15, 18:15, 20:15, 21:3 given 26:6 giving 10:16, 19:13, 19:14 go 5:11, 10:10, 12:10, 22:2, 22:6, 22:19, 24:1, 24:2, 24:13, 24:15 goes 8:3 going 5:22, 7:10, 12:4, 12:9, 14:14, 15:12, 21:15, 22:12, 23:8, 24:13, 24:17 good 4:10, 6:9, 7:11, 12:1, 12:7, 14:2 gotten 20:11 government 11:14 granted 18:12 great 7:9 greater 18:9</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Transcript of Conference Call
 Conducted on April 14, 2017

<p>ground 6:13</p> <p>group 9:1, 10:15</p> <p>groups 10:15</p> <p>grower 17:17, 17:19</p> <p>growers 14:17, 14:18, 15:14, 16:7</p> <p>guidance 23:22</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>hagerstown 11:13</p> <p>hand 14:2, 14:4, 26:14</p> <p>handle 16:16</p> <p>happy 10:6</p> <p>hard 6:5, 21:3</p> <p>harry 2:11, 13:8, 13:11, 13:18, 20:4, 23:10, 23:16, 23:18, 24:5, 24:12, 24:22, 25:5</p> <p>health 4:11, 11:16, 19:6</p> <p>hear 13:9, 13:12</p> <p>hearing 23:12</p> <p>hearingbreaking 9:14</p> <p>heather 4:21</p> <p>help 11:5, 16:18</p> <p>here 10:3, 11:16</p>	<p>hereby 26:4</p> <p>hereunto 26:13</p> <p>highly 8:11</p> <p>hints 14:5</p> <p>hiring 7:15</p> <p>hold 5:14</p> <p>holding 23:8</p> <p>hope 6:18, 10:5, 10:9, 22:5</p> <p>hopes 17:2</p> <p>hoping 20:22</p> <p>horberg 2:5, 3:16, 3:17</p> <p>hospice 4:2</p> <p>hospital 11:11</p> <p>house 14:15</p> <p>howard 3:7</p> <p>hygiene 4:11, 11:16</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>id 12:12</p> <p>idea 20:16</p> <p>ideas 17:22, 18:13</p> <p>identification 19:15</p> <p>iii 2:11, 13:8, 13:11, 13:18, 20:4, 23:10, 23:16, 23:18,</p>	<p>24:5, 24:12, 24:22, 25:5</p> <p>immediately 7:3, 10:4</p> <p>important 12:18, 17:13</p> <p>impression 23:19</p> <p>improved 18:8, 18:9</p> <p>inability 18:2</p> <p>incumbent 8:4, 8:7, 22:7</p> <p>independent 19:20</p> <p>industry 6:13, 6:15, 7:2, 7:5, 12:8, 12:20, 13:3, 23:2, 23:4</p> <p>information 10:16, 11:12, 12:14, 12:15, 12:20, 12:22</p> <p>inherent 6:22</p> <p>initial 15:11, 15:21</p> <p>inspection 8:2, 8:10, 8:17, 8:18, 20:9, 20:17, 20:18, 21:5, 21:18</p> <p>inspections 8:15</p> <p>inspects 8:3</p> <p>interest 26:11</p> <p>introduce 3:5</p> <p>introduced 4:19, 6:10</p> <p>introductions 5:7</p> <p>investigate 16:17</p>	<p>investigation 16:18</p> <p>investigations 9:6, 9:9, 16:16, 22:21</p> <p>investors 7:21</p> <p>involved 21:7, 21:10, 21:12, 21:14</p> <p>issue 24:9, 24:12</p> <p>it'll 6:16</p> <p>items 20:7</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>james 2:10, 4:10</p> <p>jameson 2:17, 5:13, 6:1, 6:7, 6:10, 13:16, 20:13, 21:2, 22:3, 22:5, 22:18, 24:8</p> <p>jeanie 2:8, 4:1</p> <p>jo 2:16, 4:13, 4:15, 4:18, 4:21, 4:22</p> <p>job 1:20</p> <p>john 3:21</p> <p>joined 5:3, 5:18</p> <p>jon 2:14, 3:21</p> <p>justice 4:8</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>kaplan 11:13</p> <p>katherine 1:22, 26:2</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Transcript of Conference Call
 Conducted on April 14, 2017

<p>keep 22:14, 22:15 know 5:16, 5:21, 5:22, 6:13, 6:16, 6:20, 7:4, 8:5, 9:11, 9:13, 12:2, 13:21, 16:8, 21:4, 21:5, 21:8, 22:6, 22:15, 22:22, 23:3 knows 10:5</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>la 11:15 laboratories 19:21 last 10:20, 13:21, 16:15, 19:18 lavin 2:6, 3:19 lawyer 4:9 left 6:5 legal 23:22, 24:2, 24:18 lens 22:17 let's 22:10 licensee 18:4 licensure 9:3 likelihood 18:9 line 4:21, 5:2, 5:15, 13:8 links 12:11 listed 10:18, 11:12,</p>	<p>11:18, 12:13 listening 8:6 local 21:7 location 17:16, 17:17, 17:20, 18:4, 18:6, 18:7 locations 13:1 long 5:22, 20:17, 20:18 lot 6:4, 7:7, 12:11, 22:20 lower 15:1, 15:9, 15:18, 16:6 lyon 2:7</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>made 14:17, 16:10 make 10:8, 11:7, 11:8, 13:15, 14:14, 16:11, 16:20, 16:22, 21:15, 22:8, 22:15, 23:15 making 7:8, 7:9, 12:6, 24:16, 25:1 management 21:11 manner 8:13 many 4:17, 6:20 map 14:21, 15:4 march 10:14 market 6:21</p>	<p>marshal's 21:12 marshall 2:8, 4:1 mary 2:16, 4:13, 4:15, 4:18, 4:21, 4:22 maryland 1:8, 1:12, 3:3, 3:8, 3:13, 3:20, 3:22, 4:10, 14:13, 14:21, 14:22, 15:1, 15:5, 15:8, 15:9, 15:17, 16:1, 16:2, 16:4, 16:5 mas 2:5 materials 19:21 mather 2:16, 4:15, 4:18, 4:22 matter 24:3 matters 23:22 maturity 6:17 mean 9:5, 14:7, 20:16, 20:21, 21:3, 22:14 medical 1:8, 3:3, 5:8, 14:12 meet 20:1 meeting 5:8, 15:11, 15:13, 23:13, 24:11, 24:14, 24:19, 25:2, 25:6, 25:11 meetings 6:5, 12:13</p>	<p>member 4:4, 4:9, 14:10 members 4:17, 4:18, 13:19, 17:2, 18:15, 19:2, 19:4 mental 4:11, 11:16 mercy 9:22 michael 2:5, 3:16, 3:17 midwives 19:9 mind 25:6 misunderstanding 16:9 moment 24:10 monday 10:19, 10:22 month 9:20 months 13:22, 16:15 moore 2:9, 3:14, 19:16 more 4:15, 5:15, 7:21, 11:17, 15:18, 19:22, 23:3 morning 4:10, 6:9 most 7:1 motion 23:12, 23:15, 24:7 move 9:10, 18:21, 21:16 moved 19:22 moving 6:6, 7:10, 9:9,</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Transcript of Conference Call
 Conducted on April 14, 2017

22:14, 22:21 much 7:6 mystery 8:14	number 17:12, 23:22 numbers 12:1 nurse 4:2, 19:8, 19:9 nutrient 21:11	open 7:17, 11:1, 11:2 operational 9:4 operations 7:22, 9:19, 17:15, 18:9 opportunity 7:3, 10:10, 17:10, 18:18 opposition 18:4 optimistic 6:12 order 5:9, 12:17, 22:11, 23:21 original 17:8, 17:16 other 4:5, 4:12, 6:5, 12:21, 14:3, 14:9, 17:2, 18:3, 18:14, 21:6, 21:13, 23:6, 23:10, 23:11, 25:1 others 19:17 otherwise 26:12 ourselves 11:7 out 7:6, 8:17, 10:7, 17:15, 18:17, 20:11, 21:15, 21:20, 22:2, 22:6 outcome 26:12 outside 22:1 over 15:4, 16:14 overlaid 15:4	P pages 1:21 pain 10:1 part 9:15 parties 26:11 passed 8:18, 21:5 patient 3:15, 4:4, 9:17, 10:12, 10:13, 18:8 patients 9:11, 9:15, 10:20, 10:22, 11:4, 11:9, 11:21 patrick 2:17, 4:21, 5:11, 5:13, 5:21, 6:1, 6:7, 6:10, 13:14, 13:16, 20:13, 21:2, 22:3, 22:5, 22:18, 24:8 paul 2:2, 3:2 people 9:7, 9:22, 11:6, 12:12, 13:3 percent 7:21 perception 23:1 period 21:1 permissions 18:3 permits 8:8, 21:9 ph 2:12
N names 10:21 nancy 2:12, 3:10, 5:4, 13:10 narrative 7:7 national 3:11 necessary 20:1 necessity 18:1 need 10:3, 11:5, 14:13 needs 7:2 negative 13:22 neither 26:9 new 6:15, 10:10, 17:15, 20:5, 20:6, 23:11 news 14:1 next 9:20, 17:7, 24:11, 24:14, 24:19 none 15:9, 23:12 notarial 26:14 notary 26:1, 26:3, 26:21 nothing 14:9	O object 23:17 objection 24:21 obtain 18:2 obtained 21:9 occupancy 8:8, 21:8 offer 18:16, 18:18 office 9:13, 9:14, 21:12 officer 14:6, 26:3 oh 3:16 okay 4:20, 5:2, 5:6, 13:18, 22:4, 22:10, 23:9, 24:5, 24:22, 25:5 once 8:15, 12:22, 13:1 one 5:14, 6:21, 9:12, 9:16, 9:19, 10:6, 14:2, 15:8, 16:1, 16:5, 17:14, 20:13, 20:14 only 16:19, 17:12		

Transcript of Conference Call
 Conducted on April 14, 2017

<p>phone 4:6, 6:2, 20:6 physician 3:4, 3:20 physicians 3:17, 12:5, 19:12 place 12:18, 21:19 placed 15:13 places 11:4 planning 23:20, 23:21 plans 21:11 plata 11:15 please 9:21, 13:3 podiatrists 19:8 point 8:19 police 14:6 policy 4:8, 18:22, 19:4, 19:22 politics 7:4 portal 10:11 position 7:1 positive 13:22 postponement 24:13 practitioners 19:9 preapproved 7:14, 17:15 premises 17:13, 18:5 prepare 7:16, 20:19</p>	<p>presented 17:12 press 13:12 pretesting 10:17 prince 11:19 principals 7:20 principles 17:1 prior 8:9, 12:15, 21:20 probably 6:16 problem 23:4 problems 11:6, 16:16, 21:17 procedures 21:19 process 7:10, 7:13, 7:16, 8:15, 9:5, 9:8, 9:11, 12:3, 12:16, 16:10, 21:7, 21:16, 23:8 program 10:4 progress 7:9, 12:7 promulgated 7:7 proposals 19:18 propose 5:20 proposed 18:6 provide 11:8 provided 11:21 providers 19:6, 19:13</p>	<p>provides 18:7 public 5:8, 13:20, 17:4, 18:18, 19:18, 25:8, 26:1, 26:3, 26:21 purchase 12:12 put 12:17, 12:20, 12:22, 24:14, 24:19 pyles 2:10, 4:10</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>quality 19:19 question 20:9 questions 18:20 quick 12:11 quorum 4:13, 4:14, 4:16</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>rate 7:11 reaches 6:17 read 9:15, 12:15, 12:18 reading 26:8 ready 7:22, 8:2, 22:19 realize 6:14, 6:15 really 7:2, 7:5, 11:5, 20:22, 22:14</p>	<p>reason 18:11 receive 8:5, 8:8 receives 9:14 receiving 24:2 recess 23:21 recognized 14:3 recommend 8:11 recommendation 9:2 recommendations 16:21, 17:6 reconsidered 24:10, 24:11 reconvened 15:14 record 26:5 reduced 18:8, 26:7 regarding 14:15, 19:18 regions 14:21 register 10:20, 10:22 registered 12:6 registering 11:5, 11:7, 12:16 registration 19:20 registry 10:12, 10:13 regulations 19:5 regulatory 20:2 reiterate 14:16 related 26:10</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Transcript of Conference Call
 Conducted on April 14, 2017

<p>relocate 17:10, 18:1 remain 14:11 reminder 7:13 replace 15:15 report 5:10, 8:20, 8:22, 13:17, 16:12, 20:19 reported 1:22 reporter 26:1, 26:2 reports 20:21 representative 3:8 representing 3:11, 3:17, 3:19, 3:22 reputation 14:7 request 14:14, 14:16, 18:12, 18:14, 20:13, 24:1 requested 17:9, 26:9 requesting 8:9 requests 17:4, 20:11 require 19:10, 24:13, 24:15 requirements 19:20, 21:20, 22:1 researchers 3:18 resident 15:3 residents 14:13 response 14:14</p>	<p>rest 16:13, 16:22 review 8:21, 16:12, 16:14, 18:13, 18:22, 22:13 reviews 8:3, 20:20 right 3:2, 5:16, 6:2, 6:7, 6:8, 6:9, 13:5, 13:6, 13:13 risks 6:22 rn 2:8 robert 2:6, 3:19 robshaw 2:11, 13:8, 13:11, 13:18, 20:4, 23:10, 23:16, 23:18, 24:5, 24:12, 24:22, 25:5 rolled 10:7 rolling 12:2 rollout 10:12, 10:13, 10:14, 10:17, 10:18, 12:4, 22:17 rosen-cohen 2:12, 3:10, 3:11, 5:4, 13:10 roughly 9:7, 11:20 rpr 1:22 running 7:3, 7:5, 10:4, 23:2</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>said 9:5, 14:17,</p>	<p>26:6 same 17:18, 17:20 sandy 4:3, 25:4 saundra 2:15, 4:3, 23:14, 24:6, 25:3, 25:10 say 9:12 saying 9:21 scheduled 9:19 schilling 1:22, 26:2 seal 26:14 second 5:14, 25:2, 25:3 secondary 24:15 seconds 5:16 see 10:10, 15:5 seeking 23:20 selection 16:10 selections 14:17, 14:18 self-serving 14:4 senatorial 17:20 send 5:4, 20:19, 22:12 sequential 12:17 session 24:2 set 11:3, 26:13 seven 17:7</p>	<p>several 13:21, 16:15, 21:6, 21:13 shall 24:6 shannon 2:9, 3:14, 19:16 shared 19:3 shore 11:10, 15:1, 15:2, 15:8, 15:10, 15:18, 16:1, 16:2, 16:4, 16:6 shorthand 26:1 should 6:2, 14:3, 16:21, 17:11, 17:14, 17:20, 18:1, 18:11, 18:12, 18:17, 22:3 signature-brkud 26:19 significant 18:7 signing 26:9 since 10:19 site 12:1 six 15:6, 15:11 soft 10:14 some 9:21, 10:15, 10:16, 11:3, 11:6, 12:1, 12:20, 13:14, 16:8, 16:9, 17:1, 17:8, 17:22, 18:2, 23:5, 23:6</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Transcript of Conference Call
 Conducted on April 14, 2017

<p>something 14:16 sometimes 6:22 sops 8:4 sorry 3:15 southern 14:22, 15:9, 15:17, 16:1, 16:4 speaker 14:15 squared 22:8 st 10:14 staff 24:18 stage 7:12, 10:17 stalled 22:16 stalling 22:18 stands 11:20 started 5:21, 6:8, 12:4, 16:17 starting 17:7 state 3:12, 11:4, 11:9 state's 3:7, 3:8, 8:12 stenographically 26:7 sterling 2:13, 4:7, 18:21, 18:22, 19:1, 23:17, 23:19, 24:20, 25:9 still 10:16</p>	<p>stops 6:5 stories 9:14 subcommittee 8:21, 14:18, 14:19, 15:14, 16:12, 16:14, 18:14, 18:22, 20:20, 22:12 subjects 16:19 submit 8:20, 9:1 submitted 8:12 subsequent 15:13 substantial 18:11 suffering 9:22 suggestions 18:16 supplementary 13:3 supply 6:19 sure 10:8, 11:8, 21:16, 22:8, 22:15 swirling 14:1</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>take 6:16, 20:17, 20:18 taken 26:4, 26:6 talking 16:19 teleconference 13:21, 26:4 testimony 26:6 testing 10:17, 19:19,</p>	<p>19:21 th 10:21, 11:1, 26:14 thank 5:6, 13:20, 19:1, 20:3, 20:4, 25:7, 25:9 thanks 13:10, 23:9, 25:10 themselves 4:19 thereafter 26:7 thing 9:12, 10:6 things 9:6 think 6:20, 10:2, 10:5, 17:3, 17:13, 18:17, 22:22, 24:1 thoughts 17:8 three 15:7, 15:22, 16:4 through 10:21, 10:22, 21:16 ticking 13:4 time 6:3, 12:6, 13:17, 15:11, 21:1 timeline 20:16, 21:3 timely 8:13 times 23:6, 23:7 today 17:7 today's 13:20</p>	<p>took 15:3 top 15:3 top-ranked 15:17 training 7:16, 8:4 transcript 1:7, 26:5 transpired 10:19 traunfeld 2:14, 3:21 tremendous 7:9 true 26:5 trying 5:16, 6:7 two 8:13, 16:4 types 21:11 typewriting 26:8</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>under 9:4, 22:15, 26:8 understand 11:5 understanding 24:9 understands 6:19 university 3:20, 3:22, 11:13 until 5:14, 6:16, 22:6, 24:14 upper 15:1 user-friendly 10:9</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>vanessa 2:7, 4:21, 5:1</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Transcript of Conference Call
 Conducted on April 14, 2017

vice-chair 25:6 virginia 26:22 voted 15:14, 15:20 voting 9:3 <hr/> <p style="text-align: center;">W</p> <hr/> want 5:11, 5:21, 6:13, 9:12, 9:15, 11:7, 12:14, 16:9, 22:14 wanted 5:13, 16:22 wants 7:18 washington 2:15, 4:3, 15:7, 15:16, 23:14, 24:6, 25:3, 25:10 way 16:18, 16:20 ways 16:15 we'll 10:21, 11:10, 11:13, 11:14, 11:15 we're 7:8, 7:9, 7:10, 7:12, 9:6, 9:8, 10:3, 10:6, 12:1, 21:14, 21:15, 21:17, 22:18, 22:19, 22:20, 22:21, 22:22, 23:7, 24:17 we've 4:20, 10:7, 10:20, 11:3, 12:20, 22:20 website 10:7, 10:8,	10:11, 10:18, 11:1, 11:12, 11:19, 12:11, 12:15, 12:19 week 9:14 welcome 5:7, 18:10 western 14:22, 15:6, 15:8, 16:1, 16:5 whereof 26:13 whole 7:10, 12:8, 23:1 withdraw 24:6, 24:20 withdrawn 24:9 witness 26:13 words 14:5, 16:8 work 8:15, 14:2 working 19:3, 19:17 worries 3:16 written 9:17, 17:6, 19:13 <hr/> <p style="text-align: center;">Y</p> <hr/> yeah 3:6, 4:15, 5:13, 13:11 years 6:16, 14:6 you-all 12:2 yourself 3:5 <hr/> <p style="text-align: center;">Z</p> <hr/> zero 15:9, 16:2	zone 17:18 zoning 7:15, 8:9, 18:3, 18:10, 21:7 <hr/> <p style="text-align: center;">0</p> <hr/> 05 1:10 <hr/> <p style="text-align: center;">1</p> <hr/> 1,200 11:20 10 1:10, 15:5, 15:22, 25:11 11 4:18 14 1:9 14163 1:22 141636 1:20 15 15:3 16 16:7, 26:14 17 10:21 1st 11:10 <hr/> <p style="text-align: center;">2</p> <hr/> 2016 19:7 2017 1:9, 26:15 2020 26:16 24 11:1 250 12:5 26 1:21 2nd 11:12	<hr/> <p style="text-align: center;">3</p> <hr/> 30 26:16 31 10:14 32 25:11 365 7:21 3rd 11:14 <hr/> <p style="text-align: center;">4</p> <hr/> 41 9:18 42 11:22 43 14:6 474 19:7 4th 11:15 <hr/> <p style="text-align: center;">7</p> <hr/> 700 9:7
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

EXHIBIT F

1 ALTERNATIVE MEDICINE IN THE
 2 MARYLAND, LLC CIRCUIT COURT
 3 Plaintiff FOR
 4 vs. BALTIMORE CITY
 5 NATALIE M. LAPRADE MARYLAND Case Number:
 6 MEDICAL CANNABIS COMMISSION 24-C-16-005801
 7 et al.
 8 Defendants

9 _____ /

10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20

The deposition of HARRY "BUDDY" ROBSHAW,
 III, was held on Wednesday, May 10, 2017, commencing
 at 9:47 a.m., at the Law Offices of Brown & Barron, LLC,
 Seven Saint Paul Street, Suite 800, Baltimore, Maryland
 21202, before Dawn L. Venker.

21 REPORTED BY: Dawn L. Venker

Page 2

1 APPEARANCES:

2 ON BEHALF OF THE PLAINTIFF:

3 BRIAN S. BROWN, ESQUIRE

4 Brown & Barron LLC

5 Seven Saint Paul Street

6 Suite 800

7 Baltimore, Maryland 21202

8 Telephone: 410.547.0202

9 Email: bbrown@brownbarron.com

10 and

11 BYRON WARNKEN, ESQUIRE

12 Warnken LLC

13 Two Reservoir Circle

14 Suite 104

15 Pikesville, Maryland 21208

16 Telephone: 443.921.1100

17 Email: Byron@warnkenlaw.com

18

19

20

21 APPEARANCES (Continued on the Next Page)

Page 3

1 APPEARANCES CONTINUED:

2 ON BEHALF OF THE DEFENDANTS:

3 HEATHER NELSON, ESQUIRE

4 Office of the Attorney General

5 State of Maryland

6 300 West Preston Street

7 Baltimore, Maryland 21202

8 Telephone: 410.767.7546

9 Email: hnelson@oag.state.md.us

10

11

12

13

14

15

16

17

18

19

20

21

Page 4

1 INDEX

2 Deposition of HARRY "BUDDY" ROBshaw, III

3 May 10, 2017

4 Examination By:	Page
5 Mr. Brown	5, 232
6 Ms. Nelson	227
7	
8 Exhibit No.	Marked
9 Exhibit 1 Notice of Deposition	9
10 Exhibit 2 Williams Order	36
11 Exhibit 3 Affidavit of Robshaw	46
12 Exhibit 4 Letter - 4-27-17	51
13 Exhibit 5 Letter - 3-13-15	80
14 Exhibit 6 Transcript of Open Meeting-8-5-16	100
15 Exhibit 7 Article	126
16 Exhibit 8 Unique Identifier	139
17 Exhibit 9 Article	191
18	
19	
20	
21	

Page 5

1 PROCEEDINGS

2 Whereupon,

3 HARRY "BUDDY" ROBshaw, III,

4 called as a witness, having been first duly sworn to

5 tell the truth, the whole truth, and nothing but the

6 truth, was examined and testified as follows:

7 EXAMINATION BY MR. BROWN:

8 Q. Would you state your name for me, please?

9 A. Harry Robshaw.

10 Q. And what is your business address?

11 A. Didn't expect that question.

12 Q. That's okay. If --

13 A. No. That's all right. 6401 Forest Road,

14 Cheverly, Prince George's County, Maryland.

15 Q. Zip code?

16 A. 20785.

17 Q. Mr. Robshaw, have you ever been deposed

18 before?

19 A. Yes.

20 Q. Okay. So just very briefly, you're aware

21 that I'll be asking you questions. You'll be giving me

Page 6

1 answers to the questions, correct?
2 A. Yes.
3 Q. You understand you are under oath under the
4 penalty of perjury just like you would be if you were
5 in court, correct?
6 A. Yes, sir.
7 Q. Just very briefly, I know the reporter will
8 appreciate this. We'll be here a little while. And it
9 may seem like you or I are engaging in a conversation,
10 but it's very important that only one of us speak at a
11 time.
12 A. Okay.
13 Q. Because the reporter has to take down
14 everything that we say. And she only has two hands.
15 So even if you think that you know what my question is
16 going to be, let me finish, then answer. And even
17 though I think I know what your answer is going to be,
18 I'll let you finish and then I'll ask my next question.
19 Okay?
20 A. Okay.
21 Q. If you don't understand my question, if you

Page 7

1 think it's vague or unclear, please let me know and
2 I'll rephrase the question as best I can. Okay?
3 A. Yes, sir.
4 Q. Can you tell me under what circumstances
5 you have been deposed in the past?
6 A. Civil litigation in federal court when I
7 was with the Prince George's County Police. And civil
8 litigation in the federal courts while I was -- while
9 I'm with the town of Cheverly.
10 Q. Okay. And what sort of -- what -- what
11 kind of litigation was it? Civil litigation is a very
12 broad term.
13 A. Work-related lawsuits brought against
14 either employees in Cheverly and against me and other
15 police officers with Prince George's County.
16 Q. When -- what circumstances -- what was the
17 cause of action against you?
18 A. The first one was a K9 bite, which I was
19 patrol supervisor. And I'm not sure of the
20 terminology. I say not guilty, but don't know how
21 you -- what the term you use in civil court. They

Page 8

1 found we didn't do anything wrong.
2 The second one was a case where I was
3 ordered by the deputy chief of police to engage in a
4 surveillance operation on a critical missing person
5 that was supposed to be -- being held against her
6 will by a friend of their family.
7 Q. Friend of whose family?
8 A. The -- the friend of the missing person's
9 family.
10 Q. Okay.
11 A. Engaged in surveillance all day.
12 Eventually stopped the subject. The subject said he
13 didn't know where the girl was. Took us to a few
14 locations he thought she could be. We took him home.
15 Called us the next day and said he was kidnapped by us.
16 And we went to trial. They determined he was suffering
17 from bipolar. And his treatment would cost \$72,000.
18 And the jury found for \$72,000.
19 Q. Okay. Do you remember when that was?
20 A. 1997. Something like that.
21 Q. Other than those two cases, have you ever

Page 9

1 been deposed in any other circumstances?
2 A. That was for the county. In Cheverly --
3 I'm not sure if I ever have in Cheverly. I have been
4 involved in suits, but not deposed as a result of them.
5 Q. Okay. All right.
6 A. Can I add one caveat? I don't --
7 Q. Sure.
8 A. I don't -- you'll find out I don't add
9 anything. But Prince George's County is -- their
10 Office of Law handles all litigation.
11 Q. Right.
12 A. On many occasions they don't bother to tell
13 the respondent officer that there even is litigation,
14 or that they even settled the case. So there may be
15 something out there I'm not aware of, but those are the
16 ones that I am.
17 Q. Okay.
18 MR. BROWN: Would you mark this?
19 (Robshaw Exhibit 1 was marked for purposes
20 of identification.)
21 Q. Mr. Robshaw, I'm showing you what we've

<p style="text-align: right;">Page 10</p> <p>1 marked as Deposition Exhibit Number 1. And if you turn 2 to Page 3, you'll see it's a subpoena, correct? 3 A. Right. 4 Q. And Page 4 and 5 are a notice to take 5 deposition. Have you seen this document before? 6 A. Yes. 7 Q. Okay. And it's your understanding that you 8 are here pursuant to the subpoena and notice to take 9 deposition? 10 A. Yes. 11 Q. Okay. Thank you. As we get started, I 12 would like to ask you some basic questions about you -- 13 A. Okay. 14 Q. -- your background, how -- how you got to 15 where you are today. Okay. So tell me your education 16 after high school. You graduated high school. What 17 happened after that? 18 A. I got a bachelor's degree in social science 19 from the University of Maryland University College. 20 Q. What year was that? 21 A. I think I graduated 2006.</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. Yeah. I'll get to your employment in a -- 2 in a minute. So -- 3 A. But I'm -- 4 Q. Yeah. 5 A. -- that training was in that. Yeah. Other 6 than regular in-service training and police academy, 7 no. 8 Q. Okay. Do you have any military service? 9 A. No. 10 Q. Okay. So you graduated high school in 11 1971. Tell me about your employment history from the 12 day you graduated high school and thereafter? 13 A. After high school I worked for Columbia 14 Rubber Corporation in Beltsville. It was manufacturing 15 conveyor belts. And then joined the Prince George's 16 County Police Department in March of 1974. 17 Q. Okay. And how long were you a member of 18 the Prince George's County Police Department? 19 A. I retired in October -- October 31st, 2001. 20 Q. And was your employment with the Prince 21 George's County Police Department from '74 to '01</p>
<p style="text-align: right;">Page 11</p> <p>1 Q. Okay. What year did you graduate high 2 school? 3 A. 1971. 4 Q. Okay. And after your Bachelor of Science, 5 do you have any further degrees? 6 A. I am currently in the master's program for 7 criminal justice management at University College as 8 well. 9 Q. In the intervening years, between the time 10 and what -- you said 19 what you graduated college -- 11 high school? 12 A. 1971. 13 Q. '71. So in intervening years between 1971 14 and 2006 when you obtained your bachelor's degree, did 15 you have any kind of professional training where you 16 received certificates or any other kind of indications 17 of attendance or completion? 18 A. I was certified by the Maryland Police 19 Training Commission as an instructor. I have about 600 20 hours of training. Testified, most of it related to 21 narcotics. I was a narcotics officer for 13 years.</p>	<p style="text-align: right;">Page 13</p> <p>1 continuous? 2 A. Yes. 3 Q. Okay. Tell me about your employment 4 history within the police department. I assume you 5 started off as an entry level officer? 6 A. Right. 7 Q. Tell me what happened after that? 8 A. I spent the first nine years in patrol. I 9 went to narcotics. Went to narcotics. Stayed there 10 until I got promoted to sergeant. Went back to patrol. 11 Went back as a sergeant in narcotics. Stayed until I 12 got promoted to lieutenant. Went back to patrol. Went 13 back to narcotics as a lieutenant. Stayed there as a 14 captain, and then shortly thereafter I retired. 15 Q. During the time that you were employed by 16 the Prince George's County Police Department, were you 17 ever subject to any internal discipline where you were 18 suspended or reprimanded in any way? 19 MS. NELSON: Objection. Go ahead. 20 A. Yes. 21 THE WITNESS: I'm sorry.</p>

Page 14

1 Q. Tell me about -- more than once or --
2 MS. NELSON: Objection. Go ahead.
3 A. Departmental accidents are considered
4 discipline in the county police.
5 Q. When you say "department," you mean like a
6 car accident?
7 A. Car accident involving a town -- or a
8 county vehicle.
9 Q. Okay.
10 A. I had a few of those.
11 Q. Okay.
12 A. Especially young -- in my younger part of
13 my career.
14 Q. Okay.
15 A. Was disciplined for -- I'm trying to
16 remember -- it was failure to supervise. We changed
17 our hours to an off-duty assignment that wasn't
18 authorized by the police department. Paid a fine.
19 Q. You paid a fine to the police department?
20 A. Right.
21 Q. Other than that, any other disciplinary

Page 16

1 Q. So I'm assuming by you stating that, after
2 you finished with Prince George's County, you began
3 employment with Cheverly?
4 A. That's correct.
5 Q. When -- was that immediately thereafter, or
6 --
7 A. Unfortunately, yes.
8 Q. Okay. So also in 2001?
9 A. I retired from the county on Friday and
10 started Cheverly on the following Monday.
11 Q. Okay. And are you still employed there?
12 A. That's correct.
13 Q. Okay. So that's been 16 years, give or
14 take?
15 A. Right.
16 Q. So tell me about, again, your career from
17 the day you started until today?
18 A. I was a deputy chief for the first four
19 years. And I have been the chief of police since then.
20 Q. So since 2005, 2006 you have been the
21 chief. How many members in your department?

Page 15

1 actions against you?
2 A. No.
3 Q. The car accidents and that one incident?
4 MS. NELSON: Objection --
5 A. No.
6 MS. NELSON: -- just for the record.
7 MR. BROWN: I understand.
8 A. The kidnapping thing.
9 Q. Yeah.
10 A. The alleged kidnapping, I like to word it,
11 was investigated by Internal Affairs, but I was cleared
12 of that.
13 Q. Okay. In 2001 you retired from the
14 PG County -- I'm sorry. Some people don't like --
15 A. That's all right. No, that doesn't bother
16 me.
17 MR. BROWN: Off the record.
18 (A discussion was held off the record.)
19 Q. You mentioned a moment ago the Cheverly
20 Police Department.
21 A. Right.

Page 17

1 A. Authorized strength is 17, but we -- we
2 have 15, and we are full.
3 Q. Okay. And this may sound like an obvious
4 question, but what are your responsibilities as chief
5 of police?
6 A. I run -- I run -- administratively I run
7 the department. I write all our -- our general orders.
8 I do all the budgeting. I do all the planning. And I
9 do all -- most of the community interaction work.
10 Q. Okay. All right. So you are a member of
11 the Medical Cannabis Commission here in Maryland; is
12 that correct?
13 A. Correct.
14 Q. And for the purpose of this deposition, so
15 I don't have to say the whole name the whole time, I'm
16 just going to refer to it as The Commission. Is that
17 okay with you?
18 A. Yes.
19 Q. All right. Great. Have you been a member
20 of The Commission since its inception?
21 A. Yes.

Page 18

1 Q. Okay. So when was that?
2 A. October of 2013.
3 Q. Okay. Do you have a specific title at The
4 Commission?
5 A. I'm the vice chair.
6 Q. You are the vice chair. Have you been the
7 vice chair since its inception?
8 A. I -- I think for the first we didn't --
9 didn't have that position. That the chair created that
10 position because he has occasion to travel frequently.
11 So I fill in for him when he's not there.
12 Q. Other than that role, the role of filling
13 in for the chair person when he or she is not around,
14 do you have any other responsibility as vice chair that
15 other members of The Commission who are not chair or
16 vice chair don't have?
17 A. I'm on different subcommittees that perhaps
18 other people aren't on.
19 Q. I was going to get to that in a minute, but
20 since you answered that way, I'll just ask you now.
21 There is lots of different subcommittees in

Page 19

1 the committee -- at The Commission; is that correct?
2 A. Correct.
3 Q. And different commissioners are -- comprise
4 the different committees; is that correct?
5 A. Correct.
6 Q. So my more narrow question is are there any
7 committees that you are on because you are vice chair
8 as opposed to being on a committee just because
9 commission members are on committees, if you understand
10 my question?
11 A. No.
12 Q. Okay. No, you are not on any committees
13 just because you are vice chair?
14 A. That's correct. I'm not.
15 Q. Okay. Yeah. Can you tell me in your own
16 words how you came to be on The Commission? And by
17 that I mean did you seek out the position? Did
18 somebody seek you out? How did that happen?
19 A. A friend of mine who is another chief, we
20 served together on the Prince George's County Police
21 Chief Association, he was also the president of

Page 20

1 Maryland chiefs, and he called me.
2 Q. What's his name?
3 A. Michael Wynnyk.
4 Q. Okay. Can you spell his last name for me?
5 A. W-Y-N-N-Y-K.
6 Q. Okay.
7 A. He asked me to, with very little
8 information, represent the Police Chiefs Association on
9 The Commission.
10 Q. Do you know if the enabling legislation
11 which created The Commission provided that there be a
12 slot for a law enforcement representative?
13 A. Yes.
14 Q. And did it?
15 A. The slot was to be chosen by the Maryland
16 Chiefs. That's how I got the slot.
17 Q. Okay. And so Mr. Wynnyk called you and
18 said do you want to fill this slot and you said sure?
19 A. He asked if he would do me -- do him a
20 favor, and I said yes.
21 Q. Okay. So prior to that time when

Page 21

1 Mr. Wynnyk called you, were you even aware there was
2 such a thing as The Commission?
3 A. No.
4 Q. Okay. Do you remember about when that call
5 came to you, give or take?
6 A. I would think it was three weeks before the
7 first meeting, which I think was in October of 2013.
8 Q. So I'm making some assumptions here, and
9 please correct me if I'm wrong. Mr. Wynnyk called you
10 and said will you do this. You said yes. Do you know
11 how you were formally appointed? Did somebody give you
12 a certificate from the governor, or something like
13 that, that says you are now a member of The Commission?
14 How did that happen?
15 A. I was notified to go to the clerk of the
16 court for Calvert County, because I live in Calvert
17 County. And I was presented a certificate from the
18 governor appointing me to The Commission.
19 Q. Okay. Other than talking to Mr. Wynnyk,
20 did anybody interview you or call you at -- or vet you
21 in any way prior to your appointment?

Page 22

1 A. No.
2 Q. Okay. Who was chairman when you were made
3 vice chairman?
4 A. Dr. Paul Davies.
5 Q. Okay. Do you know how it is that he
6 selected you to become vice chairman of The Commission?
7 MS. NELSON: Objection. Go ahead.
8 Q. Well, let me ask you this question in
9 response to the objection. Prior to the time of your
10 appointment, did you and Mr. Davies have
11 conversations -- or Doc --
12 MR. BROWN: Excuse me. I'm sorry.
13 Q. Did -- sorry about that. I'll rephrase the
14 question.
15 Prior to your employment as vice chair, did
16 you and Dr. Davies have conversations about you
17 becoming vice chairperson?
18 A. No.
19 Q. Okay. So one day he said to the -- he just
20 said okay, you are the vice chairman now. I mean, how
21 did that happen?

Page 23

1 A. He would jokingly tell you because I carry
2 a gun. I'm not -- I'm not sure -- I hope he had
3 more -- I -- I guess because I was there all the time
4 and took an interested role in everything that The
5 Commission was doing, he chose me. He never formally
6 told me why I was going to be vice chair.
7 Q. Okay. Did -- when he appointed you, did he
8 discuss what your role would be with you?
9 A. Essentially would be just to run the public
10 meetings when he wasn't there.
11 Q. Okay. Other than that, other than running
12 public meetings when he is not around for whatever
13 reason, do you have any other role as vice chair that
14 other commissioners don't have?
15 A. No.
16 Q. Okay. I'm correct, you and all the other
17 commissioners are not paid a salary from the state in
18 return for your service as commissioner; is that
19 correct?
20 A. I collect nothing. Other -- I don't
21 collect mileage. I don't -- I don't -- I have never

Page 24

1 received anything from the state, even reimbursements.
2 The town has paid for everything that I have been
3 involved in.
4 Q. Who has?
5 A. The town.
6 Q. The town?
7 A. I drive their vehicle.
8 Q. Okay. The Town of Cheverly?
9 A. Right.
10 Q. Okay. So you drive their vehicles to and
11 from commission meetings, even though that's not really
12 town business. I'm not saying it's anything wrong with
13 it. I'm sure -- I'm sure you have permission from the
14 town to do that.
15 A. Right.
16 Q. But -- so you don't -- because you drive a
17 town vehicle, you don't, of course, submit mileage or
18 anything like that?
19 MS. NELSON: Objection. Go ahead.
20 A. No, I don't.
21 Q. Okay. How about meals? You ever --

Page 25

1 A. No.
2 Q. If I were to ask you, Mr. Robshaw, I would
3 like to see a log of every place you have been on
4 commission business, would you be able to provide
5 something like that to me?
6 A. Not without the help of the staff.
7 Q. The staff of The Commission?
8 A. Right.
9 Q. So is it fair to say, based on your
10 understanding, that if -- if you -- that the staff
11 would be able to compile something for me of that
12 nature?
13 A. Well, I -- I would think they would have a
14 history of all our public meetings.
15 Q. Okay. And you know what, and I -- I asked
16 you a poor question because I -- I can find out when
17 the public meetings were. Okay. What I'm trying to
18 find out is when you went on commission business other
19 than public meetings -- for example, but not limited
20 to, community outreach, would I be able to find out
21 from some source somewhere where you were and when?

Page 26

1 A. No.
2 Q. Okay. Well, tell me, what -- other than
3 serving as vice chair and standing in for the chairman
4 when he's not around, what do you see as your role?
5 What's your understanding of your job, so to speak, as
6 a commissioner?
7 A. For the first year I was involved in
8 writing the regulations. Hundreds of hours spent on
9 that.
10 Q. Okay. What else?
11 A. Since then I'm the chair person of two
12 subcommittees. And I am in -- in -- involved in a
13 third subcommittee.
14 Q. Okay. Okay. I want to ask you questions
15 about what you just told me.
16 A. Yes.
17 Q. What subcommittees are you chair of?
18 A. I was chair of the grower selection
19 subcommittee.
20 Q. Okay.
21 A. Which is already -- that's transpired or

Page 27

1 expired I should say. And I'm currently the chair of
2 the final review committee.
3 Q. Final review of what?
4 A. Complaints made to The Commission.
5 Requests for relocation. Any request that The
6 Commission investigates that has to be voted on the
7 entire commission comes to us first.
8 Q. So when you say "final review," you
9 would -- for example -- this is a for example, a grower
10 was approved for Location A, now the grower wants to
11 move to Location B. That would be something the final
12 review committee would look at?
13 A. The Commission would investigate that and
14 then send the reports to us. And we would look them
15 over and perhaps request more documents if it was
16 necessary. And then offer an opinion to the rest of
17 The Commission.
18 Q. Okay. And then The Commission would vote
19 one way or the other?
20 A. Right. This final review is not a --
21 end -- I know it sounds like final review -- we are the

Page 28

1 final decision maker --
2 Q. No. no. Final review committee --
3 A. Subcommittee.
4 Q. -- which makes -- subcommittee, which makes
5 a recommendation to The Commission which then has the
6 final say?
7 A. That's correct.
8 Q. Okay. Do the members of the final review
9 committee, who made the recommendation to the full
10 commission, also vote themselves on that same issue for
11 which they made a recommendation when the whole
12 committee votes?
13 A. Yes. But I -- I should tell you that we
14 never -- we haven't had anything coming from the whole
15 commission yet.
16 Q. Okay. But if that were to happen -- so
17 you -- how many members are on the final review
18 committee, including yourself?
19 A. Five.
20 Q. Okay. So the five of you would make a
21 recommendation, and then the same five, along with the

Page 29

1 rest of the committee -- commission, sorry, would also
2 vote, correct?
3 A. Correct.
4 Q. Okay. You said you were involved in a
5 third subcommittee, but not a chair. Which committee
6 is that?
7 A. That's the executive committee.
8 Q. And I've -- I am familiar from
9 Ms. Robshaw's -- Ms. Robshaw's -- Ms. Mather's
10 deposition of what the executive committee is. So I'm
11 not going to go into that. Just very, very briefly,
12 what -- what's your understanding of what the executive
13 committee is?
14 A. I think it's a sounding board for the
15 director and for the staff where we offer suggestions
16 and we talk about issues that -- as a -- as a means of
17 providing information to The Commission staff before
18 they present it to the rest of The Commission.
19 Q. Got it.
20 A. It's a sounding board.
21 Q. Got it. The first thing you told me about

Page 30

1 your understanding of your job as a commissioner was
2 that for the first year you were involved in writing
3 the regs?
4 A. Correct.
5 Q. Okay. Who else was involved in writing the
6 regs with you?
7 A. Besides me, Eric Sterling. These are all
8 commissioners.
9 Q. Okay.
10 A. Eric Sterling. Debbie Marin. Debbie
11 Marin, excuse me. I'm sorry I said that.
12 Q. That's all right.
13 A. Chris Charles. And Christina Paul.
14 Q. And all four of them are commissioners in
15 it as -- as well you said?
16 A. That's correct.
17 Q. To your knowledge, does any -- do any one
18 of them have any particular expertise in the technical
19 writing of regs?
20 A. Yes.
21 Q. Which one?

Page 31

1 A. Eric Sterling wrote regulations when he
2 worked for the federal government.
3 Q. Okay. Did you -- who was the -- I guess
4 the leader of the group, if there was one, as far as
5 their drafting of the -- of the regs?
6 A. Wasn't one.
7 Q. Okay. Well, did all of you actually like
8 put pen to paper and give it a shot and then you edited
9 each other's works? Describe for me how the process
10 worked?
11 A. We took the legislation as the -- the
12 skeleton of the regulation we wrote and then fleshed
13 them out from there. Eric spent a great deal of time
14 revising them because they had to be written in a
15 certain format.
16 Christine or Tina took the notes on a daily
17 basis on a computer. And then the rest of us
18 contributed to the writing of it. And then
19 subsequently sending it out to other commission
20 members.
21 Q. Okay. So other than those three things

Page 32

1 that you just told me, chair of subcommittees,
2 involvement in the executive committee, and writing the
3 regs, what other role do you have, if any, as a
4 commissioner?
5 A. I spend an awful lot of time dealing with
6 all kinds of commission issues because I speak with the
7 executive director all the time.
8 Q. And who is that now?
9 A. Patrick Jamison.
10 Q. Okay.
11 A. The chairman is involved in some issues now
12 that calls for him to travel. So I think he calls me
13 because simply I'm the easiest --
14 Q. Is that still Dr. Davies?
15 A. Yeah.
16 Q. Okay.
17 A. Because I'm the easiest to get in touch
18 with.
19 Q. Okay. Tell me about The Commission issues
20 that you talk to the executive director about. Give me
21 outline of what some of them are.

Page 33

1 MS. NELSON: I'm going to object for the
2 record. Go ahead.
3 A. We are in the process of requesting the
4 legislature to change some of the regulations or the
5 law to enable the regulations to be more effective.
6 Q. Okay. Let me stop you right there. I'll
7 take it one at a time. Okay. So you're asking for
8 change -- let me make sure I have it right first.
9 A. Okay.
10 Q. It's my understanding that the legislature
11 passes laws. Governor signs them. They become law.
12 And then The Commission would draft and then enact
13 regulations to implement the law. Is that a fair
14 summary?
15 A. Correct.
16 Q. Okay. So you just told me that you are
17 going to request that the law be changed, or you are
18 discussing that the law be changed in certain aspects;
19 is that correct?
20 A. Correct.
21 Q. And by the way, when we say the law, I

Page 34

1 think we know what each other is talking about, the --
2 the enabling of the legislation which created the
3 Medical Cannabis Commission --
4 A. Right.
5 Q. -- and everything that stemmed from that,
6 right?
7 A. Correct.
8 Q. So what are you talking about -- what areas
9 are you talking about changing the law?
10 MS. NELSON: I want to just pose a standing
11 objection if I can. Obviously The Commission has
12 asserted the deliberative process privilege and is
13 mindful of Judge Williams' order on that subject.
14 I will not be instructing the witness not
15 to answer, however, we've noted an appeal, and would
16 like the record to reflect a standing objection to any
17 testimony that relates to deliberations on policy or
18 recommendations on policy decisions.
19 MR. BROWN: And I have no problem with you
20 having a standing objection. The only -- the only
21 request that I would make is that if any question that

Page 35

1 I ask you believe encompasses both deliberative process
2 and another objectionable ground, I would ask that you
3 state this -- the -- you object on the separate ground
4 so you don't have the -- to do that later.
5 So if you think there is a second basis or
6 a third basis to one of my questions other than the
7 deliberative process, I ask -- and I will make that a
8 condition of my granting the continuing objection, that
9 you state the additional objection for the record.
10 MS. NELSON: Thank you. And with that
11 understanding, I think both the court and The
12 Commission have referred to the executive privilege and
13 deliberative process privilege together.
14 MR. BROWN: Yeah. Yeah.
15 MS. NELSON: And so both of those
16 privileges would be asserted in the standing objection.
17 MR. BROWN: That's fine.
18 MS. NELSON: Thank you.
19 MR. BROWN: Okay. We -- we agree with my
20 condition?
21 MS. NELSON: Yes. Thank you very much.

Page 36

1 MR. BROWN: Yeah. Sure. Okay. And just
2 for the record, so we are all on the same page, what I
3 would like to do is make a copy of Judge Williams'
4 order an exhibit to the deposition.
5 MS. NELSON: Sure.
6 (Robshaw Exhibit 2 was marked for purposes
7 of identification.)
8 Q. So I was asking you what areas of the law
9 you and the executive director and/or the chairman are
10 discussing requesting the legislature change?
11 MS. NELSON: This is where the objection
12 was, right?
13 MR. BROWN: Yeah, that's correct.
14 MS. NELSON: Okay. Thank you.
15 A. After writing the regulations, we looked at
16 a few -- the legislations initially were directed at,
17 for example, hospitals. So we had to -- when hospitals
18 refused to be involved in -- with medical cannabis
19 because of federal government, we had to request
20 changes so that doctors could be added to it. Then
21 we've had changes that go along to add nurse

Page 37

1 practitioners and podiatrists and other things.
2 Those changes had to be written -- we -- we
3 provided information on what they should be in and sent
4 them to the legislature to add that legislation, or to
5 make sure that legislation shows up in the regulations
6 in the right manner.
7 Q. So in that example, the requests you were
8 making of the legislature was that the type of
9 providers who were able to prescribe or recommend
10 medical marijuana to his or her patients needed to be
11 expanded and in the law so that regs could be written
12 reflecting that expansion; is that fair?
13 A. Correct. That's fair.
14 Q. Okay. Any other areas that -- of law that
15 you were requesting the legislature to change other
16 than the breadth of providers that were able to
17 participate in the program?
18 A. There -- I am not on that legislative
19 subcommittee. I'm not even sure what the exact name
20 is. I know there is other changes that we've talked
21 about. Off the top of my head, I don't know exactly

Page 38

1 what they are because I don't deal with them every day.
2 Q. Can you tell me who the chairperson is of
3 the legislative subcommittee or whatever the --
4 A. The policy committee. It's Eric Sterling.
5 Q. Eric Sterling?
6 A. Right.
7 Q. So it's your testimony that sitting here
8 today, other than the scope of providers or the breadth
9 of providers, you -- you are not aware personally of
10 any other changes in the law that were requested of the
11 legislature?
12 A. I am -- I am aware that there are proposed
13 changes coming, but that's the only ones that I --
14 Q. But that -- you don't know what they are?
15 A. I've heard discussions, but I don't -- I
16 don't recall exactly what the -- I haven't been privy
17 to those long discussions. I don't -- I don't want to
18 say something I'm unsure of.
19 Q. Okay. And I -- and by the way, I don't
20 want you to say something you are unsure of --
21 A. Okay.

Page 39

1 Q. -- in response to any question that I ask
2 you. Okay. And if your answer to a question is I
3 don't know, that's fine.
4 A. Okay.
5 Q. Have you been to every public commission
6 meeting?
7 A. No.
8 Q. How many -- do you -- I mean, I know that
9 one of your roles is to be around when the chairman is
10 not. So I assume you've been to the vast majority of
11 them because otherwise they would have somebody else in
12 that role, right?
13 A. I think I -- I missed one. I called in,
14 but the chairman was there.
15 Q. Okay. You know, I -- if you called in, I
16 don't count that as missing it. So you don't have to
17 be physically present to be there --
18 A. Okay.
19 Q. -- these days. Okay. So -- so you've been
20 at every meeting pretty much, correct?
21 A. Right.

Page 40

1 Q. Okay. Do you have supervisory authority
2 over any other Commission member or any non Commission
3 member employee of The Commission?
4 MS. NELSON: Objection. Go ahead.
5 A. No.
6 Q. Okay. Mr. Robshaw, other than the cases
7 you told me about where you were parties to a lawsuit
8 in your role as a police officer both in Prince
9 George's County and in Cheverly -- and by the way, I'm
10 including in that the ones you say you might not know
11 about because --
12 A. Right.
13 Q. Other than those cases, have you ever been
14 a party defendant to a civil lawsuit?
15 A. I am now currently with the Town of
16 Cheverly over the dismissal of an employee.
17 Q. Okay.
18 A. Several employees, as a matter of fact.
19 Q. Okay. So that's like a labor law kind of
20 thing?
21 A. Well, they've appealed under the LEOBR up

Page 41

1 through the Court of Appeals. And they've been denied.
2 So I guess the final avenue is civil.
3 Q. So you got sued in your capacity as chief
4 of police of the Cheverly Police Department?
5 A. That's correct.
6 Q. Okay. Other than -- and I'll rephrase this
7 question. Other than employment related cases, police
8 department, chief, have you ever been a party defendant
9 to any lawsuit?
10 A. No.
11 Q. Okay.
12 MR. BROWN: Counsel, I'm just going to make
13 you aware as a courtesy that I'm going to get into
14 matters now that I know you contend are subject to your
15 continuing objection. And if you feel the need to make
16 a specific record about a specific question, go ahead.
17 But I understand your continuing objection, and -- and
18 that you have it for the record. Okay?
19 MS. NELSON: Thank you.
20 MR. BROWN: You are welcome.
21 Q. Mr. Robshaw, it's my understanding that --

<p style="text-align: right;">Page 42</p> <p>1 and we'll get to the process in a little bit. But it's 2 my understanding that the applications for growers' 3 licenses were submitted to -- and Mr. Warnken can help 4 me out -- RESI -- I forgot what the acronym -- acronym 5 stands by, Regional Economic Something Institute. 6 MS. NELSON: Studies Institute. Studies 7 Institute. 8 Q. Studies Institute. I don't -- Regional 9 Economics Studies Institute for ranking -- evaluation 10 and ranking and then return to The Commission. Is that 11 a broad statement of what occurred? 12 A. Yes. 13 Q. Okay. Do you know what AMM's rank was? 14 MS. NELSON: So this is where I would 15 object just for the record. The Commission does not 16 object and does not assert the privilege with 17 descriptions of the process. And so which entities 18 performed which roles, there is no claim of privilege. 19 But the substantive recommendations 20 received from the independent consultant and conveyed 21 to The Commission are subject to privilege. But please</p>	<p style="text-align: right;">Page 44</p> <p>1 example, to go back, look at the records, could you -- 2 would the information be available to you if I asked 3 you where a specific grower was ranked? 4 A. Yes. 5 Q. Okay. By the way, my understanding that 6 the process is as follows. There was provisional 7 approvals, right, and then after provisional approval, 8 a license will be issued after certain requirements are 9 met; is that correct? 10 A. Correct. 11 Q. To your knowledge, have any growers who 12 have received provisional approvals requested issuance 13 of the Stage 2 license? 14 A. Yes. 15 Q. Okay. Which grower? 16 A. I -- I don't know that. 17 Q. Do you know if more than one grower has 18 requested issuance of their license, or is it only one, 19 to your knowledge? 20 A. I think one has -- is -- has either 21 requested or is very near, and another one is several</p>
<p style="text-align: right;">Page 43</p> <p>1 go ahead. 2 MR. BROWN: In your view. 3 MS. NELSON: Thank you. Thank you. 4 MR. BROWN: Yes. 5 A. Can you ask me that again? I'm -- 6 Q. Sure. Each grower was ranked; is that 7 correct? 8 A. I would like to make a distinction here. 9 Up until the time of announcement, the only thing I 10 knew about anybody was a number. 11 Q. Okay. 12 A. I found out when everybody else found out 13 who actually got selected for a grower. 14 Q. Right. At any time from the day -- from 15 the day you got the evaluations back from RESI until 16 today, do you know where AMM, the plaintiff in this 17 case, was ranked? 18 A. I saw the final ranking. So I don't -- I 19 don't remember though. I don't know where they were 20 ranked. 21 Q. Okay. But if I were to ask you, for</p>	<p style="text-align: right;">Page 45</p> <p>1 months away. But I don't -- off the top of my head I 2 don't know specifically who they are. 3 Q. Do you know if the one who was very, very 4 near has had an inspection scheduled to confirm that 5 they are ready for issuance of a license in The 6 Commission's view? 7 A. I have seen no reports of that, no. 8 Q. Okay. Do you know what county that grower 9 is in which has requested issuance of the Stage 2 10 license? 11 A. I'm not sure which one it is, so, 12 therefore, I -- I don't know what county it is either. 13 Q. Well, is there any county that has more 14 than one license? 15 A. Grow license? 16 Q. Uh-huh. 17 A. Yeah. 18 Q. So -- but you wouldn't have to know which 19 grower it is to know which county it is in, would you? 20 A. If you told me the name of a grower, I'm -- 21 I'm not sure I could tell you what county they are</p>

Page 46

1 going in anyway.
2 (Robshaw Exhibit 3 was marked for purposes
3 of identification.)
4 Q. Mr. Robshaw, I'm showing you what has been
5 marked as Exhibit Number 3. And I would like you to
6 turn to the second page, and ask you if that indeed is
7 your signature on the last page?
8 A. Yes.
9 Q. And you -- I understand this is an
10 affidavit and you signed it under oath under the
11 penalties of perjury just like you're testifying here
12 today, and just like you would be if you were
13 testifying in court, correct?
14 A. Yes.
15 Q. Okay. Did you actually physically yourself
16 prepare this affidavit?
17 MS. NELSON: Counsel, I need to note for
18 the record that you have a document at the end of
19 Exhibit 3 that was not part of --
20 MR. BROWN: I think you are correct. That
21 belongs attached to a different exhibit.

Page 47

1 MS. NELSON: Yeah.
2 MR. BROWN: So we can detach those last
3 pages.
4 MS. NELSON: Thank you.
5 MR. BROWN: Okay. No problem. And the --
6 Q. Beginning after Page 2, Mr. Robshaw. Can
7 you take those and hand them back to me?
8 MS. NELSON: It's the last two pages that
9 were not part of the affidavit.
10 MR. BROWN: Right. Correct.
11 THE WITNESS: Just these two?
12 MR. BROWN: Yeah.
13 MS. NELSON: Correct.
14 Q. Thank you.
15 A. Uh-huh.
16 Q. What I would like to ask you about is
17 Paragraph 10 where it says -- and I'm going to read it
18 to you. "The Commission is continuing its work to seek
19 and achieve racial and ethnic diversity, and intends to
20 retain a diversity consultant to support these
21 efforts." Did I read that correctly?

Page 48

1 A. Yes.
2 Q. Okay. What I want to know from you is
3 precisely what was done from the day you became a
4 commissioner until the day you were sitting here to
5 achieve racial and ethnic diversity in the application
6 and selection process for a grower's license?
7 MS. NELSON: I'm also going to raise an
8 objection under deliberative process privilege as to
9 discussions of recommendations received from
10 independent consultants or other third parties and
11 internal policy debate about what measures would be
12 taken. In light of Judge Williams' order, I'm not
13 going to instruct the witness not to answer, however, I
14 want that to be a standing objection with regard to the
15 testimony.
16 MR. BROWN: That's fine.
17 MS. NELSON: Thank you.
18 A. Could you ask me the question again,
19 please?
20 Q. Sure, I can. And I'm going to ask you a --
21 I'm going to strike the previous question.

Page 49

1 MR. BROWN: You don't need to restate your
2 objection when I ask the question again.
3 MS. NELSON: Thank you.
4 Q. And I'll ask you this question first. Are
5 you aware that the enabling legislation which created
6 the medical cannabis program in Maryland requires The
7 Commission to actively seek racial, ethnic and
8 geographic diversity in the selection -- in the
9 application and selection process for a grower's
10 license?
11 A. Yes.
12 Q. Okay. So now I'm going to restate my
13 question, which is what precisely has The Commission
14 done from the day you became a member, which is its
15 inception, until today, to actively seek racial and
16 ethnic diversity in the application and selection
17 process for a grower's license?
18 A. The only way I can answer that is to say
19 that we talked about outreach to the -- particularly to
20 the African-American community by way of information to
21 black colleges, to magazines, and -- and other

Page 50	Page 52
<p>1 newsprint that reached out to the African-American 2 community. And to publications that are either 3 initiated or are aligned with cannabis -- medical 4 cannabis use in the State of Maryland. And we have 5 hired a -- a consultant, a diversity consultant, to 6 help us accomplish that. 7 Q. I'm going to ask you about the last thing 8 you said first. 9 A. Okay. 10 Q. Your affidavit was signed on December the 11 12th, 2016? 12 A. Right. 13 Q. Paragraph 10 of your affidavit says that 14 The Commission intends to retain a diversity 15 consultant. Was the diversity consultant that you just 16 mentioned retained before or after December the 12th, 17 2016? 18 A. After. 19 Q. Okay. When was the diversity consultant 20 retained? 21 A. I'm not sure what the date of their</p>	<p>1 Q. Okay. How is it that you became aware, in 2 absence of seeing this letter, that a diversity or that 3 a -- bear with me one second. Let me get the term 4 exactly correct, a disparity study has been ordered by 5 the governor if not from reading this letter? 6 A. Discussed at an executive committee meeting 7 not long ago. 8 Q. Okay. Would you say it was after 9 April twenty -- this meeting of the executive committee 10 was after April 27th, 2017? 11 A. Yes. 12 Q. Okay. Was the diversity consultant that 13 you mentioned in your affidavit, and you mentioned that 14 was retained and now it's on hold -- was the hold of 15 the diversity consultant contract placed on or after 16 April 27th, 2017? 17 MS. NELSON: Objection. Go ahead. 18 A. I'm going to say yes, but it's -- I don't 19 know exact dates. 20 Q. Okay. 21 A. I didn't -- I wasn't involved in that</p>
Page 51	Page 53
<p>1 contract signing was. 2 Q. Okay. Who is the diversity consultant? 3 A. I don't know the name off the top of my 4 head because it is on hold right now -- 5 MS. NELSON: Objection. Go ahead. 6 Q. It's on hold right now? 7 A. -- pending a diversity study initiated by 8 the state. 9 Q. Yeah. And I'll get to that in a few 10 minutes as you might have expected. 11 A. Okay. 12 Q. Was -- I'll do it this way. Make it 13 easier. 14 (Robshaw Exhibit 4 was marked for purposes 15 of identification.) 16 Q. I'm showing you what's a letter to 17 Mr. Jimmy H. Rhee, signed by Governor Hogan. We've 18 marked that as Exhibit Number 4. 19 A. Uh-huh. 20 Q. Have you seen this letter before? 21 A. No.</p>	<p>1 conversation. 2 Q. Well, is it -- is it fair to say that a 3 hold of the dis -- of the diversity consultant's 4 contract wasn't discussed until after the state study 5 was ordered? 6 MS. NELSON: Objection. Go ahead. 7 A. I don't know the answer to that. 8 Q. Okay. Forgive me if I asked you this 9 question. Did you tell me that you didn't know who the 10 diversity consultant was that you retained? 11 A. I don't know the name of the group. I met 12 them for a -- half an hour one time. 13 Q. Okay. 14 A. And never had anymore discussions with 15 them. So I've heard it, I just don't remember it. 16 Q. That's fine. Do you know if the contract 17 for the diversity consultant whom The Commission was 18 going to retain was put out for bid as a part of a 19 request for proposal, or tell me in general how the 20 selection process of the diversity consultant happened? 21 A. I don't know.</p>

Page 54

1 Q. Okay. Was there a subcommittee of The
2 Commission which was tasked with retaining the
3 diversity consultant?
4 A. Not that I'm aware.
5 Q. Okay. Well -- and please -- this is not
6 meant to sound flip.
7 A. No.
8 Q. Okay? But they didn't just appear from the
9 ether. I mean, there had to be some manner in which
10 the selection process occurred. You are vice chairman
11 of The Commission. Is it your testimony you have --
12 don't have any information to provide me with how that
13 selection process happened?
14 A. The selection process was done by staff
15 members in conjunction with whoever the part of the
16 state government that grants contracts.
17 Q. Okay.
18 A. I wasn't -- I wasn't involved in that
19 process.
20 Q. Do you know which staff member or members
21 at The Commission was tasked with dealing with state

Page 55

1 procurement in retaining the diversity specialist?
2 A. Yes. And the name escapes me right at this
3 moment. Any other time I would be able to tell you.
4 Q. Well, I understand. I have been there. So
5 as we go on during this deposition, if it pops back in
6 your brain, please just tell me. Okay?
7 A. Okay. I remember now. It's Vanessa Lyons.
8 Q. See. I knew that would happen.
9 A. I knew the last name. I couldn't remember
10 the first.
11 Q. That's fine. Thank you very much. You
12 told me a minute ago that you had a meeting with the
13 diversity consultant. You don't remember who they are.
14 It lasted about half an hour. Do you remember when
15 that meeting was, give or take?
16 A. About two months ago. I think it was in
17 Annapolis. I don't remember the specific date.
18 Q. Okay. Do you remember where -- where --
19 like what building? Where were you?
20 A. It was -- they called it The Bunker. I'm
21 not exactly -- its a government building of which DHMH

Page 56

1 has an office in the basement. I don't know the
2 address -- the address or the name of the building or
3 anything like that.
4 Q. Okay. Who else was there besides you and
5 the --
6 MR. BROWN: Off the record.
7 (A discussion was held off the record.)
8 Q. Who else was there besides you and the
9 diversity consultant?
10 A. Vanessa and Sara -- I don't -- I don't --
11 Q. If --
12 MR. BROWN: And I'm going to ask Ms.
13 Nelson, if you know Sara's last name -- I know you are
14 not under oath, but if you could provide that, that
15 would be great.
16 MS. NELSON: Sure. Hoyt.
17 MR. BROWN: White?
18 MS. NELSON: Hoyt.
19 MR. BROWN: Hoyt?
20 MS. NELSON: H-O-Y-T.
21 MR. BROWN: Thank you very much.

Page 57

1 Q. Is Ms. Hoyt on the staff of The Commission,
2 or she's from someplace else?
3 A. She was on the staff at that time. Now she
4 works in another capacity for DHMH.
5 Q. Okay.
6 A. I'm not sure what.
7 Q. Do you know what her title was at The
8 Commission during the time that she was an employee
9 there?
10 A. She had a -- she was the -- I don't know
11 what her title was. She went out and talked to
12 legislative members for The Commission.
13 Q. Okay.
14 A. I don't know exactly --
15 Q. Legislative liaison? Does that sound about
16 right?
17 A. Some -- something similar to that.
18 Q. Okay.
19 A. Might -- might be a different title, but
20 that was the --
21 Q. But that was her role?

1 A. Right.
 2 Q. Okay. Was the diversity consultant
 3 retained -- and we know it was after December the 12th,
 4 2016 because it was after your affidavit. And your
 5 affidavit says a diversity consultant will be retained.
 6 A. Right.
 7 Q. So we know it was after December the 12th,
 8 2017. Was the diversity consultant retained before or
 9 after this -- Stage 1 approvals were issued?
 10 A. After.
 11 MR. BROWN: Okay. So we've been going like
 12 a little -- I want to take a five-minute break.
 13 (A recess was taken.)
 14 Q. So I asked you, Mr. Robshaw, subject to
 15 Ms. Nelson's objection, which still stands, about what
 16 The Commission did to seek racial and ethnic diversity.
 17 And we talked about the consultant. But getting --
 18 getting back to that for one second, you said you had a
 19 meeting with them and two others?
 20 A. Right.
 21 Q. How many members of diversity consultant's

1 note of the fact back prior to the regulations actually
 2 being adopted, we didn't have a formal subcommittee
 3 structure. So when I say "we," it was whoever was
 4 available to come in and work that day.
 5 Q. Okay. But there were always commissioners?
 6 A. Just commissioners.
 7 Q. Just commissioners.
 8 A. And the executive director. We didn't have
 9 staff back in those days.
 10 Q. Got it. What -- eventually, once you had
 11 regs, was there a specific subcommittee who had the
 12 task of seeking racial and ethnic diversity in the
 13 application and selection process?
 14 A. No.
 15 Q. Okay. Was that a task that was handled by
 16 The Commission as a whole, or better yet, describe for
 17 me the process by which The Commission sought to
 18 achieve racial and ethnic diversity in the application
 19 and selection process?
 20 A. Those discussions were centered around the
 21 arrival of a new executive director, Hannah Byron,

1 company or firm were at the meeting? Do you remember?
 2 A. Three.
 3 Q. Three. Can you -- since you don't remember
 4 the name of the company, do you remember the names of
 5 any of the individuals that were there?
 6 A. No.
 7 Q. Men?
 8 A. I -- I -- two women and a man. I -- I've
 9 seen their names. I just don't recall what they are
 10 right now.
 11 Q. Were they black, white, old, young?
 12 A. All three African-Americans.
 13 Q. Okay. Age range?
 14 A. Not as old as me and you, but 30s.
 15 Q. Okay. So you told me in addition to the
 16 diversity consultant -- your words were "we" talked
 17 about outreach. And you gave me a list of different
 18 mechanisms of outreach.
 19 A. Right.
 20 Q. My first question is who is "we"?
 21 A. Other commission members. I'll just make

1 about what we could do to reach out to -- to -- to --
 2 to actively seek racial and ethnic diversity. Those
 3 suggestions were provided to her, and it was her
 4 responsibility to follow up on those.
 5 Q. Okay. And were these selections that were
 6 provided to her the list that you gave me a little bit
 7 earlier before we took our short break, which included
 8 reaching out to black colleges, African-American
 9 centric magazines and newsprint, and publications and
 10 magazines that were connected to the medical cannabis
 11 industry?
 12 A. That's correct.
 13 Q. Okay. So your testimony is that those
 14 suggestions were provided by The Commission members to
 15 the chairperson, who at the time was Ms. Byron. Did I
 16 paraphrase that correctly?
 17 MS. NELSON: No. Objection.
 18 Q. Okay. Well, Ms. Nelson says I didn't
 19 paraphrase it correctly. I want you to tell me if what
 20 I said was not a correct paraphrase and why?
 21 A. Those suggestions were offered to her. And

Page 62

1 she was responsible for following up on them.
2 Q. Okay. By whom were the suggestions
3 provided to her by?
4 A. Commission members.
5 Q. Okay. Commission members. Was it an
6 individual thing? And I don't mean this -- I -- would
7 Mr. Rob, you, hey, Hannah, you know, why don't you try
8 this, or was it actually a formal report that was
9 provided by Commission members in writing, or by email,
10 or communicated formally in some way to Ms. Byron?
11 A. We discussed it at a meeting -- at -- at
12 several meetings, but I -- I don't -- I never wrote
13 anything.
14 Q. Okay.
15 A. I'm not aware of anybody else writing
16 anything.
17 Q. When you say "we discussed it at several
18 meetings," you mean commission members?
19 A. Other commissioners and Ms. --
20 Q. Ms. Byron was there?
21 A. We didn't have all the staff that we do

Page 63

1 now.
2 Q. Okay. I understand.
3 A. So essentially just the executive director
4 and Commission members. I'm not -- I can't tell you
5 exactly who it was because that group rotated based
6 upon availability.
7 Q. Now, at the time Ms. Byron -- when these
8 discussions were going on, Ms. Byron was the chair
9 person; is that correct?
10 A. She was the executive director.
11 Q. You are right. My mistake. Thank you for
12 correcting me. She was the executive director?
13 A. That's correct.
14 Q. And is it fair to say that the executive
15 director acted at the direction of the Commissioners?
16 A. Yes.
17 Q. Okay. In fact, it will be -- if there came
18 a time -- and I know it did happen -- that The
19 Commission needed a new executive director, it would be
20 The Commission who would seek and retain its executive
21 director; is that correct?

Page 64

1 A. I think that was an appointment by the
2 governor.
3 Q. Okay.
4 A. I'm not 100 percent positive, but --
5 Q. Would The Commission members have any input
6 in the selection or the application of the selection
7 process?
8 A. I will just I didn't.
9 Q. You didn't. Okay.
10 A. I can't speak for --
11 Q. But you can say, and you have said here
12 today, that Ms. Byron was present at the meetings with
13 various commissioners at various times, and the issue
14 of seeking racial and ethnic diversity was discussed
15 and suggestions were made by the commissioners to
16 Ms. Byron. And that your testimony was it was then
17 Ms. Byron's responsibility to act on those
18 recommendations. Is that fair?
19 A. That's fair.
20 Q. Okay. To your knowledge, what, if any, of
21 those suggestions, in addition to any other actions

Page 65

1 which you didn't suggest, were taken by Ms. Byron or
2 anyone else on behalf of The Commission to actively
3 seek racial and ethnic diversity in the application and
4 selection process for growers' licenses?
5 A. What actions did she take? Is that what
6 you are asking?
7 Q. I'll tell you what. I'm going to be very
8 specific. So I'm going to ask -- I'm going to ask --
9 slow down. I'm going to ask the court reporter to read
10 to you exactly what my last question was.
11 (The reporter read back as requested.)
12 A. I don't know.
13 Q. Did you, in your capacity as a
14 commissioner, or in your personal life, ever see any
15 specific advertisements, notifications, public notice
16 of any kind specifically seeking racial or ethnic
17 diversity in the selection process for growers'
18 licenses?
19 A. No.
20 Q. Did you ever see in your capacity as a
21 commissioner, or by coincidence in your personal life,

Page 66

1 any advertisements or notifications that were
2 different -- I'm sorry -- targeting racial and ethnic
3 diversity that were different from the notifications or
4 advertisements that were given to the public at large
5 notifying them of the application and selection process
6 for growers' licenses?
7 A. No.
8 Q. Okay. Sitting here today, can you tell me
9 specifically any action The Commission took to actively
10 seek racial and ethnic diversity in the application and
11 selection process for growers' licenses?
12 A. Is this in consideration of the memorandum
13 to Delegate West?
14 Q. I can't answer questions to you. And
15 I'll -- I promise you I'll give you a chance to talk
16 about Delegate West's letter.
17 A. Okay. Then my answer is no.
18 Q. Okay. I believe you told me a moment ago
19 that you were aware that the law, as written by the
20 legislature, states that The Commission shall actively
21 seek racial, ethnic and geographic diversity in the

Page 67

1 application and selection process. You are aware of
2 that, correct?
3 A. Correct.
4 Q. Can you tell me why it is that if that's
5 the law, you have just testified that you are not aware
6 of any action that The Commission took to implement
7 that part of the law?
8 MS. NELSON: Objection.
9 A. Regarding the discussion we've had to this
10 moment?
11 Q. Yes, sir.
12 A. I have -- I can't answer that.
13 Q. So the answer is you don't know why The
14 Commission took no action to actively seek racial and
15 ethnic diversity in the selection and application
16 process?
17 MS. NELSON: Objection. Mischaracterizes
18 his prior testimony.
19 Q. Well, I'll -- I'll go back. And forgive me
20 for asking the question again, but I want to answer
21 Ms. Nelson's dep -- objection, which is -- and if I am

Page 68

1 misstating your testimony, tell me. But I believe you
2 stated a moment ago that the -- to your knowledge, The
3 Commission took no action to actively seek racial,
4 ethnic and geographic diversity. I'll rephrase the
5 question.
6 Took no action to actively seek racial and
7 ethnic diversity in the selection and application
8 process; is that correct?
9 A. For clarity, I don't know that they did,
10 nor do I know that they didn't.
11 Q. Okay. Well, as a vice chairperson, if they
12 did, do you think you would know that?
13 MS. NELSON: Objection. Calls for
14 speculation. Go ahead.
15 A. I don't know.
16 Q. Okay. You've testified earlier -- and for
17 the purpose of this question I'll include attended, to
18 include the time that you had to call in, you attended
19 every public meeting of The Commission; is that
20 correct?
21 A. Correct.

Page 69

1 Q. During any of those public meetings, do you
2 recall any discussion whatsoever concerning the active
3 seeking of racial and ethnic diversity in the selection
4 and application process for a growers' license?
5 A. I don't recall.
6 Q. Okay. There was also private meetings of
7 The Commission which commissioners and the executive
8 director and maybe some staff members would attend
9 in -- in addition to the public meetings; is that
10 correct?
11 A. Correct.
12 Q. During those private meetings, do you
13 recall any time when the issue of actively seeking
14 racial and ethnic diversity in the selection process and
15 the application process was discussed?
16 A. No.
17 Q. Okay. So not to mischaracterize your
18 testimony. I want to make sure I get it right.
19 Sitting here today, it's your testimony that you do not
20 recall any instance, whether public meeting or in
21 private session, where The Commission raised the issue

Page 70

1 and discussed actively seeking racial and ethnic
2 diversity in the selection and application process; is
3 that fair?
4 A. Well, we had -- we had discussions about
5 that, as I described to you earlier. Where those
6 discussions went after Ms. Byron, I don't know.
7 Q. Okay. So I'm going to rephrase my last
8 question just so we -- just so --
9 A. Okay.
10 Q. Because I want to be clear for the record,
11 and I don't want to be putting words into your mouth.
12 I really don't. Okay. So I'm going to rephrase the
13 question.
14 Other than the conversation we already had
15 concerning suggestions that were made to Ms. Byron and
16 we -- I gave you the list that you told me about, black
17 colleges, magazines and the like, other than those
18 discussions, is it your testimony that you do not
19 recall any private or public meeting of The Commission
20 where the issue of actively seeking racial and ethnic
21 diversity in the selection and application process was

Page 71

1 discussed?
2 A. There was discussion, a great deal of
3 discussion, between Commission members and the Maryland
4 Department of Transportation about diversity studies
5 and about outreach. And they offered a number of
6 suggestions that were essentially the same as we had
7 offered in that original conversation.
8 Q. To Ms. Byron?
9 A. Right.
10 Q. Okay. But you --
11 A. I forgot MDOT was there. I don't want to
12 leave them out.
13 Q. I -- and I appreciate that. And, again,
14 just to be clear, this is not a memory test. If you --
15 if you answer a question of mine and 20 minutes later
16 you think of something you need to add, just say, hey,
17 Mr. Brown, could I add something to one of my prior
18 answers. That's totally fine.
19 A. Okay.
20 MS. NELSON: And, Counsel, I appreciate
21 your honoring the standing objection with regard to

Page 72

1 recommendations between intergovernmental --
2 MR. BROWN: Yeah. I know you have -- I
3 know you feel the visceral need to keep stating it, but
4 you don't have to.
5 MS. NELSON: Thank you.
6 Q. I'm going to ask you some questions about
7 last part because you added the MDOT. And to be laid
8 on the table, Ms. Mather talked about MDOT in her
9 deposition.
10 By the way, did you read Ms. Mather's
11 deposition that I took of her in this case?
12 A. No.
13 Q. You mentioned that at one of the meetings
14 at which MDOT was present, they mentioned a diversity
15 study, correct? That was one of their possible
16 suggestions?
17 A. We were interested in the possibility of
18 doing a diversity study and became aware that MDOT is
19 the state agency that does that type of work. So we
20 had a meeting with them.
21 Q. To your knowledge, to this very day that we

Page 73

1 are sitting here at this deposition, has a diversity
2 study been conducted at the request of or on behalf of
3 The Commission or DHMH regarding the medical marijuana
4 growers' license, medical cannabis growers' license?
5 A. We discussed at that meeting the
6 possibility -- or the -- the actions that would be
7 needed to start that type of process.
8 Q. That wasn't quite my question. So I'm
9 going to ask it again.
10 A. Okay.
11 Q. And I -- I understand, but I have to -- I
12 need an answer to this question.
13 A. Okay.
14 Q. Which is up until today when we are sitting
15 here, notwithstanding the discussions that you said you
16 had, has a diversity study actually been conducted on
17 behalf of or at the request of The Commission or DHMH
18 with regard to the medical cannabis growers' licenses?
19 A. Not to my knowledge.
20 Q. Okay. In your capacity as a commissioner
21 and as vice chairperson, if such a study had been

Page 74

1 commissioned, do you think you would know about it?
2 A. I believe so.
3 Q. Okay. You also mentioned that MDOT
4 discussed various outreach programs that they could
5 help The Commission out with in reaching out to the
6 minority, racially and ethnic diverse communities.
7 A. Right.
8 Q. To your knowledge, after MDOT told you what
9 they could and could not do, did The Commission request
10 their assistance in actively seeking racial and ethnic
11 diversity in the application and selection process for
12 growers' licenses?
13 A. MDOT suggested that we hire a diversity
14 consultant.
15 Q. Okay.
16 A. And I think they were consulted on the one
17 that we actually hired, but I'm not positive of that.
18 Q. Okay.
19 MR. BROWN: Ms. Byron [sic], I understand
20 that you are not under oath, but I'm going to ask you
21 if --

Page 75

1 THE WITNESS: Ms. Nelson.
2 MR. BROWN: I called you Ms. Byron.
3 MS. NELSON: That's okay.
4 MR. BROWN: I'm -- Ms. Nelson. Sorry.
5 MS. NELSON: No problem.
6 MR. BROWN: Do you know the name of the
7 diversity consultant, and if you do, will you tell me
8 it, that information?
9 MS. NELSON: I -- I can -- the name is
10 rather difficult to pronounce. And so I think it's
11 A-L-I-O-V Group.
12 MR. BROWN: Group?
13 MS. NELSON: Yes. But I can confirm that
14 for you and provide that to you.
15 MR. BROWN: Okay. I would ask you to also,
16 if there is a written request for proposal, and/or a
17 contract with that group, that you provide that to me
18 as well.
19 MS. NELSON: Sure.
20 MR. BROWN: And just for the record, there
21 was a list of items from Ms. Mather's deposition that I

Page 76

1 requested that you provide, and you said you would, and
2 I haven't received them yet. I know it's -- it hasn't
3 been that long, but I would ask that you try to get
4 that stuff to me as soon as you can.
5 MS. NELSON: Sure.
6 MR. BROWN: Thank you.
7 (A discussion was held off the record.)
8 Q. Do you remember when the MDOT meeting was?
9 Well, I shouldn't -- that's a bad question. Was there
10 more than one MDOT meeting?
11 A. There was more than one. There was only
12 one that I attended. And within the last several
13 months, last six months. I don't --
14 Q. Okay.
15 A. I don't know the exact date.
16 Q. So would that be before or issue -- before
17 or after the issuance of the Stage 1 approvals?
18 A. After.
19 Q. Okay.
20 A. Preapprovals.
21 Q. You are right. Preapprovals. Term of art,

Page 77

1 and I should have that right. So thank you.
2 Was it MDOT that provided the commissioners
3 with the list of possible outreach methods other than
4 the diversity consultant that you all gave to
5 Ms. Byron?
6 A. No. We gave them to Ms. Byron before we
7 met with MDOT.
8 Q. Okay. So other than suggesting a diversity
9 consultant, can you tell me what other, if any,
10 suggestions MDOT made to the commissioners with regard
11 to assisting them with actively seeking racial and
12 ethnic diversity in the selection and application
13 process for a medical marijuana grower's license?
14 A. There was discussion about a diversity
15 study. And maybe I'm not using the right term there.
16 Q. You are -- that's fine. Disparity study?
17 A. Disparity study. Excuse me.
18 Q. That's okay.
19 A. And the discussion centered around costs
20 and the mechanism to get that going and the lack of
21 comparatives, for lack of a better term. That

Page 78

1 discussion was ongoing. I understand that it's an
2 expensive proposition. So that -- that information had
3 been going -- ongoing this --
4 Q. So other than suggesting possibly retaining
5 a diversity consultant and possibly conducting a
6 disparity study -- two different things.
7 A. Right.
8 Q. -- were any other suggestions made by MDOT
9 to the commissioners concerning the active -- actively
10 seeking ethnic and racial diversity in the selection
11 and application process for a medical cannabis grower's
12 license?
13 A. They provided essentially the same
14 information that we had given to Ms. Byron.
15 Q. Okay.
16 (The reporter asked for clarification.)
17 Q. Does The Commission have a budget?
18 A. Yes.
19 Q. Do you know if there is a line item in the
20 budget for advertising?
21 A. No.

Page 79

1 Q. You don't know or --
2 A. I don't know.
3 Q. -- there isn't one? You don't know.
4 A. I don't know.
5 Q. Okay. Did you, in your capacity as a
6 commissioner, and/or your other capacity as vice
7 chairman of The Commission, ever go out and speak to
8 community groups concerning the selection application
9 process in general?
10 A. I have knowledge that other commissioners.
11 For myself, no.
12 Q. Okay.
13 A. I have other -- I have knowledge that other
14 commissioners have attended a great deal of meetings
15 upon request from many, many people in the medical
16 cannabis industry.
17 Q. Okay. Do you know if any commissioners
18 specifically went to any groups or organizations to
19 speak about any kind of program or policy of The
20 Commission to actively seek racial and ethnic diversity
21 in the selection and application process for a medical

Page 80

1 marijuana grower's license?
2 A. I don't know.
3 (Robshaw Exhibit 5 was marked for purposes
4 of identification.)
5 Q. I am -- I have shown you what we've marked
6 as Exhibit Number 5, which is a letter to Delegate
7 West -- and by the way, there is two pages at the end
8 that should come -- my assistant accidentally attached
9 to Ms. Mather's deposition -- affidavit to that.
10 MR. BROWN: Thank you.
11 Q. A letter to Delegate West. And it's now --
12 apparently this is not the complete letter. I will --
13 I will -- I think the last page is --
14 (A discussion was held off the record.)
15 Q. I will -- I will represent to you,
16 Mr. Robshaw, and Ms. Nelson, that the last page of this
17 letter only has the signature of Kathryn Rowe. There
18 is no text whatsoever. It just has her signature. So
19 I'm going to just make that the exhibit and I'll state
20 for the record that the last page --
21 MS. NELSON: Would that one be used as the

Page 81

1 exhibit to the transcript?
2 MR. BROWN: Sure. We can do that. We are
3 going to change the mark -- the mark -- make that 5
4 instead.
5 (A discussion was held off the record.)
6 Q. You -- you mentioned to me earlier, Mr.
7 Robshaw, the letter from Delegate -- to Delegate West
8 from Ms. Rowe; is that correct?
9 A. That's correct.
10 Q. Okay. Based upon your mentioning to me
11 prior to me asking you about it, I assume you've seen
12 it before; is that correct?
13 A. That's correct.
14 Q. Tell me the circumstances around which you
15 came to become aware of this letter?
16 A. It was the topic of discussion at a number
17 of executive meetings.
18 Q. Okay. And tell me about why was it the
19 topic of discussion?
20 MS. NELSON: I'm going to object to the --
21 on the deliberative process privilege, but also on

1 attorney-client privilege to the extent that this was
2 the subject of advice received by counsel.
3 MR. BROWN: Well --
4 MS. NELSON: At this -- not to say that the
5 letter is attorney-client advice. To the extent that
6 it was discussed in that context, obviously we would
7 assert the attorney-client privilege.
8 MR. BROWN: I understand.
9 Q. You can answer the question.
10 A. Can you ask me the question again?
11 Q. Sure. Sure. What about this letter caused
12 it to be the topic of discussion at an executive
13 committee meeting?
14 A. The original regulations included the
15 terminology actively seek racial and ethnic and --
16 diversity in addition to geographic diversity.
17 Q. Well, he said the original legislation?
18 A. The original regulation --
19 Q. Regulation. Okay. Got it.
20 A. -- had all that terminology in there. An
21 explanation of this letter -- I saw this letter after I

1 Q. Okay. But -- I understand. So -- but
2 basically it was your understanding that this letter
3 from Delegate -- from Ms. Rowe -- Rowe to Delegate West
4 raised issues concerning constitutionality?
5 A. Correct.
6 Q. Okay. Did anyone -- is it -- was it this
7 concern about constitutionality which caused The
8 Commission to remove racial and ethnic diversity from
9 the regs?
10 A. That's my understanding.
11 Q. To your knowledge, the legislation
12 requiring The Commission to actively seek racial and
13 ethnic diversity in the application and selection
14 process is still law to this day as we sit here; is
15 that correct?
16 A. Yes, I -- I suppose. I'm --
17 Q. Okay.
18 A. I'm not positive. That's a legal question.
19 I'm not positive of that.
20 Q. Okay. Well, let me ask you this question.
21 We talked a little bit earlier about suggested or

1 heard the explanation, so -- but I have seen the
2 letter -- suggested that there was a constitutionality
3 issue with trying to put in the legislation the racial
4 and ethnic part of it. And in addition to that -- as
5 it was explained to us.
6 Q. Who was it doing the explaining?
7 A. Ms. Byron. And I don't know if there was
8 a -- an AG explanation in there or not.
9 Q. Okay.
10 A. I -- I don't -- I'm not sure.
11 Q. Okay.
12 MS. NELSON: That's where we would object
13 on attorney-client privilege.
14 MR. BROWN: Well, right now he just said
15 Ms. Byron and he's not sure if there was an attorney
16 there. So if he's -- there was no attorney there,
17 there is no attorney-client privilege.
18 MS. NELSON: It seems unlikely that the
19 executive director was offering legal advice on
20 constitutionality.
21 A. There was an attorney there.

1 requested changes in the law that The Commission was
2 making to the legislature, and you told me that one of
3 them that you recall is expanding the breadth of
4 professionals that will be allowed to recommend the use
5 to a patient of medical cannabis; is that correct?
6 A. Correct.
7 Q. Okay. After we've had this discussion now,
8 do you recall whether The Commission requested the
9 legislature to change the law so that the requirement
10 of The Commission to actively seek racial and ethnic
11 diversity be removed?
12 A. I'm not aware of that.
13 Q. Okay. You're aware, I believe, that this
14 letter to Delegate West from Ms. Rowe was requested by
15 Delegate West and not The Commission; is that correct?
16 A. That's correct.
17 Q. Okay. To your knowledge, without telling
18 me what the advice was, if it existed, did The
19 Commission ever seek its own legal advice concerning
20 the constitutionality of the provision of the enabling
21 legislation which requires The Commission to actively

Page 86

1 seek racial and ethnic diversity in the application and
2 selection process?
3 A. I'm not -- I -- I can only answer that by
4 saying that I'm not certain.
5 Q. Okay. But you are certain that Exhibit 5,
6 the letter to Delegate West, was discussed either at a
7 Commission meeting or at an executive committee
8 meeting; is that correct?
9 A. It was discussed there as well as at a
10 meeting we had with the Black Caucus. We had the same
11 discussion.
12 Q. Okay. When was the meeting with the Black
13 Caucus?
14 A. I don't -- I don't know the date.
15 Q. Was the meeting with the Black Caucus --
16 well, let's go back because I didn't say the date. So
17 Exhibit Number 5, the letter to Delegate West was
18 written on March 13th, 2015?
19 A. That's right.
20 Q. You would agree with me that March 13th,
21 2015, was before Stage 1 preapprovals were issued,

Page 87

1 correct?
2 A. That's correct.
3 Q. Was the meeting with the Black Caucus
4 before or after the letter from Delegate West?
5 A. After.
6 Q. Okay. Was the meeting with the Black
7 Caucus before or after the issuance of the Stage 1
8 preapprovals?
9 A. After.
10 Q. Do you remember -- when you say "with the
11 Black Caucus," that's a group of state senators and
12 delegates, African-American members who comprise the
13 legislative Black Caucus; is that correct?
14 A. Correct.
15 Q. Can you tell me, sitting here today, if you
16 recall any of the specific legislators, whether a
17 senator or a delegate, that were at this meeting with
18 the Black Caucus?
19 A. The only person I remember -- the only
20 person I even knew was -- I'm terrible with names. I
21 apologize. She is the head of -- or the chairman of

Page 88

1 the Black Caucus.
2 Q. Give me one second. Sorry about that.
3 Anyone else you can recall being there?
4 A. May I ask counsel just the name of that
5 delegate? I know her. I just cannot think of her
6 name.
7 Q. If Ms. Byron -- did it again. If
8 Ms. Nelson knows, that's fine.
9 MR. WARNKEN: Is it Cheryl Glenn? Sorry.
10 A. Cheryl Glenn.
11 Q. Okay.
12 A. That's -- that's who it was.
13 Q. Thank you. Anybody else that you can
14 recall being there?
15 A. I don't know any of the other people.
16 Q. Okay. Other than yourself and the
17 delegates or the senators, was -- was anybody else
18 there at that meeting?
19 A. Myself. Allison Taylor. And there was a
20 third commissioner I don't remember off the top of my
21 head.

Page 89

1 Q. Okay. And what was discussed at that
2 meeting, which was after the Stage 1 preapprovals were
3 issued?
4 A. Essentially the Delegate West decision.
5 Because that had to have been forwarded to all --
6 both -- all members of the senate and the delegation.
7 Q. When were the Stage 1 preapprovals issued?
8 What date?
9 A. I don't know the exact date.
10 Q. Do you remember --
11 A. August -- August 5th.
12 Q. What year?
13 A. 2016.
14 Q. Okay. So the Stage 1 preapprovals were
15 issued more than a year after Ms. Rowe wrote the letter
16 to Delegate West; is that a fair statement? Because
17 that -- August of 2016 is more than a year after March
18 of 2015.
19 A. Wait a second now. I'm now -- they were
20 announced August 5th. So ask me the question again. I
21 apologize.

Page 90

1 Q. Sure. So it's fair to say -- just math and
2 a calendar -- that the Stage 1 preapprovals were issued
3 more than a year after Ms. Rowe's letter to Delegate
4 West?
5 A. Somewhere in that time frame, correct.
6 Q. March 13th, 2015. August 5th, 2016.
7 That's more than a year, right?
8 A. Okay.
9 Q. Yes?
10 A. Yes.
11 Q. So it's your testimony that in that one
12 year, approximately five-month interval, no one from
13 The Commission met with the legislative Black Caucus or
14 its members to discuss the contents of the letter to
15 Delegate West?
16 MS. NELSON: Objection. Mischaracterizes
17 his prior testimony.
18 MR. BROWN: I think it states it precisely.
19 Q. But if I misstated it, go ahead.
20 A. I don't know of any meeting.
21 Q. Okay. Are there any attorneys actually who

Page 91

1 are members of The Commission? I'm not talking about
2 AG -- the AG's office, you know, having a lawyer for
3 you from -- but I'm talking about actual members of The
4 Commission who are actually themselves attorneys?
5 A. I think three.
6 Q. Okay. Can you tell me who they are?
7 A. Eric Sterling who I understand to be -- is
8 a nonpracticing attorney.
9 Q. Okay. But he's a member of the bar. But
10 go ahead.
11 A. I don't even know if he's a member of the
12 bar. I can't -- don't know that.
13 Q. Okay.
14 A. John Gontrum I believe is an attorney.
15 Works for the comptroller.
16 Q. Okay.
17 A. And Allison Taylor I believe is an -- she
18 was with The Commission during this time period. Now
19 has a different function at -- within the Department of
20 Health and Mental Hygiene. Or its got a new name now.
21 I don't know.

Page 92

1 MS. NELSON: Effective October 1st.
2 THE WITNESS: Oh, okay.
3 MR. BROWN: Okay. That's correct. Off the
4 record.
5 (A discussion was held off the record.)
6 Q. Did you read -- go back. I'm sorry. Was
7 there any committee or subcommittee of The Commission
8 that was tasked specifically with regard to addressing
9 potential constitutional issues with the language of
10 the legislation which says that The Commission shall
11 actively seek racial, ethnic diversity in the issuance
12 and selection of medical cannabis growers' licenses?
13 A. I don't know.
14 Q. Okay. Did you read Delegate -- the letter
15 to Delegate West from Ms. Rowe?
16 A. At some time, yes.
17 Q. Okay. Is it your understanding that the
18 letter indicates that The Commission cannot conduct
19 race or ethnic conscious criteria in the selection
20 process?
21 A. That's the explanation provided.

Page 93

1 Q. Would it be more accurate in your
2 understanding that that would be true in the absence of
3 a disparity study, but if a disparity study were
4 conducted, then, in that instance, The Commission could
5 consider race and ethnic conscious criteria given the
6 results of the disparity study in the selection and
7 application process?
8 A. That is my understanding.
9 Q. But sitting here today -- as we sit here
10 today, to this day, a disparity study has not been
11 conducted; is that correct?
12 A. Not to my knowledge, no.
13 Q. Okay. Notwithstanding the fact that the
14 law specifically states that racial and ethnic
15 considerations -- strike that.
16 I'm going to state it precisely. That The
17 Commission shall consider and actively seek racial and
18 ethnic diversity in the application and selection
19 process --
20 MS. NELSON: Objection.
21 MR. BROWN: I haven't even finished my

Page 94

1 question yet.
2 MS. NELSON: It's -- but you are misstating
3 the statute.
4 Q. Okay. You would agree with me that the
5 statute states that The Commission shall actively seek
6 racial and ethnic diversity in the application and
7 selection process?
8 MS. NELSON: Objection.
9 MR. BROWN: Okay.
10 MS. NELSON: That's not what the statute
11 says.
12 MR. BROWN: Tell me what you think the
13 statute says.
14 MS. NELSON: Shall actively seek to achieve
15 racial and ethnic diversity in licensing.
16 MR. WARNKEN: That's not what it says
17 either.
18 MS. NELSON: Do you have it handy?
19 MR. WARNKEN: "The Commission shall
20 actively seek to achieve racial, ethnic and geographic
21 diversity when licensing medical cannabis growers."

Page 95

1 MS. NELSON: Thank you.
2 Q. Okay. Why is it, if you know, that The
3 Commission was advised that it could make -- that the
4 law requires those considerations to be made when in
5 the licensing process, that The Commission received
6 advice that they could make those considerations if a
7 disparity study was conducted? No disparity study was
8 conducted, but nonetheless, Stage 1 preapprovals were
9 issued. Why is -- why did that happen?
10 A. I don't know.
11 Q. Who made the decision to issue Stage 1
12 preapprovals, notwithstanding the facts that I just
13 outlined to you in my last question?
14 A. I don't know the -- I don't know the
15 individual that brought that issue up. I don't know
16 that. I know we voted on those preapprovals as a
17 commission.
18 Q. At any time during the vote when -- we'll
19 get to RESI in a little bit -- when you got the
20 rankings and you were going to come to vote, did anyone
21 speak out, raise their hand, express concerns, any

Page 96

1 other way you want to phrase it, and say, hey, wait a
2 minute, we got a problem, we haven't -- and I'm
3 paraphrasing here obviously -- we haven't considered
4 racial and ethnic diversity in the licensing process,
5 that could raise a problem for us? Did that happen, or
6 anything like that?
7 A. No. In light of the West letter, for lack
8 of a better terminology --
9 Q. Right.
10 A. -- that -- that subject was not discussed
11 again.
12 Q. Well, doesn't the West letter talk about
13 conducting a disparity study?
14 A. The West letter also alludes to the fact
15 that the capability to conduct a disparity study in the
16 absence of -- and I really don't know the terms that
17 describe what -- what some of the problems here are.
18 In the absence of -- because this is a new
19 growth or an upstart industry, in the absence of
20 comparables -- and that may be the wrong word,
21 unfortunately, is why it could not be done at that

Page 97

1 time.
2 Q. Did The Commission ever talk about putting
3 on the brakes on the issuance of Stage 1 approval --
4 approvals pending the disparity study?
5 A. I'm not certain of that.
6 Q. Well, is -- you are not certain. Was it
7 discussed?
8 MS. NELSON: Objection. Asked and
9 answered.
10 A. I don't know specifically if it was
11 discussed or not.
12 Q. So I was asking you about Stage 1
13 preapprovals. But now Stage 2 licenses are getting
14 ready to be issued; is that correct?
15 A. Sometime in the near future.
16 Q. Right. Well, now that the governor -- and
17 we have it as an exhibit -- has ordered a disparity
18 study to be conducted, has The Commission discussed
19 halting or delaying the issuance of Stage 2 licenses
20 until such time as a disparity study is conducted,
21 completed and reported to The Commission?

Page 98

1 A. Not to my knowledge.
2 Q. Okay. In your capacity as a commissioner
3 and as vice chair of the commissioner [sic], if such a
4 discussion were taking place, you would know about it,
5 wouldn't you?
6 A. I guess I should clarify my position. The
7 explanation regarding the West letter was about
8 constitutionality issues. And about the fact that a
9 disparity study could not be conducted at this time
10 because -- I say comparables, and I apologize for that.
11 I don't know the terms --
12 Q. I understand.
13 A. -- by which you gather information to see
14 whether there is a disparity or not. I don't know that
15 terminology. That -- that -- that those two things is
16 what caused the removal of that from the regulations.
17 Q. Were the -- was there a discussion made
18 about possible -- made. Was a discussion had about
19 possible comparables for a disparity study purpose?
20 A. Yes.
21 Q. Well, medical marijuana is medicine.

Page 99

1 That's what they call it, medical cannabis, correct?
2 A. Right.
3 Q. So were -- was the possibility of comparing
4 medical cannabis to the pharmaceutical industry, for
5 example, considered as a comparable for disparity study
6 purposes?
7 MS. NELSON: Referring back to my standing
8 objection. Thank you.
9 A. I -- I believe so. And I believe also that
10 MDOT felt that that wasn't a comparable. And that
11 MDOT, as far as I know, are the specialists in this
12 field. It's certainly not my specialty.
13 Q. But now the governor has ordered a
14 disparity study to take place, hasn't he?
15 A. That's how -- that's how I understand it.
16 Q. So now that a disparity study has been
17 ordered to be -- to take place, and it is a disparity
18 study which would allow The Commission to consider
19 racial and ethnic diversity in the issuance of
20 licenses, why is it that The Commission hasn't halted
21 the issuances -- issuance of licenses pending the

Page 100

1 completion of the study which the governor has ordered
2 to take place?
3 MS. NELSON: Objection.
4 A. Notwithstanding the fact that the Cannabis
5 Commission is committed to getting medical cannabis to
6 patients in Maryland as soon as possible, I don't know
7 why that -- that -- I can't answer your question. I
8 don't know the answer.
9 (A discussion was held off the record.)
10 Q. I should have said it at the beginning. If
11 at any point you need a break, tell me and we'll take a
12 break. Okay?
13 A. I'm fine.
14 (Robshaw Exhibit 6 was marked for purposes
15 of identification.)
16 Q. Mr. Robshaw, I'm showing you what I've
17 marked as Exhibit Number 6. And this is a transcript
18 of an open meeting of The Commission that was held on
19 August the 5th, 2016. And as you see on the very first
20 page, you were the first person to begin speaking. Do
21 you see that?

Page 101

1 A. Correct. Yes.
2 Q. Okay. Have you ever seen this transcript
3 before?
4 A. I believe I have.
5 Q. And I'm going to ask you to trade with me
6 because I have my highlighted notes on that one.
7 (A discussion was held off the record.)
8 Q. And I would like, if you would, to -- turn
9 to Page 3, about two-thirds of the way down.
10 A. Okay.
11 Q. And it says -- the line that starts with
12 "Cannabis Commission." Do you see that?
13 A. Yeah.
14 Q. Okay. So I'm going to go up a little bit
15 because I'm going to start from the first sentence.
16 The beginning of that sentence. You said, "In Phase 2
17 we took a different perspective and looked, because the
18 statute, the superseding statute of the legislation for
19 Medical Cannabis Commission, stated specifically in
20 133306(A)(9)(i)1 'The Commission shall actively seek
21 geographic diversity when licensing medical marijuana

Page 102

1 growers." First of all, did I read your testimony
2 correctly?
3 A. That's correct.
4 Q. Okay. Is there a reason when you gave that
5 testimony you omitted the section or the words of the
6 legislation which also speak to racial and ethnic
7 diversity in licensing medical marijuana growers?
8 MS. NELSON: Objection.
9 Mischaracterization, but go ahead. It's not the
10 testimony.
11 A. Was there a reason, no.
12 Q. Why didn't you refer to racial and ethnic
13 diversity when quoting directly from this statute and
14 only refer to geographic diversity?
15 A. I guess I'm repeating myself in -- in light
16 of the last -- West memorandum. It was not under
17 consideration at that time.
18 Q. Okay. But the legislation didn't change,
19 to your knowledge, correct?
20 A. Correct.
21 (A discussion was held off the record.)

Page 103

1 Q. You went on to say in your testimony, which
2 you still have in front of you --
3 A. Uh-huh.
4 Q. -- that, "We interpreted that to mean from
5 the legislation that" -- I'm sorry. I'm going to start
6 over again because I misstated it. "We interpreted
7 that to mean from the legislature, that they thought
8 that was pretty important, and as a result, we thought
9 it was pretty important too." Do you see that?
10 A. Yeah.
11 Q. Okay. So you thought that "you" being The
12 Commission, and you particularly as a commissioner,
13 thought that -- the legislature thought that it was
14 pretty important to have geographic diversity in the
15 licensing process; is that correct?
16 A. That's correct.
17 Q. But the legislature also thought,
18 therefore, that it was pretty important to have racial
19 and ethnic diversity in the licensing process; isn't
20 that correct?
21 A. Yes.

Page 104

1 Q. It's in the same sentence of the law,
2 right?
3 A. Yes.
4 Q. Okay. Did The Commission ever receive
5 direction from anyone to cease consideration of racial
6 and ethnic diversity in the licensing process?
7 A. I don't like the word "cease," but we were
8 given legal advice not to consider that.
9 MS. NELSON: Objection.
10 Q. And I -- and just so you know for the --
11 for the record -- and I -- I know we are on opposite
12 sides of the table, but I mean this sincerely because
13 I -- I don't want you to tell me what your lawyers told
14 you. Okay?
15 A. Okay. Then I --
16 Q. So -- and we can -- when I asked you did
17 you ever receive instruction from anyone, that doesn't
18 include your lawyers.
19 A. Okay.
20 Q. Okay?
21 A. Thank you for that.

Page 105

1 Q. That's -- that's fine.
2 A. So my answer is no.
3 Q. Okay. And I'll -- I'm going to rephrase
4 that a bit. Okay. I have the right to know that
5 you're not answering a question because it's based on
6 legal advice. Okay. So don't just answer no in the
7 future saying I'm not going to say something like -- in
8 a paraphrase, I'm not going to answer that question
9 because it's based on result -- advice I received from
10 counsel. Okay. Because I have the right to know
11 you're asserting a privilege because I have the right
12 to challenge a privilege that you are asserting.
13 So don't -- so other than from lawyers, did
14 you ever receive advice from anyone, or direction from
15 anyone, to stop considering racial and ethnic diversity
16 in the licensing process?
17 A. As I described, Hannah had discussed this
18 too.
19 Q. Okay.
20 A. And I'll stop there.
21 Q. Okay. I'm asking these questions because I

Page 106

1 don't know the answer. Does the legislation limit the
2 number of growers and processors, or is that something
3 that's set forth in regs that are promulgated as a
4 result of the legislation?
5 A. The legislation limits the number of
6 growers and the number of dispensaries. It has no, no
7 cap on -- on processors.
8 Q. Did you have any input into the legislation
9 itself, or did you get involved after the legislation
10 was already enacted? Not the regs, the actual
11 legislation?
12 A. I had no involvement in that.
13 Q. Okay. So when you became a commissioner,
14 the limits on the numbers of growers and distributors
15 was already in effect?
16 A. On growers and dispensaries.
17 Q. I'm sorry. You are right.
18 A. Right.
19 Q. That was already set in the law. You had
20 nothing to do with the number whatsoever?
21 A. Correct.

Page 107

1 Q. Okay. Are you aware of any efforts by The
2 Commission or any of its members to modify or change in
3 any way the number of growers and dispensaries that are
4 currently provided for in the legislation?
5 A. No.
6 Q. Okay. Is there a difference between a
7 grower and a processor?
8 A. Yes.
9 Q. And there is also a difference between a
10 grower, a processor, and a dispensary, correct?
11 A. Correct.
12 Q. What's the difference between a grower and
13 a processor?
14 A. A grower actually produces medical
15 cannabis.
16 Q. Okay.
17 A. A processor takes that medical cannabis in
18 the leaf form and converts it into oils and aerosols
19 and other means of application.
20 Q. Is there a limit in the legislation to the
21 number of processors that are allowed as opposed to the

Page 108

1 number of growers and dispensaries that are allowed?
2 A. No.
3 Q. Okay. Did you have any involvement in the
4 amount of processors that would be permitted by
5 regulation?
6 A. No.
7 Q. Is there a limit on the number of
8 processors?
9 A. No.
10 Q. So that as far as that is concerned, the --
11 The Commission issues processors' licenses; is that
12 correct?
13 A. Correct.
14 Q. And there is no limit on that as -- like
15 there is for growers and/or dispensers -- dispensaries?
16 A. We imposed a -- not a cap of any measure.
17 We imposed a limit of 15 as a starting point because
18 our concern was that with growers coming up, processor
19 coming online, and dispensaries, we wouldn't have the
20 compliance and inspection capabilities to all those
21 things at one time.

Page 109

1 So the -- the processor limit of 15 was a
2 temporary stay, if you will, in order to get -- allow
3 The Commission's compliance process to come up and
4 running.
5 Q. Okay. I want to get to the -- the
6 application process itself for a moment. What, if any,
7 role did you have in designing the application that
8 growers, processors and dispensary applicants would
9 need to complete in order to apply for a license?
10 A. I played a small role in the security
11 aspect of the application.
12 Q. And you, I suppose, drew from your law
13 enforcement experience in doing so?
14 A. That's -- that's why I was on The
15 Commission to start with, from the security aspect.
16 Q. Right. Other than the security aspect, did
17 you have any role in the design of the application?
18 A. No.
19 Q. Can you tell me what research or
20 investigation you conducted in order to become aware of
21 what security procedures would need to be present at

<p style="text-align: right;">Page 110</p> <p>1 a -- the various types of facilities? 2 A. First of all, 43 years of experience as a 3 police officer. But I had been trained and I conduct 4 home and commercial security surveys, specifically in 5 our town, but when I was with the county, I did them in 6 environmental design. And I've also had the 7 opportunity to visit an existing grow location. 8 Q. Where? 9 A. In Washington, D.C. 10 Q. Did you attend any courses, seminar, online 11 education concerning specifically the security needs of 12 growing facilities, dispensaries and processing 13 facilities? 14 A. No. 15 Q. Okay. I understand that you have over 40 16 years of law enforcement experience, but would you 17 agree with me that given the nature of these 18 businesses, the security concerns of -- may be 19 specialized to the industry? 20 A. No. 21 Q. Why not?</p>	<p style="text-align: right;">Page 112</p> <p>1 in D.C.? 2 A. I don't know the name of the company. It 3 was in southeast. 4 Q. If I asked you through counsel to provide 5 me with the location, would you be able to look back on 6 your logs and tell me that? 7 (A discussion was held off the record.) 8 A. I don't -- I don't know. 9 Q. Let me ask you this question. 10 A. I didn't arrange the meeting. I just went. 11 Q. Did anybody go with you from The Commission 12 or from anyplace else? 13 A. I believe Eric Sterling went. And I 14 believe Debbie Marin went. 15 Q. Was it prearranged. 16 A. Debbie Marin arranged. 17 Q. When did you go? 18 A. Probably a year and a half, two years ago 19 probably. 20 Q. So before the issuance of Stage 1 21 preapprovals?</p>
<p style="text-align: right;">Page 111</p> <p>1 A. You are securing a product, whether it's 2 medical cannabis, whether it's valuables. 3 Q. So it doesn't make a difference whether you 4 are talking about a cell phone store or medical 5 cannabis, it's all the same? 6 A. Well, I think the -- let's compare the 7 security of a bank with the security of a 7-Eleven 8 store. I mean, there is -- you can argue they -- they 9 say they need the same security. I would disagree with 10 that statement. 11 Q. Right. So I guess my question -- how is it 12 that you made yourself aware of the security needs for 13 this particular type of business? 14 A. Like I said, I have had particular training 15 in home -- residential and commercial security. I 16 visited a grow location in D.C. without speaking to 17 them about their security issues. I noted those things 18 myself. And then I applied what I know and what I have 19 observed into the best protection that I think is 20 possible for a grow location. 21 Q. Where -- which grow location did you go to</p>	<p style="text-align: right;">Page 113</p> <p>1 A. That's correct. 2 Q. Okay. 3 A. Before the regulations were written -- 4 written regarding security. 5 Q. Right. Because that's -- you used your 6 expertise and the visit that you made to this facility 7 to assist you in putting together the security portion 8 of the application, right? 9 A. Right. 10 Q. Okay. This is going to sound like -- if 11 I ask you -- if we got in a car right now, could you 12 drive me there from memory? 13 A. No. 14 Q. Okay. All right. 15 MR. BROWN: I'm at a bit of a breaking 16 point. If you want to take a little bit. 17 (A recess was taken.) 18 Q. So I wanted to circle back. I checked my 19 notes a little bit over lunch. You stated that the -- 20 there is no longer a medical or a grower's licensing 21 subcommittee because the preapprovals have been issued.</p>

Page 114

1 Is that -- is that fair?
2 A. That's fair. The limit has been reached
3 set by the legislature.
4 Q. So there is no need for the subcommittee
5 anymore?
6 A. Well --
7 Q. Let me ask you a different way.
8 A. Five additional licenses were granted to
9 make a total of 20. Unless that got exceeded.
10 Q. Okay.
11 A. I can't imagine why we would have a growers
12 subcommittee meeting again.
13 Q. Right. So my question to you is, is there
14 a subcommittee that's been established to regulate or
15 oversee the growers themselves as opposed to the
16 potential licensees? I know there is an enforcement
17 division. I get that. But is there -- I'm talking
18 about a subcommittee within The Commission that's
19 overseeing the -- the future growers?
20 A. I would say absent the compliance structure
21 within The Commission, no.

Page 115

1 Q. Okay. So you said there was 15 initial,
2 right? And there was five additional licenses awarded?
3 A. Right.
4 Q. When were the additional -- not licenses,
5 the additional preapprovals awarded?
6 A. Preapprovals. At the same time.
7 Q. At the same time. So there was 15
8 license -- preapprovals -- don't look at Ms. Byron --
9 look at Ms. --
10 MR. WARNKEN: Nelson.
11 Q. -- Ms. Nelson. I'll stop -- stop doing
12 that. Look at me, please. It was 15 preapprovals and
13 there was five additional preapprovals?
14 A. No.
15 Q. What was there?
16 A. There was 15 preapprovals.
17 Q. Okay.
18 A. There was an additional five selected. In
19 the case that in that secondary approval process
20 someone failed, The Commission would not have to meet
21 again just to have to vote for one or two. We -- we

Page 116

1 buffered that out with five.
2 Q. They are waiting in the bullpen in case
3 something fell apart?
4 A. That's -- that's a fairly good analogy, I
5 guess.
6 Q. Okay. All right. So I'm just making this
7 up. I know there is no -- nothing hidden in this
8 question.
9 A. No.
10 Q. If, for example, Grower X for whatever
11 reason wasn't able to qualify for a Stage 2 approval,
12 then in that instance Number 16 would step up and be
13 in -- fill that spot? Is that a fair way to put it?
14 A. That's correct.
15 Q. All right. Are those -- go back. There
16 were two growers who were in the top 15 who then got
17 bumped out in lieu of two growers who were in the top
18 20, but not in the top 15; is that correct?
19 MS. NELSON: I'm going to object again.
20 Invoking my prior deliberative process privilege. Also
21 relevance. But go ahead.

Page 117

1 Q. Go ahead.
2 A. I'm not sure of that. I think one of the
3 six -- it was either the 20th or the 21st position. I
4 don't recall which one got moved down.
5 Q. So was it your testimony that no one in the
6 top 15 who were initially informed that they received
7 preapproval were then informed that they did not have
8 that preapproval?
9 A. I -- you'll have to say that again. I
10 didn't understand you.
11 Q. Sure. You received -- "you" being The
12 Commission, received the rankings from RESI, right?
13 A. Correct.
14 Q. And I've read testimony from you or
15 statements from you where you said that The Commission
16 as a body accepted unanimously without change the
17 recommendations from RESI; is that correct?
18 MS. NELSON: Objection. Go ahead.
19 A. Based on the face, it was no substantial
20 reason based on evidence to do so.
21 Q. Right. And I know you had discussion about

Page 118

1 the word "substantial" and all that. So --
2 A. Okay.
3 Q. Okay. So -- but after that, there came a
4 time, because of considerations of geographic
5 diversity, that two growers who were initially in the
6 top 15 got moved out of the top 15, and two growers
7 that were not in the top 15 got put into the top 15; is
8 that correct?
9 MS. NELSON: Objection again to relevance.
10 MR. BROWN: Okay.
11 MS. NELSON: This has nothing to do with
12 this case, and so I'm wondering --
13 MR. BROWN: Well, geographic diversity is
14 part of our complaint.
15 MS. NELSON: -- on relevance.
16 MR. BROWN: Geographic diversity is part of
17 our complaint. Not just racial and ethnic diversity.
18 It's alleged in the complaint that our client's
19 geographic diversity was not considered in the awarding
20 or lack of awarding of our license.
21 MS. NELSON: Your -- I'm sorry. Where in

Page 119

1 the complaint is that?
2 MR. BROWN: Mr. -- for the record,
3 Mr. Warnken is pointing Ms. Nelson to the relevant
4 portion of the complaint.
5 MS. NELSON: This has nothing to do with
6 your -- your client.
7 MR. BROWN: How so?
8 MS. NELSON: This relates to the GTI
9 litigation. This doesn't refer to your entity.
10 MR. WARNKEN: That's directly from our
11 complaint.
12 MS. NELSON: Yes. And the allegation
13 doesn't relate to your client; isn't that right? There
14 is no allegation that your client's geographic
15 diversity was or wasn't considered.
16 MR. BROWN: This is the allegation. I'll
17 read it for the record. "First" -- Paragraph 2,
18 "First, The Commission was derelict in it's
19 legislatively mandated duty to actively seek and
20 achieve racial and ethnic and geographic diversity when
21 licensing cannabis growers. The Commission ignored

Page 120

1 race and ethnicity throughout the licensing process in
2 clear contravention of the authorization --
3 authorizing" -- sorry -- "statute. Then, The
4 Commission compounded it's failure by replacing top
5 ranked applicants with lower ranked applicants in the
6 name of geographic diversity, but gave no consideration
7 to the ethnic and racial diversity of its applicants."
8 So, indeed, part of our allegation is that
9 The Commission failed to consider geographic diversity
10 in addition to racial and ethnic diversity in the
11 awarding of licenses.
12 MS. NELSON: Where does it say that The
13 Commission failed to consider geographic diversity?
14 MR. BROWN: And even if you believe it's
15 irrelevant, and we can argue that before a court, it is
16 not a ground, like privilege, where you can instruct
17 your client not to answer the question.
18 So I understand your objection. But if
19 you're going to instruct our -- your client not to
20 answer the question, we can call a judge.
21 MS. NELSON: Your client took a position --

Page 121

1 MR. BROWN: Look, I'm not going to argue
2 with you.
3 MS. NELSON: -- that consolidation --
4 MR. BROWN: Make -- make -- make --
5 MS. NELSON: -- of this case with GTI was
6 inappropriate.
7 MR. BROWN: -- make your -- sorry. Make --
8 wait a minute.
9 MS. NELSON: And now the questions being
10 asked relate to the GTI litigation.
11 MR. BROWN: I'm not asking at all about the
12 GTI litigation. I'm asking about this litigation. And
13 you have your every right, and I respect it, to make an
14 objection for the record, but it is not an objection
15 like privilege -- I'm repeating myself -- where you
16 are -- would be correct in instructing your client not
17 to answer the question. So if you are going to do
18 that, I'll go -- I'll get the judge on the phone. I'm
19 not going to argue with you anymore. So if you --
20 MS. NELSON: I would like to proffer on
21 relevance because I don't --

Page 122

1 MR. BROWN: The relevance is that the
2 complaint in general alleges failure of The Commission
3 to comply with the direction of the legislature to
4 actively seek racial, ethnic and geographic diversity.
5 And I have the right to ask my -- to ask your witness
6 questions about what The Commission did or did not do
7 to achieve that -- those goals.
8 MR. WARNKEN: If I may?
9 MR. BROWN: Sure.
10 MR. WARNKEN: We've asked for a preliminary
11 injunction, a permanent injunction, and a declaratory
12 judgment. This is relevant to all three of those.
13 And, again, just state the -- have a standing objection
14 on relevance.
15 MS. NELSON: In -- in what way is this
16 relevant to the injunctions?
17 MR. BROWN: Well --
18 MR. WARNKEN: We just read from our
19 complaint.
20 MR. BROWN: -- wait. There is no
21 requirement under the rules for us to -- for me to

Page 123

1 debate you with regard to your objection. If it's a
2 privilege thing or other objection in that nature, I
3 get it and then we would have to get -- you can
4 instruct your client not to answer and then we can go
5 before a judge and let him or her just tell us whether
6 your objection is correct.
7 For relevance or any other nonprivilege
8 kind of objection -- again, I'm repeating myself,
9 you -- you know, I'm not going to debate. Make your
10 objection and then we'll move forward and we'll see
11 what the judge says.
12 MS. NELSON: I'm going to need a minute
13 because I'm not sure if we should call his Honor now to
14 sort this out.
15 MR. BROWN: Well, so --
16 MS. NELSON: I'm a little bit concerned
17 that your client took the position in open court that
18 consolidation of your case with GTI was inappropriate
19 because the scopes of the litigation were very
20 different. And now we are looking at using as exhibits
21 discovery from the other case relating to geographic

Page 124

1 diversity.
2 MR. BROWN: I'm not --
3 MS. NELSON: And you're inquiring about
4 deliberative process information, which I'm not going
5 to instruct the witness not to answer, but which is
6 relevant to GTI's case rather than yours.
7 And so I'm -- I'm -- I am going to step out
8 for a minute and ask for a break so that we can
9 consider whether a call to chambers is -- is warranted.
10 MR. BROWN: Okay. That's fine. Just so
11 you know for the record, as you may have been aware
12 from an email that we all received from chambers, no
13 one is going to -- Judge Williams is not around. There
14 is no one available. He -- Judge Williams is not
15 around this week.
16 I, in advance -- in anticipation of not
17 this particular dispute, but of a deliberative process
18 dispute, I contacted the chambers of the judge in
19 charge of civil this morning just to find out what we
20 should do in the event we have a dispute.
21 MS. NELSON: Uh-huh.

Page 125

1 MR. BROWN: And I understand that we are to
2 call Judge's -- Judge Handy's chambers. She is the
3 judge in charge of civil if we have a dispute.
4 MS. NELSON: Thank you. My email from
5 chambers indicated that no one would be in Judge
6 Williams' office until today.
7 MR. BROWN: Right. And it's my
8 understanding that his staff is there today to receive
9 pleadings and hand deliveries, but Judge Williams
10 himself is not.
11 MS. NELSON: Thank you.
12 MR. BROWN: Yes.
13 MS. NELSON: Okay.
14 (A recess was taken.)
15 MS. NELSON: We need to call Judge Handy.
16 MR. BROWN: You know what, I need to -- I
17 want to -- I'm going to --
18 THE WITNESS: Is this a signal for me to
19 leave?
20 MR. BROWN: No, it's not because I want to
21 see if we have time at the end of the day to call Judge

Page 126

1 Handy. I want to keep moving through this deposition.
2 And I'll move on to something else.
3 MS. NELSON: Okay.
4 MR. BROWN: But mark that please so we can
5 go back later today. Okay?
6 (Robshaw Exhibit 7 was marked for purposes
7 of identification.)
8 Q. Mr. Robshaw, I'm showing you what I've
9 marked as Exhibit Number 7. It's a printout of an
10 article from the Washington Post from October --
11 October -- August 26th, 2016. Have you ever read this
12 article before?
13 A. Not to my knowledge.
14 Q. Okay. Do you recall being interviewed by
15 the Washington Post on or about that time and giving
16 the quotes that are attributed to you, beginning at the
17 bottom of Page 2 of the exhibit, which begins, "But
18 Colonel Harry Robshaw"?
19 A. I remember talking to a Washington Post
20 reporter as set up by The Commission, but I don't
21 remember the date.

Page 127

1 Q. Okay. Do you dispute that you said, "It's
2 frustrating that somehow we should have interpreted the
3 letter differently"?
4 A. I believe that to be accurate.
5 Q. Okay. Were you aware -- if you go up a few
6 paragraphs from your quote where Ms. Raq -- Raquel
7 Coombs -- C-O-O-M-B-S -- said, "The Commission could
8 have researched whether there is evidence of racial
9 disparity in industries similar to medical marijuana."
10 Are you aware of that quote?
11 A. No.
12 (The reporter asked for clarification.)
13 MR. BROWN: R-A-Q-U-E-L.
14 Q. Okay. You understand, don't you, that The
15 Commission did not request the opinion letter that was
16 addressed to Delegate West, correct? Delegate West
17 requested that?
18 A. Yes, but I'm -- I'm -- I believe that DHMH
19 made the same request. But I don't -- I'm hesitant to
20 say that be -- I've heard that, but I don't know that
21 to be true. But I was under the impression that DHMH

Page 128

1 made a similar request of that.
2 Q. Without telling me the contents of any such
3 response to a DHMH request, are you aware of any other
4 correspondence from the AG's office directed to -- to
5 The Commission or DHMH as opposed to Delegate West
6 giving a legal opinion? Without telling me what's in
7 it, are you aware of the existence of such a document?
8 A. I'm -- I'm going to say no.
9 Q. Okay. All right. There came a time when
10 The Commission retained a company called Hillman
11 Communications. Are you aware of that fact?
12 A. Yes.
13 Q. Why was Hillman Communications hired?
14 A. I don't know.
15 Q. Were -- did The Commission vote on whether
16 or not to hire Hillman Communications?
17 A. I don't recall such a vote.
18 Q. Okay. Do you know what Hillman
19 Communications -- what -- what kind of services they
20 provided?
21 A. No.

Page 129

1 Q. Have you ever met with anyone from Hillman
2 Communications?
3 A. Not to my knowledge.
4 Q. Have you ever seen any work product that
5 was produced by Hillman Communications?
6 A. Not that I recall at this time.
7 Q. So is it fair to say that you were not
8 involved in the decision making process to retain
9 Hillman Communications?
10 A. I've heard the name Hillman Communications.
11 I don't know what the specifics of that are.
12 Q. To your knowledge, and you've been in all
13 the meetings, one of which by phone, did Hillman
14 Communications ever come to any public or private
15 meeting of The Commission and make a presentation which
16 you listened to or read from?
17 A. Not that I recall.
18 Q. All right. Let's get to RESI or RESI. I'm
19 not sure how they pronounce their acronym. Regional
20 Economic Studies --
21 A. Economics.

Page 130

1 Q. -- Economics Studies Institute, correct?
2 You are aware of who they are, right?
3 A. Yes.
4 Q. Okay. Were you involved in their --
5 their -- the hiring process in which they were
6 retained?
7 A. No.
8 Q. Are you aware that there has been media
9 publications lately criticizing the hiring and auditing
10 procedures, views to -- to retain and -- obtain
11 services from RESI?
12 MS. NELSON: Objection. Go ahead.
13 A. I'm aware of an audit, yes.
14 Q. Okay. Are you aware of what the -- have
15 you seen the actual audit yourself?
16 A. No.
17 Q. Okay. Are you aware of the general
18 findings of the audit?
19 MS. NELSON: Objection. Go ahead.
20 A. No.
21 Q. Have you been present at any Commission

Page 131

1 meeting, public or private, which the findings of the
2 audit were discussed?
3 A. Yes.
4 Q. Okay. What was discussed?
5 MS. NELSON: Objection. Go ahead.
6 A. I -- I -- I just know an audit was
7 conducted. I didn't -- I haven't read the specifics of
8 the audit.
9 Q. Okay. Did you hear a presentation? I know
10 you haven't read it, but did you hear a presentation
11 or -- or discuss in general terms the findings of the
12 audit?
13 A. No.
14 Q. Okay.
15 A. I know there was an audit. That's --
16 that's agree.
17 Q. That's -- that's all you know?
18 A. That's all I know.
19 Q. So it could have been this was the best job
20 that we ever did for the entire state. It was the
21 greatest thing. It's a gold star audit. More people

Page 132

1 should act like this. It could be that, or this was
2 the worst job ever and you have no idea which one of
3 those they are?
4 A. I would have to suspect. So I'm not going
5 to -- I don't -- can't answer that question.
6 Q. Why was RESI retained to begin with?
7 A. I have no idea.
8 Q. Do you know what they were hired to do?
9 A. They were hired to do the evaluation of
10 growers, processors and dispensaries.
11 Q. Okay. And who provided the criteria to
12 RESI upon which to conduct the evaluation you just
13 described?
14 A. Some kind of a guidance subcommittee. I
15 wasn't a member of that.
16 Q. Okay. Do you remember who the chairperson
17 was of the guidance subcommittee?
18 A. Not positive. I went to one meeting in
19 which we discussed the values relating to security.
20 Q. Values like points to be awarded or --
21 A. Percentages --

Page 133

1 Q. Okay.
2 A. -- for security issues. But other than
3 that, I don't -- I don't know who -- who was in charge
4 of that.
5 Q. Other than the security concerns which went
6 into the selection process, were you involved in any
7 way in determining the criterion which RESI used to
8 evaluate the applications for the different categories
9 of cannabis providers, either growers, processors or
10 distributors?
11 A. I went to one meeting in which that was
12 discussed, but like I say, my focus was on the security
13 issue. I didn't get into some of the other issues that
14 went into that application process.
15 Q. Do you know how many applicants applied for
16 growers' licenses?
17 A. A little over a hundred, I believe.
18 Q. Okay. Did you personally review every
19 application for a grower's license?
20 A. I would say --
21 MS. NELSON: Going back to the standing

Page 134

1 objection.
2 A. I would say nearly every one of them.
3 Q. To your knowledge, was every application
4 that was submitted to The Commission for growers'
5 license also then submitted to RESI for scoring?
6 A. I don't know that.
7 Q. Okay. So I'm -- I'm just making up numbers
8 for example purpose. Give you that warning in advance.
9 Hypothetically speaking, if there were 110
10 applicants -- applications submitted to The Commission,
11 you can't tell me one way or the other whether all 110
12 of them were given to RESI or not?
13 A. I know -- the only application I ever saw
14 was a redacted one. So I can't tell you -- I -- no,
15 I -- I can't tell you that. I don't know that answer.
16 Q. Do you know how many scores you got back
17 from RESI with regard to growers' licenses -- growers'
18 license applications?
19 A. I don't know a specific number.
20 Q. Okay. And you can't tell me if the number
21 of scores you got back from RESI equaled the number of

Page 135

1 scores -- I'm sorry. Equaled the number of
2 applications submitted to The Commission?
3 MS. NELSON: Asked and answered.
4 A. No, because some were -- had redaction
5 errors and stuff like that. So I -- I don't know what
6 that --
7 Q. What do you mean by that? What does one
8 thing have to do with the other?
9 A. Well, I -- some were not scored because of
10 redaction errors.
11 Q. To your knowledge, other than redaction
12 errors, is there any other reason why an application
13 would not have been scored?
14 A. I don't -- I don't know.
15 Q. So you can't tell me one way or the other?
16 A. I had nothing to do with that process. And
17 I -- I can't give you an answer, no.
18 Q. Okay. I'm sorry if we are talking around
19 each other.
20 A. Oh, no.
21 Q. I'm not -- I'm not trying to do that. So

Page 136

1 we know that some of the applications, based on what
2 you just told me, that were submitted to RESI were not
3 scored because they had redaction errors. So let's put
4 that in a pile over here. Okay?
5 A. Okay.
6 Q. What I'm trying to find out -- and forgive
7 me if I'm being repetitive, but I'm trying to make sure
8 that we are getting the information -- you are
9 answering the question that I'm asking. To your
10 knowledge, were there any applications that didn't even
11 get to that point, that is not scoring because of
12 redaction errors because The Commission, for whatever
13 reason, didn't even send them to RESI?
14 A. I don't know.
15 Q. Okay.
16 MS. NELSON: Can we take a very quick
17 break?
18 MR. BROWN: Sure. If you need to.
19 Absolutely.
20 MS. NELSON: Can you come with me?
21 MR. BROWN: Well, if you are -- there is no

Page 137

1 question pending at the moment, but I would object to
2 counsel speaking with the witness about matters
3 pertaining to the deposition while he's under oath. In
4 my view, it's no different than we take a lunch break
5 during trial and you go talk about his testimony while
6 he's still on the stand. He's under oath. And if
7 you -- if you need a -- if you need a break to use the
8 ladies' room or to discuss what time he's got to leave,
9 no problem. But merits I've got a big problem.
10 MS. NELSON: We'll take care of it on
11 redirect then.
12 MR. BROWN: Okay.
13 Q. Is it your testimony that you were not
14 involved in any manner with the decision to hire RESI
15 as the Commission's consultant in this regard?
16 A. That's correct.
17 Q. Were there -- was there a subcommittee that
18 was involved in doing that?
19 A. I don't know.
20 Q. Do you know -- can you describe at all how
21 RESI, as opposed to someone else or some other entity,

Page 138

1 was selected to -- to perform this task?
2 A. I'm not sure.
3 Q. There came a time that RESI reported their
4 rankings for growers to The Commission; is that
5 correct?
6 A. Yes.
7 Q. And you were present for that meeting?
8 A. Let me be certain what you are asking me.
9 I saw the rankings only by numeric identifier. I don't
10 know any of the --
11 (A recess was taken.)
12 Q. When the rankings came in, they had numeric
13 identifiers, but you had no other information about who
14 was who?
15 A. Correct.
16 Q. When you received the numeric identifier,
17 did you receive any information concerning where in the
18 state each provider was -- each potential licensee was
19 from?
20 MS. NELSON: In addition to the continuing
21 objection on deliberative process privilege, we are

Page 139

1 getting back to an objection on relevance.
2 The information relating to where people --
3 applicants were located is not relevant to your
4 client's allegations, it's not likely to lead to
5 discovery of admissible evidence.
6 MR. BROWN: Mark this for me.
7 (Robshaw Exhibit 8 was marked for purposes
8 of identification.)
9 Q. I'm showing you what's --
10 MR. BROWN: Counsel, you have a copy,
11 correct?
12 MS. NELSON: Yes.
13 Q. I'm showing you what's been marked as
14 Exhibit Number 8. Can you identify that document for
15 me?
16 MS. NELSON: I'm going to continue to
17 object on relevance. I would like a proffer as to what
18 this relates to in your client's complaint.
19 MR. BROWN: Well, you've alleged standing,
20 and as I've reiterated, to -- and if you want, I'll
21 print out a copy and I'll make the entire complaint and

Page 140

1 exhibit to this deposition -- it's our position that
2 the allegations in the complaint go directly to
3 geographic diversity as well as racial and ethnic
4 diversity.
5 And you can have your objection. If you
6 would like, I'll make a copy of the complaint an
7 exhibit and then we can argue it in front of a judge at
8 some future time.
9 MS. NELSON: I think that's what we should
10 do. I think we should call Judge Handy about this line
11 of questioning. It's not in dispute that The
12 Commission considered geographic diversity. Your
13 client's complaint vaguely alleges that it considered
14 geographic diversity, but did not consider racial and
15 ethnic diversity. The Commission does not dispute that
16 it considered geographic diversity, and this line of
17 questioning is not likely to lead to the discovery of
18 admissible evidence in your case.
19 MR. BROWN: Fine. I'll get Judge Handy's
20 phone number.
21 (A recess was taken.)

Page 141

1 MR. BROWN: So first thing you should know,
2 Your Honor, and if you object say so. This is a
3 deposition and the court reporter is here, and she's
4 taking down everything that's being said. And I'm here
5 with my opponent, opposing counsel, Ms. Heather Nelson,
6 and my cocounsel, Byron Warnken. The witness is also
7 present with us.
8 JUDGE HANDY: Okay.
9 MR. BROWN: So Your Honor.
10 JUDGE HANDY: I had received your message
11 this morning.
12 MR. BROWN: Right.
13 JUDGE HANDY: And I asked my law clerk, and
14 he did, he called your office and asked you to arrange
15 a phone conference before the deposition took place.
16 MR. BROWN: That -- and I realize that, but
17 by the time I received that message, Your Honor, the
18 deposition was already taking place. And with regard
19 to the issue that I thought was going to be disputed
20 between us, Ms. Nelson had made a standing objection
21 for the record, but was allowing her witness to answer

Page 142

1 questions concerning the disputed area. Now -- now
2 we -- she hasn't instructed her witness not to answer a
3 question yet.
4 MS. NELSON: And I'm still unaware of the
5 subject of the prior call to chambers.
6 MR. BROWN: That was just -- what I -- I
7 called -- just for the record, so Ms. Nelson knows, I
8 called chambers and made it aware of Judge Williams'
9 order. And I made it aware that I believed, and it
10 turns out incorrectly, that you may be instructing your
11 client not to answer questions concerning deliberative
12 process privilege.
13 JUDGE HANDY: All right. That wasn't the
14 message -- the message that I received states -- give
15 me a copy of the message, please, from Mr. Brown,
16 please. I'll -- I'll tell you exactly what the message
17 said.
18 I was at the court management meeting this
19 morning. When I returned to my office, my law clerk
20 gave me a message. Oh, you had it. Okay. It says,
21 "To Judge Handy from Brian Brown, date 5/10, 9 o'clock.

Page 143

1 Phone Number 410-547-0202. Judge Williams denied
2 motion to quash. Time sensitive issue. But especially
3 assigned to him and he's out of town. Who should he
4 speak with?" And then the case number.
5 So I had my law clerk call Mr. Brown's --
6 the number that he left and instruct the staff for him
7 to schedule a conference call with all the parties on
8 the line.
9 MR. BROWN: Right. So the message was a
10 little bit more than that. I explained to your --
11 your -- your law clerk that the time sensitive issue
12 was a deposition that was occurring today, and we might
13 need the intervention of the discovery judge, but we
14 couldn't speak to the discovery judge because the case
15 has been especially assigned to Judge Williams who is
16 ruling on all issues in the matter in this case. But
17 Judge Williams is not around. So who should I speak to
18 in lieu of Judge Williams if we need to contact a
19 discovery judge during this deposition. That's -- that
20 was what I conveyed.
21 And then Ms. Nelson came in, and rather

Page 144

1 than having to engage the court, Ms. Nelson thankfully
2 said she just had a standing objection and would not be
3 objecting or instructing her witness not to answer
4 based on the issues concerning the motion that Judge
5 Williams had ruled upon.
6 Now we are at a different -- totally
7 different issue. Nothing to do with Judge Williams'
8 denial of the motion, but we need a discovery judge, or
9 in this case Judge Williams because he's been
10 especially assigned to rule on a current dispute that
11 we have.
12 JUDGE HANDY: Okay. So what's the issue?
13 MR. BROWN: The -- the issue is this. Just
14 to bring you up to speed, this is a case --
15 JUDGE HANDY: Before you go on to that,
16 let's just say this. I -- I do know that Judge
17 Williams did make the court aware that this motion to
18 stay was filed on -- on May 8th there was a motion to
19 stay Circuit Court proceedings filed by the Attorney
20 General's Office, but, of course, it is not like there
21 was no motion to shorten time or anything else filed.

Page 145

1 So it's not even like for ruling. I just wanted to put
2 that out there.
3 MR. BROWN: Yeah. And just so -- so you --
4 so make the court fully aware because I want you to
5 have all the facts, that's correct, the motion to stay
6 was filed and our response is not yet due.
7 Ms. Nelson, on behalf of her client, has
8 also filed two pleadings in the Court of Special
9 Appeals. She noted an appeal of Judge Williams'
10 discovery order, and she filed a motion to stay these
11 proceedings in the Court of Special Appeals asking them
12 to issue an order staying the proceedings.
13 The notice to take appeal is a notice to
14 appeal, fine. The motion to stay, our response to that
15 motion is not yet ripe. So there are two concurrent
16 motions to stay, neither of which are ripe at this
17 moment.
18 JUDGE HANDY: Okay.
19 MS. NELSON: Your Honor, mindful of our
20 obligations in light of Judge William's May 3rd order,
21 my client and I appeared here this morning for the

Page 146

1 scheduled deposition and did make a standing objection
2 on deliberative process privilege as we have noted an
3 appeal on that issue. The client has cooperated in
4 good faith.
5 For full context, not only did Judge
6 Williams deny a motion to quash on deliberative process
7 privilege in this case, but also on May 3rd Judge
8 Williams granted a motion to compel and denied a motion
9 for protective order based on the deliberative process
10 privilege in a companion case, GTI Maryland v. MMCC.
11 Counsel for AMM has previously taken the
12 position that consolidation should not be granted in
13 those two cases. The cases are not appropriate for
14 consolidation because the allegations are very
15 different, and because the issues do not overlap.
16 Now, as we are here participating in the
17 deposition in good faith and compliance with the
18 pending order from the court, we object on relevance to
19 questions being posed that are intended to discover
20 evidence relevant to GTI's complaint and not relevant
21 to Alternative Medicine Maryland's complaint.

Page 147

1 The allegations underlying their causes of
2 action are very different. And the detailed
3 questioning that my client is now facing relates only
4 to GTI's cause of action.
5 The facts that they are -- that -- when
6 asked for a proffer, AMM noted an allegation in their
7 complaint alleging that The Commission failed to
8 consider racial and ethnic diversity, but did consider
9 geographic diversity. That is not a fact in dispute.
10 The Commission has agreed that it considered geographic
11 diversity in the award of preapprovals.
12 Not only is it a fact not in dispute in
13 this action, but those questions -- detailed questions
14 into how and why The Commission considered geographic
15 diversity are not likely to lead to the discovery of
16 admissible evidence in this case, which, instead,
17 focuses on The Commission's acts or alleged omissions
18 with regard to racial and ethnic diversity.
19 JUDGE HANDY: So wait. Were the questions
20 that were -- you are objecting to about geographic
21 diversity?

Page 148

1 MS. NELSON: Yes, that's right.
2 MR. BROWN: Well, if I may interpose my
3 response to Ms. Nelson's comments. First, as a general
4 principle, Your Honor, at a deposition, relevancy is,
5 while an objection that can be made for the record for
6 a judge to decide at some future point, is not a ground
7 to, in my view, contact the discovery judge, or in this
8 case the specially assigned judge who you are sitting
9 in in lieu of. It is you make an objection.
10 Relevance. And then the judge rules later if I want to
11 use it in a response to a motion or something like
12 that. So I don't even understand why we are on this
13 phone call.
14 MS. NELSON: If I may --
15 MR. BROWN: But -- but -- but -- but
16 getting -- getting to the merits, Your Honor, I dispute
17 vigorously Ms. Nelson's position that our complaint
18 does not go in addition to racial and ethnic -- the
19 failure of The Commission to consider racial and ethnic
20 diversity. It goes directly to The Commission's
21 failure to consider geographic diversity.

Page 149

1 Furthermore, Your Honor, the issues at hand
2 concerning -- regarding this line of questioning goes
3 directly to the issue of standing, my client's standing
4 to challenge The Commission's awarding or -- of
5 licenses and not awarding my client a license.
6 Therefore, for reasons of standing alone, it's
7 relevant.
8 And so for those reasons, Your Honor, you
9 know, if the court at some future point says, Mr.
10 Brown, your question is not relevant, fine. But at
11 this point at a discovery deposition, which is far more
12 broad than what may or may not be admissible at trial,
13 the court in this vacuum context, in my view, should
14 not get involved and rule on an objection which can be
15 ruled upon at some further point.
16 I have no intention of conducting free
17 discovery for the GTI plaintiffs. I'm trying to get
18 discovery for my client, Your Honor, who is AMM.
19 MS. NELSON: Your Honor, the reason why it
20 is insufficient to simply note the objection and move
21 on is -- is found in the procedural --

Page 150

1 JUDGE HANDY: Hold on. Can you start that
2 over, please?
3 MS. NELSON: Yes. The reason why it is
4 insufficient for The Commission to simply note the
5 objection and move on is because of the procedural
6 posture on the rulings of the deliberative process
7 privilege.
8 The Commission, much like the Board of
9 Physicians in Geyer v. Board of Physician's recently
10 ruled upon in July of this year by the Court of
11 Appeals --
12 MR. BROWN: Last year.
13 MS. NELSON: -- is an executive high level
14 decision maker -- thank you -- entitled to assert the
15 deliberative process privilege.
16 JUDGE HANDY: We haven't applied any
17 question they are asking.
18 MS. NELSON: I'm -- I'm --
19 JUDGE HANDY: Wouldn't your argument apply
20 to any question that they are asking?
21 MS. NELSON: My argument as to privilege or

Page 151

1 relevance? What -- I'm -- I'm not.
2 JUDGE HANDY: Well, if that's -- what we
3 are talking about now is relevance, correct?
4 MS. NELSON: Yes. Yes.
5 JUDGE HANDY: And you are saying that the
6 reason that you -- that you are objecting is because of
7 this deliberative privilege?
8 MS. NELSON: I'm objecting because right
9 now The Commission has -- is facing a ruling that says
10 it cannot assert the deliberative process privilege.
11 Counsel in AMM, in this deposition here, is taking
12 opportunity to pursue immediate discovery of evidence
13 that is only relevant in the GTI case, knowing full
14 well that the adverse ruling on deliberative process
15 has been noted in a notice of appeal and is the subject
16 of a motion to stay. And knowing --
17 JUDGE HANDY: Well, that's what I'm saying.
18 Wouldn't that apply to any questioning of your witness?
19 No?
20 MS. NELSON: Your Honor --
21 JUDGE HANDY: Some of the questions

Page 152

1 don't -- you are not objecting to because it's not a
2 violation of the deliberative privilege?
3 MS. NELSON: Yes. And I have a standing
4 objection on deliberative process privilege. I have --
5 JUDGE HANDY: Sorry. Deliberative process
6 privilege.
7 MS. NELSON: Yes, Your Honor. And I've not
8 instructed my witness not to answer because I am
9 mindful that there is no order to stay.
10 JUDGE HANDY: But because you didn't file a
11 motion to shorten time.
12 MS. NELSON: I'm mindful that there is no
13 order to stay.
14 JUDGE HANDY: But I said because we
15 couldn't rule on it because it's not ripe. He didn't
16 file a motion to shorten time. That's why we couldn't
17 rule on it, right, before this deposition?
18 MS. NELSON: Yes. I imagine so. And so we
19 are here in good faith to work through discovery in
20 this case, seeking only a court ruling to prohibit
21 counsel from conducting discovery in a separate case

Page 153

1 where counsel has previously represented to the court
2 that the cases are not appropriately consolidated.
3 MR. BROWN: But the -- but the
4 consolidation has nothing to do with it, Your Honor.
5 JUDGE HANDY: I understand that.
6 MS. NELSON: It does.
7 JUDGE HANDY: Consolidation doesn't have
8 anything to do with it.
9 MS. NELSON: The representation to the
10 court was that the allegations were sufficiently
11 distinct, and they are. These cases, although both --
12 JUDGE HANDY: That doesn't mean that
13 certain information may not be relevant to both cases.
14 MS. NELSON: This information is not
15 relevant to the allegations in AMM's complaints. There
16 is no --
17 JUDGE HANDY: That's where I thought we
18 were.
19 MS. NELSON: There is no dispute --
20 JUDGE HANDY: Mr. Brown just proffered why
21 the information is relevant, and so that's what I was

Page 154

1 thinking you were going to respond to, why it is not
2 relevant.
3 MS. NELSON: Thank you, Your Honor. It is
4 not relevant to standing in any way. The allegations
5 are that AMM has standing based on their status as an
6 -- as an applicant for a medical cannabis grower
7 license. And there is no dispute that they were an
8 applicant for a medical cannabis grower license. They
9 were an unsuccessful applicant. There is no dispute
10 that they were an unsuccessful applicant.
11 There is no dispute that The Commission
12 considered geographic diversity in selecting applicants
13 for preapproval. And the only allegation in all of
14 plaintiff's complaint that they can point to that
15 invokes the phrase geographic "diversity" broadly
16 alleges that The Commission failed to consider racial
17 and ethnic diversity, but did -- but compounded that
18 error by considering geographic diversity.
19 The Commission does not dispute that it
20 considered geographic diversity. There is no
21 likelihood of leading to the discovery of admissible

Page 155

1 evidence on that point by asking my client how, what,
2 when and why they considered geographic diversity when
3 the client has already stated they did, in fact,
4 consider geographic diversity.
5 MR. BROWN: But, Your Honor, if they
6 considered -- our allegation is if they considered
7 geographic diversity at the expense of racial and
8 ethnic diversity, then it goes directly to our
9 allegations in the complaint. And we are at a
10 deposition, not a trial. If I asked this question at
11 trial and Ms. Nelson said objection, we would approach
12 the bench and Your Honor would make a ruling.
13 Furthermore, Your Honor, we allege
14 specifically in addition to the -- the -- the passage
15 that Ms. Nelson just quoted to you, we allege at
16 Paragraph 87, "The public interest is also served by
17 unraveling and correcting a flawed administrative
18 process at the outset.
19 The medical cannabis industry and
20 administrative oversight of the industry will expand in
21 coming years. Holding the Commission accountable for

Page 156

1 filling its statutory responsibilities -- and I'm --
2 I'm parenthetically saying racial, ethnic and
3 geographic diversity. Exercise good judgment. Not in
4 an arbitrary, capricious or unreasonable or illegal
5 manner and engage in reasoned decision making with will
6 lay a groundwork for effective oversight in the
7 industry -- of the industry in the future."
8 It's all laid out in our complaint, Your
9 Honor. And as I said, this is a discovery deposition.
10 And we have the right to very broad leeway in our line
11 of questioning at a discovery deposition.
12 JUDGE HANDY: Well, I don't know that I
13 completely agree with what you are saying. I mean,
14 see, you think you can just ask any question under the
15 sun.
16 MR. BROWN: Well, I agree with that too,
17 Your Honor, but I'm not doing that. I'm limiting it to
18 the mandate of the legislation, which says that The
19 Commission shall consider -- or, I'm sorry, shall
20 actively seek racial, ethnic and geographic diversity
21 without giving more weight to one than the other in the

Page 157

1 issuances of licenses.
2 And, Your Honor, if they -- if I'm -- what
3 I'm trying to find out, among other thing, is whether
4 they gave more weight to geographic diversity than they
5 gave to other elements that they were required to
6 consider.
7 JUDGE HANDY: Well, why is that relevant?
8 You are saying they gave no --
9 (The reporter asked for clarification.)
10 JUDGE HANDY: Well, that's what the -- the
11 objection is I thought.
12 MR. BROWN: Yeah.
13 MS. NELSON: That's right. It's not
14 relevant. The Commission has -- has a --
15 JUDGE HANDY: I'm sorry. Who is speaking?
16 MS. NELSON: This is Heather Nelson for The
17 Commission. The Commission -- it's not a fact in
18 dispute that The Commission considered geographic
19 diversity in the selection of preapproved applicants.
20 And it's not a fact in dispute that The Commission did
21 not use racial or ethnic diversity as a selection

Page 158

1 criterion in considering preapproved applicants.
2 And so it -- it logically follows that one
3 was considered, one was not. It's not a fact in
4 dispute. It's not relevant in this case. And it's not
5 likely to lead to the discovery of admissible evidence.
6 JUDGE HANDY: All right.
7 MR. BROWN: So your Honor, she -- you know,
8 Ms. Nelson says now that standing is not an issue. I
9 have two points to make. But in the answer to the
10 complaint, the defendant in this case, Ms. Nelson's
11 client, said we don't have standing. That's point one.
12 Point two, Your Honor, I'm standing, I'm
13 looking at Deposition Exhibit Number 8, which I know
14 you don't have in front of me [sic], but it's a listing
15 of counties from which applicants -- successful
16 applicants for licenses come from. And there is a
17 redacted portion to the left of the list of counties
18 where they had a unique identifier number. So, for
19 example, the first county listed is Frederick County.
20 And to the left of it is a redacted identifier number.
21 And it goes through and it lists all the counties, some

Page 159

1 of which are duplicated, who were awarded licenses.
2 This is a public document.
3 MS. NELSON: That is a discovery document
4 produced from RESI to GTI, not produced in this case.
5 MR. BROWN: Okay.
6 MS. NELSON: That's not a public document.
7 MR. WARNKEN: That's not true.
8 MS. NELSON: That is not a public document.
9 MR. WARNKEN: Your Honor, this is Byron
10 Warnken.
11 MS. NELSON: That was produced by RESI to
12 GTI.
13 MR. BROWN: Okay.
14 MR. WARNKEN: It was filed in a motion by
15 GTI.
16 MR. BROWN: Right. It's in the -- it's in
17 the court, it's a publicly available document.
18 MR. WARNKEN: It's publicly available.
19 MR. BROWN: It's filed in a motion that
20 anybody can go to court and look at, Your Honor. And I
21 can see here that my client, who is from Talbot

Page 160

1 County --
2 MR. WARNKEN: Correct.
3 MR. BROWN: -- Talbot County, and Talbot
4 County is not listed as receiving a license. And we
5 have the right to know whether my client's geographic
6 diversity from Talbot County impacted the nonselection
7 of my client's business, AMM, in the selection process.
8 Your Honor, the statute specifically says
9 The Commission shall consider these items, racial,
10 ethnic and geographic diversity. I have the right to
11 question this witness, who is the vice chairman of the
12 commission, Mr. Robshaw, about what process they went
13 through to consider these three items.
14 It doesn't matter if now The Commission
15 doesn't dispute that one was considered and two were --
16 I'm sorry -- two were not considered racial and ethnic
17 and one was considered geographic. I have the right to
18 question how geographic diversity was considered. Was
19 one county given preference over another county?
20 I know for a fact, and it's undisputed,
21 that in the name of geographic diversity, two initially

Page 161

1 successful applicants were removed and two unsuccessful
2 applicants were stuck in. I have the right to ask
3 questions about that. Why wasn't my client one of the
4 ones who were stuck in? All of these questions are
5 relevant at the discovery phase -- phase to find -- to
6 ferret out the facts of this case, and -- and litigate
7 this matter, Your Honor.
8 MS. NELSON: Your Honor, counsel has
9 described what it's marked -- what he's marked as
10 Exhibit 8 to this deposition, which is not a complete
11 list of all applicants, but rather is a list --
12 MR. BROWN: You are --
13 MS. NELSON: -- but rather is a list of 60.
14 Those are not the successful applicants.
15 MR. BROWN: Among --
16 MS. NELSON: Those were a listing of 60
17 with 15 towards the top. There is nothing in the
18 document to indicate where, if at all, your client's
19 position is reflected on that list.
20 MR. BROWN: It's not -- Talbot County is
21 not on this list, Your Honor.

Page 162

1 MS. NELSON: Moreover, the allegations in
2 the complaint don't allege that The Commission failed
3 to consider AMM's geographic location, and failed to
4 consider geographic diversity in not selecting AMM for
5 a preapproval. It is simply not a part of the
6 allegations of this complaint.
7 MR. BROWN: And for the reasons I've
8 already stated, Your Honor, Paragraph 2, Paragraph 87
9 and the request for relief all set -- make it within
10 the ambient of our requested relief and the allegations
11 in the complaint.
12 JUDGE HANDY: Okay. I, of course, am at a
13 disadvantage because I really don't have any
14 information about this case other than what you've just
15 stated to me. Judge Williams is the one with the
16 knowledge of the case. And, unfortunately, this was
17 scheduled while he is away.
18 Counsel, let me ask you this. Is -- is --
19 are you telling your client not to answer the question?
20 Is the client refusing to answer the question?
21 MR. BROWN: No. To be fair --

Page 163

1 MS. NELSON: The client has not -- I -- I
2 have not instructed my client to not answer the
3 question. I requested --
4 JUDGE HANDY: Are you going to do that is
5 what I'm asking?
6 MR. BROWN: To be fair, and for the record,
7 Your Honor, Ms. Nelson asked for the court's
8 intervention before she gave -- wanted to give her
9 client instruction. And I consented to do that because
10 I thought it would be productive.
11 JUDGE HANDY: So you're going to comply
12 with my decision and not instruct your client to refuse
13 to answer a question?
14 MS. NELSON: Your Honor, I was requesting a
15 ruling prior to advising the client. I'm --
16 JUDGE HANDY: Answer my question, please.
17 MS. NELSON: Sure. I -- I requested a call
18 to your chambers with the intent of following your
19 ruling, yes. I would -- I was requesting a ruling on
20 these objections.
21 JUDGE HANDY: Okay. Then I -- all right.

Page 164

1 I was going to comply with the rules, 24151, or tell
2 you to if, in fact, you were instructing -- your client
3 refused to answer. But based on what has been
4 presented, I am going to overrule the objection and
5 request your client to answer the questions.
6 MR. BROWN: Thank you very much, your
7 Honor.
8 JUDGE HANDY: All right. Have a good day
9 everyone.
10 MR. BROWN: You too.
11 (A discussion was held off the record.)
12 Q. So I'm showing you what's been marked as
13 Exhibit Number 8. Counsel has a copy. And first look
14 at it, Mr. Robshaw, and tell me if you know what it is.
15 A. No.
16 Q. Have you ever seen a document like that
17 before?
18 A. No.
19 Q. Okay. When you received a list of rankings
20 from -- and you being yourself individually and
21 Commission as a body -- did you receive a document

Page 165

1 similar -- similar to that listing the rankings in
2 order -- by -- by county of these top ranked
3 applicants?
4 A. I received a list of a unique identifier
5 scores for RESI. And I think one of the other issues
6 was the county listed. I've never seen this document.
7 Q. Okay. Have you seen something similar?
8 A. Well, there is a lot of information missing
9 out of the middle of this.
10 Q. Okay.
11 A. So I can't say 100 percent sure that the
12 document I looked at and this -- these counties line up
13 exactly.
14 Q. When was the first time that you found out
15 the name of these successful applicants?
16 A. August 5th.
17 Q. After or before The Commission had voted
18 on the --
19 A. Can --
20 Q. Sure.
21 A. I just -- I -- I seem to recall August 5th

Page 166

1 was the public announcement.
2 Q. Okay.
3 A. I'm -- whatever the public announcement
4 date is is when I found out what name was attached to a
5 unique identifier.
6 Q. Okay.
7 A. I thought it was August 5th, but I could be
8 wrong.
9 Q. Okay. But whatever date it was, it's your
10 testimony you found out the same day the public did?
11 A. That's correct.
12 Q. Okay. Can I see that for one moment,
13 please?
14 A. Sure.
15 Q. Is it your testimony that in addition to
16 other information which is not on Exhibit Number 8,
17 that there was a unique identifier number and a county
18 provided to the commissioners?
19 A. And additional information.
20 Q. I said in addition to other information.
21 A. Okay. I didn't see that.

Page 167

1 Q. Okay.
2 A. All right. Yes.
3 Q. Okay. What other information -- because we
4 know you didn't know the name when you voted, right?
5 A. Right.
6 Q. So other than identifying number, county,
7 and score, what other information was provided to the
8 commissioners prior to the vote?
9 A. That's all.
10 Q. That's all. Was there any information
11 provided to the commissioners prior to the vote
12 concerning the race or ethnicity of potential
13 applicants?
14 A. No.
15 Q. Prior to the vote, was there any concern
16 raised at The Commission during the meeting where the
17 vote took place concerning racial or ethnic diversity
18 of the applicants?
19 A. No.
20 Q. Prior to the vote, was there any concern
21 raised by any member of The Commission concerning the

Page 168

1 geographic diversity of the top 15 to 20 successful
2 applicants?
3 A. I'm not sure I understand that question.
4 Q. Sure. We've discussed at length today that
5 one of the requirements of -- excuse me -- one of the
6 requirements from the legislature to The Commission was
7 that geographic diversity be considered in the
8 application licensing process, correct?
9 A. Right.
10 Q. My question to -- to you is prior to the
11 vote, was there any concern raised or discussion had
12 concerning the geographic diversity, or lack thereof,
13 of the top ranked applicants?
14 A. I don't understand that question. I don't
15 know what you are asking me.
16 Q. Okay. I'm asking you -- and I'll put in
17 sort of --
18 A. Maybe I'm -- I'm just not getting it.
19 Q. No, that's fine. It could be me. I could
20 be asking a bad question. So I'll try it again. And
21 I'll ask it in conversational -- in a conversational

Page 169

1 way. Did anybody in the -- at The Commission, or on
2 The Commission, a member of The Commission look at this
3 list and say, hey, wait a minute, we've got a
4 geographic diversity problem, what are we going to do
5 before the vote happens?
6 MS. NELSON: We are going to continue our
7 objection for the record.
8 MR. BROWN: That's fine.
9 A. Prior to the vote, we knew that we were
10 going to -- there is a number of votes here. First
11 vote on the top 15, top 20.
12 Q. Okay.
13 A. The third vote was on the diversity issue.
14 Q. On the what issue?
15 A. I'm -- I'm sorry. The --
16 Q. Geographic?
17 A. Geographical -- thank you. Geographical
18 diversity issue.
19 Q. Okay.
20 A. The discussion was how we were going to do
21 that. There was no discussion about what order these

Page 170

1 people were at that particular time.
2 Q. Okay. Did there come a time when that was
3 discussed?
4 A. Yes.
5 Q. When?
6 A. After -- the -- we are into -- we voted on
7 the first two things. We are into the third vote,
8 which is geographic diversity.
9 Q. Okay. What were the first two things?
10 A. The top 15 and the top 20.
11 Q. Okay. Got it. So first one was top 15.
12 Second one was top 20.
13 A. Extra five to make the top 20.
14 Q. Right. So you voted on the top 15. Then
15 you voted on the next five. And then you are talking
16 about geographic diversity?
17 A. Correct.
18 Q. Okay. Do they all happen back to back to
19 back on the same day?
20 A. Yes.
21 Q. Okay. So what happened in that third vote?

Page 171

1 A. We -- what happened was there was -- I have
2 said on record, and I'm sticking with it because I'm --
3 although I know I'm wrong now, I -- there was six or
4 seven blanks that didn't allow us to come to a complete
5 vote on that. I know it's six now. At the time, I --
6 I thought it was seven. Six or seven. So there was
7 six numerical identifiers who had not identified a
8 county. So, therefore, we couldn't come to a vote.
9 Q. So when did that vote eventually happen?
10 A. Two days later. Yeah. Two days later. By
11 then everyone had declared.
12 Q. When you say "declared," declared what?
13 A. Declared what county they -- they were
14 doing business in.
15 Q. Okay. So what -- what happened? Did The
16 Commission say something like wait a minute, you know,
17 these six identifiers, where are you, and then they
18 responded, and then the committee -- The Commission
19 took another vote? Something like that?
20 A. No. We looked at them. There was -- the
21 agreement beforehand was that we would put a grower in

Page 172

1 each of the five regions on that map. Map chose them
2 by the horticultural specialist on the board. As a --
3 as a minimum. And then that -- we knew that we
4 couldn't --
5 Q. You mean you couldn't what?
6 A. I'm trying to think of the word I -- that
7 we couldn't uniformly space them across the entire
8 state, but we would look to do so fairly. A fair
9 distribution. Without those six counties known, it was
10 impossible to come to any conclusion.
11 MR. BROWN: Excuse me one second.
12 MR. WARNKEN: Take a break.
13 (A recess was taken.)
14 Q. Do you know if AMM was a ranked applicant?
15 A. I didn't know then. I -- I don't know now.
16 Q. So not --
17 A. What -- what --
18 Q. In other words --
19 A. When you say "ranked," what do you mean
20 "ranked"?
21 Q. Well, what I mean is they received a score,

Page 173

1 and you -- and you received, at least in part, a list
2 of the topped -- topped applicants, is that correct, in
3 order?
4 A. Right.
5 Q. Right? Do you know what -- where in the
6 rankings from 1 to -- let's say for hypothetical
7 purposes it was 100 applicants that were scored. Do
8 you know where from 1 to 100 AMM fell?
9 A. No.
10 Q. Did you ever know that information?
11 A. I mean, I saw the list at one time after
12 the announcement August 5th, but I don't recall where
13 it was.
14 Q. So you saw a list --
15 A. Let me revise that.
16 Q. Sure.
17 A. I saw the list 1 through 20 --
18 Q. Okay.
19 A. -- identified. And I don't recall them
20 being in that.
21 Q. Okay. Did you ever see a list after 20

Page 174

1 with -- identified by entity or applicant name?
2 A. I don't think so.
3 Q. Okay. You don't think so, or no?
4 A. I -- I -- I -- I recall the -- seeing the
5 list of 1 through 20. I don't recall ever seeing the
6 list all the way through, which to me didn't matter at
7 that juncture.
8 Q. So there did come a time, though, and you
9 told me already earlier that two applicants who were
10 initially in the top 15 came out and two applicants who
11 were not in the top 15 came in; is that correct?
12 MS. NELSON: Objection.
13 A. Correct.
14 Q. How did --
15 MR. BROWN: That's fine.
16 MS. NELSON: Thank you.
17 MR. BROWN: That's fine.
18 Q. How did that process happen? Describe what
19 occurred, why it occurred. Was the vote the same day?
20 All of it, please.
21 MS. NELSON: Continuing objection.

Page 175

1 A. We looked at the top 20. After doing that,
2 there was -- I didn't have a map in front of me. I had
3 the listing. On of the commissioners, I believe it was
4 Debbie Marin, said, "We have one in each --
5 geographical reasons -- regions," which was the first
6 step, if you will. Which was fine, but it still --
7 Q. Can I -- can I interrupt you for one
8 second? When you say "geographic regions," am I
9 correct in assuming -- and tell me if I'm wrong -- that
10 groups of counties constitute a region?
11 A. If you look at the agricultural map, it's
12 divided into five regions.
13 Q. Okay. Got it. That's what -- and so the
14 first thing Ms. Marin said, we have at least one in
15 each region?
16 A. That -- yes.
17 Q. Okay. Then what?
18 A. Which was some relief that -- because that
19 was a concern from the beginning, but we still had six
20 unaccounted for. And I was not going to complete a
21 vote without knowing where those six were on the off

Page 176

1 chance that all six were in the same location, for
2 example.
3 Q. Okay.
4 A. Unknown to us where they were.
5 Q. Okay. So some of the six that were blanks,
6 you didn't know where they were, were in the top 15 or
7 top 20?
8 A. In the top 15.
9 Q. Okay. So six of 15 you had no idea, it's
10 your testimony, where they were from?
11 A. Right.
12 Q. Okay. But nonetheless -- and I'm trying to
13 educate myself here -- nonetheless, you took a vote and
14 said --
15 A. No. No.
16 Q. You didn't take a vote?
17 A. Did not take a vote.
18 Q. Okay.
19 A. Ms. Marin said, "We have one in each
20 region." That was fine. At the time I didn't dispute
21 it. As it turns out it was wrong. But I wasn't going

Page 177

1 to lead -- wasn't going to have a final vote with six
2 people undeclared.
3 Q. So if what Ms. Marin was representing at
4 that time was that of the nine who you knew -- because
5 15 minus six is nine, right? Of the nine that you
6 knew, there was at least one in each of the five geo --
7 agricultural regions?
8 A. That's what she proffered.
9 Q. That's what she proffered. Okay. So
10 that's -- that happened and then what happened? You
11 said, "I'm not voting"?
12 A. No, I said, "We have six people
13 undeclared."
14 Q. Right.
15 A. Until we have those declarations, you know,
16 not much we can do.
17 Q. And how long after did you get the
18 declarations?
19 A. Well, I called the executive director that
20 night to tell him the status. And -- and he was able
21 at that time to tell me that we didn't have all regions

Page 178

1 covered. And this was a Wednesday. I didn't get all
2 six till Friday morning.
3 Q. Okay. And then once you had all six of the
4 previously unknown to you where they are from, was
5 there then, and to your memory, one from each region?
6 A. No.
7 Q. So even after you knew now all 15 of the
8 top 15 locations, all five regions were not covered?
9 A. That's correct.
10 Q. So then what happened?
11 A. Two things happened. One, we had to make a
12 decision to put one in the -- first of all, the region.
13 And I don't know if it was the upper Eastern Shore or
14 the lower Eastern Shore block of counties.
15 Q. By the way, I didn't ask you. How many
16 regions weren't covered? One? Two? Three?
17 A. One.
18 Q. One.
19 A. One had none in it.
20 Q. One had none. Okay. And so you said
21 that's a problem?

Page 179

1 A. That's a problem.
2 Q. Okay.
3 A. The other problem to me, and I offered this
4 to the subcommittee, was the Southern Maryland region
5 which comprised Anne Arundel, Prince George's, Calvert,
6 Saint Mary's and Charles only had one. And that was in
7 the upper part of Anne Arundel County, which to my
8 point of view is not Southern Maryland.
9 Q. Okay.
10 A. So I suggested we move one into that
11 Southern Maryland region. Whatever the next one was on
12 the list, whoever it was, to even out that distribution
13 as far as we could make it.
14 Q. So basically -- and I'm paraphrasing, and I
15 want you to correct me if I'm wrong --
16 A. Okay.
17 Q. Okay. -- you had one region that wasn't
18 covered at all, and one region that in your view wasn't
19 covered sufficiently?
20 A. Correct.
21 Q. And so what was decided based on that

Page 180

1 decision making process?
2 A. We looked at the -- having now knew -- knew
3 all 15 had declared by then, it was easy to see that in
4 two counties, two adjoining counties, Washington and
5 Frederick County, there were three each, and no other
6 parts of the state were -- was there that accumulation.
7 So we decided to take the lowest score of those three
8 each and move one to the lower or upper. I'm -- I'm --
9 I'm not sure which one of the Eastern Shore's weren't
10 covered, and move the other down to Southern Maryland.
11 Q. Okay. And as a result, two entities or
12 applicants that were initially in the top 15 were no
13 longer in the top 15?
14 A. That's correct.
15 Q. And then after you did that, went through
16 that process, then was a final vote taken?
17 A. Yes.
18 Q. Okay. Was -- at any time were the
19 initially successful top 15 -- and I hope you know what
20 I mean by that. I'm saying it in an informal way.
21 Were they ever informed that they were successful

Page 181

1 before the vote was made public?
2 A. Not to my --
3 Q. Okay.
4 A. I don't know that.
5 Q. Okay.
6 A. I didn't tell. I'll answer that way.
7 Q. Okay. Were -- were the -- so you -- you
8 were concerned because you didn't know who six -- where
9 six of the applicants came from, right --
10 A. Yes.
11 Q. -- countywise? And then the executive
12 director eventually provided that information to you?
13 A. I don't know if I got it from him or from
14 Mary Joe. One of those two provided me with that
15 information.
16 Q. Do you know where either the executive
17 director or Mary Joe obtained the information from?
18 MS. NELSON: Objection. Speculation. Go
19 ahead.
20 Q. If you know?
21 A. I don't know.

Page 182

1 Q. Okay. Was the county of -- the declared
2 county where the business would be conducted, was that
3 part of the application?
4 A. I don't know.
5 Q. So you don't know where the information
6 came from even from the people -- where you did know --
7 the entities where you did know, you don't know where
8 that information came from?
9 A. I know The Commission asked the growers to
10 declare.
11 Q. Okay.
12 A. How that was carried out, I'm -- I'm not
13 certain.
14 Q. Hold on one second. Were any of the top 20
15 from Talbot County?
16 A. I don't recall.
17 Q. So you -- you don't know?
18 A. I -- I don't know.
19 Q. Okay. Well, if we look at Exhibit Number
20 8, which I think is right there, can you tell me if any
21 of the -- any of the applicants on Exhibit Number 8 are

Page 183

1 from Talbot County?
2 A. I never saw this document. So I -- I'm --
3 I'm not willing to say that this document is the same
4 one I looked at that day.
5 Q. Okay. I'm going to ask you to assume for
6 the purpose of this question -- just for the purpose of
7 this question --
8 A. Okay.
9 Q. -- if any of the applicants on that list
10 appear to you to be from Talbot County?
11 A. On assuming that these -- these counties
12 are listed in the same manner that I saw the day that
13 we looked at those, I don't see anything from Talbot
14 County.
15 Q. To your knowledge, has any -- is any of
16 our -- are any of the approved growers -- have any of
17 the approved growers indicated that they are going to
18 be doing business in Talbot County, to your knowledge?
19 A. I have -- I have no idea.
20 Q. You don't know? Okay. Can you tell me the
21 names of the entities that received licenses based upon

Page 184

1 the reranking process we talked about who weren't --
2 who did not receive licenses based on the initial
3 ranking?
4 MS. NELSON: I'm going to continue the
5 objection and object again on relevance because it is
6 very difficult to understand how this could possibly
7 relate to your case.
8 Q. Can you answer the question?
9 A. I don't know.
10 Q. Okay. Do you know who Gerald Evans is?
11 A. Yes.
12 Q. Who is he? What's his -- how do you know
13 him?
14 A. All I really know him is if he was on the
15 same PTA board that I was in elementary school in the
16 1980s.
17 Q. Say that again. You were on the same --
18 A. His children and my children --
19 Q. Okay.
20 A. -- went to the same elementary school. And
21 we served on the same PTA board.

Page 185

1 Q. Do you know the last time that you spoke to
2 him?
3 A. I'm guessing 20 years ago.
4 Q. Do you have Facebook page?
5 A. Yes.
6 Q. Are you Facebook friends with Mr. Evans?
7 A. Yes.
8 Q. Do you remember who friended who?
9 A. I have no idea.
10 Q. Okay. Do you know Kathleen Evans?
11 A. Yes.
12 Q. Is she Mr. Evans' wife? Sister?
13 A. Actually, I know her -- I know who he is,
14 but I know her.
15 Q. Are they husband and wife? Are they
16 related?
17 A. I'm -- I'm assuming that's so. But I
18 haven't seen her in 20 years.
19 Q. Okay. But you said you know her more than
20 you know him?
21 A. Well, she was the State's Attorney in

Page 186

1 Prince George's County that --
2 Q. Okay.
3 A. -- and I -- she prosecuted -- she didn't
4 prosecute. She did screening. Drug screening cases.
5 Q. Okay.
6 A. She screened drug cases.
7 Q. So you knew her in your capacity as a
8 police officer?
9 A. Yeah. I didn't -- we are not personal
10 friends or anything.
11 Q. Okay.
12 A. I knew her as a -- someone in the criminal
13 justice system.
14 Q. Facebook friends with her as well?
15 A. Yes.
16 Q. Okay. Do you remember who -- who friended
17 who?
18 A. That would be more than 20 years ago. I
19 have no idea.
20 Q. Okay. So if I asked you if you had
21 discussions with Mr. Evans or Ms. Evans concerning the

Page 187

1 business that we are sitting here at this deposition
2 here today, you would tell me no, I never talked to
3 them about that?
4 A. Absolutely not.
5 Q. Okay. How about Vince Canales?
6 MS. NELSON: I'm going to object and ask
7 for a proffer on what this has to do with your
8 complaint.
9 MR. BROWN: It -- let the witness step out
10 of the room.
11 (Witness exited room.)
12 MR. BROWN: It has to go with -- to do with
13 bias and favoritism in the selection process.
14 MS. NELSON: That's not alleged in your
15 complaint. It's alleged in MCP's complaint.
16 MR. BROWN: I don't even know what MCP is.
17 MS. NELSON: GTI's complaint.
18 MR. WARNKEN: What was alleged is that we
19 did not receive a license, and the people who should
20 not have received a license got a license.
21 MS. NELSON: You alleged that The

Page 188

1 Commission acted in an arbitrary and capricious
2 fashion.
3 MR. WARNKEN: And illegal.
4 MS. NELSON: There was no allegation of
5 undue influence or misconduct in your complaint.
6 MR. BROWN: Arbitrary and capricious are
7 very --
8 MS. NELSON: Coincidentally, it is
9 articulated in GTI and MCP pleadings. However, it's
10 not at issue in your complaint. And so I'm very
11 confused as to what value this could even theoretically
12 hold for your client.
13 MR. BROWN: Well, it's up to me and
14 Mr. Warnken to decide our trial strategy. And what's
15 of value and what's of not. And you are free --
16 MS. NELSON: And at a certain point it
17 becomes harassment.
18 MR. BROWN: You are free to disagree with
19 that and make objections. And if it's not relevant or
20 improper, then I'm sure a judge will not consider it
21 when we file our respective pleadings in this case.

Page 189

1 MS. NELSON: I know that you -- I
2 appreciate that you understand we appeared here this
3 morning in good faith, notwithstanding our dispute
4 about Judge Williams' order.
5 I'm not inclined to have my witness
6 harassed or abused over irrelevant allegations. And so
7 I would ask that you please avoid irrelevant discovery
8 on someone else's pleadings.
9 MR. BROWN: Well, for -- a couple of
10 things. First of all, you know, you continually say
11 you are appearing here in good faith. You are
12 appearing here because I issued a valid subpoena and a
13 motion to quash was denied. You had no choice but to
14 appear here without being in violation of the court's
15 order and subject to sanctions. So don't try to act
16 holier than thou and say it's a great thing that you
17 appeared here in good faith. You appeared here because
18 you tried not to and the court told you you had to.
19 That's point one.
20 Point two, this -- your client's bias or
21 ulterior motives is directly relevant to whether or not

Page 190

1 The Commission acted appropriately as the statute
2 directed them to do. We allege that they acted in an
3 arbitrary, capricious manner. And acting to favor one
4 applicant over another applicant is certainly arbitrary
5 and capricious.
6 MS. NELSON: No, it's misconduct. It's
7 different. It is a totally different --
8 MR. WARNKEN: We used the word "illegal."
9 We used the word "illegal" in our complaint.
10 (A discussion was held off the record.)
11 MR. BROWN: And you can parse words as much
12 as you would like. Arbitrary. Capricious. Mr.
13 Warnken points out illegal. Certainly encompasses --
14 MR. WARNKEN: Unreasonable.
15 MR. BROWN: -- this line of questioning.
16 And that's my proffer. And if you want to give Judge
17 Handy a call, have at it.
18 MS. NELSON: I appreciate the court has
19 made time to hear our motions earlier today. We are
20 looking to complete the deposition. I would love to
21 hear what this has to do with your case, but I'm sure

Page 191

1 we'll get to that point some day.
2 (A recess was taken.)
3 Q. You testified a moment ago that you saw
4 the -- when making the vote, the top 20 applicants,
5 correct?
6 MS. NELSON: Continuing objection.
7 A. You mean on the form that I had?
8 Q. Uh-huh.
9 A. I think there was more than the top 20.
10 Q. So when you --
11 A. I don't -- I don't know what the -- I don't
12 know if it was the total number or just maybe the top
13 30 or so. I don't remember what the total number was.
14 Q. So when you were presented with the list of
15 ranked applicants from RESI, do you recall how many
16 applicants were on the list that you saw in front of
17 you the day you took the vote?
18 A. I'm not -- I'm not certain of that.
19 (Robshaw Exhibit 9 was marked for purposes
20 of identification.)
21 Q. This is an article that I printed off

Page 192

1 from -- I'm trying to figure out the date, but I don't
2 see it on here. I don't see the date on here, but I
3 will proffer to you that it's an article from The
4 Baltimore Sun -- there it is. October 14th, 2016.
5 A. Okay.
6 Q. And you were quoted in the article as
7 saying "They were really -- they really were very close
8 up to Number 30 or 40, Robshaw said." Do you remember
9 giving that quote?
10 A. I don't remember specifically saying that.
11 Q. Okay.
12 A. This was a long conversation I had with --
13 Q. Mr. Dresser?
14 A. -- Mr. Dresser.
15 Q. Having seen that quote and understanding
16 that you don't recall saying exactly that --
17 A. Right.
18 Q. -- would it -- does it refresh your
19 recollection that you may have seen at least the top 30
20 or 40 applicants, their scoring, on the day of your
21 vote?

Page 193

1 A. No. I wouldn't -- I looked over the --
2 the -- I looked over every application and became aware
3 that -- maybe 30 or 40. I don't know. Maybe that
4 number, but that could very well be true. I guess the
5 gist of what I was saying is the numbers were very
6 close.
7 Q. The scoring numbers?
8 A. Scoring totals were very close among the
9 top contenders. I don't know if 30 or 40 is accurate,
10 but it's clear to me that the scores were fairly close
11 consistently until -- I mean, the -- the other end of
12 the spectrum was some of those scores when -- when I
13 read them were -- were not close.
14 Q. Okay. When did you look at other scores
15 that were not close?
16 A. I looked at every application.
17 Q. Okay. I want to make sure we are talking
18 the same language at this exact moment. When you say
19 you looked at every application --
20 A. Right.
21 Q. -- you looked at every fully completed

Page 194

1 application, or you looked at every score from every
2 application?
3 A. I believe that I looked at the total
4 conglomerate of all of them as two separate issues.
5 One looked at each application trying to determine what
6 was a good application, and then on the other end what
7 wasn't a good application. But when I looked at the
8 scores, there was a scoring sheet I believe of all of
9 them. I believe. I'm not 100 percent certain. The
10 scoring was close.
11 Q. Do you recall if you ever saw AMM's score?
12 A. I don't remember AMM. That's the honest
13 truth. I wouldn't -- I never heard of them until after
14 that announcement.
15 Q. When you looked at the applications as
16 opposed to the scores -- when you looked at the
17 applications themselves, was that before or after The
18 Commission took their vote?
19 A. Before.
20 Q. Okay. When you looked at the applications
21 before The Commission took its vote --

Page 195

1 A. Right.
2 Q. -- did you know whose applications you were
3 looking at?
4 A. No. All we had was a numeric identifier.
5 Q. Okay. So it's your testimony that all
6 identifying information had been removed from the
7 applications that you were looking at?
8 A. I never saw any identifying app -- any
9 identifying information known to me --
10 Q. Okay.
11 A. -- in any of the applications, but I know
12 nobody in the industry. I knew none of these
13 companies. I would not have recognized something
14 unless it was clearly just labeled Joe's Grow or
15 something of that nature.
16 Q. Okay. Okay. So was your review of the
17 redacted applications prior to the time you took the
18 vote -- you were doing that to get an idea in your own
19 mind what constituted a good looking application, a
20 quality application, versus what in your mind was a not
21 so great application?

Page 196

1 A. That was one of the things.
2 Q. What else?
3 A. I looked specifically at security. Because
4 I could read the SME comments and -- and get a feel for
5 how they -- unfortunately, there again, most of them
6 were bunched closely together. There wasn't a wide
7 margin in most cases. But that was my concentration.
8 I didn't look at every single category because I'm just
9 not familiar with some of the information that would
10 have been in there.
11 Q. When you say "SME," just for the court
12 reporter, that stands for subject matter expert?
13 A. Correct.
14 Q. And so you looked at the SME comments with
15 regard to security?
16 A. That was my main focus, yes.
17 Q. Okay. Was there any -- was there ever a
18 time that you looked at an application and you said to
19 yourself this looks, great. And then upon reflection
20 you got -- looked at the scores and you said, wait a
21 minute, I thought this looked great and they received a

Page 197

1 terrible score from RESI --
2 A. No.
3 Q. -- or vice versa? This looks terrible and
4 they ended up getting a good score from RESI?
5 A. No.
6 Q. Okay. Did you ever go back and compare
7 your opinions to RESI's scores in any -- any way?
8 A. No.
9 Q. Okay. When you said you considered
10 security, did that include the location -- the proposed
11 location of the applicant's place of business?
12 A. No.
13 Q. Wouldn't a proposed location of an
14 application -- of an applicant's place of business play
15 a role in your view of whether the facility could be
16 secure or not.
17 A. No. I -- I looked at the structure.
18 Video. The alarm system. The construction. Not -- I
19 don't even know where they were. Never an address or
20 anything of that nature.
21 Q. Okay. Are -- are you aware that one of the

Page 198

1 criterion for selection of an applicant is whether or
2 not the proposed applicant or proposed licensee is
3 adequately capitalized?
4 A. I know that -- that is the requirement,
5 yes.
6 Q. What, if any, input or role did you have in
7 evaluating a potential applicant for -- or potential
8 licensee for adequate capitalization?
9 A. No.
10 Q. Were you on any committees in -- in your
11 role as vice chair? Did you sit in on a committee that
12 was dealing with capitalization?
13 A. No.
14 Q. Are -- were you involved in any way in the
15 scoring weight that was given to an applicant's
16 adequate capitalization or lack thereof?
17 A. No.
18 Q. Was adequate capitalization -- the criteria
19 for adequate capitalization discussed at public or
20 private meetings of The Commission which we -- where
21 you were present?

Page 199

1 A. No.
2 Q. I assume that subcommittee meetings for
3 varying areas of -- varying, varying subject areas were
4 held when the commissioners on that subcommittee
5 couldn't make the meeting, correct?
6 A. Yeah. Generally agreed before time who was
7 going to be there, yes.
8 Q. Yeah. Okay. And it's your testimony that
9 you -- you didn't play a role in your role as vice
10 chairman or as a commission member in general in the
11 capitalization question for applicants?
12 A. I didn't have anything to do with that.
13 Q. So you were -- you were the chair of the
14 growers -- and forgive me, I got the name wrong -- the
15 growers subcommittee; is that correct.
16 A. Growers selection subcommittee.
17 Q. Growers selection subcommittee.
18 A. Yes.
19 Q. Okay. Part of the process, or part of the
20 criteria that an applicant for a grower's license must
21 satisfy is that they are adequately capitalized. Can

Page 200

1 we agree upon that?
2 A. I would think so, yes.
3 Q. So is it your testimony that as the
4 chairperson of the growers selection subcommittee, you
5 did not have any role with regard to consideration of
6 an applicant's capitalization?
7 MS. NELSON: Objection. Go ahead.
8 A. Other than seeing the scores related to
9 that, I didn't -- I wasn't involved in any procedural
10 or -- or rule making or anything regarding
11 capitalization.
12 Q. Well, tell me the criteria that you
13 believed to be important as the chair of the growers
14 selection subcommittee. In other words, you are the
15 chair of this committee. You have members on the
16 committee with you. You are in charge of, for lack of
17 a better way to put it, the growers selection?
18 A. Not in charge of. I object to that.
19 Q. Okay. How would you say it? You were --
20 A. I am of the same rank or elevation as those
21 people.

Page 201

1 Q. But you were the chair of the committee --
2 subcommittee?
3 A. Only for reporting purposes.
4 Q. Got it. So what did you all talk about?
5 What did you all believe to be important criterion
6 for -- for growers to satisfy to have a successful
7 application?
8 A. We were giving the scorers in categories
9 and a total composite score. As I suggested to you
10 earlier, I looked specifically at security.
11 Q. What were the other categories?
12 A. Let me finish answering my question,
13 please.
14 Q. I'm sorry. Yep.
15 A. I looked at -- specifically at security.
16 There was -- I don't remember the specific topic names,
17 but there was like business acumen. Growing
18 capabilities or horticulture. Security. Management.
19 There was a bunch of different categories. I wasn't
20 involved in those decisions on how those scores would
21 be developed, although I did look at them to get a

Page 202

1 sense of how they did across the board. But I don't
2 know the specific elements of each one of those.
3 Q. What -- you looked primarily at security.
4 You told me that, right? That was --
5 A. I looked at the SME comments referenced to
6 security because I could recognize them.
7 Q. I get that.
8 A. Okay.
9 Q. Was there another commissioner who had --
10 like you have expertise in the security area based upon
11 your years of law enforcement experience. Was there
12 another commissioner who was on the growers' selection
13 subcommittee who you recall having expertise in
14 capitalization that helped compile criteria for that
15 area?
16 A. The -- there was a commissioner in charge
17 of the budget on the subcommittee.
18 Q. The budget? Whose budget?
19 A. The budget for The Commission which
20 suggested to me she knew something about
21 capitalization.

Page 203

1 Q. Okay. What's her name?
2 A. Nancy Rosen Cohen.
3 Q. Okay.
4 THE WITNESS: Right?
5 A. I just want to make sure I say it exactly.
6 Q. That's fine. Do you recall the name of the
7 person or entity who was the subject matter expert on
8 security?
9 A. No. I don't know any subject matter. We
10 were never told who they were.
11 Q. Okay. So you don't know -- if I ask you
12 the same question for sub -- for adequate [sic]
13 capitalization, you wouldn't know who that person was?
14 A. You can ask me who any SME was ever and I
15 don't know.
16 Q. Okay.
17 A. Can I make one correction, please?
18 Q. Always.
19 A. With regard to asking me about people I
20 might have known.
21 Q. Uh-huh.

Page 204

1 A. I made the -- the comment that I hadn't
2 spoken with them. I would change that comment to I
3 haven't communicated with them because I was realizing
4 on my way out just because I didn't speak to them
5 doesn't mean I couldn't write to them or text to them
6 or whatever. I had no communication whatsoever.
7 Q. Okay. Thank you for that.
8 A. Okay.
9 Q. I appreciate that.
10 A. All right.
11 Q. I'm going to ask you some questions now
12 about the marijuana or cannabis business in general,
13 and ask you what you know about that. And we'll go
14 from there. And hopefully this section of our
15 deposition will go relatively quickly. Okay.
16 What -- can you tell me your understanding
17 as a commissioner of the purpose behind this
18 legislation which is creating a medical cannabis
19 industry in the state?
20 MS. NELSON: Objection. Go ahead.
21 A. The purpose is to regulate the production,

Page 205

1 distribution, manufacture, or any other word that you
2 can think of along those lines of medical cannabis, to
3 reach patients in Maryland who have been identified by
4 virtue of their malady, for lack of a better word, that
5 would fit the -- the circumstances that take medical
6 cannabis.
7 Q. So would you agree with me that the purpose
8 of -- the purpose of the entire -- the legislation and
9 why we are sitting here today, is to deliver a --
10 for -- in a colloquial term, medicine to patients who
11 need it? Is that a fair way to put it?
12 A. Usable medical cannabis as a -- as a
13 medicine, yes.
14 Q. And the purpose of the RESI scoring system
15 was to identify growers, processors and distributors
16 who are capable of filling each of those roles to
17 achieve the goal of the legislation, which is to
18 provide medicine to patients. Is that fair?
19 MS. NELSON: Objection. Go ahead.
20 A. It's dispensary, but, yes, that's fair.
21 Q. What did I say?

Page 206

1 A. I don't know. But it wasn't dispensary. I
2 know that.
3 Q. Okay. Thank you. And this is not like
4 open up a pizza shop. It's -- it's a complex business,
5 right?
6 A. As I found out, that's correct.
7 Q. Okay. Would you equate this to -- is it
8 really any different than a company that's making an
9 antibiotic or a vaccine or any other medication? Are
10 they -- are they similar in that way?
11 MS. NELSON: Objection. Go ahead.
12 A. I don't know enough about that kind of
13 industry to -- to make that kind of -- answer that
14 question.
15 Q. And getting to your expertise in security,
16 the facility has to be secure. The vehicle -- it --
17 the facility where it's grown has to be secure. The
18 vehicles in which is transported have to be secure.
19 And the dispensaries themselves has to be -- have to be
20 secured, correct?
21 A. All through a chain of custody, correct.

Page 207

1 Q. All through a chain of custody. And I
2 believe you told me a moment ago that you didn't really
3 get your fingers too much in the adequate
4 capitalization portion of this?
5 A. Correct.
6 Q. But it's not an insignificant investment
7 that it takes to become a medical cannabis grower, is
8 it?
9 MS. NELSON: Objection. Go ahead.
10 A. I would think not.
11 Q. And the number of growers was determined
12 because that's the number, 15, that was determined to
13 be needed to meet projected needs of the people of the
14 state; is that correct?
15 MS. NELSON: Objection. Calls for
16 speculation.
17 A. No.
18 Q. Why am I not correct?
19 A. The number 15 was decided by the
20 legislature. What they thought -- I'm -- I'm
21 assuming -- I don't want to assume. It was decided by

Page 208

1 the legislature.
2 Q. Okay. That's fair response to my question.
3 Do you, based upon your experience being a member of
4 The Commission, have any -- I'll rephrase that.
5 Based upon your experience as a member of
6 The Commission, what is your understanding, if any, as
7 to why the number 15 was selected by the legislature?
8 A. I have no idea.
9 MS. NELSON: Objection.
10 Q. Say that again, please I didn't --
11 MS. NELSON: Well, I objected, but I'm not
12 instructing him not to answer.
13 A. I have -- I have no idea why that number
14 was picked.
15 Q. And the only reason I asked you to repeat
16 it because I thought you might have spoken over each
17 other.
18 A. That's fine.
19 THE WITNESS: I'm sorry. I didn't mean
20 to --
21 MS. NELSON: Not at all. It was not a

Page 209

1 problem.
2 Q. No. She's doing her job and that's fine.
3 A. Okay.
4 Q. As a member of The Commission -- strike
5 that.
6 Did The Commission commission any studies
7 or ask for any studies that delved into the projected
8 demand for medical cannabis in the State of Maryland?
9 MS. NELSON: Objection. Go ahead.
10 A. No.
11 Q. So is it fair to say that The Commission
12 was guided by the legislature saying award X number of
13 growers' licenses, X number of dispensary licenses, and
14 it was up to the commission to decide about processing
15 licensings, correct?
16 MS. NELSON: Objection. Go ahead.
17 A. The legislature put a cap of 15 on the
18 growers.
19 Q. Right.
20 A. Till 2018 or some -- some future date. No
21 cap on the processors --

Page 210

1 Q. Right.
2 A. -- in 2 percent natorial [phonetic]
3 district on the dispensaries. Unless you were a
4 grower, then that number could be expanded.
5 Q. My question, I guess, phrased differently,
6 is did the commission -- since there was a cap of 15
7 for growers, did The Commission ever delve into details
8 and say, you know what, we don't need 15, we only need
9 10 or 11 or 12, but something less than 15? Or did
10 they just go from the beginning and say we are going to
11 issue 15 licenses?
12 MS. NELSON: Objection. Go ahead.
13 A. I don't think that from my perspective of
14 being on The Commission, the 15 was the 15. I don't
15 know why they developed that number. I don't know even
16 now if that's going to be sufficient or not. I -- I
17 don't think anybody knows, but I don't know what -- how
18 the number 15 was arrived at.
19 Q. And I -- and by the way, I get that. You
20 already testified to that. And I understand your
21 testimony that you don't know why the legislature

Page 211

1 selected 15.
2 A. Right.
3 Q. My question is a little bit different,
4 which is why did The Commission choose to choose 15?
5 In other words, choose to issue all the licenses
6 allowed as opposed to some lesser number?
7 MS. NELSON: Objection. Go ahead. I think
8 it was our belief -- it was my belief -- I'm not
9 speaking for the rest of The Commission. I found I get
10 in trouble when I do that.
11 Q. Yeah.
12 A. It was my belief that 15 would allow --
13 given the time period it takes to actually produce
14 usable product, that 15 would allow the -- the
15 medicine -- medical cannabis to be equally distributed
16 around the state. Or be available to patients who had
17 a particular request for a particular type of cannabis,
18 since each grower theoretically could have their own
19 particular brand.
20 Q. So now I want to go back to the question I
21 asked you a few minutes ago.

Page 212

1 A. Okay.
2 Q. Which is without information about what the
3 demand would be --
4 A. Right.
5 Q. -- how is it that you came to the
6 determination that all 15 licenses needed to be issued
7 in order to meet the demands you just spoke about?
8 MS. NELSON: Objection. Go ahead.
9 A. I -- I -- I think we don't know if that's
10 going to be enough. And we would rather err on too
11 much medicine available than not enough.
12 Q. Okay.
13 A. That's the best answer I could give.
14 Q. Was there ever a discussion upon -- with
15 the members of The Commission concerning issuing less
16 than 15 licenses, or -- and this is not finding a
17 fault -- was it just taken as a given, the legislature
18 said 15 cap, so that's what we are going to do?
19 MS. NELSON: Objection.
20 THE WITNESS: Objection?
21 MS. NELSON: I'm sorry. Objection just for

Page 213

1 the record. Go ahead.
2 A. There was no discussion of less. There was
3 some discussion of more. But I -- I -- to this day, I
4 don't think anybody knows whether it's going to be
5 sufficient or not.
6 Q. You mentioned January 1st, 2018 when --
7 MR. WARNKEN: June 31st.
8 MS. NELSON: June.
9 MR. BROWN: I'm sorry?
10 MS. NELSON: June.
11 MR. WARNKEN: June. I'm sorry. Thank you
12 very much.
13 Q. May 31st, June 1st, 2018 when the cap is
14 removed; is that correct?
15 A. I believe that's the case.
16 Q. Has there been discussion in The Commission
17 about awarding additional licenses after May 31st,
18 2018?
19 MS. NELSON: Objection. Go ahead.
20 A. There has been discussion of that in
21 regards to what the market would bear at that time.

Page 214

1 Q. Has there been discussion about announcing
2 an application process for additional licenses, or how
3 those additional licenses, if any, would be issued?
4 MS. NELSON: Objection. Could I ask for a
5 proffer?
6 MR. BROWN: I'll -- I'll move on.
7 Q. Do you have any -- did you have any
8 involvement in the yield that a given size of a
9 facility would generate?
10 A. No.
11 Q. Or how much it would cost to operate a
12 facility or anything like that?
13 A. I don't know any of those.
14 Q. Okay. Were there ever any information
15 provided to you, or did The Commission request any
16 studies, concerning what percentage of the population
17 of the state would actually be using medical cannabis?
18 A. Not to my knowledge.
19 Q. With regard to seeking racial and ethnic
20 diversity in the licensing process, did The Commission
21 ever look to other jurisdictions, states, in the MDC

Page 215

1 concerning their mechanism for awarding licenses and
2 whether or not racial and ethnic diversity was
3 considered in those other jurisdictions.
4 (The reporter asked for clarification.)
5 Q. Other jurisdictions.
6 MS. NELSON: Objection. Same standing
7 objection. Go ahead, please.
8 A. I don't know the answer to that.
9 Q. Did you ever review materials about the
10 selection process in general used in other states in
11 determining the awarding of medical cannabis license --
12 growers' licenses?
13 A. We inquired of other -- many states their
14 programs as a way to make ours better. The mistakes
15 they made.
16 Q. Right.
17 A. We try to avoid them. But I'm not sure
18 that that particular question ever came up to my
19 knowledge.
20 Q. Do you know if any information was received
21 by The Commission concerning the racial and ethnic

Page 216

1 diversity of grower licensees in other jurisdictions?
2 A. Not to my knowledge.
3 Q. Do you know what percentage of licensees in
4 other jurisdictions are of racial or ethnic diverse
5 classes?
6 A. No.
7 Q. Do you know how many subcommittees there
8 are at your commission?
9 A. No. Because we have -- we have created
10 some and disbanded them as their purpose was fulfilled.
11 Q. Okay.
12 A. I don't know how many there are currently
13 right now.
14 Q. Was ever a subcommittee, to your knowledge,
15 on racial and ethnic diversity in awarding licenses?
16 A. Not to my knowledge.
17 Q. Okay. Were subcommittees formed as need
18 arises? Is that pretty much what occurred?
19 A. Initially, yes. Some have stayed in
20 existence because that need continues.
21 Q. Right.

Page 217

1 A. Like the educational subcommittee will
2 probably always be an educational subcommittee.
3 Q. Can you give me a list of the subcommittees
4 that you can recall that are in existence today?
5 A. I would have to go to The Commission to get
6 that.
7 Q. All right. Well, I'm not asking you --
8 I'm -- I'm not going to hold you to it as a firm list.
9 I'm just asking you for what you can recall. What
10 subcommittees exist sitting here today. If it's not a
11 complete list, it's not a complete list. I just want
12 to know what you can recall.
13 A. We had grower, processor and dispensary
14 subcommittees. And then it was guidance subcommittees
15 on the application process for those.
16 Q. Okay. You mentioned educational
17 subcommittee?
18 A. Right. There is a legislative
19 subcommittee. A policy committee. Some of these
20 overlap each other. A final review committee. The
21 budget -- I think there was a budget subcommittee.

Page 218

1 There still might be. I don't -- I'm not on that.
2 Q. Okay.
3 A. I don't have anything to do with that. I
4 think that's all of them. The -- some morphed into
5 another thing, but I think that's all of them.
6 Q. What does the policy subcommittee do?
7 A. The policy subcommittee looks at
8 regulations, how to adapt. For example, legislature
9 added podiatrists and dentists and how to write into
10 the regulations those adaptations. And then looks at
11 the current regulations and sees where they need to be
12 modified or changed to enhance the capability of the
13 commission to do a better job on providing medicine
14 to -- to the communities.
15 Q. So is it fair to say there is no
16 subcommittee that has jurisdiction, for lack of a
17 better word, over ethnic and racial diversity in the
18 licensing process?
19 A. There is no subcommittee named for that
20 purpose that I'm aware of.
21 Q. Okay. And that's not quite what I asked

Page 219

1 you. I --
2 A. Well, any commissioner could talk about
3 that. That doesn't --
4 Q. Right. I -- but just because it doesn't
5 have a name, racial and ethnic diversity, doesn't mean
6 that that subcommittee isn't assigned with the task of
7 considering racial and ethnic diversity.
8 So, for example, the policy committee could
9 be the committee that talks about and deals with racial
10 and ethnic diversity. So my question to you is
11 notwithstanding what the subcommittee is called, is
12 there a subcommittee that has within its purview the
13 consideration of racial and ethnic diversity in the
14 licensing process?
15 MS. NELSON: Objection. Go ahead.
16 A. I would say that the policy is probably the
17 closest to that, or would have dealt with that.
18 Q. Okay. To your knowledge, have they ever
19 done that?
20 MS. NELSON: Objection. Go ahead.
21 A. I was on the policy subcommittee at one

Page 220

1 time, but it's changed and grown into its own entity.
2 I'm not aware of any discussion about that.
3 Q. Do you remember when you first became aware
4 of Delegate -- the letter to Delegate West of March
5 2015?
6 A. I think it was in the summer of 20015. I
7 don't know the exact date, but I seem to recall the
8 summer.
9 MR. BROWN: Give Mr. Warnken and I five
10 minutes and go from there.
11 (A recess was taken.)
12 Q. Well, that sort of leads to my next
13 question, which is I'm -- I'm not going to pull out the
14 affidavit, but I -- you -- you testified in your
15 affidavit that part of the Stage 2 approval process is
16 going through a moral -- moral character check; is that
17 correct?
18 A. Good moral character, correct.
19 Q. Okay. What's involved in that? Where --
20 where -- is moral character in the regs? Is it in the
21 legislation? Where is that found?

Page 221

1 MS. NELSON: I'm going to object, but
2 please go ahead.
3 A. That's an advice of counsel thing.
4 THE WITNESS: Can I say that?
5 MS. NELSON: Please stop. Yes. Yes. Yes.
6 Thank you.
7 A. I'm not sure how you're to respond to that.
8 Q. That's fine. Let me ask you this question.
9 And I don't want you to tell me anything your lawyer
10 told you or anything like that. Okay?
11 Are you aware of anything in the
12 legislation that refers to moral character as a
13 qualification to receive a grower's license? That's a
14 yes or no question.
15 A. I think -- I think the -- the legislation
16 you say?
17 Q. Uh-huh.
18 A. Now I'm not certain.
19 Q. Is there anything in the regs which -- some
20 of which you helped promulgate --
21 A. Yes.

Page 222

1 Q. -- or drafted that speaks to good moral
2 character in the licensing process?
3 A. I believe so.
4 Q. Okay. Now, without telling me what your
5 lawyer told you, what is the process, what constitutes
6 good moral character and what disqualifies one from
7 having good moral character when you conduct an
8 evaluation of one's moral character?
9 MS. NELSON: Objection. Go ahead.
10 A. That -- I -- what's the word I used before?
11 That's attorney --
12 Q. Okay.
13 A. Whatever that phrase is, I would employ it
14 here.
15 Q. Okay. Okay. Again, I don't want you to
16 tell me anything your lawyer told you.
17 A. Okay.
18 Q. Or anything you did based -- well, don't
19 tell me anything your lawyer told you. But I want to
20 get back to the Delegate West letter for a moment.
21 A. Okay.

Page 223

1 Q. Would you like a cup of coffee?
2 A. No, I'm fine.
3 Q. Okay.
4 A. Sorry. I apologize.
5 Q. That's okay. Is there any action or lack
6 of action that The Commission took based upon the
7 letter to Delegate West that was not a result of
8 attorney-client advice?
9 MS. NELSON: Objection.
10 Q. And --
11 A. I understand the question.
12 THE WITNESS: Can I answer the question?
13 Q. And I'll -- even I'll say with the witness
14 sitting here. Because it's undisputed that the letter
15 to Delegate West was not generated as a result of the
16 request of The Commission, it was requested by Delegate
17 West.
18 MS. NELSON: Correct.
19 Q. Okay. There came a time subsequently that
20 the Attorney's -- General's office --
21 MR. BROWN: Your office.

Page 224

1 Q. -- gave advice to The Commission based
2 upon, on this -- on this issue. On the issue of racial
3 and ethnic diversity. What I would like to know is --
4 is between the time you all had Delegate West -- the
5 letter to Delegate West and the time that you received
6 advice from your lawyers' offices, was there any action
7 or lack of action that was taken based upon the letter
8 from Ms. Rowe to Delegate West in that time frame?
9 A. I would invoke the attorney thing.
10 Q. Well, with -- with respect, the attorney
11 thing doesn't apply because the time between the
12 Delegate West letter and the time counsel started
13 giving you advice on that issue, you weren't acting on
14 the attorney-client thing to use your words. And not
15 in a pejorative way. So I want to know what happened
16 between the time of the Delegate West letter and the
17 time you got advice from counsel. What, if anything,
18 did you do?
19 MS. NELSON: Counsel, the witness has
20 testified he recalls becoming aware of the Delegate
21 West letter in the summer of 2015 --

Page 225

1 MR. BROWN: That's right. He did say that.
2 MS. NELSON: -- which is long after the
3 letter is dated. And so it's not clear when -- it
4 hasn't been established when he was first given legal
5 advice on the --
6 Q. And when was that?
7 MS. NELSON: -- on the issue.
8 MR. BROWN: That's a good -- that's a good
9 point.
10 Q. When was that?
11 A. What brought about my knowledge of this was
12 legal advice given to us. Before that I wasn't aware
13 of that letter.
14 Q. Excuse me. Have you ever heard a company
15 named Holistic Industries?
16 MS. NELSON: Objection. Go ahead.
17 A. I've heard of the name.
18 Q. Are you aware of the ownership behind
19 Holistic Industries?
20 MS. NELSON: Objection. Go ahead.
21 A. I'm aware of no owner of any grower.

Page 226

1 Q. Okay. Prior to the time that you became
2 aware -- let me go back.
3 Was Holistic Industries one of the two
4 companies that were bumped up in lieu of two other
5 companies?
6 MS. NELSON: Continuing objection. Go
7 ahead.
8 A. I don't -- I'm not sure what the -- what
9 the name of those two companies were.
10 Q. Okay. Prior to the time that the names of
11 the successful applicants became known, that is they
12 were no longer just an identifier --
13 A. Right.
14 Q. -- had you ever heard of the company named
15 Holistic Industries?
16 A. I don't recall. I don't recall having
17 heard of them.
18 Q. Okay.
19 A. The -- the -- but I will say this. Having
20 been to all these meetings, I'm sure at one time or
21 another it was all these growers there. And names were

Page 227

1 bantered [sic] around. That doesn't -- I don't know
2 any of them. I didn't stick around after meetings and
3 conversate with people. I didn't engage in any of
4 that. Once the meetings were over, I was gone. It's
5 possible I heard that name during some of these
6 discussions, but I don't know the -- that -- I don't
7 know that name.
8 MR. BROWN: Okay. Mr. Robshaw, subject to
9 further questioning after Ms. Nelson asks you
10 questions, I don't have anything else to ask you right
11 now.
12 THE WITNESS: All right.
13 EXAMINATION BY MS. NELSON:
14 Q. Thank you. I want to ask a very few
15 questions exclusively on prior testimony. And I'll try
16 to be very quick.
17 You were asked about evaluation criteria
18 the commissioners used to review applications. Didn't
19 The Commission put the complete evaluation criteria
20 into the regulations when they were promulgated?
21 MR. BROWN: Objection.

Page 228

1 A. Yes.
2 THE WITNESS: You are not going to tell me
3 I can't answer that, right?
4 MR. BROWN: No.
5 MS. NELSON: No, he's --
6 THE WITNESS: I don't know how all this
7 works. I just want to be sure.
8 MR. BROWN: Fair objection.
9 Q. You testified a bit about redaction errors.
10 And I want to be sure that the testimony is clear. Is
11 it your understanding that applications that included a
12 redaction error, that the instructions to RESI were
13 that if an SME uncovered a redaction error, that
14 section should be scored a zero.
15 MS. NELSON: And I'm asking this question
16 in the event that my standing objection is overruled.
17 Obviously the area of testimony is subject to an
18 objection.
19 Q. Is it your understanding that applications
20 were scored by RESI, but that sections that contained
21 unredacted identifying information was scored as zero?

Page 229

1 MR. BROWN: Objection. Form of the
2 question, by the way, is the basis of my objection.
3 A. Wherever there was a redaction error
4 discovered by an SME, every -- every component of that
5 that the SME was to rate received a zero.
6 Q. You were asked about commission votes
7 without great distinction between subcommittee votes or
8 full commission votes. So you described a series of
9 votes where you looked at the top 15, you looked at the
10 top 20, and then you considered geographic diversity.
11 Were those subcommittee votes or full commission votes?
12 A. The subcommittee voted. And then told the
13 full commission what the subcommittee voted, then the
14 full commission voted on whatever the issue was too.
15 Q. Okay. So the full commission only voted in
16 the open meeting on the recommendation of a
17 subcommittee?
18 MR. BROWN: Objection. Form.
19 A. They -- they voted to accept the
20 recommendation or -- or they were -- they could vote
21 whatever way they chose. They weren't bound by the

Page 230

1 decision of the subcommittee.
2 Q. And that was done exclusively in the
3 opening meeting that they held for the purpose of
4 considering recommendations and grower and processor
5 applications?
6 MR. BROWN: Objection. Form.
7 A. Yes.
8 Q. So the -- the full commission voted once?
9 A. That's correct.
10 Q. Before commissioners began their
11 deliberations when they were given evaluation
12 materials, did all commissioners sign confidentiality
13 agreements before receiving those materials?
14 A. I didn't see everyone's. I was required to
15 sign as a commissioner for -- to obtain that
16 information.
17 Q. And it's your understanding that that was
18 required not just of you, but of all?
19 A. We -- we spoke about that in meetings, but
20 I didn't actually see every person sign a form. But,
21 yes, it was required.

Page 231

1 Q. Okay. Jumping back to the full commission
2 vote. When the full commission voted, those
3 applications were blinded and identified by coded
4 identification number, right?
5 MR. BROWN: Objection. Form.
6 A. Yes.
7 Q. Okay. And so it was sometime after the
8 full commission meeting that you understood who was
9 who?
10 A. I think we voted on September 5th. I'm not
11 certain of these dates, but I think we voted on
12 September 5th. And it was announced ten days later.
13 Some -- somewhere around the 15th.
14 Q. Okay.
15 A. No. No. I take that back. August 5th.
16 Not September. August 5th we voted and then I believe
17 ten days later it was released to the public.
18 Q. Okay.
19 A. Or released to everybody because we found
20 out at the same time.
21 MS. NELSON: Thank you. Okay. That's all

Page 232

1 I have.
2 EXAMINATION BY MR. BROWN:
3 Q. I just have two, three questions based upon
4 what Ms. Nelson asked you.
5 A. Okay.
6 Q. So I just want to make sure I'm clear. The
7 series of votes that we talked about earlier today
8 where there was 15 and then moving two out and two in,
9 that was a subcommittee vote?
10 A. That's correct.
11 Q. So the full committee conducted their vote
12 after the reranking process had occurred? Is that a
13 fair statement?
14 A. After the recommendations were given by the
15 subcommittee, the full commission voted on it.
16 Q. Okay. So the full commission was not
17 involved in the reranking process, only the
18 subcommittee was involved in the reranking process,
19 then the subcommittee gave the recommendation to the
20 full commission, and then the vote occurred; is that
21 correct?

Page 233

1 A. But it was just a recommendation.
2 Q. I understand.
3 A. Okay. But no, I know you said that, but I
4 want -- I wanted it to be understood that it was just a
5 recommendation.
6 Q. You testified a moment ago that where there
7 was a redaction error discovered by an SME --
8 A. Uh-huh.
9 Q. -- the SME was directed to give that
10 portion of the application a zero, correct?
11 A. That's correct.
12 Q. Do you know if AMM's application received
13 any zeroes for that reason?
14 A. No.
15 MR. BROWN: Okay. That's all I have.
16 Thank you.
17 (Deposition concluded at 3:19 p.m.)
18
19
20
21

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

CERTIFICATE OF DEPONENT

I hereby certify that I have read and examined the foregoing transcript, and the same is a true and accurate record of the testimony given by me.

Any additions or corrections that I feel are necessary, I will attach on a separate sheet of paper to the original transcript.

Harry "Buddy" Robshaw, III

Date

(If needed, make additional copies of the Errata Sheet on the next page or use a blank piece of paper.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

ERRATA SHEET

Case: Alternative Medicine Maryland, LLC
vs. Natalie M. Laprade MMCC, et al.
WITNESS: Harry "Buddy" Robshaw, III DATE: 5-10-17

PAGE/LINE	SHOULD READ	REASON FOR CHANGE
6	_____	_____
7	_____	_____
8	_____	_____
9	_____	_____
10	_____	_____
11	_____	_____
12	_____	_____
13	_____	_____
14	_____	_____
15	_____	_____
16	_____	_____
17	_____	_____
18	_____	_____
19	_____	_____
20	_____	_____
21	_____	_____

1 STATE OF MARYLAND)
2) ss
3 County OF HARFORD)
4 I, Dawn L. Venker, a Notary Public of the
5 State of Maryland, Harford County, do hereby certify
6 that the within-named witness personally appeared
7 before me at the time and place herein set out, and
8 after having been duly sworn by me, according to law,
9 was examined by counsel.
10 I further certify that the examination was
11 recorded stenographically by me and this transcript is
12 a true record of the proceedings.
13 I further certify that I am not of counsel
14 to any of the parties, nor in any way interested in the
15 outcome of this action.
16 As witnessed my hand this 12th day of May,
17 2017.
18
19
20
21 My commission expires October 28, 2017.

Dawn L. Venker
Dawn L. Venker
Notary Public

	actions (4) 15:1;64:21;65:5;73:6	124:16;134:8	91:10;102:9;116:21;117:1,18; 130:12,19;131:5;181:19; 200:7;204:20;205:19;206:11; 207:9;209:9,16;210:12;211:7; 212:8;213:1,19;215:7;219:15; 20;221:2;222:9;225:16,20; 226:7
\$	active (2) 69:2;78:9	adverse (1) 151:14	alarm (1) 197:18
\$72,000 (2) 8:17,18	actively (29) 49:7,15;61:2;65:2;66:9,20; 67:14;68:3,6;69:13;70:1,20; 74:10;77:11;78:9;79:20; 82:15;84:12;85:10,21;92:11; 93:17;94:5,14,20;101:20; 119:19;122:4;156:20	advertisements (3) 65:15;66:1,4	aligned (1) 50:3
[advertising (1) 78:20	A-L-I-O-V (1) 75:11
[phonetic] (1) 210:2		advice (18) 82:2,5;83:19;85:18,19; 95:6;104:8;105:6,9,14;221:3; 223:8;224:1,6,13,17;225:5,12	allegation (8) 119:12,14,16;120:8;147:6; 154:13;155:6;188:4
[sic] (5) 74:19;98:3;158:14;203:12; 227:1	acts (1) 147:17	advised (1) 95:3	allegations (12) 139:4;140:2;146:14;147:1; 153:10,15;154:4;155:9;162:1, 6,10;189:6
A	actual (3) 91:3;106:10;130:15	advising (1) 163:15	allege (4) 155:13,15;162:2;190:2
able (9) 25:4,11,20;37:9,16;55:3; 112:5;116:11;177:20	actually (14) 31:7;43:13;46:15;60:1; 62:8;73:16;74:17;90:21;91:4; 107:14;185:13;211:13; 214:17;230:20	aerosols (1) 107:18	alleged (8) 15:10;118:18;139:19; 147:17;187:14,15,18,21
absence (5) 52:2;93:2;96:16,18,19	acumen (1) 201:17	Affairs (1) 15:11	alleges (3) 122:2;140:13;154:16
absent (1) 114:20	adapt (1) 218:8	affidavit (11) 46:10,16;47:9;50:10,13; 52:13;58:4,5;80:9;220:14,15	alleging (1) 147:7
Absolutely (2) 136:19;187:4	adaptations (1) 218:10	African-American (4) 49:20;50:1;61:8;87:12	Allison (2) 88:19;91:17
abused (1) 189:6	add (6) 9:6,8;36:21;37:4;71:16,17	African-Americans (1) 59:12	allow (5) 99:18;109:2;171:4;211:12, 14
academy (1) 12:6	added (3) 36:20;72:7;218:9	AG (2) 83:8;91:2	allowed (4) 85:4;107:21;108:1;211:6
accept (1) 229:19	addition (11) 59:15;64:21;69:9;82:16; 83:4;120:10;138:20;148:18; 155:14;166:15,20	again (25) 16:16;43:5;48:18;49:2; 67:20;71:13;73:9;82:10;88:7; 89:20;96:11;103:6;114:12; 115:21;116:19;117:9;118:9; 122:13;123:8;168:20;184:5, 17;196:5;208:10;222:15	allowing (1) 141:21
accepted (1) 117:16	additional (12) 35:9;114:8;115:2,4,5,13,18; 166:19;213:17;214:2,3; 234:19	against (5) 7:13,14,17;8:5;15:1	alludes (1) 96:14
accident (2) 14:6,7	additions (1) 234:8	Age (1) 59:13	alone (1) 149:6
accidentally (1) 80:8	address (4) 5:10;56:2,2;197:19	agency (1) 72:19	along (3) 28:21;36:21;205:2
accidents (2) 14:3;15:3	addressed (1) 127:16	ago (13) 15:19;52:7;55:12,16;66:18; 68:2;112:18;185:3;186:18; 191:3;207:2;211:21;233:6	Alternative (1) 146:21
accomplish (1) 50:6	addressing (1) 92:8	agree (9) 35:19;86:20;94:4;110:17; 131:16;156:13,16;200:1; 205:7	although (3) 153:11;171:3;201:21
accountable (1) 155:21	adequate (6) 198:8,16,18,19;203:12; 207:3	agreed (2) 147:10;199:6	always (3) 60:5;203:18;217:2
accumulation (1) 180:6	adequately (2) 198:3;199:21	agreement (1) 171:21	ambient (1) 162:10
accurate (4) 93:1;127:4;193:9;234:7	adjoining (1) 180:4	agreements (1) 230:13	AMM (11) 43:16;146:11;147:6; 149:18;151:11;154:5;160:7; 162:4;172:14;173:8;194:12
achieve (8) 47:19;48:5;60:18;94:14,20; 119:20;122:7;205:17	administrative (2) 155:17,20	agricultural (2) 175:11;177:7	AMM's (5) 42:13;153:15;162:3; 194:11;233:12
acronym (3) 42:4,4;129:19	administratively (1) 17:6	AG's (2) 91:2;128:4	among (3) 157:3;161:15;193:8
across (2) 172:7;202:1	admissible (6) 139:5;140:18;147:16; 149:12;154:21;158:5	ahead (42) 13:19;14:2;22:7;24:19; 33:2;40:4;41:16;43:1;51:5; 52:17;53:6;68:14;90:19;	amount (1) 108:4
act (3) 64:17;132:1;189:15	adopted (1) 60:2		
acted (4) 63:15;188:1;190:1,2	advance (2)		
acting (2) 190:3;224:13			
action (13) 7:17;66:9;67:6,14;68:3,6; 147:2,4,13;223:5,6;224:6,7			

<p>analogy (1) 116:4</p> <p>and/or (4) 36:9;75:16;79:6;108:15</p> <p>Annapolis (1) 55:17</p> <p>Anne (2) 179:5,7</p> <p>announced (2) 89:20;231:12</p> <p>announcement (5) 43:9;166:1,3;173:12; 194:14</p> <p>announcing (1) 214:1</p> <p>answered (3) 18:20;97:9;135:3</p> <p>antibiotic (1) 206:9</p> <p>anticipation (1) 124:16</p> <p>anymore (3) 53:14;114:5;121:19</p> <p>anyplace (1) 112:12</p> <p>apart (1) 116:3</p> <p>apologize (4) 87:21;89:21;98:10;223:4</p> <p>app (1) 195:8</p> <p>apparently (1) 80:12</p> <p>appeal (6) 34:15;145:9,13,14;146:3; 151:15</p> <p>appealed (1) 40:21</p> <p>Appeals (4) 41:1;145:9,11;150:11</p> <p>appear (3) 54:8;183:10;189:14</p> <p>appeared (4) 145:21;189:2,17,17</p> <p>appearing (2) 189:11,12</p> <p>applicant (12) 154:6,8,9,10;172:14;174:1; 190:4,4;198:1,2,7;199:20</p> <p>applicants (36) 109:8;120:5,5,7;133:15; 134:10;139:3;154:12;157:19; 158:1,15,16;161:1,2,11,14; 165:3,15;167:13,18;168:2,13; 173:2,7;174:9,10;180:12; 181:9;182:21;183:9;191:4,15, 16;192:20;199:11;226:11</p> <p>applicant's (4) 197:11,14;198:15;200:6</p> <p>application (57) 48:5;49:9,16;60:13,18; 64:6;65:3;66:5,10;67:1,15; 68:7;69:4,15;70:2,21;74:11;</p>	<p>77:12;78:11;79:8,21;84:13; 86:1;93:7,18;94:6;107:19; 109:6,7,11,17;113:8;133:14, 19;134:3,13;135:12;168:8; 182:3;193:2,16,19;194:1,2,5, 6,7;195:19,20,21;196:18; 197:14;201:7;214:2;217:15; 233:10,12</p> <p>applications (19) 42:2;133:8;134:10,18; 135:2;136:1,10;194:15,17,20; 195:2,7,11,17;227:18;228:11, 19;230:5;231:3</p> <p>applied (3) 111:18;133:15;150:16</p> <p>apply (4) 109:9;150:19;151:18; 224:11</p> <p>appointed (2) 21:11;23:7</p> <p>appointing (1) 21:18</p> <p>appointment (3) 21:21;22:10;64:1</p> <p>appreciate (6) 6:8;71:13,20;189:2;190:18; 204:9</p> <p>approach (1) 155:11</p> <p>appropriate (1) 146:13</p> <p>appropriately (2) 153:2;190:1</p> <p>approval (5) 44:7;97:3;115:19;116:11; 220:15</p> <p>approvals (5) 44:7,12;58:9;76:17;97:4</p> <p>approved (3) 27:10;183:16,17</p> <p>approximately (1) 90:12</p> <p>April (3) 52:9,10,16</p> <p>arbitrary (6) 156:4;188:1,6;190:3,4,12</p> <p>area (4) 142:1;202:10,15;228:17</p> <p>areas (5) 34:8;36:8;37:14;199:3,3</p> <p>argue (5) 111:8;120:15;121:1,19; 140:7</p> <p>argument (2) 150:19,21</p> <p>arises (1) 216:18</p> <p>around (15) 18:13;23:12;26:4;39:9; 60:20;77:19;81:14;124:13,15; 135:18;143:17;211:16;227:1, 2;231:13</p> <p>arrange (2) 112:10;141:14</p>	<p>arranged (1) 112:16</p> <p>arrival (1) 60:21</p> <p>arrived (1) 210:18</p> <p>art (1) 76:21</p> <p>article (5) 126:10,12;191:21;192:3,6</p> <p>articulated (1) 188:9</p> <p>Arundel (2) 179:5,7</p> <p>aspect (3) 109:11,15,16</p> <p>aspects (1) 33:18</p> <p>assert (4) 42:16;82:7;150:14;151:10</p> <p>asserted (2) 34:12;35:16</p> <p>asserting (2) 105:11,12</p> <p>assigned (5) 143:3,15;144:10;148:8; 219:6</p> <p>assignment (1) 14:17</p> <p>assist (1) 113:7</p> <p>assistance (1) 74:10</p> <p>assistant (1) 80:8</p> <p>assisting (1) 77:11</p> <p>Association (2) 19:21;20:8</p> <p>assume (6) 13:4;39:10;81:11;183:5; 199:2;207:21</p> <p>assuming (5) 16:1;175:9;183:11;185:17; 207:21</p> <p>assumptions (1) 21:8</p> <p>attach (1) 234:9</p> <p>attached (3) 46:21;80:8;166:4</p> <p>attend (2) 69:8;110:10</p> <p>attendance (1) 11:17</p> <p>attended (4) 68:17,18;76:12;79:14</p> <p>attorney (10) 83:15,16,21;91:8,14; 144:19;185:21;222:11;224:9, 10</p> <p>attorney-client (7) 82:1,5,7;83:13,17;223:8; 224:14</p>	<p>attorneys (2) 90:21;91:4</p> <p>Attorney's (1) 223:20</p> <p>attributed (1) 126:16</p> <p>audit (9) 130:13,15,18;131:2,6,8,12, 15,21</p> <p>auditing (1) 130:9</p> <p>August (13) 89:11,11,17,20;90:6; 100:19;126:11;165:16,21; 166:7;173:12;231:15,16</p> <p>authority (1) 40:1</p> <p>authorization (1) 120:2</p> <p>authorized (2) 14:18;17:1</p> <p>authorizing (1) 120:3</p> <p>availability (1) 63:6</p> <p>available (7) 44:2;60:4;124:14;159:17, 18;211:16;212:11</p> <p>avenue (1) 41:2</p> <p>avoid (2) 189:7;215:17</p> <p>award (2) 147:11;209:12</p> <p>awarded (4) 115:2,5;132:20;159:1</p> <p>awarding (9) 118:19,20;120:11;149:4,5; 213:17;215:1,11;216:15</p> <p>aware (46) 5:20;9:15;21:1;38:9,12; 41:13;49:5;52:1;54:4;62:15; 66:19;67:1,5;72:18;81:15; 85:12,13;107:1;109:20; 111:12;124:11;127:5,10; 128:3,7,11;130:2,8,13,14,17; 142:8,9;144:17;145:4;193:2; 197:21;218:20;220:2,3; 221:11;224:20;225:12,18,21; 226:2</p> <p>away (2) 45:1;162:17</p> <p>awful (1) 32:5</p>
B			
			<p>Bachelor (1) 11:4</p> <p>bachelor's (2) 10:18;11:14</p>

<p>back (33) 13:10,11,12,13;43:15;44:1; 47:7;55:5;58:18;60:1,9; 65:11;67:19;86:16;92:6;99:7; 112:5;113:18;116:15;126:5; 133:21;134:16,21;139:1; 170:18,18,19;197:6;211:20; 222:20;226:2;231:1,15</p> <p>background (1) 10:14</p> <p>bad (2) 76:9;168:20</p> <p>Baltimore (1) 192:4</p> <p>bank (1) 111:7</p> <p>bantered (1) 227:1</p> <p>bar (2) 91:9,12</p> <p>based (23) 25:9;63:5;81:10;105:5,9; 117:19,20;136:1;144:4;146:9; 154:5;164:3;179:21;183:21; 184:2;202:10;208:3,5;222:18; 223:6;224:1,7;232:3</p> <p>basement (1) 56:1</p> <p>basic (1) 10:12</p> <p>basically (2) 84:2;179:14</p> <p>basis (4) 31:17;35:5,6;229:2</p> <p>bear (2) 52:3;213:21</p> <p>became (9) 48:3;49:14;52:1;72:18; 106:13;193:2;220:3;226:1,11</p> <p>become (5) 22:6;33:11;81:15;109:20; 207:7</p> <p>becomes (1) 188:17</p> <p>becoming (2) 22:17;224:20</p> <p>beforehand (1) 171:21</p> <p>began (2) 16:2;230:10</p> <p>begin (2) 100:20;132:6</p> <p>Beginning (6) 47:6;100:10;101:16; 126:16;175:19;210:10</p> <p>begins (1) 126:17</p> <p>behalf (4) 65:2;73:2,17;145:7</p> <p>behind (2) 204:17;225:18</p> <p>belief (3) 211:8,8,12</p>	<p>belongs (1) 46:21</p> <p>belts (1) 12:15</p> <p>Beltville (1) 12:14</p> <p>bench (1) 155:12</p> <p>Besides (3) 30:7;56:4,8</p> <p>best (4) 7:2;111:19;131:19;212:13</p> <p>better (8) 60:16;77:21;96:8;200:17; 205:4;215:14;218:13,17</p> <p>bias (2) 187:13;189:20</p> <p>bid (1) 53:18</p> <p>big (1) 137:9</p> <p>bipolar (1) 8:17</p> <p>bit (13) 42:1;61:6;84:21;95:19; 101:14;105:4;113:15,16,19; 123:16;143:10;211:3;228:9</p> <p>bite (1) 7:18</p> <p>black (14) 49:21;59:11;61:8;70:16; 86:10,12,15;87:3,6,11,13,18; 88:1;90:13</p> <p>blank (1) 234:20</p> <p>blanks (2) 171:4;176:5</p> <p>blinded (1) 231:3</p> <p>block (1) 178:14</p> <p>board (8) 29:14,20;150:8,9;172:2; 184:15,21;202:1</p> <p>body (2) 117:16;164:21</p> <p>both (7) 35:1,11,15;40:8;89:6; 153:11,13</p> <p>bother (2) 9:12;15:15</p> <p>bottom (1) 126:17</p> <p>bound (1) 229:21</p> <p>brain (1) 55:6</p> <p>brakes (1) 97:3</p> <p>brand (1) 211:19</p> <p>breadth (3) 37:16;38:8;85:3</p>	<p>break (9) 58:12;61:7;100:11,12; 124:8;136:17;137:4,7;172:12</p> <p>breaking (1) 113:15</p> <p>Brian (1) 142:21</p> <p>briefly (3) 5:20;6:7;29:11</p> <p>bring (1) 144:14</p> <p>broad (4) 7:12;42:11;149:12;156:10</p> <p>broadly (1) 154:15</p> <p>brought (3) 7:13;95:15;225:11</p> <p>BROWN (143) 5:7;9:18;15:7,17;22:12; 34:19;35:14,17,19;36:1,13; 41:12,20;43:2,4;46:20;47:2,5, 10,12;48:16;49:1;56:6,12,17, 19,21;58:11;71:17;72:2; 74:19;75:2,4,6,12,15,20;76:6; 80:10;81:2;82:3,8;83:14; 90:18;92:3;93:21;94:9,12; 113:15;118:10,13,16;119:2,7, 16;120:14;121:1,4,7,11; 122:1,9,17,20;123:15;124:2, 10;125:1,7,12,16,20;126:4; 127:13;136:18,21;137:12; 139:6,10,19;140:19;141:1,9, 12,16;142:6,15,21;143:9; 144:13;145:3;148:2,15; 149:10;150:12;153:3,20; 155:5;156:16;157:12;158:7; 159:5,13,16,19;160:3;161:12, 15,20;162:7,21;163:6;164:6, 10;169:8;172:11;174:15,17; 187:9,12,16;188:6,13,18; 189:9;190:11,15;213:9;214:6; 220:9;223:21;225:1,8;227:8, 21;228:4,8;229:1,18;230:6; 231:5;232:2;233:15</p> <p>Brown's (1) 143:5</p> <p>BUDDY (2) 5:3;234:13</p> <p>budget (8) 78:17,20;202:17,18,18,19; 217:21,21</p> <p>budgeting (1) 17:8</p> <p>buffered (1) 116:1</p> <p>building (3) 55:19,21;56:2</p> <p>bullpen (1) 116:2</p> <p>bumped (2) 116:17;226:4</p> <p>bunch (1) 201:19</p>	<p>bunched (1) 196:6</p> <p>Bunker (1) 55:20</p> <p>business (15) 5:10;24:12;25:4,18;111:13; 160:7;171:14;182:2;183:18; 187:1;197:11,14;201:17; 204:12;206:4</p> <p>businesses (1) 110:18</p> <p>Byron (23) 60:21;61:15;62:10,20;63:7, 8;64:12,16;65:1;70:6,15;71:8; 74:19;75:2;77:5,6;78:14;83:7, 15;88:7;115:8;141:6;159:9</p> <p>Byron's (1) 64:17</p>
C			
			<p>calendar (1) 90:2</p> <p>call (17) 21:4,20;68:18;99:1;120:20; 123:13;124:9;125:2,15,21; 140:10;142:5;143:5,7;148:13; 163:17;190:17</p> <p>called (16) 5:4;8:15;20:1,17;21:1,9; 39:13,15;55:20;75:2;128:10; 141:14;142:7,8;177:19; 219:11</p> <p>calls (4) 32:12,12;68:13;207:15</p> <p>Calvert (3) 21:16,16;179:5</p> <p>came (17) 19:16;21:5;63:17;81:15; 118:3;128:9;138:3,12;143:21; 174:10,11;181:9;182:6,8; 212:5;215:18;223:19</p> <p>can (73) 7:2,4;9:6;19:15;20:4;25:16; 34:11;38:2;42:3;43:5;47:2,6; 48:20;49:18;59:3;64:11;66:8; 67:4;75:9,13;76:4;77:9;81:2; 82:9,10;86:3;87:15;88:3,13; 91:6;104:16;109:19;111:8; 120:15,16,20;123:3,4;124:8; 126:4;136:16,20;137:20; 139:14;140:5,7;148:5;149:14; 150:1;154:14;156:14;159:20, 21;165:19;166:12;175:7,7; 177:16;182:20;183:20;184:8; 190:11;199:21;203:14,17; 204:16;205:2;217:3,4,9,12; 221:4;223:12</p> <p>Canales (1) 187:5</p> <p>Cannabis (40) 17:11;34:3;36:18;49:6; 50:3,4;61:10;73:4,18;78:11;</p>

79:16;85:5;92:12;94:21;99:1,4;100:4,5;101:12,19;107:15,17;111:2,5;119:21;133:9;154:6,8;155:19;204:12,18;205:2,6,12;207:7;209:8;211:15,17;214:17;215:11	caveat (1) 9:6	124:19;125:3;133:3;200:16,18;202:16	client (30) 119:6,13;120:17,19,21;121:16;123:4,17;142:11;145:7,21;146:3;147:3;149:5,18;155:1,3;158:11;159:21;161:3;162:19,20;163:1,2,9,12,15;164:2,5;188:12
cap (7) 106:7;108:16;209:17,21;210:6;212:18;213:13	cease (2) 104:5,7	Charles (2) 30:13;179:6	client's (10) 118:18;119:14;139:4,18;140:13;149:3;160:5,7;161:18;189:20
capabilities (2) 108:20;201:18	cell (1) 111:4	check (1) 220:16	close (7) 192:7;193:6,8,10,13,15;194:10
capability (2) 96:15;218:12	centered (2) 60:20;77:19	checked (1) 113:18	closely (1) 196:6
capable (1) 205:16	centric (1) 61:9	Cheryl (2) 88:9,10	closest (1) 219:17
capacity (9) 41:3;57:4;65:13,20;73:20;79:5,6;98:2;186:7	certain (15) 31:15;33:18;44:8;86:4,5;97:5,6;138:8;153:13;182:13;188:16;191:18;194:9;221:18;231:11	Cheverly (12) 5:14;7:9,14;9:2,3;15:19;16:3,10;24:8;40:9,16;41:4	cocounsel (1) 141:6
capitalization (12) 198:8,12,16,18,19;199:11;200:6,11;202:14,21;203:13;207:4	certainly (3) 99:12;190:4,13	chief (9) 8:3;16:18,19,21;17:4;19:19,21;41:3,8	code (1) 5:15
capitalized (2) 198:3;199:21	certificate (3) 21:12,17;234:3	chiefs (3) 20:1,8,16	coded (1) 231:3
capricious (6) 156:4;188:1,6;190:3,5,12	certificates (1) 11:16	children (2) 184:18,18	coffee (1) 223:1
captain (1) 13:14	certified (1) 11:18	choice (1) 189:13	Cohen (1) 203:2
car (4) 14:6,7;15:3;113:11	certify (1) 234:5	choose (3) 211:4,4,5	coincidence (1) 65:21
care (1) 137:10	chain (2) 206:21;207:1	chose (3) 23:5;172:1;229:21	Coincidentally (1) 188:8
career (2) 14:13;16:16	chair (27) 18:5,6,7,9,13,14,15,16;19:7,13;22:15;23:6,13;26:3,11,17,18;27:1;29:5;32:1;63:8;98:3;198:11;199:13;200:13,15;201:1	chosen (1) 20:15	collect (2) 23:20,21
carried (1) 182:12	chairman (14) 22:2,3,6,20;26:3;32:11;36:9;39:9,14;54:10;79:7;87:21;160:11;199:10	Chris (1) 30:13	College (3) 10:19;11:7,10
carry (1) 23:1	challenge (2) 105:12;149:4	Christina (1) 30:13	colleges (3) 49:21;61:8;70:17
case (34) 8:2;9:14;43:17;72:11;115:19;116:2;118:12;121:5;123:18,21;124:6;140:18;143:4,14,16;144:9,14;146:7,10;147:16;148:8;151:13;152:20,21;158:4,10;159:4;161:6;162:14,16;184:7;188:21;190:21;213:15	chairperson (7) 22:17;38:2;61:15;68:11;73:21;132:16;200:4	Christine (1) 31:16	colloquial (1) 205:10
cases (12) 8:21;40:6,13;41:7;146:13,13;153:2,11,13;186:4,6;196:7	challenge (2) 105:12;149:4	Circuit (1) 144:19	Colonel (1) 126:18
categories (4) 133:8;201:8,11,19	chambers (8) 124:9,12,18;125:2,5;142:5,8;163:18	circumstances (5) 7:4,16;9:1;81:14;205:5	Columbia (1) 12:13
category (1) 196:8	chance (2) 66:15;176:1	Civil (8) 7:6,7,11,21;40:14;41:2;124:19;125:3	coming (5) 28:14;38:13;108:18,19;155:21
Caucus (10) 86:10,13,15;87:3,7,11,13,18;88:1;90:13	change (10) 33:4,8;36:10;37:15;81:3;85:9;102:18;107:2;117:16;204:2	claim (1) 42:18	comment (2) 204:1,2
cause (2) 7:17;147:4	changed (5) 14:16;33:17,18;218:12;220:1	clarification (4) 78:16;127:12;157:9;215:4	comments (4) 148:3;196:4,14;202:5
caused (3) 82:11;84:7;98:16	changes (7) 36:20,21;37:2,20;38:10,13;85:1	clarify (1) 98:6	commercial (2) 110:4;111:15
causes (1) 147:1	changing (1) 34:9	clarity (1) 68:9	Commission (230) 11:19;17:11,16,20;18:4,15;19:1,9,16;20:9,11;21:2,13,18;22:6,23,5;24:11;25:4,7,18;27:4,6,7,13,17,18;28:5,10,15;29:1,17,18;31:19;32:6,19;33:12;34:3,11;35:12;39:5;40:2,2,3;42:10,15,21;47:18;49:7,13;50:14;53:17;54:2,11,21;57:1,8,12;58:16;59:21;
	character (8) 220:16,18,20;221:12;222:2,6,7,8	classes (1) 216:5	
	charge (6) 124:19;125:3;133:3;200:16,18;202:16	clear (7) 70:10;71:14;120:2;193:10;225:3;228:10;232:6	
		cleared (1) 15:11	
		clearly (1) 195:14	
		clerk (5) 21:15;141:13;142:19;143:5,11	

<p>60:16,17;61:14;62:4,5,9,18; 63:4,19,20;64:5;65:2;66:9,20; 67:6,14;68:3,19;69:7,21; 70:19;71:3;73:3,17;74:5,9; 78:17;79:7,20;84:8,12;85:1,8, 10,15,19,21;86:7;90:13;91:1, 4,18;92:7,10,18;93:4,17;94:5, 19;95:3,5,17;97:2,18,21; 99:18,20;100:5,18;101:12,19, 20;103:12;104:4;107:2; 108:11;109:15;112:11; 114:18,21;115:20;117:12,15; 119:18,21;120:4,9,13;122:2, 6;126:20;127:7,15;128:5,10, 15;129:15;130:21;134:4,10; 135:2;136:12;138:4;140:12, 15;147:7,10,14;148:19;150:4, 8;151:9;154:11,16,19;155:21; 156:19;157:14,17,18,20; 160:9,12,14;162:2;164:21; 165:17;167:16,21;168:6; 169:1,2,2;171:16,18;182:9; 188:1;190:1;194:18,21; 198:20;199:10;202:19;208:4, 6;209:4,6,6,11,14;210:6,7,14; 211:4,9;212:15;213:16; 214:15,20;215:21;216:8; 217:5;218:13;223:6,16;224:1; 227:19;229:6,8,11,13,14,15; 230:8;231:1,2,8;232:15,16,20</p> <p>commissioned (1) 74:1</p> <p>commissioner (20) 23:18;26:6;30:1;32:4;48:4; 65:14,21;73:20;79:6;88:20; 98:2,3;103:12;106:13;202:9, 12,16;204:17;219:2;230:15</p> <p>commissioners (27) 19:3;23:14,17;30:8,14;60:5, 6,7;62:19;63:15;64:13,15; 69:7;77:2,10;78:9;79:10,14, 17;166:18;167:8,11;175:3; 199:4;227:18;230:10,12</p> <p>Commission's (6) 45:6;109:3;137:15;147:17; 148:20;149:4</p> <p>committed (1) 100:5</p> <p>committee (30) 19:1,8;27:2,12;28:2,9,12, 18;29:1,5,7,10,13;32:2;38:4; 52:6,9;82:13;86:7;92:7; 171:18;198:11;200:15,16; 201:1;217:19,20;219:8,9; 232:11</p> <p>committees (5) 19:4,7,9,12;198:10</p> <p>communicated (2) 62:10;204:3</p> <p>communication (1) 204:6</p> <p>Communications (9) 128:11,13,16,19;129:2,5,9,</p>	<p>10,14</p> <p>communities (2) 74:6;218:14</p> <p>community (5) 17:9;25:20;49:20;50:2;79:8</p> <p>companies (4) 195:13;226:4,5,9</p> <p>companion (1) 146:10</p> <p>company (7) 59:1,4;112:2;128:10;206:8; 225:14;226:14</p> <p>comparable (2) 99:5,10</p> <p>comparables (3) 96:20;98:10,19</p> <p>comparatives (1) 77:21</p> <p>compare (2) 111:6;197:6</p> <p>comparing (1) 99:3</p> <p>compel (1) 146:8</p> <p>compile (2) 25:11;202:14</p> <p>complaint (30) 118:14,17,18;119:1,4,11; 122:2,19;139:18,21;140:2,6, 13;146:20,21;147:7;148:17; 154:14;155:9;156:8;158:10; 162:2,6,11;187:8,15,15;188:5, 10;190:9</p> <p>Complaints (2) 27:4;153:15</p> <p>complete (9) 80:12;109:9;161:10;171:4; 175:20;190:20;217:11,11; 227:19</p> <p>completed (2) 97:21;193:21</p> <p>completely (1) 156:13</p> <p>completion (2) 11:17;100:1</p> <p>complex (1) 206:4</p> <p>compliance (4) 108:20;109:3;114:20; 146:17</p> <p>comply (3) 122:3;163:11;164:1</p> <p>component (1) 229:4</p> <p>composite (1) 201:9</p> <p>compounded (2) 120:4;154:17</p> <p>comprise (2) 19:3;87:12</p> <p>comprised (1) 179:5</p> <p>comptroller (1)</p>	<p>91:15</p> <p>computer (1) 31:17</p> <p>concentration (1) 196:7</p> <p>concern (6) 84:7;108:18;167:15,20; 168:11;175:19</p> <p>concerned (3) 108:10;123:16;181:8</p> <p>concerning (21) 69:2;70:15;78:9;79:8;84:4; 85:19;110:11;138:17;142:1, 11;144:4;149:2;167:12,17,21; 168:12;186:21;212:15; 214:16;215:1,21</p> <p>concerns (3) 95:21;110:18;133:5</p> <p>concluded (1) 233:17</p> <p>conclusion (1) 172:10</p> <p>concurrent (1) 145:15</p> <p>condition (2) 35:8,20</p> <p>conduct (5) 92:18;96:15;110:3;132:12; 222:7</p> <p>conducted (13) 73:2,16;93:4,11;95:7,8; 97:18,20;98:9;109:20;131:7; 182:2;232:11</p> <p>conducting (4) 78:5;96:13;149:16;152:21</p> <p>conference (2) 141:15;143:7</p> <p>confidentiality (1) 230:12</p> <p>confirm (2) 45:4;75:13</p> <p>confused (1) 188:11</p> <p>conglomerate (1) 194:4</p> <p>conjunction (1) 54:15</p> <p>connected (1) 61:10</p> <p>conscious (2) 92:19;93:5</p> <p>consented (1) 163:9</p> <p>consider (21) 93:5,17;99:18;104:8;120:9, 13;124:9;140:14;147:8,8; 148:19,21;154:16;155:4; 156:19;157:6;160:9,13;162:3, 4;188:20</p> <p>consideration (6) 66:12;102:17;104:5;120:6; 200:5;219:13</p> <p>considerations (4)</p>	<p>93:15;95:4,6;118:4</p> <p>considered (25) 14:3;96:3;99:5;118:19; 119:15;140:12,13,16;147:10, 14;154:12,20;155:2,6,6; 157:18;158:3;160:15,16,17, 18;168:7;197:9;215:3;229:10</p> <p>considering (5) 105:15;154:18;158:1; 219:7;230:4</p> <p>consistently (1) 193:11</p> <p>consolidated (1) 153:2</p> <p>consolidation (6) 121:3;123:18;146:12,14; 153:4,7</p> <p>constitute (1) 175:10</p> <p>constituted (1) 195:19</p> <p>constitutes (1) 222:5</p> <p>constitutional (1) 92:9</p> <p>constitutionality (6) 83:2,20;84:4,7;85:20;98:8</p> <p>construction (1) 197:18</p> <p>consultant (27) 42:20;47:20;50:5,5,15,15, 19;51:2;52:12,15;53:10,17, 20;54:3;55:13;56:9;58:2,5,8, 17;59:16;74:14;75:7;77:4,9; 78:5;137:15</p> <p>consultants (1) 48:10</p> <p>consultant's (2) 53:3;58:21</p> <p>consulted (1) 74:16</p> <p>contact (2) 143:18;148:7</p> <p>contacted (1) 124:18</p> <p>contained (1) 228:20</p> <p>contend (1) 41:14</p> <p>contenders (1) 193:9</p> <p>contents (2) 90:14;128:2</p> <p>context (3) 82:6;146:5;149:13</p> <p>continually (1) 189:10</p> <p>continue (3) 139:16;169:6;184:4</p> <p>continues (1) 216:20</p> <p>continuing (8) 35:8;41:15,17;47:18;</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

138:20;174:21;191:6;226:6	158:15,17,21;165:12;172:9; 175:10;178:14;180:4,4; 183:11	D	degree (2) 10:18;11:14
continuous (1) 13:1	County (49) 5:14;7:7,15;9:2,9;12:16,18, 21;13:16;14:4,8;15:14;16:2,9; 19:20;21:16,17;40:9;45:8,12, 13,19,21;110:5;158:19,19; 160:1,3,4,6,19,19;161:20; 165:2,6;166:17;167:6;171:8, 13;179:7;180:5;182:1,2,15; 183:1,10,14,18;186:1	daily (1) 31:16	degrees (1) 11:5
contract (5) 51:1;52:15;53:4,16;75:17	countywise (1) 181:11	date (16) 50:21;55:17;76:15;86:14, 16;89:8,9;126:21;142:21; 166:4,9;192:1,2;209:20; 220:7;234:17	delaying (1) 97:19
contracts (1) 54:16	couple (1) 189:9	dated (1) 225:3	Delegate (36) 66:13,16;80:6,11;81:7,7; 84:3,3;85:14,15;86:6,17;87:4, 17;88:5;89:4,16;90:3,15; 92:14,15;127:16,16;128:5; 220:4,4;222:20;223:7,15,16; 224:4,5,8,12,16,20
contravention (1) 120:2	course (3) 24:17;144:20;162:12	dates (2) 52:19;231:11	delegates (2) 87:12;88:17
contributed (1) 31:18	courses (1) 110:10	Davies (4) 22:4,10,16;32:14	delegation (1) 89:6
conversate (1) 227:3	court (30) 6:5;7:6,21;21:16;35:11; 41:1;46:13;65:9;120:15; 123:17;141:3;142:18;144:1, 17,19;145:4,8,11;146:18; 149:9,13;150:10;152:20; 153:1,10;159:17,20;189:18; 190:18;196:11	day (26) 8:11,15;12:12;16:17;22:19; 38:1;43:14,15;48:3,4;49:14; 60:4;72:21;84:14;93:10; 125:21;164:8;166:10;170:19; 174:19;183:4,12;191:1,17; 192:20;213:3	deliberations (2) 34:17;230:11
conversation (5) 6:9;53:1;70:14;71:7;192:12	courtesy (1) 41:13	days (6) 39:19;60:9;171:10,10; 231:12,17	deliberative (22) 34:12;35:1,7,13;48:8; 81:21;116:20;124:4,17; 138:21;142:11;146:2,6,9; 150:6,15;151:7,10,14;152:2,4, 5
conversational (2) 168:21,21	courts (1) 7:8	DC (3) 110:9;111:16;112:1	deliver (1) 205:9
conversations (2) 22:11,16	court's (2) 163:7;189:14	deal (4) 31:13;38:1;71:2;79:14	deliveries (1) 125:9
converts (1) 107:18	covered (6) 178:1,8,16;179:18,19; 180:10	dealing (3) 32:5;54:21;198:12	delve (1) 210:7
conveyed (2) 42:20;143:20	created (5) 18:9;20:11;34:2;49:5;216:9	deals (1) 219:9	delved (1) 209:7
conveyor (1) 12:15	creating (1) 204:18	dealt (1) 219:17	demand (2) 209:8;212:3
Coombs (1) 127:7	criminal (2) 11:7;186:12	debate (3) 48:11;123:1,9	demands (1) 212:7
C-O-O-M-B-S (1) 127:7	criteria (9) 92:19;93:5;132:11;198:18; 199:20;200:12;202:14; 227:17,19	Debbie (5) 30:10,10;112:14,16;175:4	denial (1) 144:8
cooperated (1) 146:3	critical (1) 8:4	December (4) 50:10,16;58:3,7	denied (4) 41:1;143:1;146:8;189:13
copies (1) 234:19	criticizing (1) 130:9	decide (3) 148:6;188:14;209:14	dentists (1) 218:9
coplaintiff (1) 187:17	cup (1) 223:1	decided (4) 179:21;180:7;207:19,21	deny (1) 146:6
copy (6) 36:3;139:10,21;140:6; 142:15;164:13	current (2) 144:10;218:11	decision (11) 28:1;89:4;95:11;129:8; 137:14;150:14;156:5;163:12; 178:12;180:1;230:1	dep (1) 67:21
Corporation (1) 12:14	currently (5) 11:6;27:1;40:15;107:4; 216:12	decisions (2) 34:18;201:20	Department (15) 12:16,18,21;13:4,16;14:5, 18,19;15:20;16:21;17:7;41:4, 8;71:4;91:19
correcting (2) 63:12;155:17	custody (2) 206:21;207:1	declarations (2) 177:15,18	Departmental (1) 14:3
correction (1) 203:17		declaratory (1) 122:11	DEPONENT (1) 234:3
corrections (1) 234:8		declare (1) 182:10	deposed (4) 5:17;7:5;9:1,4
correctly (4) 47:21;61:16,19;102:2		declared (6) 171:11,12,12,13;180:3; 182:1	Deposition (35) 10:1,5,9;17:14;29:10;36:4; 55:5;72:9,11;73:1;75:21; 80:9;126:1;137:3;140:1; 141:3,15,18;143:12,19;146:1, 17;148:4;149:11;151:11;
correspondence (1) 128:4		defendant (3) 40:14;41:8;158:10	
cost (2) 8:17;214:11			
costs (1) 77:19			
Counsel (21) 41:12;46:17;71:20;82:2; 88:4;105:10;112:4;137:2; 139:10;141:5;146:11;151:11; 152:21;153:1;161:8;162:18; 164:13;221:3;224:12,17,19			
count (1) 39:16			
counties (10)			

152:17;155:10;156:9,11; 158:13;161:10;187:1;190:20; 204:15;233:17	53:3	dispute (22) 124:17,18,20;125:3;127:1; 140:11,15;144:10;147:9,12; 148:16;153:19;154:7,9,11,19; 157:18,20;158:4;160:15; 176:20;189:3	48:3;49:14;54:14;96:21; 219:19;230:2
deputy (2) 8:3;16:18	disadvantage (1) 162:13	disqualifies (1) 222:6	down (6) 6:13;65:9;101:9;117:4; 141:4;180:10
derelict (1) 119:18	disagree (2) 111:9;188:18	distinct (1) 153:11	Dr (3) 22:4,16;32:14
Describe (5) 31:9;60:16;96:17;137:20; 174:18	disbanded (1) 216:10	distinction (2) 43:8;229:7	draft (1) 33:12
described (5) 70:5;105:17;132:13;161:9; 229:8	disciplinary (1) 14:21	distributed (1) 211:15	drafted (1) 222:1
descriptions (1) 42:17	discipline (2) 13:17;14:4	distributors (3) 172:9;179:12;205:1	drafting (1) 31:5
design (2) 109:17;110:6	disciplined (1) 14:15	district (1) 210:3	Dresser (2) 192:13,14
designing (1) 109:7	discover (1) 146:19	diverse (2) 74:6;216:4	drew (1) 109:12
detach (1) 47:2	discovered (2) 229:4;233:7	diversity (147) 47:19,20;48:5;49:8,16;50:5, 14,15,19;51:2,7;52:2,12,15; 53:3,10,17,20;54:3;55:1,13; 56:9;58:2,5,8,16,21;59:16; 60:12,18;61:2;64:14;65:3,17; 66:3,10,21;67:15;68:4,7;69:3, 14;70:2,21;71:4;72:14,18; 73:1,16;74:11,13;75:7;77:4,8, 12,14;78:5,10;79:20;82:16, 16;84:8,13;85:11;86:1,9,21; 93:18;94:6,15,21;96:4;99:19; 101:21;102:7,13,14;103:14, 19;104:6;105:15;118:5,13,16, 17,19;119:15,20;120:6,7,9,10, 13;122:4;124:1;140:3,4,12, 14,15,16;147:8,9,11,15,18,21; 148:20,21;154:12,15,17,18, 20;155:2,4,7,8;156:3,20; 157:4,19,21;160:6,10,18,21; 162:4;167:17;168:1,7,12; 169:4,13,18;170:8,16;214:20; 215:2;216:1,15;218:17;219:5, 7,10,13;224:3;229:10	drive (4) 24:7,10,16;113:12
descriptions (1) 42:17	discuss (4) 23:8;90:14;131:11;137:8	divided (1) 175:12	Drug (2) 186:4,6
design (2) 109:17;110:6	Discussed (26) 52:6;53:4;62:11,17;64:14; 69:15;70:1,7;71:1;73:5;74:4; 82:6;86:6,9;89:1;96:10;97:7, 11,18;105:17;131:2,4;132:19; 133:12;168:4;170:3;198:19	division (1) 114:17	due (1) 145:6
designing (1) 109:7	discussing (2) 33:18;36:10	Doc (1) 22:11	duly (1) 5:4
detach (1) 47:2	discussion (38) 15:18;56:7;67:9;69:2;71:2, 3;76:7;77:14,19;78:1;80:14; 81:5,16,19;82:12;85:7;86:11; 92:5;98:4,17,18;100:9;101:7; 102:21;112:7;117:21;164:11; 168:11;169:20,21;190:10; 212:14;213:2,3,16,20;214:1; 220:2	doctors (1) 36:20	duplicate (1) 159:1
detailed (2) 147:2,13	discussions (12) 38:15,17;48:9;53:14;60:20; 63:8;70:4,6,18;73:15;186:21; 227:6	document (16) 10:5;46:18;128:7;139:14; 159:2,3,6,8,17;161:18;164:16, 21;165:6,12;183:2,3	During (11) 13:15;55:5;57:8;69:1,12; 91:18;95:18;137:5;143:19; 167:16;227:5
details (1) 210:7	dismissal (1) 40:16	documents (1) 27:15	duty (1) 119:19
determination (1) 212:6	disparity (23) 52:4;77:16,17;78:6;93:3,3, 6,10;95:7,7;96:13,15;97:4,17, 20;98:9,14,19;99:5,14,16,17; 127:9	done (6)	E
determine (1) 194:5	dispensaries (10) 106:6,16;107:3;108:1,15, 19;110:12;132:10;206:19; 210:3		earlier (9) 61:7;68:16;70:5;81:6; 84:21;174:9;190:19;201:10; 232:7
determined (3) 8:16;207:11,12	dispensary (6) 107:10;109:8;205:20; 206:1;209:13;217:13		easier (1) 51:13
determining (2) 133:7;215:11	dispensers (1) 108:15		easiest (2) 32:13,17
developed (2) 201:21;210:15			Eastern (3) 178:13,14;180:9
DHMH (8) 55:21;57:4;73:3,17;127:18, 21;128:3,5			easy (1) 180:3
difference (4) 107:6,9,12;111:3			Economic (2) 42:5;129:20
different (25) 18:17,21;19:3,4;46:21; 57:19;59:17;66:2,3;78:6; 91:19;101:17;114:7;123:20; 133:8;137:4;144:6,7;146:15; 147:2;190:7,7;201:19;206:8; 211:3			Economics (3) 42:9;129:21;130:1
differently (2) 127:3;210:5			edited (1) 31:8
difficult (2) 75:10;184:6			educate (1) 176:13
directed (4) 36:16;128:4;190:2;233:9			education (2) 10:15;110:11
direction (4) 63:15;104:5;105:14;122:3			educational (3) 217:1,2,16
directly (7) 102:13;119:10;140:2; 148:20;149:3;155:8;189:21			effect (1) 106:15
director (17) 29:15;32:7,20;36:9;60:8, 21;63:3,10,12,15,19,21;69:8; 83:19;177:19;181:12,17			effective (3)
dis (1)			

<p>33:5;92:1;156:6 efforts (2) 47:21;107:1 either (9) 7:14;44:20;45:12;50:2; 86:6;94:17;117:3;133:9; 181:16 elementary (2) 184:15,20 elements (2) 157:5;202:2 elevation (1) 200:20 else (18) 26:10;30:5;39:11;43:12; 56:4,8;57:2;62:15;65:2;88:3, 13,17;112:12;126:2;137:21; 144:21;196:2;227:10 else's (1) 189:8 email (3) 62:9;124:12;125:4 employ (1) 222:13 employed (2) 13:15;16:11 employee (3) 40:3,16;57:8 employees (2) 7:14;40:18 employment (7) 12:1,11,20;13:3;16:3; 22:15;41:7 enable (1) 33:5 enabling (4) 20:10;34:2;49:5;85:20 enact (1) 33:12 enacted (1) 106:10 encompasses (2) 35:1;190:13 end (6) 27:21;46:18;80:7;125:21; 193:11;194:6 ended (1) 197:4 enforcement (5) 20:12;109:13;110:16; 114:16;202:11 engage (4) 8:3;144:1;156:5;227:3 Engaged (1) 8:11 engaging (1) 6:9 enhance (1) 218:12 enough (3) 206:12;212:10,11 entire (5) 27:7;131:20;139:21;172:7;</p>	<p>205:8 entities (4) 42:17;180:11;182:7;183:21 entitled (1) 150:14 entity (5) 119:9;137:21;174:1;203:7; 220:1 entry (1) 13:5 environmental (1) 110:6 equaled (2) 134:21;135:1 equally (1) 211:15 equate (1) 206:7 Eric (8) 30:7,10;31:1,13;38:4,5; 91:7;112:13 err (1) 212:10 Errata (1) 234:19 error (5) 154:18;228:12,13;229:3; 233:7 errors (6) 135:5,10,12;136:3,12;228:9 escapes (1) 55:2 Especially (4) 14:12;143:2,15;144:10 Essentially (5) 23:9;63:3;71:6;78:13;89:4 established (2) 114:14;225:4 ether (1) 54:9 ethic (1) 69:14 ethnic (76) 47:19;48:5;49:7,16;58:16; 60:12,18;61:2;64:14;65:3,16; 66:2,10,21;67:15;68:4,7;69:3; 70:1,20;74:6,10;77:12;78:10; 79:20;82:15;83:4;84:8,13; 85:10;86:1;92:11,19;93:5,14, 18;94:6,15,20;96:4;99:19; 102:6,12;103:19;104:6; 105:15;118:17;119:20;120:7, 10;122:4;140:3,15;147:8,18; 148:18,19;154:17;155:8; 156:2,20;157:21;160:10,16; 167:17;214:19;215:2,21; 216:4,15;218:17;219:5,7,10, 13;224:3 ethnicity (2) 120:1;167:12 evaluate (1) 133:8 evaluating (1)</p>	<p>198:7 evaluation (7) 42:9;132:9,12;222:8; 227:17,19;230:11 evaluations (1) 43:15 Evans (5) 184:10;185:6,10;186:21,21 Evans' (1) 185:12 even (24) 6:15,16;9:13,14;21:1;24:1, 11;37:19;87:20;91:11;93:21; 120:14;136:10,13;145:1; 148:12;178:7;179:12;182:6; 187:16;188:11;197:19; 210:15;223:13 event (2) 124:20;228:16 Eventually (4) 8:12;60:10;171:9;181:12 everybody (2) 43:12;231:19 everyone (2) 164:9;171:11 everyone's (1) 230:14 evidence (9) 117:20;127:8;139:5; 140:18;146:20;147:16; 151:12;155:1;158:5 exact (6) 37:19;52:19;76:15;89:9; 193:18;220:7 exactly (11) 37:21;38:16;52:4;55:21; 57:14;63:5;65:10;142:16; 165:13;192:16;203:5 EXAMINATION (3) 5:7;227:13;232:2 examined (2) 5:6;234:6 example (13) 25:19;27:9,9;36:17;37:7; 44:1;99:5;116:10;134:8; 158:19;176:2;218:8;219:8 exceeded (1) 114:9 exclusively (2) 227:15;230:2 Excuse (6) 22:12;30:11;77:17;168:5; 172:11;225:14 executive (27) 29:7,10,12;32:2,7,20;35:12; 36:9;52:6,9;60:8,21;63:3,10, 12,14,19,20;69:7;81:17; 82:12;83:19;86:7;150:13; 177:19;181:11,16 Exercise (1) 156:3 Exhibit (33) 9:19;10:1;36:4,6;46:2,5,19,</p>	<p>21;51:14,18;80:3,6,19;81:1; 86:5,17;97:17;100:14,17; 126:6,9,17;139:7,14;140:1,7; 158:13;161:10;164:13; 166:16;182:19,21;191:19 exhibits (1) 123:20 exist (1) 217:10 existed (1) 85:18 existence (3) 128:7;216:20;217:4 existing (1) 110:7 exited (1) 187:11 expand (1) 155:20 expanded (2) 37:11;210:4 expanding (1) 85:3 expansion (1) 37:12 expect (1) 5:11 expected (1) 51:10 expense (1) 155:7 expensive (1) 78:2 experience (6) 109:13;110:2,16;202:11; 208:3,5 expert (2) 196:12;203:7 expertise (5) 30:18;113:6;202:10,13; 206:15 expired (1) 27:1 explained (2) 83:5;143:10 explaining (1) 83:6 explanation (5) 82:21;83:1,8;92:21;98:7 express (1) 95:21 extent (2) 82:1,5 Extra (1) 170:13</p>
F			
			<p>face (1) 117:19 Facebook (3) 185:4,6;186:14 facilities (3)</p>

<p>110:1,12,13 facility (6) 113:6;197:15;206:16,17; 214:9,12 facing (2) 147:3;151:9 fact (16) 40:18;60:1;63:17;93:13; 96:14;98:8;100:4;128:11; 147:9,12;155:3;157:17,20; 158:3;160:20;164:2 facts (4) 95:12;145:5;147:5;161:6 failed (7) 115:20;120:9,13;147:7; 154:16;162:2,3 failure (5) 14:16;120:4;122:2;148:19, 21 fair (26) 25:9;33:13;37:12,13;53:2; 63:14;64:18,19;70:3;89:16; 90:1;114:1,2;116:13;129:7; 162:21;163:6;172:8;205:11, 18,20;208:2;209:11;218:15; 228:8;232:13 fairly (3) 116:4;172:8;193:10 faith (6) 146:4,17;152:19;189:3,11, 17 familiar (2) 29:8;196:9 family (3) 8:6,7,9 far (5) 31:4;99:11;108:10;149:11; 179:13 fashion (1) 188:2 fault (1) 212:17 favor (2) 20:20;190:3 favoritism (1) 187:13 federal (4) 7:6,8;31:2;36:19 feel (4) 41:15;72:3;196:4;234:8 fell (2) 116:3;173:8 felt (1) 99:10 ferret (1) 161:6 few (7) 8:13;14:10;36:16;51:9; 127:5;211:21;227:14 field (1) 99:12 figure (1) 192:1</p>	<p>file (3) 152:10,16;188:21 filed (8) 144:18,19,21;145:6,8,10; 159:14,19 fill (3) 18:11;20:18;116:13 filling (3) 18:12;156:1;205:16 final (16) 27:2,3,8,11,20,21;28:1,2,6, 8,17;41:2;43:18;177:1; 180:16;217:20 find (9) 9:8;14:19;25:16,18,20; 124:19;136:6;157:3;161:5 finding (1) 212:16 findings (3) 130:18;131:1,11 fine (26) 14:18;35:17;39:3;48:16; 53:16;55:11;71:18;77:16; 88:8;100:13;105:1;124:10; 140:19;145:14;149:10; 168:19;169:8;174:15,17; 175:6;176:20;203:6;208:18; 209:2;221:8;223:2 fingers (1) 207:3 finish (3) 6:16,18;201:12 finished (2) 16:2;93:21 firm (2) 59:1;217:8 first (37) 5:4;7:18;13:8;16:18;18:8; 21:7;26:7;27:7;29:21;30:2; 33:8;49:4;50:8;55:10;59:20; 100:19,20;101:15;102:1; 110:2;119:17,18;141:1;148:3; 158:19;164:13;165:14; 169:10;170:7,9,11;175:5,14; 178:12;189:10;220:3;225:4 fit (1) 205:5 Five (15) 28:19,20,21;114:8;115:2, 13,18;116:1;170:13,15;172:1; 175:12;177:6;178:8;220:9 five-minute (1) 58:12 five-month (1) 90:12 flawed (1) 155:17 fleshed (1) 31:12 flip (1) 54:6 focus (2) 133:12;196:16</p>	<p>focuses (1) 147:17 follow (1) 61:4 following (3) 16:10;62:1;163:18 follows (3) 5:6;44:6;158:2 foregoing (1) 234:6 Forest (1) 5:13 Forgive (4) 53:8;67:19;136:6;199:14 forgot (2) 42:4;71:11 form (7) 107:18;191:7;229:1,18; 230:6,20;231:5 formal (2) 60:2;62:8 formally (3) 21:11;23:5;62:10 format (1) 31:15 formed (1) 216:17 forth (1) 106:3 forward (1) 123:10 forwarded (1) 89:5 found (12) 8:1,18;43:12,12;149:21; 165:14;166:4,10;206:6;211:9; 220:21;231:19 four (2) 16:18;30:14 frame (2) 90:5;224:8 Frederick (2) 158:19;180:5 free (3) 149:16;188:15,18 frequently (1) 18:10 Friday (2) 16:9;178:2 friend (4) 8:6,7,8;19:19 friended (2) 185:8;186:16 friends (3) 185:6;186:10,14 front (5) 103:2;140:7;158:14;175:2; 191:16 frustrating (1) 127:2 fulfilled (1) 216:10 full (17) 17:2;28:9;146:5;151:13; 229:8,11,13,14,15;230:8; 231:1,2,8;232:11,15,16,20 fully (2) 145:4;193:21 function (1) 91:19 further (3) 11:5;149:15;227:9 Furthermore (2) 149:1;155:13 future (8) 97:15;105:7;114:19;140:8; 148:6;149:9;156:7;209:20</p>
G		
		<p>gather (1) 98:13 gave (14) 59:17;61:6;70:16;77:4,6; 102:4;120:6;142:20;157:4,5, 8;163:8;224:1,232:19 general (10) 17:7;53:19;79:9;122:2; 130:17;131:11;148:3;199:10; 204:12;215:10 Generally (1) 199:6 General's (2) 144:20;223:20 generate (1) 214:9 generated (1) 223:15 geo (1) 177:6 geographic (55) 49:8;66:21;68:4;82:16; 94:20;101:21;102:14;103:14; 118:4,13,16,19;119:14,20; 120:6,9,13;122:4;123:21; 140:3,12,14,16;147:9,10,14, 20;148:21;154:12,15,18,20; 155:2,4,7;156:3,20;157:4,18; 160:5,10,17,18,21;162:3,4; 168:1,7,12;169:4,16;170:8, 16;175:8;229:10 Geographical (3) 169:17,17;175:5 George's (13) 5:14;7:7,15;9:9;12:15,18, 21;13:16;16:2;19:20;40:9; 179:5;186:1 Gerald (1) 184:10 Geyer (1) 150:9 girl (1) 8:13 gist (1) 193:5 given (16)</p>

66:4;78:14;93:5;104:8; 110:17;134:12;160:19; 198:15;211:13;212:17;214:8; 225:4,12;230:11;232:14; 234:7 giving (7) 5:21;126:15;128:6;156:21; 192:9;201:8;224:13 Glenn (2) 88:9,10 goal (1) 205:17 goals (1) 122:7 goes (4) 148:20;149:2;155:8;158:21 gold (1) 131:21 Gontrum (1) 91:14 good (19) 116:4;146:4,17;152:19; 156:3;164:8;189:3,11,17; 194:6,7;195:19;197:4;220:18; 222:1,6,7;225:8,8 government (4) 31:2;36:19;54:16;55:21 governor (9) 21:12,18;33:11;51:17;52:5; 64:2;97:16;99:13;100:1 graduate (1) 11:1 graduated (5) 10:16,21;11:10;12:10,12 granted (3) 114:8;146:8,12 granting (1) 35:8 grants (1) 54:16 Great (10) 17:19;31:13;56:15;71:2; 79:14;189:16;195:21;196:19, 21;229:7 greatest (1) 131:21 ground (4) 35:2,3;120:16;148:6 groundwork (1) 156:6 group (7) 31:4;53:11;63:5;75:11,12, 17;87:11 groups (3) 79:8,18;175:10 Grow (6) 45:15;110:7;111:16,20,21; 195:14 grower (26) 26:18;27:9,10;43:6,13;44:3, 15,17;45:8,19,20;107:7,10,12, 14;116:10;154:6,8;171:21; 207:7;210:4;211:18;216:1; 217:13;225:21;230:4 growers (39) 44:11;94:21;102:7;106:2,6, 14,16;107:3;108:1,15,18; 109:8;114:11,15,19;116:16, 17;118:5,6;119:21;132:10; 133:9;138:4;182:9;183:16,17; 199:14,15,16,17;200:4,13,17; 201:6;205:15;207:11;209:18; 210:7;226:21 growers' (19) 42:2;65:4,17;66:6,11;69:4; 73:4,4,18;74:12;92:12;102:1; 133:16;134:4,17,17;202:12; 209:13;215:12 grower's (10) 48:6;49:9,17;77:13;78:11; 80:1;113:20;133:19;199:20; 221:13 growing (2) 110:12;201:17 grown (2) 206:17;220:1 growth (1) 96:19 GTI (12) 119:8;121:5,10,12;123:18; 146:10;149:17;151:13;159:4, 12,15;188:9 GTI's (4) 124:6;146:20;147:4;187:17 guess (9) 23:3;31:3;41:2;98:6; 102:15;111:11;116:5;193:4; 210:5 guessing (1) 185:3 guidance (3) 132:14,17;217:14 guided (1) 209:12 guilty (1) 7:20 gun (1) 23:2	94:18;125:15;126:1; 140:10;141:8,10,13;142:13, 21;144:12,15;145:18;147:19; 150:1,16,19;151:2,5,17,21; 152:5,10,14;153:5,7,12,17,20; 156:12;157:7,10,15;158:6; 162:12;163:4,11,16,21;164:8; 190:17 Handy's (2) 125:2;140:19 Hannah (3) 60:21;62:7;105:17 happen (11) 19:18;21:14;22:21;28:16; 55:8;63:18;95:9;96:5;170:18; 171:9;174:18 happened (12) 10:17;13:7;53:20;54:13; 170:21;171:1,15;177:10,10; 178:10,11;224:15 happens (1) 169:5 harassed (1) 189:6 harassment (1) 188:17 HARRY (4) 5:3,9;126:18;234:13 head (5) 37:21;45:1;51:4;87:21; 88:21 Health (1) 91:20 hear (4) 131:9,10;190:19,21 heard (11) 38:15;53:15;83:1;127:20; 129:10;194:13;225:14,17; 226:14,17;227:5 Heather (2) 141:5;157:16 held (16) 8:5;15:18;56:7;76:7;80:14; 81:5;92:5;100:9,18;101:7; 102:21;112:7;164:11;190:10; 199:4;230:3 help (4) 25:6;42:3;50:6;74:5 helped (2) 202:14;221:20 hereby (1) 234:5 hesitant (1) 127:19 hey (4) 62:7;71:16;96:1;169:3 hidden (1) 116:7 high (8) 10:16,16;11:1,11;12:10,12, 13;150:13 highlighted (1) 101:6	Hillman (9) 128:10,13,16,18;129:1,5,9, 10,13 himself (1) 125:10 hire (3) 74:13;128:16;137:14 hired (5) 50:5;74:17;128:13;132:8,9 hiring (2) 130:5,9 history (3) 12:11;13:4;25:14 Hogan (1) 51:17 hold (9) 51:4,6;52:14,14;53:3; 150:1;182:14;188:12;217:8 Holding (1) 155:21 holier (1) 189:16 Holistic (4) 225:15,19;226:3,15 home (3) 8:14;110:4;111:15 honest (1) 194:12 Honor (33) 123:13;141:2,9,17;145:19; 148:4,16;149:1,8,18,19; 151:20;152:7;153:4;154:3; 155:5,12,13;156:9,17;157:2; 158:7,12;159:9,20;160:8; 161:7,8,21;162:8;163:7,14; 164:7 honoring (1) 71:21 hope (2) 23:2;180:19 hopefully (1) 204:14 horticultural (1) 172:2 horticulture (1) 201:18 hospitals (2) 36:17,17 hour (2) 53:12;55:14 hours (3) 11:20;14:17;26:8 Hoyt (4) 56:16,18,19;57:1 H-O-Y-T (1) 56:20 hundred (1) 133:17 Hundreds (1) 26:8 husband (1) 185:15 Hygiene (1)
	H	
half (3) 53:12;55:14;112:18 halted (1) 99:20 halting (1) 97:19 hand (4) 47:7;95:21;125:9;149:1 handled (1) 60:15 handles (1) 9:10 hands (1) 6:14 handy (40)		

91:20 hypothetical (1) 173:6 Hypothetically (1) 134:9	include (4) 68:17,18;104:18;197:10 included (3) 61:7;82:14;228:11 including (2) 28:18;40:10 incorrectly (1) 142:10 indeed (2) 46:6;120:8 independent (2) 42:20;48:10 indicate (1) 161:18 indicated (2) 125:5;183:17 indicates (1) 92:18 indications (1) 11:16 individual (2) 62:6;95:15 individually (1) 164:20 individuals (1) 59:5 industries (5) 127:9;225:15,19;226:3,15 industry (12) 61:11;79:16;96:19;99:4; 110:19;155:19,20;156:7,7; 195:12;204:19;206:13 influence (1) 188:5 informal (1) 180:20 information (40) 20:8;29:17;37:3;44:2; 49:20;54:12;75:8;78:2,14; 98:13;124:4;136:8;138:13,17; 139:2;153:13,14,21;162:14; 165:8;166:16,19,20;167:3,7, 10;173:10;181:12,15,17; 182:5,8;195:6,9;196:9;212:2; 214:14;215:20;228:21;230:16 informed (3) 117:6,7;180:21 initial (2) 115:1;184:2 initially (8) 36:16;117:6;118:5;160:21; 174:10;180:12,19;216:19 initiated (2) 50:3;51:7 injunction (2) 122:11,11 injunctions (1) 122:16 input (3) 64:5;106:8;198:6 inquired (1) 215:13 inquiring (1) 124:3	in-service (1) 12:6 insignificant (1) 207:6 inspection (2) 45:4;108:20 instance (3) 69:20;93:4;116:12 instead (2) 81:4;147:16 Institute (6) 42:5,6,7,8,9;130:1 instruct (7) 48:13;120:16,19;123:4; 124:5;143:6;163:12 instructed (3) 142:2;152:8;163:2 instructing (6) 34:14;121:16;142:10; 144:3;164:2;208:12 instruction (2) 104:17;163:9 instructions (1) 228:12 instructor (1) 11:19 insufficient (2) 149:20;150:4 intended (1) 146:19 intends (2) 47:19;50:14 intent (1) 163:18 intention (1) 149:16 interaction (1) 17:9 interest (1) 155:16 interested (2) 23:4;72:17 intergovernmental (1) 72:1 internal (3) 13:17;15:11;48:11 interpose (1) 148:2 interpreted (3) 103:4,6;127:2 interrupt (1) 175:7 interval (1) 90:12 intervening (2) 11:9,13 intervention (2) 143:13;163:8 interview (1) 21:20 interviewed (1) 126:14	into (21) 29:11;41:13;70:11;106:8; 107:18;111:19;118:7;133:6, 13,14;147:14;170:6,7;175:12; 179:10;209:7;210:7;218:4,9; 220:1;227:20 investigate (1) 27:13 investigated (1) 15:11 investigates (1) 27:6 investigation (1) 109:20 investment (1) 207:6 invoke (1) 224:9 invokes (1) 154:15 Invoking (1) 116:20 involved (24) 9:4;24:3;26:7,12;29:4;30:2, 5;32:11;36:18;52:21;54:18; 106:9;129:8;130:4;133:6; 137:14,18;149:14;198:14; 200:9;201:20;220:19;232:17, 18 involvement (4) 32:2;106:12;108:3;214:8 involving (1) 14:7 irrelevant (3) 120:15;189:6,7 issuance (12) 44:12,18;45:5,9;76:17; 87:7;92:11;97:3,19;99:19,21; 112:20 issuances (2) 99:21;157:1 issue (31) 28:10;64:13;69:13,21; 70:20;76:16;83:3;95:11,15; 133:13;141:19;143:2,11; 144:7,12,13;145:12;146:3; 149:3;158:8;169:13,14,18; 188:10;210:11;211:5;224:2,2, 13;225:7;229:14 issued (13) 44:8;58:9;86:21;89:3,7,15; 90:2;95:9;97:14;113:21; 189:12;212:6;214:3 issues (17) 29:16;32:6,11,19;84:4; 92:9;98:8;108:11;111:17; 133:2,13;143:16;144:4; 146:15;149:1;165:5;194:4 issuing (1) 212:15 item (1) 78:19 items (3)
I			
idea (9) 132:2,7;176:9;183:19; 185:9;186:19;195:18;208:8, 13 identification (10) 9:20;36:7;46:3;51:15;80:4; 100:15;126:7;139:8;191:20; 231:4 identified (5) 171:7;173:19;174:1;205:3; 231:3 identifier (9) 138:9,16;158:18,20;165:4; 166:5,17;195:4;226:12 identifiers (3) 138:13;171:7,17 identify (2) 139:14;205:15 identifying (5) 167:6;195:6,8,9;228:21 ignored (1) 119:21 III (2) 5:3;234:13 illegal (5) 156:4;188:3;190:8,9,13 imagine (2) 114:11;152:18 immediate (1) 151:12 immediately (1) 16:5 impacted (1) 160:6 implement (2) 33:13;67:6 important (7) 6:10;103:8,9,14,18;200:13; 201:5 imposed (2) 108:16,17 impossible (1) 172:10 impression (1) 127:21 improper (1) 188:20 inappropriate (2) 121:6;123:18 inception (3) 17:20;18:7;49:15 incident (1) 15:3 inclined (1) 189:5			

75:21;160:9,13	185:10	171:10,10;231:12,17	38:11;66:20;85:2,9;103:7,13, 17;114:3;122:3;168:6; 207:20;208:1,7;209:12,17; 210:21;212:17;218:8
J	Kathryn (1) 80:17	Law (31) 9:10;20:12;33:5,11,13,17, 18,21;34:9;36:8;37:11,14; 38:10;40:19;66:19;67:5,7; 84:14;85:1,9;93:14;95:4; 104:1;106:19;109:12;110:16; 141:13;142:19;143:5,11; 202:11	length (1) 168:4
Jamison (1) 32:9	keep (2) 72:3;126:1	laws (1) 33:11	LEOBR (1) 40:21
January (1) 213:6	kidnapped (1) 8:15	lawsuit (3) 40:7,14;41:9	less (3) 210:9;212:15;213:2
Jimmy (1) 51:17	kidnapping (2) 15:8,10	lawsuits (1) 7:13	lesser (1) 211:6
job (6) 26:5;30:1;131:19;132:2; 209:2;218:13	kind (11) 7:11;11:15,16;40:19;65:16; 79:19;123:8;128:19;132:14; 206:12,13	lawyer (5) 91:2;221:9;222:5,16,19	lest (1) 102:16
Joe (2) 181:14,17	kinds (1) 32:6	lawyers (3) 104:13,18;105:13	letter (43) 51:16,20;52:2,5;66:16;80:6, 11,12,17;81:7,15;82:5,11,21, 21;83:2;84:2,85:14;86:6,17; 87:4;89:15;90:3,14;92:14,18; 96:7,12,14;98:7;127:3,15; 220:4;222:20;223:7,14;224:5, 7,12,16,21;225:3,13
Joe's (1) 195:14	knew (15) 43:10;55:8,9;87:20;169:9; 172:3;177:4,6;178:7;180:2,2; 186:7,12;195:12;202:20	lawyers' (1) 224:6	level (2) 13:5;150:13
John (1) 91:14	knowing (3) 151:13,16;175:21	lay (1) 156:6	liaison (1) 57:15
joined (1) 12:15	knowledge (31) 30:17;44:11,19;64:20;68:2; 72:21;73:19;74:8;79:10,13; 84:11;85:17;93:12;98:1; 102:19;126:13;129:3,12; 134:3;135:11;136:10;162:16; 183:15,18;214:18;215:19; 216:2,14,16;219:18;225:11	lead (5) 139:4;140:17;147:15; 158:5;177:1	license (32) 44:8,13,18;45:5,10,14,15; 48:6;49:10,17;69:4;73:4,4; 77:13;78:12;80:1;109:9; 115:8;118:20;133:19;134:5, 18;149:5;154:7,8;160:4; 187:19,20,20;199:20;215:11; 221:13
jokingly (1) 23:1	known (4) 172:9;195:9;203:20;226:11	leader (1) 31:4	licensee (3) 138:18;198:2,8
Judge (79) 34:13;36:3;48:12;120:20; 121:18;123:5,11;124:13,14, 18;125:2,3,5,9,15,21;140:7, 10,19;141:8,10,13;142:8,13, 21;143:1,13,14,15,17,18,19; 144:4,7,8,9,12,15,16;145:9, 18,20;146:5,7;147:19;148:6, 7,8,10;150:1,16,19;151:2,5, 17,21;152:5,10,14;153:5,7,12, 17,20;156:12;157:7,10,15; 158:6;162:12,15;163:4,11,16, 21;164:8;188:20;189:4; 190:16	knows (4) 88:8;142:7;210:17;213:4	leading (1) 154:21	licenses (37) 42:3;65:4,18;66:6,11; 73:18;74:12;92:12;97:13,19; 99:20,21;108:11;114:8;115:2, 4;120:11;133:16;134:17; 149:5;157:1;158:16;159:1; 183:21;184:2;209:13,13; 210:11;211:5;212:6,16; 213:17;214:2,3;215:1,12; 216:15
Judge's (1) 125:2	L	leaf (1) 107:18	licensing (18) 94:15,21;95:5;96:4;101:21; 102:7;103:15,19;104:6; 105:16;113:20;119:21;120:1; 168:8;214:20;218:18;219:14; 222:2
judgment (2) 122:12;156:3	labeled (1) 195:14	least (4) 173:1;175:14;177:6;192:19	licensings (1) 209:15
July (1) 150:10	labor (1) 40:19	leave (3) 71:12;125:19;137:8	lieu (4) 116:17;143:18;148:9;226:4
Jumping (1) 231:1	lack (11) 77:20,21;96:7;118:20; 168:12;198:16;200:16;205:4; 218:16;223:5;224:7	leeway (1) 156:10	lieutenant (2) 13:12,13
juncture (1) 174:7	ladies' (1) 137:8	left (3) 143:6;158:17,20	life (2) 65:14,21
June (5) 213:7,8,10,11,13	laid (2) 72:7;156:8	legal (8) 83:19;84:18;85:19;104:8; 105:6;128:6;225:4,12	light (4)
jurisdiction (1) 218:16	language (2) 92:9;193:18	legislation (30) 20:10;31:11;34:2;37:4,5; 49:5;82:17;83:3;84:11;85:21; 92:10;101:18;102:6,18;103:5; 106:1,4,5,8,9,11;107:4,20; 156:18;204:18;205:8,17; 220:21;221:12,15	
jurisdictions (5) 214:21;215:3,5;216:1,4	large (1) 66:4	legislations (1) 36:16	
jury (1) 8:18	last (18) 20:4;46:7;47:2,8;50:7;55:9; 56:13;65:10;70:7;72:7;76:12, 13;80:13,16,20;95:13;150:12; 185:1	legislative (7) 37:18;38:3;57:12,15;87:13; 90:13;217:18	
justice (2) 11:7;186:13	lasted (1) 55:14	legislatively (1) 119:19	
K	lately (1) 130:9	legislators (1) 87:16	
K9 (1) 7:18	later (8) 35:4;71:15;126:5;148:10;	legislature (24) 33:4,10;36:10;37:4,8,15;	
Kathleen (1)			

<p>48:12;96:7;102:15;145:20 likelihood (1) 154:21 likely (4) 139:4;140:17;147:15;158:5 limit (7) 106:1;107:20;108:7,14,17; 109:1;114:2 limited (1) 25:19 limiting (1) 156:17 limits (2) 106:5,14 line (9) 78:19;101:11;140:10,16; 143:8;149:2;156:10;165:12; 190:15 lines (1) 205:2 list (29) 59:17;61:6;70:16;75:21; 77:3;158:17;161:11,11,13,19, 21;164:19;165:4;169:3;173:1, 11,14,17,21;174:5,6;179:12; 183:9;191:14,16;217:3,8,11, 11 listed (4) 158:19;160:4;165:6;183:12 listened (1) 129:16 listing (4) 158:14;161:16;165:1;175:3 lists (1) 158:21 litigate (1) 161:6 litigation (11) 7:6,8,11,11;9:10,13;119:9; 121:10,12,12;123:19 little (14) 6:8;20:7;42:1;58:12;61:6; 84:21;95:19;101:14;113:16, 19;123:16;133:17;143:10; 211:3 live (1) 21:16 located (1) 139:3 Location (12) 27:10,11;110:7;111:16,20, 21;112:5;162:3;176:1;197:10, 11,13 locations (2) 8:14;178:8 log (1) 25:3 logically (1) 158:2 logs (1) 112:6 long (7) 12:17;38:17;52:7;76:3;</p>	<p>177:17;192:12;225:2 longer (3) 113:20;180:13;226:12 look (18) 27:12,14;44:1;112:5;115:8, 9,12;121:1;159:20;164:13; 169:2;172:8;175:11;182:19; 193:14;196:8;201:21;214:21 looked (32) 36:15;101:17;165:12; 171:20;175:1;180:2;183:4,13; 193:1,2,16,19,21;194:1,3,5,7, 15,16,20;196:3,14,18,20,21; 197:17;201:10,15;202:3,5; 229:9,9 looking (6) 123:20;158:13;190:20; 195:3,7,19 looks (4) 196:19;197:3;218:7,10 lot (2) 32:5;165:8 lots (1) 18:21 love (1) 190:20 lower (3) 120:5;178:14;180:8 lowest (1) 180:7 lunch (2) 113:19;137:4 Lyons (1) 55:7</p>	<p>183:12;190:3 manufacture (1) 205:1 manufacturing (1) 12:14 many (14) 9:12;16:21;28:17;39:8; 58:21;79:15,15;133:15; 134:16;178:15;191:15; 215:13;216:7,12 Map (4) 172:1,1;175:2,11 March (6) 12:16;86:18,20;89:17;90:6; 220:4 margin (1) 196:7 marijuana (9) 37:10;73:3;77:13;80:1; 98:21;101:21;102:7;127:9; 204:12 Marin (8) 30:10,11;112:14,16;175:4, 14;176:19;177:3 mark (5) 9:18;81:3,3;126:4;139:6 marked (19) 9:19;10:1;36:6;46:2,5; 51:14,18;80:3,5;100:14,17; 126:6,9;139:7,13;161:9,9; 164:12;191:19 market (1) 213:21 Mary (2) 181:14,17 Maryland (17) 5:14;10:19;11:18;17:11; 20:1,15;49:6;50:4;71:3; 100:6;146:10;179:4,8,11; 180:10;205:3;209:8 Maryland's (1) 146:21 Mary's (1) 179:6 master's (1) 11:6 materials (3) 215:9;230:12,13 math (1) 90:1 Mather (1) 72:8 Mather's (4) 29:9;72:10;75:21;80:9 matter (8) 40:18;143:16;160:14; 161:7;174:6;196:12;203:7,9 matters (2) 41:14;137:2 may (20) 6:9;9:14;17:3;88:4;96:20; 110:18;122:8;124:11;142:10; 144:18;145:20;146:7;148:2,</p>	<p>14;149:12,12;153:13;192:19; 213:13,17 maybe (6) 69:8;77:15;168:18;191:12; 193:3,3 MCP (2) 187:16;188:9 MCP's (1) 187:15 MDC (1) 214:21 MDOT (16) 71:11;72:7,8,14,18;74:3,8, 13;76:8,10;77:2,7,10;78:8; 99:10,11 meals (1) 24:21 mean (24) 14:5;19:17;22:20;39:8; 54:9;62:6,18;103:4,7;104:12; 111:8;135:7;153:12;156:13; 172:5,19,21;173:11;180:20; 191:7;193:11;204:5;208:19; 219:5 means (2) 29:16;107:19 meant (1) 54:6 measure (1) 108:16 measures (1) 48:11 mechanism (2) 77:20;215:1 mechanisms (1) 59:18 media (1) 130:8 Medical (42) 17:11;34:3;36:18;37:10; 49:6;50:3;61:10;73:3,4,18; 77:13;78:11;79:15,21;85:5; 92:12;94:21;98:21;99:1,4; 100:5;101:19,21;102:7; 107:14,17;111:2,4;113:20; 127:9;154:6,8;155:19;204:18; 205:2,5,12;207:7;209:8; 211:15;214:17;215:11 medication (1) 206:9 medicine (8) 98:21;146:21;205:10,13,18; 211:15;212:11;218:13 meet (3) 115:20;207:13;212:7 meeting (43) 21:7;39:6,20;52:6,9;55:12, 15;58:19;59:1;62:11;68:19; 69:20;70:19;72:20;73:5;76:8, 10;82:13;86:7,8,10,12,15; 87:3,6,17;88:18;89:2;90:20; 100:18;112:10;114:12; 129:15;131:1;132:18;133:11;</p>
M			
<p>magazines (4) 49:21;61:9,10;70:17 main (1) 196:16 majority (1) 39:10 maker (2) 28:1;150:14 makes (2) 28:4,4 making (11) 21:8;37:8;85:2;116:6; 129:8;134:7;156:5;180:1; 191:4;200:10;206:8 malady (1) 205:4 man (1) 59:8 management (3) 11:7;142:18;201:18 mandate (1) 156:18 mandated (1) 119:19 manner (6) 37:6;54:9;137:14;156:5;</p>	<p>183:12;190:3 manufacture (1) 205:1 manufacturing (1) 12:14 many (14) 9:12;16:21;28:17;39:8; 58:21;79:15,15;133:15; 134:16;178:15;191:15; 215:13;216:7,12 Map (4) 172:1,1;175:2,11 March (6) 12:16;86:18,20;89:17;90:6; 220:4 margin (1) 196:7 marijuana (9) 37:10;73:3;77:13;80:1; 98:21;101:21;102:7;127:9; 204:12 Marin (8) 30:10,11;112:14,16;175:4, 14;176:19;177:3 mark (5) 9:18;81:3,3;126:4;139:6 marked (19) 9:19;10:1;36:6;46:2,5; 51:14,18;80:3,5;100:14,17; 126:6,9;139:7,13;161:9,9; 164:12;191:19 market (1) 213:21 Mary (2) 181:14,17 Maryland (17) 5:14;10:19;11:18;17:11; 20:1,15;49:6;50:4;71:3; 100:6;146:10;179:4,8,11; 180:10;205:3;209:8 Maryland's (1) 146:21 Mary's (1) 179:6 master's (1) 11:6 materials (3) 215:9;230:12,13 math (1) 90:1 Mather (1) 72:8 Mather's (4) 29:9;72:10;75:21;80:9 matter (8) 40:18;143:16;160:14; 161:7;174:6;196:12;203:7,9 matters (2) 41:14;137:2 may (20) 6:9;9:14;17:3;88:4;96:20; 110:18;122:8;124:11;142:10; 144:18;145:20;146:7;148:2,</p>	<p>14;149:12,12;153:13;192:19; 213:13,17 maybe (6) 69:8;77:15;168:18;191:12; 193:3,3 MCP (2) 187:16;188:9 MCP's (1) 187:15 MDC (1) 214:21 MDOT (16) 71:11;72:7,8,14,18;74:3,8, 13;76:8,10;77:2,7,10;78:8; 99:10,11 meals (1) 24:21 mean (24) 14:5;19:17;22:20;39:8; 54:9;62:6,18;103:4,7;104:12; 111:8;135:7;153:12;156:13; 172:5,19,21;173:11;180:20; 191:7;193:11;204:5;208:19; 219:5 means (2) 29:16;107:19 meant (1) 54:6 measure (1) 108:16 measures (1) 48:11 mechanism (2) 77:20;215:1 mechanisms (1) 59:18 media (1) 130:8 Medical (42) 17:11;34:3;36:18;37:10; 49:6;50:3;61:10;73:3,4,18; 77:13;78:11;79:15,21;85:5; 92:12;94:21;98:21;99:1,4; 100:5;101:19,21;102:7; 107:14,17;111:2,4;113:20; 127:9;154:6,8;155:19;204:18; 205:2,5,12;207:7;209:8; 211:15;214:17;215:11 medication (1) 206:9 medicine (8) 98:21;146:21;205:10,13,18; 211:15;212:11;218:13 meet (3) 115:20;207:13;212:7 meeting (43) 21:7;39:6,20;52:6,9;55:12, 15;58:19;59:1;62:11;68:19; 69:20;70:19;72:20;73:5;76:8, 10;82:13;86:7,8,10,12,15; 87:3,6,17;88:18;89:2;90:20; 100:18;112:10;114:12; 129:15;131:1;132:18;133:11;</p>	

<p>177:20 nine (4) 13:8;177:4,5,5 nobody (1) 195:12 non (1) 40:2 none (3) 178:19,20;195:12 nonetheless (3) 95:8;176:12,13 nonpracticing (1) 91:8 nonprivilege (1) 123:7 nonselection (1) 160:6 nor (1) 68:10 note (4) 46:17;60:1;149:20;150:4 noted (6) 34:15;111:17;145:9;146:2; 147:6;151:15 notes (3) 31:16;101:6;113:19 notice (6) 10:4,8;65:15;145:13,13; 151:15 notifications (3) 65:15;66:1,3 notified (1) 21:15 notifying (1) 66:5 notwithstanding (5) 73:15;93:13;95:12;189:3; 219:11 Number (54) 10:1;43:10;46:5;51:18; 71:5;80:6;81:16;86:17; 100:17;106:2,5,6,20;107:3, 21;108:1,7;116:12;126:9; 134:19,20,21;135:1;139:14; 140:20;143:1,4,6;158:13,18, 20;164:13;166:16,17;167:6; 169:10;182:19,21;191:12,13; 192:8;193:4;207:11,12,19; 208:7,13;209:12,13;210:4,15, 18;211:6;231:4 numbers (4) 106:14;134:7;193:5,7 numeric (4) 138:9,12,16;195:4 numerical (1) 171:7 nurse (1) 36:21</p>	<p>137:3,6 object (15) 33:1;35:3;42:15,16;81:20; 83:12;116:19;137:1;139:17; 141:2;146:18;184:5;187:6; 200:18;221:1 objected (1) 208:11 objecting (5) 144:3;147:20;151:6,8; 152:1 Objection (108) 13:19;14:2;15:4;22:7,9; 24:19;34:11,16,20;35:8,9,16; 36:11;40:4;41:15,17;48:8,14; 49:2;51:5;52:17;53:6;58:15; 61:17;67:8,17,21;68:13; 71:21;90:16;93:20;94:8;97:8; 99:8;100:3;102:8;104:9; 117:18;118:9;120:18;121:14, 14;122:13;123:1,2,6,8,10; 130:12,19;131:5;134:1; 138:21;139:1;140:5;141:20; 144:2;146:1;148:5,9;149:14, 20;150:5;152:4;155:11; 157:11;164:4;169:7;174:12, 21;181:18;184:5;191:6; 200:7;204:20;205:19;206:11; 207:9,15;208:9;209:9,16; 210:12;211:7;212:8,19,20,21; 213:19;214:4;215:6,7;219:15, 20;222:9;223:9;225:16,20; 226:6;227:21;228:8,16,18; 229:1,2,18;230:6;231:5 objectionable (1) 35:2 objections (2) 163:20;188:19 obligations (1) 145:20 observed (1) 111:19 obtain (2) 130:10;230:15 obtained (2) 11:14;181:17 obvious (1) 17:3 Obviously (4) 34:11;82:6;96:3;228:17 occasion (1) 18:10 occasions (1) 9:12 occurred (7) 42:11;54:10;174:19,19; 216:18;232:12,20 occurring (1) 143:12 o'clock (1) 142:21 October (8) 12:19,19;18:2;21:7;92:1;</p>	<p>126:10,11;192:4 off (22) 13:5;15:17,18;37:21;45:1; 51:3;56:6,7;76:7;80:14;81:5; 88:20;92:3,5;100:9;101:7; 102:21;112:7;164:11;175:21; 190:10;191:21 off-duty (1) 14:17 offer (2) 27:16;29:15 offered (4) 61:21;71:5,7;179:3 offering (1) 83:19 Office (10) 9:10;56:1;91:2;125:6; 128:4;141:14;142:19;144:20; 223:20,21 officer (6) 9:13;11:21;13:5;40:8; 110:3;186:8 officers (1) 7:15 offices (1) 224:6 oils (1) 107:18 old (2) 59:11,14 omissions (1) 147:17 omitted (1) 102:5 once (5) 14:1;60:10;178:3;227:4; 230:8 one (107) 6:10;7:18;8:2;9:6;15:3; 22:19;27:19;30:17,21;31:4,6; 33:7;35:6;39:9,13;44:17,18, 20,21;45:3,11,14;52:3;53:12; 58:18;71:17;72:13,15;74:16; 76:10,11,12;79:3;80:21;85:2; 88:2;90:11,12;101:6;108:21; 115:21;117:2,4,5;124:13,14; 125:5;129:13;132:2,18; 133:11;134:2,11,14;135:7,15; 156:21;158:2,3,11;160:15,17, 19;161:3;162:15;165:5; 166:12;168:5,5;170:11,12; 172:11;173:11;175:4,7,14; 176:19;177:6;178:5,11,12,16, 17,18,19,20;179:6,10,11,17, 18;180:8,9;181:14;182:14; 183:4;189:19;190:3;194:5; 196:1;197:21;202:2;203:17; 219:21;222:6;226:3,20 ones (4) 9:16;38:13;40:10;161:4 one's (1) 222:8 ongoing (2)</p>	<p>78:1,3 online (2) 108:19;110:10 only (28) 6:10,14;34:20,20;38:13; 43:9;44:18;49:18;76:11; 80:17;86:3;87:19,19;102:14; 134:13;138:9;146:5;147:3,12; 151:13;152:20;154:13;179:6; 201:3;208:15;210:8;229:15; 232:17 open (4) 100:18;123:17;206:4; 229:16 opening (1) 230:3 operate (1) 214:11 operation (1) 8:4 opinion (3) 27:16;127:15;128:6 opinions (1) 197:7 opponent (1) 141:5 opportunity (2) 110:7;151:12 opposed (7) 19:8;107:21;114:15;128:5; 137:21;194:16;211:6 opposing (1) 141:5 opposite (1) 104:11 order (20) 34:13;36:4;48:12;109:2,9, 20;142:9;145:10,12,20;146:9, 18;152:9,13;165:2;169:21; 173:3;189:4,15;212:7 ordered (7) 8:3;52:4;53:5;97:17;99:13, 17;100:1 orders (1) 17:7 organizations (1) 79:18 original (5) 71:7;82:14,17,18;234:10 others (1) 58:19 other's (1) 31:9 otherwise (1) 39:11 ours (1) 215:14 out (52) 9:8,15;19:17,18;25:16,18, 20;31:13,19;42:4;43:12,12; 50:1;53:18;57:11;61:1,8; 71:12;74:5,5;79:7;95:21; 116:1,17;118:6;123:14;124:7,</p>
O			
<p>oath (6) 6:3;46:10;56:14;74:20;</p>			

<p>possible (7) 72:15;77:3;98:18,19;100:6; 111:20;227:5</p> <p>possibly (3) 78:4,5;184:6</p> <p>Post (3) 126:10,15,19</p> <p>posture (1) 150:6</p> <p>potential (6) 92:9;114:16;138:18; 167:12;198:7,7</p> <p>practitioners (1) 37:1</p> <p>preapproval (4) 117:7,8;154:13;162:5</p> <p>Preapprovals (21) 76:20,21;86:21;87:8;89:2,7, 14;90:2;95:8,12,16;97:13; 112:21;113:21;115:5,6,8,12, 13,16;147:11</p> <p>preapproved (2) 157:19;158:1</p> <p>prearranged (1) 112:15</p> <p>precisely (4) 48:3;49:13;90:18;93:16</p> <p>preference (1) 160:19</p> <p>preliminary (1) 122:10</p> <p>prepare (1) 46:16</p> <p>prescribe (1) 37:9</p> <p>present (9) 29:18;39:17;64:12;72:14; 109:21;130:21;138:7;141:7; 198:21</p> <p>presentation (3) 129:15;131:9,10</p> <p>presented (3) 21:17;164:4;191:14</p> <p>president (1) 19:21</p> <p>pretty (6) 39:20;103:8,9,14,18;216:18</p> <p>previous (1) 48:21</p> <p>previously (3) 146:11;153:1;178:4</p> <p>primarily (1) 202:3</p> <p>Prince (13) 5:14;7:7,15;9:9;12:15,18, 20;13:16;16:2;19:20;40:8; 179:5;186:1</p> <p>principle (1) 148:4</p> <p>print (1) 139:21</p> <p>printed (1) 191:21</p>	<p>printout (1) 126:9</p> <p>prior (22) 20:21;21:21;22:9,15;60:1; 67:18;71:17;81:11;90:17; 116:20;142:5;163:15;167:8, 11,15,20;168:10;169:9; 195:17;226:1,10;227:15</p> <p>private (7) 69:6,12,21;70:19;129:14; 131:1;198:20</p> <p>privilege (31) 34:12;35:12,13;42:16,18, 21;48:8;81:21;82:1,7;83:13, 17;105:11,12;116:20;120:16; 121:15;123:2;138:21;142:12; 146:2,7,10;150:7,15,21;151:7, 10;152:2,4,6</p> <p>privileges (1) 35:16</p> <p>privy (1) 38:16</p> <p>Probably (4) 112:18,19;217:2;219:16</p> <p>problem (12) 34:19;47:5;75:5;96:2,5; 137:9,9;169:4;178:21;179:1, 3;209:1</p> <p>problems (1) 96:17</p> <p>procedural (3) 149:21;150:5;200:9</p> <p>procedures (2) 109:21;130:10</p> <p>PROCEEDINGS (4) 5:1;144:19;145:11,12</p> <p>process (98) 31:9;33:3;34:12;35:1,7,13; 42:1,17;44:6;48:6,8;49:9,17; 53:20;54:10,13,14,19;60:13, 17,19;64:7;65:4,17;66:5,11; 67:1,16;68:8;69:4,14,15;70:2, 21;73:7;74:11;77:13;78:11; 79:9,21;81:21;84:14;86:2; 92:20;93:7,19;94:7;95:5; 96:4;103:15,19;104:6;105:16; 109:3,6;115:19;116:20;120:1; 124:4,17;129:8;130:5;133:6, 14;135:16;138:21;142:12; 146:2,6,9;150:6,15;151:10, 14;152:4,5;155:18;160:7,12; 168:8;174:18;180:1,16;184:1; 187:13;199:19;214:2,20; 215:10;217:15;218:18; 219:14;220:15;222:2,5; 232:12,17,18</p> <p>processing (2) 110:12;209:14</p> <p>processor (8) 107:7,10,13,17;108:18; 109:1;217:13;230:4</p> <p>processors (10) 106:2,7;107:21;108:4,8;</p>	<p>109:8;132:10;133:9;205:15; 209:21</p> <p>processors' (1) 108:11</p> <p>procurement (1) 55:1</p> <p>produce (1) 211:13</p> <p>produced (4) 129:5;159:4,4,11</p> <p>produces (1) 107:14</p> <p>product (3) 111:1;129:4;211:14</p> <p>production (1) 204:21</p> <p>productive (1) 163:10</p> <p>professional (1) 11:15</p> <p>professionals (1) 85:4</p> <p>proffer (7) 121:20;139:17;147:6; 187:7;190:16;192:3;214:5</p> <p>proffered (3) 153:20;177:8,9</p> <p>program (4) 11:6;37:17;49:6;79:19</p> <p>programs (2) 74:4;215:14</p> <p>prohibit (1) 152:20</p> <p>projected (2) 207:13;209:7</p> <p>promise (1) 66:15</p> <p>promoted (2) 13:10,12</p> <p>promulgate (1) 221:20</p> <p>promulgated (2) 106:3;227:20</p> <p>pronounce (2) 75:10;129:19</p> <p>proposal (2) 53:19;75:16</p> <p>proposed (5) 38:12;197:10,13;198:2,2</p> <p>proposition (1) 78:2</p> <p>prosecute (1) 186:4</p> <p>prosecuted (1) 186:3</p> <p>protection (1) 111:19</p> <p>protective (1) 146:9</p> <p>provide (8) 25:4;54:12;56:14;75:14,17; 76:1;112:4;205:18</p> <p>provided (19)</p>	<p>20:11;37:3;61:3,6,14;62:3, 9;77:2;78:13;92:21;107:4; 128:20;132:11;166:18;167:7, 11;181:12,14;214:15</p> <p>provider (1) 138:18</p> <p>providers (5) 37:9,16;38:8,9;133:9</p> <p>providing (2) 29:17;218:13</p> <p>provision (1) 85:20</p> <p>provisional (3) 44:6,7,12</p> <p>PTA (2) 184:15,21</p> <p>public (25) 23:9,12;25:14,17,19;39:5; 65:15;66:4;68:19;69:1,9,20; 70:19;129:14;131:1;155:16; 159:2,6,8;166:1,3,10;181:1; 198:19;231:17</p> <p>publications (3) 50:2;61:9;130:9</p> <p>publicly (2) 159:17,18</p> <p>pull (1) 220:13</p> <p>purpose (14) 17:14;68:17;98:19;134:8; 183:6,6;204:17,21;205:7,8, 14;216:10;218:20;230:3</p> <p>purposes (12) 9:19;36:6;46:2;51:14;80:3; 99:6;100:14;126:6;139:7; 173:7;191:19;201:3</p> <p>pursuant (1) 10:8</p> <p>pursue (1) 151:12</p> <p>purview (1) 219:12</p> <p>put (14) 31:8;53:18;83:3;116:13; 118:7;136:3;145:1;168:16; 171:21;178:12;200:17; 205:11;209:17;227:19</p> <p>putting (3) 70:11;97:2;113:7</p>
Q			
			<p>qualification (1) 221:13</p> <p>qualify (1) 116:11</p> <p>quality (1) 195:20</p> <p>quash (3) 143:2;146:6;189:13</p> <p>quick (2) 136:16;227:16</p> <p>quickly (1)</p>

204:15 quite (2) 73:8;218:21 quote (4) 127:6,10;192:9,15 quoted (2) 155:15;192:6 quotes (1) 126:16 quoting (1) 102:13	reach (2) 61:1;205:3 reached (2) 50:1;114:2 reaching (2) 61:8;74:5 read (18) 47:17,21;65:9,11;72:10; 92:6,14;102:1;117:14;119:17; 122:18;126:11;129:16;131:7; 10;193:13;196:4;234:5 reading (1) 52:5 ready (2) 45:5;97:14 realize (1) 141:16 realizing (1) 204:3 really (9) 24:11;70:12;96:16;162:13; 184:14;192:7,7;206:8;207:2 reason (12) 23:13;102:4,11;116:11; 117:20;135:12;136:13; 149:19;150:3;151:6;208:15; 233:13 reasoned (1) 156:5 reasons (4) 149:6,8;162:7;175:5 recall (34) 38:16;59:9;69:2,5,13,20; 70:19;85:3,8;87:16;88:3,14; 117:4;126:14;128:17;129:6, 17;165:21;173:12,19;174:4,5; 182:16;191:15;192:16; 194:11;202:13;203:6;217:4,9, 12;220:7;226:16,16 recalls (1) 224:20 receive (9) 104:4,17;105:14;125:8; 138:17;164:21;184:2;187:19; 221:13 received (28) 11:16;24:1;42:20;44:12; 48:9;76:2;82:2;95:5;105:9; 117:6,11,12;124:12;138:16; 141:10,17;142:14;164:19; 165:4;172:21;173:1;183:21; 187:20;196:21;215:20;224:5; 229:5;233:12 receiving (2) 160:4;230:13 recently (1) 150:9 recess (8) 58:13;113:17;125:14; 138:11;140:21;172:13;191:2; 220:11 recognize (1) 202:6	recognized (1) 195:13 recollection (1) 192:19 recommend (2) 37:9;85:4 recommendation (9) 28:5,9,11,21;229:16,20; 232:19;233:1,5 recommendations (8) 34:18;42:19;48:9;64:18; 72:1;117:17;230:4;232:14 record (40) 15:6,17,18;33:2;34:16; 35:9;36:2;41:16,18;42:15; 46:18;56:6,7;70:10;75:20; 76:7;80:14,20;81:5;92:4,5; 100:9;101:7;102:21;104:11; 112:7;119:2,17;121:14; 124:11;141:21;142:7;148:5; 163:6;164:11;169:7;171:2; 190:10;213:1;234:7 records (1) 44:1 redacted (4) 134:14;158:17,20;195:17 redaction (10) 135:4,10,11;136:3,12; 228:9,12,13;229:3;233:7 redirect (1) 137:11 refer (4) 17:16;102:12,14;119:9 referenced (1) 202:5 referred (1) 35:12 Referring (1) 99:7 refers (1) 221:12 reflect (1) 34:16 reflected (1) 161:19 reflecting (1) 37:12 reflection (1) 196:19 refresh (1) 192:18 refuse (1) 163:12 refused (2) 36:18;164:3 refusing (1) 162:20 regard (14) 48:14;71:21;73:18;77:10; 92:8;123:1;134:17;137:15; 141:18;147:18;196:15;200:5; 203:19;214:19 Regarding (6)	67:9;73:3;98:7;113:4; 149:2;200:10 regards (1) 213:21 region (9) 175:10,15;176:20;178:5,12; 179:4,11,17,18 Regional (3) 42:5,8;129:19 regions (8) 172:1;175:5,8,12;177:7,21; 178:8,16 regs (12) 30:3,6,19;31:5;32:3;37:11; 60:11;84:9;106:3,10;220:20; 221:19 regular (1) 12:6 regulate (2) 114:14;204:21 regulation (4) 31:12;82:18,19;108:5 regulations (15) 26:8;31:1;33:4,5,13;36:15; 37:5;60:1;82:14;98:16;113:3; 218:8,10,11;227:20 reimbursements (1) 24:1 reiterated (1) 139:20 relate (3) 119:13;121:10;184:7 related (4) 11:20;41:7;185:16;200:8 relates (4) 34:17;119:8;139:18;147:3 relating (3) 123:21;132:19;139:2 relatively (1) 204:15 released (2) 231:17,19 relevance (14) 116:21;118:9,15;121:21; 122:1,14;123:7;139:1,17; 146:18;148:10;151:1,3;184:5 relevancy (1) 148:4 relevant (21) 119:3;122:12,16;124:6; 139:3;146:20,20;149:7,10; 151:13;153:13,15,21;154:2,4; 157:7,14;158:4;161:5;188:19; 189:21 relief (3) 162:9,10;175:18 relocation (1) 27:5 remember (30) 8:19;14:16;21:4;43:19; 53:15;55:7,9,13,14,17,18; 59:1,3,4;76:8;87:10,19;88:20; 89:10;126:19,21;132:16;
R			
race (4) 92:19;93:5;120:1;167:12 racial (75) 47:19;48:5;49:7,15;58:16; 60:12,18;61:2;64:14;65:3,16; 66:2,10,21;67:14;68:3,6;69:3, 14;70:1,20;74:10;77:11; 78:10;79:20;82:15;83:3;84:8, 12;85:10;86:1;92:11;93:14, 17;94:6,15,20;96:4;99:19; 102:6,12;103:18;104:5; 105:15;118:17;119:20;120:7, 10;122:4;127:8;140:3,14; 147:8,18;148:18,19;154:16; 155:7;156:2,20;157:21;160:9, 16;167:17;214:19;215:2,21; 216:4,15;218:17;219:5,7,9, 13;224:2 racially (1) 74:6 raise (3) 48:7;95:21;96:5 raised (5) 69:21;84:4;167:16,21; 168:11 range (1) 59:13 rank (2) 42:13;200:20 ranked (12) 43:6,17,20;44:3;120:5,5; 165:2;168:13;172:14,19,20; 191:15 ranking (4) 42:9,10;43:18;184:3 rankings (8) 95:20;117:12;138:4,9,12; 164:19;165:1;173:6 Raq (1) 127:6 Raquel (1) 127:6 R-A-Q-U-E-L (1) 127:13 rate (1) 229:5 rather (6) 75:10;124:6;143:21; 161:11,13;212:10			

<p>185:8;186:16;191:13;192:8, 10;194:12;201:16;220:3 removal (1) 98:16 remove (1) 84:8 removed (4) 85:11;161:1;195:6;213:14 repeat (1) 208:15 repeating (3) 102:15;121:15;123:8 repetitive (1) 136:7 rephrase (8) 7:2;22:13;41:6;68:4;70:7, 12;105:3;208:4 replacing (1) 120:4 report (1) 62:8 reported (2) 97:21;138:3 reporter (11) 6:7,13;65:9,11;78:16; 126:20;127:12;141:3;157:9; 196:12;215:4 reporting (1) 201:3 reports (2) 27:14;45:7 represent (2) 20:8;80:15 representation (1) 153:9 representative (1) 20:12 represented (1) 153:1 representing (1) 177:3 reprimanded (1) 13:18 request (20) 27:5,15;33:17;34:21;36:19; 53:19;73:2,17;74:9;75:16; 79:15;127:15,19;128:1,3; 162:9;164:5;211:17;214:15; 223:16 requested (15) 38:10;44:12,18,21;45:9; 65:11;76:1;85:1,8,14;127:17; 162:10;163:3,17;223:16 requesting (5) 33:3;36:10;37:15;163:14, 19 Requests (2) 27:5;37:7 required (4) 157:5;230:14,18,21 requirement (3) 85:9;122:21;198:4 requirements (3)</p>	<p>44:8;168:5,6 requires (3) 49:6;85:21;95:4 requiring (1) 84:12 reranking (4) 184:1;232:12,17,18 research (1) 109:19 researched (1) 127:8 RESI (29) 42:4;43:15;95:19;117:12, 17;129:18,18;130:11;132:6, 12;133:7;134:5,12,17,21; 136:2,13;137:14,21;138:3; 159:4,11;165:5;191:15;197:1, 4;205:14;228:12,20 residential (1) 111:15 RESI's (1) 197:7 respect (2) 121:13;224:10 respective (1) 188:21 respond (2) 154:1;221:7 responded (1) 171:18 respondent (1) 9:13 response (8) 22:9;39:1;128:3;145:6,14; 148:3,11;208:2 responsibilities (2) 17:4;156:1 responsibility (3) 18:14;61:4;64:17 responsible (1) 62:1 rest (5) 27:16;29:1,18;31:17;211:9 restate (2) 49:1,12 result (7) 9:4;103:8;105:9;106:4; 180:11;223:7,15 results (1) 93:6 retain (6) 47:20;50:14;53:18;63:20; 129:8;130:10 retained (10) 50:16,20;52:14;53:10;58:3, 5,8;128:10;130:6;132:6 retaining (3) 54:2;55:1;78:4 retired (4) 12:19;13:14;15:13;16:9 return (2) 23:18;42:10 returned (1)</p>	<p>142:19 review (14) 27:2,3,8,12,20,21;28:2,8,17; 133:18;195:16;215:9;217:20; 227:18 revise (1) 173:15 revising (1) 31:14 Rhee (1) 51:17 right (131) 5:13;9:5,11;10:3;13:6; 14:20;15:15,21;16:15;17:10, 19;24:9,15;25:8;27:20;30:12; 33:6,8;34:4,6;36:12;37:6; 38:6;39:12,21;40:12;43:14; 44:7;47:10;50:12;51:4,6; 55:2;57:16;58:1,6,20;59:10, 19;63:11;69:18;71:9;74:7; 76:21;77:1,15;78:7;83:14; 86:19;90:7;96:9;97:16;99:2; 104:2;105:4,10,11;106:17,18; 109:16;111:11;113:5,8,9,11, 14;114:13;115:2,3;116:6,15; 117:12,21;119:13;121:13; 122:5;125:7;128:9;129:18; 130:2;141:12;142:13;143:9; 148:1;151:8;152:17;156:10; 157:13;158:6;159:16;160:5, 10,17;161:2;163:21;164:8; 167:2,4,5;168:9;170:14; 173:4,5;176:11;177:5,14; 181:9;182:20;192:17;193:20; 195:1;202:4;203:4;204:10; 206:5;209:19;210:1;211:2; 212:4;215:16;216:13,21; 217:7,18;219:4;225:1;226:13; 227:10,12;228:3;231:4 ripe (3) 145:15,16;152:15 Road (1) 5:13 Rob (1) 62:7 ROBshaw (29) 5:3,9,17;9:19,21;25:2;36:6; 40:6;41:21;46:2,4;47:6; 51:14;58:14;80:3,16;81:7; 100:14,16;126:6,8,18;139:7; 160:12;164:14;191:19;192:8; 227:8;234:13 Robshaw's (2) 29:9,9 role (19) 18:12,12;23:4,8,13;26:4; 32:3;39:12;40:8;57:21;109:7, 10,17;197:15;198:6,11;199:9, 9;200:5 roles (3) 39:9;42:18;205:16 room (3) 137:8;187:10,11</p>	<p>Rosen (1) 203:2 rotated (1) 63:5 Rowe (8) 80:17;81:8;84:3,3;85:14; 89:15;92:15;224:8 Rowe's (1) 90:3 Rubber (1) 12:14 rule (5) 144:10;149:14;152:15,17; 200:10 ruled (3) 144:5;149:15;150:10 rules (3) 122:21;148:10;164:1 ruling (9) 143:16;145:1;151:9,14; 152:20;155:12;163:15,19,19 rulings (1) 150:6 run (4) 17:6,6,6;23:9 running (2) 23:11;109:4</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>Saint (1) 179:6 salary (1) 23:17 same (28) 28:10,21;36:2;71:6;78:13; 86:10;104:1;111:5,9;115:6,7; 127:19;166:10;170:19; 174:19;176:1;183:3,12; 184:15,17,20,21;193:18; 200:20;203:12;215:6;231:20; 234:6 sanctions (1) 189:15 Sara (1) 56:10 Sara's (1) 56:13 satisfy (2) 199:21;201:6 saw (13) 43:18;82:21;134:13;138:9; 173:11,14,17;183:2,12;191:3, 16;194:11;195:8 saying (14) 24:12;86:4;105:7;151:5,17; 156:2,13;157:8;180:20;192:7, 10,16;193:5;209:12 schedule (1) 143:7 scheduled (3) 45:4;146:1;162:17 school (9)</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>10:16,16;11:2,11;12:10,12, 13;184:15,20</p> <p>science (2) 10:18;11:4</p> <p>scope (1) 38:8</p> <p>scopes (1) 123:19</p> <p>score (8) 167:7;172:21;180:7;194:1, 11;197:1,4;201:9</p> <p>scored (7) 135:9,13;136:3;173:7; 228:14,20,21</p> <p>scorers (1) 201:8</p> <p>scores (13) 134:16,21;135:1;165:5; 193:10,12,14;194:8,16; 196:20;197:7;200:8;201:20</p> <p>scoring (9) 134:5;136:11;192:20; 193:7,8;194:8,10;198:15; 205:14</p> <p>screened (1) 186:6</p> <p>screening (2) 186:4,4</p> <p>second (11) 8:2;35:5;46:6;52:3;58:18; 88:2;89:19;170:12;172:11; 175:8;182:14</p> <p>secondary (1) 115:19</p> <p>section (3) 102:5;204:14;228:14</p> <p>sections (1) 228:20</p> <p>secure (4) 197:16;206:16,17,18</p> <p>secured (1) 206:20</p> <p>securing (1) 111:1</p> <p>security (30) 109:10,15,16,21;110:4,11, 18;111:7,7,9,12,15,17;113:4, 7;132:19;133:2,5,12;196:3, 15;197:10;201:10,15,18; 202:3,6,10;203:8;206:15</p> <p>seeing (4) 52:2;174:4,5;200:8</p> <p>seek (29) 19:17,18;47:18;49:7,15; 58:16;61:2;63:20;65:3;66:10, 21;67:14;68:3,6;79:20;82:15; 84:12;85:10,19;86:1;92:11; 93:17;94:5,14,20;101:20; 119:19;122:4;156:20</p> <p>seeking (12) 60:12;64:14;65:16;69:3,13; 70:1,20;74:10;77:11;78:10; 152:20;214:19</p>	<p>seem (3) 6:9;165:21;220:7</p> <p>seems (1) 83:18</p> <p>sees (1) 218:11</p> <p>selected (6) 22:6;43:13;115:18;138:1; 208:7;211:1</p> <p>selecting (2) 154:12;162:4</p> <p>selection (49) 26:18;48:6;49:8,9,16; 53:20;54:10,13,14;60:13,19; 64:6,6;65:4,17;66:5,11;67:1, 15;68:7;69:3,14;70:2,21; 74:11;77:12;78:10;79:8,21; 84:13;86:2;92:12,19;93:6,18; 94:7;133:6;157:19,21;160:7; 187:13;198:1;199:16,17; 200:4,14,17;202:12;215:10</p> <p>selections (1) 61:5</p> <p>seminar (1) 110:10</p> <p>senate (1) 89:6</p> <p>senator (1) 87:17</p> <p>senators (2) 87:11;88:17</p> <p>send (2) 27:14;136:13</p> <p>sending (1) 31:19</p> <p>sense (1) 202:1</p> <p>sensitive (2) 143:2,11</p> <p>sent (1) 37:3</p> <p>sentence (3) 101:15,16;104:1</p> <p>separate (4) 35:3;152:21;194:4;234:9</p> <p>September (3) 231:10,12,16</p> <p>sergeant (2) 13:10,11</p> <p>series (2) 229:8;232:7</p> <p>served (3) 19:20;155:16;184:21</p> <p>service (2) 12:8;23:18</p> <p>services (2) 128:19;130:11</p> <p>serving (1) 26:3</p> <p>session (1) 69:21</p> <p>set (5) 106:3,19;114:3;126:20;</p>	<p>162:9</p> <p>settled (1) 9:14</p> <p>seven (3) 171:4,6,6</p> <p>Several (5) 40:18;44:21;62:12,17; 76:12</p> <p>shall (10) 66:20;92:10;93:17;94:5,14, 19;101:20;156:19,19;160:9</p> <p>sheet (3) 194:8;234:9,19</p> <p>shop (1) 206:4</p> <p>Shore (2) 178:13,14</p> <p>Shore's (1) 180:9</p> <p>short (1) 61:7</p> <p>shorten (3) 144:21;152:11,16</p> <p>shortly (1) 13:14</p> <p>shot (1) 31:8</p> <p>showing (8) 9:21;46:4;51:16;100:16; 126:8;139:9,13;164:12</p> <p>shown (1) 80:5</p> <p>shows (1) 37:5</p> <p>sides (1) 104:12</p> <p>sign (3) 230:12,15,20</p> <p>signal (1) 125:18</p> <p>signature (3) 46:7;80:17,18</p> <p>signed (3) 46:10;50:10;51:17</p> <p>signing (1) 51:1</p> <p>signs (1) 33:11</p> <p>similar (7) 57:17;127:9;128:1;165:1,1, 7;206:10</p> <p>simply (4) 32:13;149:20;150:4;162:5</p> <p>sincerely (1) 104:12</p> <p>single (1) 196:8</p> <p>Sister (1) 185:12</p> <p>sit (3) 84:14;93:9;198:11</p> <p>sitting (13) 38:7;48:4;66:8;69:19;73:1,</p>	<p>14;87:15;93:9;148:8;187:1; 205:9;217:10;223:14</p> <p>six (20) 76:13;117:3;171:3,5,6,7,17; 172:9;175:19,21;176:1,5,9; 177:1,5,12;178:2,3;181:8,9</p> <p>size (1) 214:8</p> <p>skeleton (1) 31:12</p> <p>slot (4) 20:12,15,16,18</p> <p>slow (1) 65:9</p> <p>small (1) 109:10</p> <p>SME (10) 196:4,11,14;202:5;203:14; 228:13;229:4,5;233:7,9</p> <p>social (1) 10:18</p> <p>somebody (3) 19:18;21:11;39:11</p> <p>somehow (1) 127:2</p> <p>someone (4) 115:20;137:21;186:12; 189:8</p> <p>someplace (1) 57:2</p> <p>Sometime (2) 97:15;231:7</p> <p>somewhere (3) 25:21;90:5;231:13</p> <p>soon (2) 76:4;100:6</p> <p>sorry (29) 13:21;15:14;22:12,13;29:1; 30:11;66:2;75:4;88:2,9;92:6; 103:5;106:17;118:21;120:3; 121:7;135:1,18;152:5;156:19; 157:15;160:16;169:15; 201:14;208:19;212:21;213:9, 11;223:4</p> <p>sort (4) 7:10;123:14;168:17;220:12</p> <p>sought (1) 60:17</p> <p>sound (4) 17:3;54:6;57:15;113:10</p> <p>sounding (2) 29:14,20</p> <p>sounds (1) 27:21</p> <p>source (1) 25:21</p> <p>southeast (1) 112:3</p> <p>Southern (4) 179:4,8,11;180:10</p> <p>space (1) 172:7</p> <p>speak (12)</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>6:10;26:5;32:6;64:10;79:7, 19;95:21;102:6;143:4,14,17, 204:4</p> <p>speaking (6) 100:20;111:16;134:9; 137:2;157:15;211:9</p> <p>speaks (1) 222:1</p> <p>Special (2) 145:8,11</p> <p>specialist (2) 55:1;172:2</p> <p>specialists (1) 99:11</p> <p>specialized (1) 110:19</p> <p>specially (1) 148:8</p> <p>specialty (1) 99:12</p> <p>specific (12) 18:3;41:16,16;44:3;55:17; 60:11;65:8,15;87:16;134:19; 201:16;202:2</p> <p>specifically (16) 45:2;65:16;66:9;79:18; 92:8;93:14;97:10;101:19; 110:4,11;155:14;160:8; 192:10;196:3;201:10,15</p> <p>specifics (2) 129:11;131:7</p> <p>spectrum (1) 193:12</p> <p>speculation (3) 68:14;181:18;207:16</p> <p>speed (1) 144:14</p> <p>spell (1) 20:4</p> <p>spend (1) 32:5</p> <p>spent (3) 13:8;26:8;31:13</p> <p>spoke (3) 185:1;212:7;230:19</p> <p>spoken (2) 204:2;208:16</p> <p>spot (1) 116:13</p> <p>staff (14) 25:6,7,10;29:15,17;54:14, 20;57:1,3;60:9;62:21;69:8; 125:8;143:6</p> <p>Stage (19) 44:13;45:9;58:9;76:17; 86:21;87:7;89:2,7,14;90:2; 95:8,11;97:3,12,13,19; 112:20;116:11;220:15</p> <p>stand (1) 137:6</p> <p>standing (25) 26:3;34:10,16,20;35:16; 48:14;71:21;99:7;122:13;</p>	<p>133:21;139:19;141:20;144:2; 146:1;149:3,3,6;152:3;154:4, 5;158:8,11,12;215:6;228:16</p> <p>stands (3) 42:5;58:15;196:12</p> <p>star (1) 131:21</p> <p>start (5) 73:7;101:15;103:5;109:15; 150:1</p> <p>started (5) 10:11;13:5;16:10,17; 224:12</p> <p>starting (1) 108:17</p> <p>starts (1) 101:11</p> <p>state (24) 5:8;23:17;24:1;35:3,9;50:4; 51:8;53:4;54:16,21;72:19; 80:19;87:11;93:16;122:13; 131:20;138:18;172:8;180:6; 204:19;207:14;209:8;211:16; 214:17</p> <p>stated (6) 68:2;101:19;113:19;155:3; 162:8,15</p> <p>statement (4) 42:11;89:16;111:10;232:13</p> <p>statements (1) 117:15</p> <p>states (8) 66:20;90:18;93:14;94:5; 142:14;214:21;215:10,13</p> <p>State's (1) 185:21</p> <p>stating (2) 16:1;72:3</p> <p>status (2) 154:5;177:20</p> <p>statute (10) 94:3,5,10,13;101:18,18; 102:13;120:3;160:8;190:1</p> <p>statutory (1) 156:1</p> <p>stay (10) 109:2;144:18,19;145:5,10, 14,16;151:16;152:9,13</p> <p>Stayed (4) 13:9,11,13;216:19</p> <p>staying (1) 145:12</p> <p>stemmed (1) 34:5</p> <p>step (4) 116:12;124:7;175:6;187:9</p> <p>Sterling (7) 30:7,10;31:1;38:4,5;91:7; 112:13</p> <p>stick (1) 227:2</p> <p>sticking (1) 171:2</p>	<p>still (10) 16:11;32:14;58:15;84:14; 103:2;137:6;142:4;175:6,19; 218:1</p> <p>stop (6) 33:6;105:15,20;115:11,11; 221:5</p> <p>stopped (1) 8:12</p> <p>store (2) 111:4,8</p> <p>strategy (1) 188:14</p> <p>strength (1) 17:1</p> <p>strike (3) 48:21;93:15;209:4</p> <p>structure (3) 60:3;114:20;197:17</p> <p>stuck (2) 161:2,4</p> <p>Studies (10) 42:6,6,8,9;71:4;129:20; 130:1;209:6,7;214:16</p> <p>study (30) 51:7;52:4;53:4;72:15,18; 73:2,16,21;77:15,16,17;78:6; 93:3,3,6,10;95:7,7;96:13,15; 97:4,18,20;98:9,19;99:5,14, 16,18;100:1</p> <p>stuff (2) 76:4;135:5</p> <p>sub (1) 203:12</p> <p>subcommittee (54) 26:13,19;28:3,4;29:5; 37:19;38:3;54:1;60:2,11; 92:7;113:21;114:4,12,14,18; 132:14,17;137:17;179:4; 199:2,4,15,16,17;200:4,14; 201:2;202:13,17;216:14; 217:1,2,17,19,21;218:6,7,16, 19;219:6,11,12,21;229:7,11, 12,13,17;230:1;232:9,15,18, 19</p> <p>subcommittees (11) 18:17,21;26:12,17;32:1; 216:7,17;217:3,10,14,14</p> <p>subject (18) 8:12,12;13:17;34:13;41:14; 42:21;58:14;82:2;96:10; 142:5;151:15;189:15;196:12; 199:3;203:7,9;227:8;228:17</p> <p>submit (1) 24:17</p> <p>submitted (6) 42:3;134:4,5,10;135:2; 136:2</p> <p>subpoena (3) 10:2,8;189:12</p> <p>subsequently (2) 31:19;223:19</p> <p>substantial (2)</p>	<p>117:19;118:1</p> <p>substantive (1) 42:19</p> <p>successful (9) 158:15;161:1,14;165:15; 168:1;180:19,21;201:6; 226:11</p> <p>sued (1) 41:3</p> <p>suffering (1) 8:16</p> <p>sufficient (2) 210:16;213:5</p> <p>sufficiently (2) 153:10;179:19</p> <p>suggest (1) 65:1</p> <p>suggested (6) 74:13;83:2;84:21;179:10; 201:9;202:20</p> <p>suggesting (2) 77:8;78:4</p> <p>suggestions (12) 29:15;61:3,14,21;62:2; 64:15,21;70:15;71:6;72:16; 77:10;78:8</p> <p>suits (1) 9:4</p> <p>summary (1) 33:14</p> <p>summer (3) 220:6,8;224:21</p> <p>sun (2) 156:15;192:4</p> <p>superseding (1) 101:18</p> <p>supervise (1) 14:16</p> <p>supervisor (1) 7:19</p> <p>supervisory (1) 40:1</p> <p>support (1) 47:20</p> <p>suppose (2) 84:16;109:12</p> <p>supposed (1) 8:5</p> <p>sure (55) 7:19;9:3;70:18;23:2; 24:13,13;33:8;36:1,5;37:5,19; 43:6;45:11,21;48:20;50:21; 56:16;57:6;69:18;75:19;76:5; 81:2;82:11,11;83:10,15;90:1; 117:2,11;122:9;123:13; 129:19;136:7,18;138:2; 163:17;165:11,20;166:14; 168:3,4;173:16;180:9;188:20; 190:21;193:17;203:5;215:17; 221:7;226:8,20;228:7,10; 232:6</p> <p>surveillance (2) 8:4,11</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

surveys (1) 110:4	testifying (2) 46:11,13	222:5,16,19;229:12	234:7
suspect (1) 132:4	testimony (32) 34:17;38:7;48:15;54:11; 61:13;64:16;67:18;68:1; 69:18,19;70:18;90:11,17; 102:1,5,10;103:1;117:5,14; 137:5,13;166:10,15;176:10; 195:5;199:8;200:3;210:21; 227:15;228:10,17;234:7	Took (24) 8:13,14;23:4;31:11,16; 61:7;66:9;67:6,14;68:3,6; 72:11;101:17;120:21;123:17; 141:15;167:17;171:19; 176:13;191:17;194:18,21; 195:17;223:6	truth (4) 5:5,5,6;194:13
suspended (1) 13:18	thankfully (1) 144:1	top (43) 37:21;45:1;51:3;88:20; 116:16,17,18;117:6;118:6,6,7, 7;120:4;161:17;165:2;168:1, 13;169:11,11;170:10,10,11, 12,13,14;174:10,11;175:1; 176:6,7,8;178:8;180:12,13, 19;182:14;191:4,9,12;192:19; 193:9;229:9,10	try (6) 62:7;76:3;168:20;189:15; 215:17;227:15
sworn (1) 5:4	theoretically (2) 188:11;211:18	topic (4) 81:16,19;82:12;201:16	trying (12) 14:15;25:17;83:3;135:21; 136:6,7;149:17;157:3;172:6; 176:12;192:1;194:5
system (3) 186:13;197:18;205:14	thereafter (3) 12:12;13:14;16:5	topped (2) 173:2,2	turn (3) 10:1;46:6;101:8
T	therefore (4) 45:12;103:18;149:6;171:8	total (5) 114:9;191:12,13;194:3; 201:9	turns (2) 142:10;176:21
table (2) 72:8;104:12	thereof (2) 168:12;198:16	totally (3) 71:18;144:6;190:7	twenty (1) 52:9
Talbot (10) 159:21;160:3,3,6;161:20; 182:15;183:1,10,13,18	thinking (1) 154:1	totals (1) 193:8	two (46) 6:14;8:21;26:11;47:8,11; 55:16;58:19;59:8;78:6;80:7; 98:15;112:18;115:21;116:16, 17;118:5,6;145:8,15;146:13; 158:9,12;160:15,16,21;161:1; 170:7,9;171:10,10;174:9,10; 178:11,16;180:4,4,11;181:14; 189:20;194:4;226:3,4,9; 232:3,8,8
talk (8) 29:16;32:20;66:15;96:12; 97:2;137:5;201:4;219:2	third (8) 26:13;29:5;35:6;48:10; 88:20;169:13;170:7,21	touch (1) 32:17	two-thirds (1) 101:9
talked (10) 37:20;49:19;57:11;58:17; 59:16;72:8;84:21;184:1; 187:2;232:7	thou (1) 189:16	towards (1) 161:17	type (5) 37:8;72:19;73:7;111:13; 211:17
talking (13) 21:19;34:1,8,9;91:1,3; 111:4;114:17;126:19;135:18; 151:3;170:15;193:17	though (4) 6:17;24:11;43:19;174:8	town (12) 7:9;14:7;24:2,5,6,8,12,14, 17;40:15;110:5;143:3	types (1) 110:1
talks (1) 219:9	thought (16) 8:14;103:7,8,11,13,13,17; 141:19;153:17;157:11; 163:10;166:7;171:6;196:21; 207:20;208:16	trade (1) 101:5	U
targeting (1) 66:2	throughout (1) 120:1	trained (1) 110:3	ulterior (1) 189:21
task (4) 60:12,15;138:1;219:6	till (2) 178:2;209:20	training (6) 11:15,19,20;12:5,6;111:14	unaccounted (1) 175:20
tasked (3) 54:2,21;92:8	times (1) 64:13	transcript (5) 81:1;100:17;101:2;234:6, 10	unanimously (1) 117:16
Taylor (2) 88:19;91:17	Tina (1) 31:16	transpired (1) 26:21	unaware (1) 142:4
technical (1) 30:18	title (4) 18:3;57:7,11,19	Transportation (1) 71:4	unclear (1) 7:1
telling (5) 85:17;128:2,6;162:19; 222:4	today (24) 10:15;16:17;38:8;43:16; 46:12;49:15;64:12;66:8; 69:19;73:14;87:15;93:9,10; 125:6,8;126:5;143:12;168:4; 187:2;190:19;205:9;217:4,10, 232:7	transported (1) 206:18	uncovered (1) 228:13
temporary (1) 109:2	together (4) 19:20;35:13;113:7;196:6	travel (2) 18:10;32:12	undeclared (2) 177:2,13
ten (2) 231:12,17	told (25) 23:6;26:15;29:21;32:1; 33:16;40:7;45:20;55:12; 59:15;66:18;70:16;74:8;85:2; 104:13;136:2;174:9;189:18; 202:4;203:10;207:2;221:10;	treatment (1) 8:17	under (15) 6:3,3;7:4;40:21;46:10,10; 48:8;56:14;74:20;102:16; 122:21;127:21;137:3,6; 156:14
term (7) 7:12,21;52:3;76:21;77:15, 21;205:10	together (4) 19:20;35:13;113:7;196:6	trial (6) 8:16;137:5;149:12;155:10, 11;188:14	underlying (1) 147:1
terminology (5) 7:20;82:15,20;96:8;98:15	today (24) 10:15;16:17;38:8;43:16; 46:12;49:15;64:12;66:8; 69:19;73:14;87:15;93:9,10; 125:6,8;126:5;143:12;168:4; 187:2;190:19;205:9;217:4,10, 232:7	tried (1) 189:18	understood (2) 231:8;233:4
terms (3) 96:16;98:11;131:11	together (4) 19:20;35:13;113:7;196:6	trouble (1) 211:10	undisputed (2) 160:20;223:14
terrible (3) 87:20;197:1,3	together (4) 19:20;35:13;113:7;196:6	true (5) 93:2;127:21;159:7;193:4;	undue (1) 188:5
test (1) 71:14	together (4) 19:20;35:13;113:7;196:6		
testified (10) 5:6;11:20;67:5;68:16; 191:3;210:20;220:14;224:20; 228:9;233:6	together (4) 19:20;35:13;113:7;196:6		

Unfortunately (4) 16:7;96:21;162:16;196:5	valuables (1) 111:2	232:15	107:12;128:6;139:9,13; 144:12;164:12;184:12; 188:14,15;203:1;220:19; 222:10
uniformly (1) 172:7	value (2) 188:11,15	votes (9) 28:12;169:10;229:6,7,8,9, 11,11;232:7	whatsoever (4) 69:2;80:18;106:20;204:6
unique (4) 158:18;165:4;166:5,17	values (2) 132:19,20	voting (1) 177:11	Whereupon (1) 5:2
University (3) 10:19,19;11:7	Vanessa (2) 55:7;56:10	W	Wherever (1) 229:3
Unknown (2) 176:4;178:4	various (4) 64:13,13;74:4;110:1	Wait (8) 89:19;96:1;121:8;122:20; 147:19;169:3;171:16;196:20	White (2) 56:17;59:11
Unless (3) 114:9;195:14;210:3	varying (3) 199:3,3,3	waiting (1) 116:2	whole (6) 5:5;17:15,15;28:11,14; 60:16
unlikely (1) 83:18	vast (1) 39:10	wants (1) 27:10	whose (3) 8:7;195:2;202:18
unraveling (1) 155:17	vehicle (4) 14:8;24:7,17;206:16	warning (1) 134:8	wide (1) 196:6
unreasonable (2) 156:4;190:14	vehicles (2) 24:10;206:18	Warnken (27) 42:3;88:9;94:16,19;115:10; 119:3,10;122:8,10,18;141:6; 159:7,9,10,14,18;160:2; 172:12;187:18;188:3,14; 190:8,13,14;213:7,11;220:9	wife (2) 185:12,15
unredacted (1) 228:21	versa (1) 197:3	warranted (1) 124:9	Williams (13) 124:13,14;125:9;143:1,15, 17,18;144:5,9,17;146:6,8; 162:15
unsuccessful (3) 154:9,10;161:1	versus (1) 195:20	Washington (5) 110:9;126:10,15,19;180:4	Williams' (8) 34:13;36:3;48:12;125:6; 142:8;144:7;145:9;189:4
unsure (2) 38:18,20	vet (1) 21:20	way (40) 13:18;18:20;21:21;27:19; 33:21;38:19;40:9;44:5;49:18, 20;51:12;62:10;72:10;80:7; 96:1;101:9;107:3;114:7; 116:13;122:15;133:7;134:11; 135:15;154:4;169:1;174:6; 178:15;180:20;181:6;197:7; 198:14;200:17;204:4;205:11; 206:10;210:19;215:14; 224:15;229:2,21	William's (1) 145:20
up (24) 37:5;40:21;43:9;61:4;62:1; 73:14;95:15;101:14;108:18; 109:3;116:7,12;126:20;127:5; 134:7;144:14;165:12;188:13; 192:8;197:4;206:4;209:14; 215:18;226:4	vice (24) 18:5,6,7,14,16;19:7,13; 22:3,6,15,17,20;23:6,13;26:3; 54:10;68:11;73:21;79:6;98:3; 160:11;197:3;198:11;199:9	wednesday (1) 178:1	willing (1) 183:3
upon (18) 63:6;79:15;81:10;132:12; 144:5;149:15;150:10;183:21; 196:19;200:1;202:10;208:3,5; 212:14;223:6;224:2,7;232:3	Video (1) 197:18	week (1) 124:15	within (7) 13:4;76:12;91:19;114:18, 21;162:9;219:12
upper (3) 178:13;179:7;180:8	view (8) 43:2;45:6;137:4;148:7; 149:13;179:8,18;197:15	weeks (1) 21:6	without (13) 25:6;85:17;111:16;117:16; 128:2,6;156:21;172:9;175:21; 189:14;212:2;222:4;229:7
upstart (1) 96:19	views (1) 130:10	weight (3) 156:21;157:4;198:15	withstanding (1) 100:4
Usable (2) 205:12;211:14	vigorously (1) 148:17	welcome (1) 41:20	witness (31) 5:4;13:21;34:14;47:11; 48:13;75:1;92:2;122:5;124:5; 125:18;137:2;141:6,21;142:2; 144:3;151:18;152:8;160:11; 187:9,11;189:5;203:4;208:19; 212:20;221:4;223:12,13; 224:19;227:12;228:2,6
use (8) 7:21;50:4;85:4;137:7; 148:11;157:21;224:14;234:20	Vince (1) 187:5	weren't (5) 178:16;180:9;184:1; 224:13;229:21	women (1) 59:8
used (8) 80:21;113:5;133:7;190:8,9; 215:10;222:10;227:18	violation (2) 152:2;189:14	West (34) 66:13;80:7,11;81:7;84:3; 85:14,15;86:6,17;87:4;89:4, 16;90:4,15;92:15;96:7,12,14; 98:7;102:16;127:16,16;128:5; 220:4;222:20;223:7,15,17; 224:4,5,8,12,16,21	wondering (1) 118:12
using (3) 77:15;123:20;214:17	virtue (1) 205:4	West's (1) 66:16	word (11) 15:10;96:20;104:7;118:1; 172:6;190:8,9;205:1,4; 218:17;222:10
V	visceral (1) 72:3	What's (16) 20:2;26:5;29:12;51:16;	words (9) 19:16;59:16;70:11;102:5; 172:18;190:11;200:14;211:5; 224:14
vaccine (1) 206:9	visit (2) 110:7;113:6		work (6) 17:9;47:18;60:4;72:19;
vacuum (1) 149:13	visited (1) 111:16		
vague (1) 7:1	vote (43) 27:18;28:10;29:2;95:18,20; 115:21;128:15,17;167:8,11, 15,17,20;168:11;169:5,9,11, 13;170:7,21;171:5,8,9,19; 174:19;175:21;176:13,16,17; 177:1;180:16;181:1;191:4,17; 192:21;194:18,21;195:18; 229:20;231:2;232:9,11,20		
vaguely (1) 140:13	voted (18) 27:6;95:16;165:17;167:4; 170:6,14,15;229:12,13,14,15, 19;230:8;231:2,10,11,16;		
valid (1) 189:12			

129:4;152:19 worked (3) 12:13;31:2,10 Work-related (1) 7:13 works (4) 31:9;57:4;91:15;228:7 worst (1) 132:2 write (3) 17:7;204:5;218:9 writing (9) 26:8;30:2,5,19;31:18;32:2; 36:15;62:9,15 written (8) 31:14;37:2,11;66:19;75:16; 86:18;113:3,4 wrong (10) 8:1;21:9;24:12;96:20; 166:8;171:3;175:9;176:21; 179:15;199:14 wrote (4) 31:1,12;62:12;89:15 Wynnyk (5) 20:3,17;21:1,9,19 W-Y-N-N-Y-K (1) 20:5	1 (19) 9:19;10:1;58:9;76:17; 86:21;87:7;89:2,7,14;90:2; 95:8,11;97:3,12;112:20; 173:6,8,17;174:5 10 (3) 47:17;50:13;210:9 100 (5) 64:4;165:11;173:7,8;194:9 11 (1) 210:9 110 (2) 134:9,11 12 (1) 210:9 12th (4) 50:11,16;58:3,7 13 (1) 11:21 133306A9il (1) 101:20 13th (3) 86:18,20;90:6 14th (1) 192:4 15 (52) 17:2;108:17;109:1;115:1,7, 12,16;116:16,18;117:6;118:6, 6,7,7;161:17;168:1;169:11; 170:10,11,14;174:10,11; 176:6,8,9;177:5;178:7,8; 180:3,12,13,19;207:12,19; 208:7;209:17;210:6,8,9,11,14, 14,18;211:1,4,12,14;212:6,16, 18;229:9;232:8 15th (1) 231:13 16 (2) 16:13;116:12 17 (1) 17:1 19 (1) 11:10 1971 (4) 11:3,12,13;12:11 1974 (1) 12:16 1980s (1) 184:16 1997 (1) 8:20 1st (3) 92:1;213:6,13	169:11;170:10,12,13;173:17, 21;174:5;175:1;176:7; 182:14;185:3,18;186:18; 191:4,9;229:10 2001 (3) 12:19;15:13;16:8 20015 (1) 220:6 2005 (1) 16:20 2006 (3) 10:21;11:14;16:20 2013 (2) 18:2;21:7 2015 (6) 86:18,21;89:18;90:6;220:5; 224:21 2016 (9) 50:11,17;58:4;89:13,17; 90:6;100:19;126:11;192:4 2017 (3) 52:10,16;58:8 2018 (4) 209:20;213:6,13,18 20785 (1) 5:16 20th (1) 117:3 21st (1) 117:3 2415I (1) 164:1 26th (1) 126:11 27th (2) 52:10,16	5 5 (6) 10:4;80:3,6;81:3;86:5,17 5/10 (1) 142:21 5th (12) 89:11,20;90:6;100:19; 165:16,21;166:7;173:12; 231:10,12,15,16
Y			6 6 (2) 100:14,17 60 (2) 161:13,16 600 (1) 11:19 6401 (1) 5:13
year (13) 10:20;11:1;26:7;30:2; 89:12,15,17;90:3,7,12; 112:18;150:10,12 years (14) 11:9,13,21;13:8;16:13,19; 110:2,16;112:18;155:21; 185:3,18;186:18;202:11 Yep (1) 201:14 yield (1) 214:8 young (2) 14:12;59:11 younger (1) 14:12	15th (1) 231:13 16 (2) 16:13;116:12 17 (1) 17:1 19 (1) 11:10 1971 (4) 11:3,12,13;12:11 1974 (1) 12:16 1980s (1) 184:16 1997 (1) 8:20 1st (3) 92:1;213:6,13	20th (1) 117:3 21st (1) 117:3 2415I (1) 164:1 26th (1) 126:11 27th (2) 52:10,16	7 7 (2) 126:6,9 71 (1) 11:13 74 (1) 12:21 7-Eleven (1) 111:7
Z			8 8 (8) 139:7,14;158:13;161:10; 164:13;166:16;182:20,21 87 (2) 155:16;162:8 8th (1) 144:18
zero (4) 228:14,21;229:5;233:10 zeroes (1) 233:13 Zip (1) 5:15	2 (13) 36:6;44:13;45:9;47:6; 97:13,19;101:16;116:11; 119:17;126:17;162:8;210:2; 220:15 20 (20) 71:15;114:9;116:18;168:1;	3 (5) 10:2;46:2,5,19;101:9 3:19 (1) 233:17 30 (5) 191:13;192:8,19;193:3,9 30s (1) 59:14 31st (4) 12:19;213:7,13,17 3rd (2) 145:20;146:7	9 9 (2) 142:21;191:19
0			
01 (1) 12:21			
1			
		3 4 (3) 10:4;51:14,18 40 (5) 110:15;192:8,20;193:3,9 410-547-0202 (1) 143:1 43 (1) 110:2	
		4	

EXHIBIT G

BRIAN E. FROSH
ATTORNEY GENERAL

ELIZABETH F. HARRIS
CHIEF DEPUTY ATTORNEY GENERAL

THIRUVENDRAN VIGNARAJAH
DEPUTY ATTORNEY GENERAL



SANDRA BENSON BRANTLEY
COUNSEL TO THE GENERAL ASSEMBLY

KATHRYN M. ROWE
DEPUTY COUNSEL

JEREMY M. MCCOY
ASSISTANT ATTORNEY GENERAL

DAVID W. STAMPER
ASSISTANT ATTORNEY GENERAL

THE ATTORNEY GENERAL OF MARYLAND
OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

March 13, 2015

The Honorable Chris West
303 House Office Building
Annapolis, Maryland 21401-1991

Dear Delegate West:

You have asked for advice concerning the validity of certain provisions of the Natalie M. LaPrade Medical Marijuana Commission Law. Specifically, you have asked whether these provisions are unconstitutional. It is my view that these provisions must be administered in accordance with the United States Constitution, but, in the event that they were found to be unconstitutional, they would be severable from the remainder of the law.

Health - General Article, § 13-3309(a)(9)(i) provides that, in licensing growers of medical marijuana, the Medical Marijuana Commission ("the Commission") shall:

1. Actively seek to achieve racial, ethnic, and geographic diversity when licensing medical marijuana growers; and
2. Encourage applicants who qualify as a minority business enterprise, as defined in § 14-301 of the State Finance and Procurement Article.

Health - General Article, § 13-3310(c), which relates to the licensing of dispensaries, provides that the Commission shall:

- (2) Actively seek to achieve racial, ethnic, and geographic diversity when licensing dispensaries.

In the bill review letter on House Bill 881 (Chapter 240) and Senate Bill 923 (Chapter 256) of 2014, the Attorney General advised "that these provisions be implemented consistent with the provisions of the United States Constitution as described in *Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989) and *Fisher v. University of Texas at Austin*, 133 S.Ct. 2411 (2013)." See Form Bill Review letter dated April 11, 2014. It is well-established that a race-conscious affirmative action program is subject to strict scrutiny and will be upheld by the courts only if it is narrowly tailored to achieve a compelling public purpose. 91 *Opinions of the Attorney General* 181, 182 (2006), citing *Adarand Constructors, Inc. v. Pena*, 515 U.S. 200 (1995); *City of Richmond v. J.A. Croson Co.*, 488

The Honorable Chris West
March 13, 2015
Page 2


U.S. 469 (1989). The *Croson* case held that a governmental entity has a compelling interest in remedying identified past and present race discrimination. *Id.* at 492, 509. For this interest to be compelling, the government must be able to identify discrimination in the relevant market in which the entity is a participant. *Id.* at 501-504. In addition, there must be a "strong basis in evidence" of that discrimination at the time the program is established. *Id.* at 500, 510. In the context of government contracting, which was the subject of *Croson*, this requires a study showing a "significant statistical disparity" between the availability of qualified, willing, and able minority subcontractors and the utilization of such subcontractors by the governmental entity or its prime contractors. *HB Rowe Co., Inc. v. Tippet*, 615 F.3d 233, 241 (4th Cir. 2010). The *Fisher* case, for our purposes, confirms that the test set out in *Croson* still stands, and that a Court will closely scrutinize a government's justification of a race-conscious program and its evidence in support of that program.

The provisions of *Croson* and *Fisher* apply to ethnicity in the same way as race. They do not, however, apply to geographically conscious programs. Thus, the law should be read to have full force to the extent that it requires the Commission to seek geographic diversity to the extent possible. Moreover, it is not unconstitutional to encourage businesses of any type, including those in the minority business enterprise program, to apply to participate in any type of government program. Constitutional limits, however, would prevent the Commission from conducting race- or ethnicity conscious licensing in the absence of a disparity study showing past discrimination in similar programs. I am aware of no study that would cover grower or dispensary licensees, or even licensing in general. Most State licensing programs license everyone who meets the licensing qualifications, and thus would not give rise to the ability to pick some and not others. As a result, the efforts of the Commission to seek racial and ethnic diversity among growers and dispensaries would have to be limited to broad publicity given to the availability of the licenses and encouragement of those from various groups.

Even if the provisions are implemented in a way that leads to a determination of their invalidity, however, it is my view that they are severable from the remainder of the law. The primary inquiry in this determination is what would have been the intent of the legislature had they known that these provisions could not be given effect. *Davis v. State*, 294 Md. 370, 383 (1982). Generally courts will assume "that a legislative body generally intends its enactments to be severed if possible." *Id.*; see also Article 1, § 23 ("[t]he provisions of all statutes . . . are severable unless the statute specifically provides that its provisions are not severable."). Thus, "when the dominant purpose of a statute may largely be carried out notwithstanding the invalid provision, courts will ordinarily sever the statute and enforce the valid portion." *Id.* at 384. In this case, it is clear that the program is "complete and capable of execution," *Migdal v. State*, 358 Md. 308, 324 (2000), without the diversity provisions. Therefore, it is our view that, if found invalid, the diversity provisions would be treated as severable and the remainder of the law would remain in effect.

The Honorable Chris West
March 13, 2015
Page 3

Sincerely,



A handwritten signature in black ink, appearing to read 'K. M. Rowe', with a long horizontal line extending to the right.

Kathryn M. Rowe
Assistant Attorney General

KMR/kmr
west01.wpd

EXHIBIT H



LARRY HOGAN
GOVERNOR

STATE OF MARYLAND
OFFICE OF THE GOVERNOR

April 27, 2017

Jimmy H. Rhee
Special Secretary of Minority Affairs
100 Community Place, 3rd Floor
Crownsville, MD 21302

Dear Special Secretary Rhee:

Pursuant to Maryland State Government Article, Section 9-305, I am directing the Governor's Office of Minority Affairs (GOMA) to initiate a disparity study of the state's regulated medical cannabis industry and market. GOMA should work together with the Natalie M. LaPrade Medical Cannabis Commission and the Maryland Department of Transportation to complete a disparity study as expeditiously as possible in order to ensure diversity in Maryland's medical cannabis industry.

While a disparity study was contemplated during this past legislative session, there is no approved bill for me to sign that would initiate this process. As the issue of promoting diversity is of great importance to me and my administration, your office should begin this process immediately in order to ensure opportunities for minority participation in the industry.

Thank you for your assistance and leadership in addressing this important matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'Larry Hogan', written over a horizontal line.

Larry Hogan
Governor

ALTERNATIVE MEDICINE
MARYLAND, LLC

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMMISSION,
et al.,

Defendants.

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* Case No.: 24-C-16-005801
*

* * * * *

**COMMISSION’S OPPOSITION TO PLAINTIFF’S MOTION FOR
EMERGENCY TEMPORARY RESTRAINING ORDER AND
REQUEST FOR ORDER TO SHOW CAUSE WHY
A PRELIMINARY INJUNCTION SHOULD NOT BE GRANTED**

AMM’s Motion for a Temporary Restraining Order and Preliminary Injunction (“AMM’s Motion”) should be denied because AMM cannot satisfy any of the four factors required to obtain preliminary injunctive relief. AMM seeks an order from this Court prohibiting Defendants from issuing any final licenses to grow medical cannabis in Maryland and prohibiting Defendants from taking any additional action in furtherance of the Commission’s Stage 2 medical cannabis grower licensing scheme, including the immediate suspension of inspections of the fifteen pre-approved medical cannabis growing facilities. AMM’s Motion at 3. AMM seeks this emergency relief despite having waited three months after the challenged award of pre-approvals to file suit and nearly seven months from the date it filed suit to seek injunctive relief. AMM’s delay undermines both its likelihood of success on the merits and its ability to show an immediate irreparable injury.

Moreover, AMM holds no legally-cognizable interest in its unsuccessful application for a medical cannabis grower license. AMM is currently not selected for pre-approval, and it has offered no facts or allegations to suggest that it would be any closer to obtaining a pre-approval for a medical cannabis license if the Court were to enjoin the process and require further action by the Commission. As a result, AMM cannot demonstrate that it meets the requirements of proving immediate, irreparable harm in the absence of the issuance of an injunction or that the balance of harms weighs in its favor.

Finally, Maryland patients have been waiting for access to treatment even longer than AMM waited to present this request to the Court. The injunction AMM seeks is contrary to the public interest in providing safe access to medical treatment to 6,559 patients who have already applied to the Commission to register as a patient in the Maryland Medical Cannabis program. As a result, AMM's Motion must be denied.

BACKGROUND

Maryland's Statutory and Regulatory Scheme for Medical Cannabis

The Commission is an independent commission that functions within the Department of Health and Mental Hygiene. Md. Code Ann., Health-Gen. § 13-3302(b), Complaint ¶ 9. The Commission consists of 16¹ members: one designee of the Secretary of Health and Mental Hygiene and 15 members appointed by the Governor. Md. Code Ann., Health-Gen. § 13-3302, Complaint ¶ 11. The Commission's purpose is to "develop policies, procedures, guidelines, and regulations to implement programs to make medical

¹ Due to vacancies, there are currently 14 members of the Commission.

cannabis available to qualifying patients in a safe and effective manner.” Health-Gen. § 13-3302(e), Complaint ¶ 16.

The Commission is also expressly authorized to act as a licensing body. The statute provides that the Commission “shall license medical cannabis growers that meet all requirements established by the Commission to operate in the State.” Health-Gen. § 13-3306(a)(1), Complaint ¶ 16. The Commission has statutory authority to issue a maximum of 15 licenses to medical cannabis growers. Health-Gen. § 13-3306(a)(2)(i), Complaint ¶ 16. The medical cannabis grower licensing statute provides that the Commission “shall actively seek to achieve racial, ethnic, and geographic diversity when licensing medical cannabis growers.” Health-Gen. § 13-3306(a)(9)(i)(1), Complaint ¶ 16. In order to exercise its licensing authority, the Commission was statutorily required to “establish an application review process for granting medical cannabis grower licenses in which applications are reviewed, evaluated, and ranked based on criteria established by the Commission.” Health-Gen. § 13-3306(a)(2)(iii), Complaint ¶ 16.

The Commission fulfilled these statutory mandates by promulgating regulations governing the criteria by which applications for medical cannabis grower licenses would be reviewed and the weight afforded to each of the criteria. COMAR 10.62.08.05, Complaint ¶ 35. The scoring criteria set out in the regulations do not include race or ethnicity, Complaint ¶ 38. The medical cannabis grower licensing process is a two-stage process. Complaint ¶ 34. In stage one, the Commission planned to issue pre-approvals to up to 15 applicants for medical cannabis grower licenses, “in consideration of the

ranking of the applications in accordance with Regulation .05.” COMAR 10.62.08.06A.(1)(b). Complaint ¶ 34.

The Application Process

On September 28, 2015, the Commission released the Application for Medical Cannabis Grower License and announced that completed applications had to be submitted by 4:00 pm on November 6, 2015. Complaint ¶ 43. The application did not require applicants to provide the race or ethnicity of their owners and investors. Complaint at ¶ 45.

The Commission entered into an agreement with the Regional Economic Studies Institute (“RESI”) at Towson University to assist the Commission with the medical cannabis grower license application review process. Complaint ¶ 47. The Commission and RESI designed a “double-blind” Subject Matter Expert-based analysis of applications. Complaint ¶ 47. Applicant names were not included in the evaluation materials and the Commission voted on the top-ranked grower applications only by coded identification number, with applicant identities concealed. Complaint ¶ 47.

On July 12, 2016, the Commission voted to adopt a Grower Evaluation Guidance (“Guidance”) document to support Commissioners’ efforts in the review process. Complaint ¶ 50. The Guidance advised commissioners as to the information available for them to consider, and guided Commissioners on how to conform their review to current regulations. The Guidance did not indicate that Commissioners should consider race or ethnicity as a scoring or ranking criteria. Complaint ¶ 50.

On August 5, 2016, the Commission met in open session to consider issuing pre-approvals for medical cannabis grower and processor licenses. Complaint ¶ 52. During that meeting, the Commission received recommendations from the Grower Evaluation Subcommittee and the Processor Evaluation Subcommittee and discussed those recommendations. The Commission then voted on the Commission's ranking of the top 20 applicants for a medical cannabis grower license and voted to issue pre-approvals to the top 15 applicants, subject to satisfactory examinations of good moral character and compliance with tax obligations. Complaint ¶ 52.

AMM's Application

AMM is a Maryland limited liability company with its principal office at 14 State Circle, Annapolis, Maryland 21401. Complaint ¶ 8. AMM applied for a medical cannabis grower's license but was not among the fifteen companies selected by the Commission for the first pre-approvals. Complaint ¶ 5.

AMM submitted a timely application for a medical cannabis grower license. AMM's application included proof of residency for at least nine Maryland residents represented to be among AMM's owners and investors. Exhibit 1. The Application was clear that the question about Maryland residency would be graded on a yes or no basis, that is to say that an applicant either included a Maryland resident, and thereby scored a "yes" or did not include a Maryland resident and was thereby scored a "no." AMM was not ranked within the Commission's top 20 applicants for a medical cannabis grower license. Exhibit 1.

**MEMORANDUM OF LAW
EXCLUDED PURSUANT TO
MARYLAND RULE 8-501(c)**

public interest is strongly in favor of providing those patients with safe access to this medical treatment as quickly as possible.

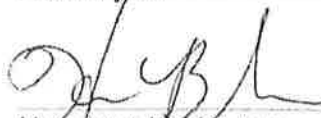
Not only is there an overwhelming public interest in serving the needs of patients, but that interest is compounded where, as here the availability of a functional medical cannabis program will be a valuable tool in stemming the overuse and abuse of opioids. Maryland patients facing chronic pain and seizure disorders are desperately seeking non-opioid alternatives to their current treatments. Exhibit 1. The State is currently using every available resource to navigate a public health crisis created by the overuse and abuse of opioids. Non-opioid alternatives to opioid pain and seizure medications are a critical component of the State's efforts to address this crisis. For these reasons too, AMM's motion should be denied.

CONCLUSION

For the reasons stated, the Court should deny AMM's motion for a temporary restraining order and their request for a preliminary injunction.

Respectfully submitted,

BRIAN E. FROSH
Attorney General of Maryland



HEATHER B. NELSON
Assistant Attorneys General
300 W. Preston Street, Suite 302
Baltimore, Maryland 21201
Office: (410) 767-1877
Fax: (410) 333-7894
heather.nelson1@maryland.gov

May 17, 2017

Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of May, 2017, a copy of the Defendants' Opposition to Motion for Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should Not Be Granted was electronically mailed and mailed via first-class mail postage prepaid to:

Byron L. Warnken
Byron B. Warnken
WARNKEN, LLC
2 Reservoir Cir. #104
Baltimore, MD 21208
443-921-1100
Byron@warnkenlaw.com

John A. Pica, Jr.
John Pica and Associates, LLC
14 State Circle
Annapolis, MD 21401
jpica@johnpica.com

Brian S. Brown
Brown & Barron, LLC
7 St. Paul Street, Suite 800
Baltimore, Maryland 21202
bbrown@brownbarron.com

Counsel for Alternative Medicine Maryland



Heather B. Nelson

ALTERNATIVE MEDICINE
MARYLAND, LLC

Plaintiff.

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMMISSION,
et al.

Defendants.

*

IN THE

*

CIRCUIT COURT

*

FOR

*

BALTIMORE CITY

*

Case No. 24-C-16-005801

*

* * * * *

AFFIDAVIT OF MARY-JO MATHER

1. I am over 18 years of age, a resident of Maryland, competent to testify, and have personal knowledge of the facts set forth herein.
2. I am the Director of Administration of the Natalie M. LaPrade Maryland Medical Cannabis Commission.
3. The Commission sought to achieve diversity among applicants for medical cannabis grower licenses by broadly publicizing the opportunity to become licensed.
4. Although Alternative Medicine Maryland submitted a timely application for a medical cannabis grower license, the Commission did not rank AMM among the top twenty applicants for medical cannabis grower licenses.
5. In July of 2016 the Commission requested that applicants for medical cannabis grower licenses inform the Commission of the county in which each applicant intended to operate.
6. On July 19, 2016, AMM submitted the attached correspondence indicating its intent to locate in Talbot County.

7. On July 26, 2016, Commission staff sent a complete list of the geographic location responses from grower applicants to RESI. That list included AMM and its intended location in Talbot County and is attached hereto. Commission staff asked RESI to create a spreadsheet that set out the applicants identified by coded identification number in order of their recommended ranking with reference to each applicant's intended geographic location. That email is attached hereto.

8. In response, RESI provided the Commission with the attached document on July 27, 2016.

9. The Commission is now registering patients who seek treatment with medical cannabis. As of today's date, six thousand, five hundred and fifty-nine (6,559) people have applied to register as medical cannabis patients. To date, two hundred and twenty-two (222) people have registered to act as caregivers to medical cannabis patients. To date, two hundred and sixty-six Maryland doctors stand ready to treat patients in the medical cannabis program.

10. The Commission routinely receives correspondence from Maryland patients who are eager for the program to become operational so that patients can access treatment with medical cannabis. These patients seek alternatives to opioid pain medications and effective treatments for those with seizure disorders. The records attached hereto reflect just some of the comments received by the State from and on behalf of patients seeking medical treatment with medical cannabis.

I HEREBY DECLARE OR AFFIRM UNDER THE PENALTIES OF PERJURY
THAT THE CONTENTS OF THE FOREGOING AFFIDAVIT ARE TRUE AND
CORRECT BASED UPON MY PERSONAL KNOWLEDGE.

Date May 17, 2017

Mary Jo Malher
Mary-jo Malher



STATE OF MARYLAND

DHMH NATALIE M. LAPRADE
MARYLAND MEDICAL CANNABIS COMMISSION

Maryland Department of Health and Mental Hygiene

Larry Hogan, Governor - Boyd Rutherford, Lt. Governor - Van Mitchell, Secretary

July 19, 2016

Dear Grower Applicant-Authorized Agent:

The Maryland Medical Cannabis Commission (Commission) is planning to issue Stage 1 pre-approvals for medical cannabis grower licenses in the coming weeks. COMAR 10.62.08.06 states that the Commission may take into account the geographic location of the growing operation. Based on this regulation, the Commission would like to invite you to provide information identifying the county within which you propose to operate your grower facility, if known.

Though COMAR 10.62.05.(D-F) authorizes an applicant to provide the requested additional information by the close of business of the 14th business day after the request has been received by the applicant, the Commission would very much appreciate receiving this information as soon as possible.

Should you have any questions, please send your inquiry to dhmh.medicalcannabisapplicants@maryland.gov

Thank you very much in your consideration

Sincerely,

Maryland Medical Cannabis Commission

Alternative Medicine Maryland
8899 Main Street, Suite #7
Williamsville, NY 14221
(716) 580-7208

Maryland Medical Cannabis Commission
4201 Patterson Avenue
Baltimore, MD 21201
Dhmlt.medicalcannabisapplicants@maryland.gov

Sent Via Email and USPS

July 19, 2016

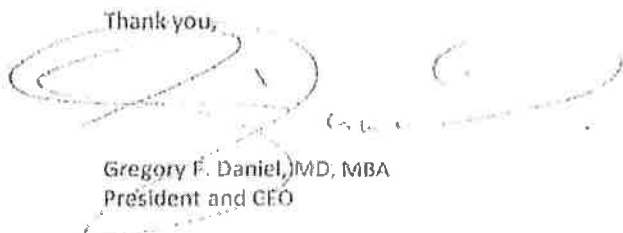
RE: Response to Request for Disclosure Regarding County of Growing Operation

Dear Maryland Medical Cannabis Commission,

We are in receipt of your correspondence dated July 18, 2016. The geographic location of our growing operation is within Talbot County.

Please feel free to contact me if you have any questions.

Thank you,



Gregory F. Daniel, MD, MBA
President and CEO

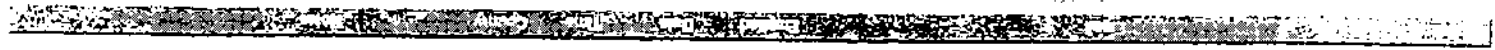
GT v. MMCC
MMCC0000075

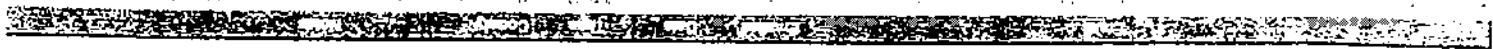
E 000644

Grower Applicant Email List

Applicant	Email	Emailed	Date	Time	County	Notes
1. [Faint Name]	[Faint Email]	[Faint]	[Faint]	[Faint]	[Faint County]	[Faint Note]
2. [Faint Name]	[Faint Email]	[Faint]	[Faint]	[Faint]	[Faint County]	[Faint Note]
3. [Faint Name]	[Faint Email]	[Faint]	[Faint]	[Faint]	[Faint County]	[Faint Note]
4. [Faint Name]	[Faint Email]	[Faint]	[Faint]	[Faint]	[Faint County]	[Faint Note]
5. [Faint Name]	[Faint Email]	[Faint]	[Faint]	[Faint]	[Faint County]	[Faint Note]
6. [Faint Name]	[Faint Email]	[Faint]	[Faint]	[Faint]	[Faint County]	[Faint Note]
7. [Faint Name]	[Faint Email]	[Faint]	[Faint]	[Faint]	[Faint County]	[Faint Note]
8. [Faint Name]	[Faint Email]	[Faint]	[Faint]	[Faint]	[Faint County]	[Faint Note]
9. [Faint Name]	[Faint Email]	[Faint]	[Faint]	[Faint]	[Faint County]	[Faint Note]
10. [Faint Name]	[Faint Email]	[Faint]	[Faint]	[Faint]	[Faint County]	[Faint Note]
11. [Faint Name]	[Faint Email]	[Faint]	[Faint]	[Faint]	[Faint County]	[Faint Note]
12. [Faint Name]	[Faint Email]	[Faint]	[Faint]	[Faint]	[Faint County]	[Faint Note]
13. [Faint Name]	[Faint Email]	[Faint]	[Faint]	[Faint]	[Faint County]	[Faint Note]
14. [Faint Name]	[Faint Email]	[Faint]	[Faint]	[Faint]	[Faint County]	[Faint Note]
15. [Faint Name]	[Faint Email]	[Faint]	[Faint]	[Faint]	[Faint County]	[Faint Note]
16. [Faint Name]	[Faint Email]	[Faint]	[Faint]	[Faint]	[Faint County]	[Faint Note]
17. [Faint Name]	[Faint Email]	[Faint]	[Faint]	[Faint]	[Faint County]	[Faint Note]
18. [Faint Name]	[Faint Email]	[Faint]	[Faint]	[Faint]	[Faint County]	[Faint Note]
19. [Faint Name]	[Faint Email]	[Faint]	[Faint]	[Faint]	[Faint County]	[Faint Note]
20. [Faint Name]	[Faint Email]	[Faint]	[Faint]	[Faint]	[Faint County]	[Faint Note]

Faint, illegible text at the top of the page, possibly a header or title area.

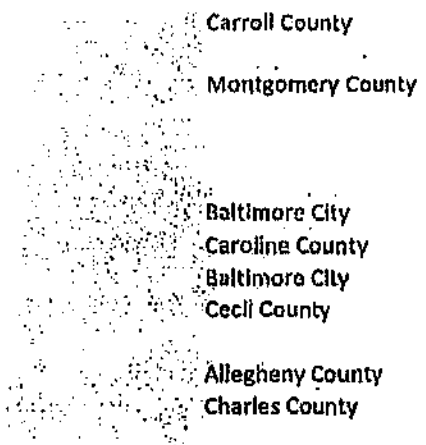




E 000648

Applicant	Detail	Enroll	Date	Time	County	Notes
WILSON, JAMES A.	WILSON, JAMES A.	yes	10/10/11	11:00 AM	Taylor County	Approved for 2011-2012
WILSON, JAMES A.	WILSON, JAMES A.	yes	10/10/11	11:00 AM	Marshall County	Approved for 2011-2012
WILSON, JAMES A.	WILSON, JAMES A.	yes	10/10/11	11:00 AM	Franklin County	Approved for 2011-2012

Unique Identifier	County
	Frederick County
	Dorchester County
	Washington County
	Cecil County
	Frederick County
	Baltimore County
	Garrett County
	Washington County
	Ann Arundel County
	Dorchester County
	Baltimore City
	Montgomery County
	Caroline County
	Prince George's County
	Worcester County
	Prince George's County
	Kent County
	Howard County
	Somerset County
	Charles County
	Charles County
	Cecil County
	Baltimore County
	Carroll County
	Howard County
	Harford County
	Carroll County
	Frederick County
	Charles County
	Kent County
	Howard County
	Montgomery County
	Carroll County
	Kent County
	Howard County
	Carroll County



Carroll County

Montgomery County

Baltimore City

Caroline County

Baltimore City

Cecil County

Allegheny County

Charles County



4/14/16 10:00 AM - 10:00 AM

Comments for Regulations for June 14th, 2016 Meeting of the Policy Committee

To: dhmh.medicalcannabis@maryland.gov

Sat, Jun 25, 2016 at 1:11 PM

I am writing you to voice my concerns for the Maryland compassionate medical marijuana law that was passed some time ago. I have been a chronic pain patient for over 15 years now and have been prescribed medicines over the years that as you may know come along with many dangers and side effects. Hardly a day goes by that I don't read about how people who are in my position have been forced to turn to heroin because of the clampdown on prescription painkillers. I will give you my story which many other pain patients have echoed to me as well. My longtime personal physician was a compassionate doctor who started prescribing me painkillers. As time went on my tolerance built and built to the point where I was getting the maximum amount that could be legally given to me. The whole time this was going on I was a productive citizen who was gainfully employed in the security electronics industry. I designed and sold our government systems that were fighting the "war on drugs" as well as the middle east conflicts. My doctor was pressured by the DEA and insurance companies to do something about me. It came to a point that he had to recommend me to a "pain clinic" for fear of disciplinary actions. I went to the pain clinic who immediately cut my scripts to the point that they do me no good. The pain got to the point where I could no longer work. I had to go on disability at the young age of 50 due to spine and nerve damage. I now live in constant pain because, there is no doctor or pain clinic that will ever prescribe me the amount of legal drugs that will overcome my pain and tolerance. Regular doctors won't prescribe any narcotics at all due to the clampdown and there is a sore lack of pain clinics. The pain clinics are packed with people that are in the exact position that I am in.

I am begging you to please expedite the implementation of the Maryland compassionate medical marijuana law and open the dispensaries that were promised, what seems to me to be ages ago. Short of that, there has been talk of a reciprocal agreement with Washington DC to allow Maryland citizens to obtain the strains of marijuana that can help me and the many, many others in similar situations.

How cruel it is to pass a law to help but, give no way to legally obtain this product.

Thank you very much for your time.

Anne Arundel County

ALTERNATIVE MEDICINE
MARYLAND, LLC

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMMISSION,
et al.,

Defendants.

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* Case No.: 24-C-16-005801
*

* * * * *

**COMMISSION’S SUPPLEMENT TO COMMISSION’S
OPPOSITION TO PLAINTIFF’S MOTION FOR
EMERGENCY TEMPORARY RESTRAINING ORDER AND
REQUEST FOR ORDER TO SHOW CAUSE WHY
A PRELIMINARY INJUNCTION SHOULD NOT BE GRANTED**

Defendants, the Natalie M. LaPrade Maryland Medical Cannabis Commission (the “Commission”), the Department of Health and Mental Hygiene (“DHMH”), and the individually-named commissioners, through counsel, in light of newly-received evidence, submits this supplement to its Opposition to Plaintiff’s Motion for Emergency Temporary Restraining Order and Request for Order to Show Cause Why a Preliminary Injunction Should Not be Granted, which was filed on May 17, 2017 (Docket No. 72/1).

The plaintiff’s request for injunctive relief is contrary to the public interest. AMM seeks to halt a legislatively authorized medical program designed to serve Maryland patients who have been unable to find relief from their medical conditions through the use of pharmaceutical medications. The State interest lies in implementing a well-regulated medical cannabis program to provide patients safe access to treatment.

On May 19, 2017, Maryland patients came forward to share testimony. The first is the mother of a child with intractable epilepsy which doctors have been unable to control

with pharmaceutical medications. Exhibit 1, Affidavit. The pharmaceuticals that have been offered not only failed to control the seizures but also brought unwanted side effects that impaired her daughter's ability to grow and thrive. Exhibit 1. This witness has registered her daughter to be a Maryland medical cannabis patient and intends to treat her daughter with cannabis oil as soon as it is legally available in the State. Exhibit 1.

The second, a patient, has been prescribed large quantities of opioids to treat chronic pain condition from the time she was fifteen years old. Exhibit 2, Affidavit. She has suffered through treatment with opioid pain medications and suffered unwanted side-effects. Exhibit 2. She would like to avoid the risk of opioid addiction. Exhibit 2. She is eager to pursue medical cannabis treatment to alleviate her chronic pain and has already registered to be a Maryland medical cannabis patient. Exhibit 2.

The public interest lies in serving the needs of patients – that is precisely why the legislature created the medical cannabis program. AMM's request to halt the program is against the public interest and should fail for that reason. For these reasons, and those set out in the Commission's Opposition to Plaintiff's Motion for Emergency Temporary Restraining Order and Request for Order to Show Cause Why a Preliminary Injunction Should Not be Granted AMM's motion should be denied.

CONCLUSION

For all of the forgoing reasons, and the reasons stated in the Commission's Opposition to Plaintiff's Motion for Emergency Temporary Restraining Order and Request for Order to Show Cause Why a Preliminary Injunction Should Not be Granted, AMM's

request for a temporary restraining order should be denied and no injunction should issue. The public interest requires that this legislatively-mandated program to bring medical treatment to Maryland patients must move forward and patients should must not be barred from accessing necessary medical treatment.

Respectfully submitted,

BRIAN E. FROSH
Attorney General of Maryland



HEATHER B. NELSON
Assistant Attorneys General
300 W. Preston Street, Suite 302
Baltimore, Maryland 21201
Office: (410) 767-1877
Fax: (410) 333-7894
heather.nelson1@maryland.gov

May 24, 2017

Attorneys for Defendants

Exhibit 1

ALTERNATIVE MEDICINE
MARYLAND, LLC

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMMISSION,
et al.,

Defendants.

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* Case No.: 24-C-16-005801

* * * * *

AFFIDAVIT OF JENNIFER PORCARI

1. I am over 18 years of age, a resident of Maryland, competent to testify, and have personal knowledge of the facts set forth herein.
2. My nine-year-old daughter suffers from intractable epilepsy. She was first diagnosed at the age of 4 in 2011.
3. Since that time, doctors have tried to control her seizures with pharmaceuticals, without success. Doctors have prescribed a half-dozen pharmaceuticals, including Depakote, Ethosuximide, Lamictal, Keppra, Topamax, and Zonegran used alone and in various combinations, and still have been unable to offer a pharmaceutical solution to control my daughter's seizures.
4. Each new attempt to control my daughter's seizures with pharmaceuticals resulted in failure. I know that this litany of failure is a familiar one to parents and families of epileptic children. For thirty percent of epileptic children the available pharmaceutical medicines do not control seizures. We are the face of that 30 percent. There is no pharmaceutical relief for our daughter.

5. I and my family are also all too familiar with the side effects of the drugs used to try to control seizures. I saw the Pharmaceutical Haze that dulled the senses and clouds the eyes of my daughter. I saw her experience the outbursts, the rages, the lack of appetite, and the lack of growth that are common side effects of the pharmaceutical medications. At one point during her pharmaceutical treatment, my daughter went 18 months without growing an inch or gaining a pound as a result of her medications.

6. In February of 2016, in anticipation of the long delayed medical cannabis program in Maryland, we began treating her with a legal hemp oil product that provides some, but not all, of the medical benefits of medical cannabis. In April of 2016 we titrated our daughter off the last of her prescribed medications in an effort to minimize the side effects of those pharmaceuticals that didn't reduce her seizure activity.

7. Since that time, her cognitive abilities have improved dramatically. The haze is gone and her personality has returned and blossomed. She has grown two inches and gained 11 pounds. That's the good news. The other side of that coin is that on her worst days, she may still experience up to two dozen absence seizures. We believe that she will have more success with medical cannabis.

8. Since 2014, we have been waiting patiently for the medical cannabis program to be fully implemented in Maryland. We have watched as other states have passed and implemented a successful program. We have studied the chemistry and treatments that epileptic children are using in legal states like Illinois, Maine, and Colorado. We have followed the work of the Commission and testified in Baltimore. We have struggled to

understand the long delays and are saddened that other states have options that our state still denies our child.

9. I came forward to offer testimony because my daughter's health will suffer if her access to medical cannabis is delayed.

10. Every day that my daughter is denied access to medical cannabis treatment is a day lost. I am not naïve enough to believe that there is a 100 percent chance of success in treating my daughter with medical cannabis, but as a mother, I have seen the pharmaceutical options fail my child and I need to provide my child with every option to control her seizures enough to allow her to thrive.

11. Every day that my daughter continues to seize, she falls further behind in school. If her access to medical cannabis is delayed, her health will remain at risk. The needs of our daughter, and thousands of other patients like her, need to be considered first.

I HEREBY DECLARE OR AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT BASED UPON MY PERSONAL KNOWLEDGE.

5/16/17
Date


Jennifer Porcari

Exhibit 2

ALTERNATIVE MEDICINE
MARYLAND, LLC

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMMISSION.

et al.,

Defendants.

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* Case No.: 24-C-16-005801

* * * * *

AFFIDAVIT OF JENNIFER BEEDIE

1. I am over 18 years of age, a resident of Maryland, competent to testify, and have personal knowledge of the facts set forth herein.
2. I am a patient seeking prompt access to medical cannabis.
3. I have suffered from a number of chronic pain conditions all of my life.
4. By the time I was 15 years old, my doctors were prescribing me three different painkillers that I was instructed to take around the clock.
5. The painkillers did not eliminate my pain, but they left me feeling impaired and intoxicated so that I was distracted from the pain. My mother watched helplessly as I became a zombie.
6. As my tolerance grew, so did the amount of painkillers needed. I began seeking a non-opioid alternative to my pain medication.
7. I learned that medical cannabis could be as effective as taking a 750 milligram Vicodin 750 but without the constipation, liver damage, and risk of opiate addiction.

Although I could easily obtain prescriptions for large quantities of opiates, I could not legally access medical cannabis.

8. Finally the time came when modern medicine started validating the use of medical cannabis as a non-opioid alternative to the mainstream opioid pharmaceutical pain medications. Finally I saw the Maryland medical cannabis program begin to take shape.

9. On April 10, 2017, I found a ray of hope. The Maryland Medical Cannabis program Patient Registry opened and allowed patients like me to register with the State and thereby take the first step toward becoming a legal medical cannabis patient in the State of Maryland.

10. I have registered as a medical cannabis patient in the State of Maryland. I am eagerly awaiting safe and legal access to medical cannabis treatment.

11. I want to access medical cannabis treatment that will alleviate my pain enough for me to function without relying on opiates the rest of my life.

12. I know of patients who have died, moved out of state to access treatment, and continued to suffer for lack of access to legal medical cannabis here in Maryland.

13. My doctors have recommended that I have a third cervical spinal fusion surgery. I am currently deferring this procedure. I am in severe pain twenty-four hours a day.

14. As soon as I am able to access legal medical cannabis in Maryland, I intend to incorporate a full extract cannabis oil into my medical treatment so that I can fully function in my daily life and get off disability.

15. Any delay to this program will delay my access to a legal alternative to opioid medications, and in turn, will delay the relief I and patients like me can receive from this

medical treatment. Delayed access to medical cannabis will only serve to compound the my suffering of patients when I have already waited too long for safe access to this treatment.

I HEREBY DECLARE OR AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT BASED UPON MY PERSONAL KNOWLEDGE.

5-22-2017
Date

Jennifer Beedie
Jennifer Beedie

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that on this 24th day of May, 2017, a copy of the Defendants' Supplement to its Opposition to Plaintiff's Motion for Emergency Temporary Restraining Order and Request for Order to Show Cause Why a Preliminary Injunction Should Not be Granted was electronically mailed and mailed via first-class mail postage prepaid to:

Byron L. Warnken
Byron B. Warnken
WARNKEN, LLC
2 Reservoir Cir. #104
Baltimore, MD 21208
443-921-1100
Byron@warnkenlaw.com

John A. Pica, Jr.
John Pica and Associates, LLC
14 State Circle
Annapolis, MD 21401
jpica@johnpica.com

Brian S. Brown
Brown & Barron, LLC
7 St. Paul Street, Suite 800
Baltimore, Maryland 21202
bbrown@brownbarron.com

Counsel for Alternative Medicine Maryland



Heather B. Nelson

ALTERNATIVE MEDICINE MARYLAND, LLC,
Plaintiff

* IN THE
* CIRCUIT COURT

v.

* FOR

NATALIE M. LAPRADE MARYLAND MEDICAL CANNABIS COMMISSION,
et al.,

* BALTIMORE CITY

* Case No.: 24-C-16-005801

Defendants

*

* * * * *

ORDER GRANTING PLAINTIFF'S EMERGENCY MOTION
FOR TEMPORARY RESTRAINING ORDER

Upon consideration of Plaintiff's Emergency Motion for Temporary Restraining Order (#72), Defendants' response, affidavits filed, arguments presented at the hearing, and for the reasons stated on the record, it is this 25th day of May, 2017, at 3:10 p.m., by the Circuit Court for Baltimore City,

ORDERED that the Plaintiff's Emergency Motion for Temporary Restraining Order (#72) be, and the same hereby is, **GRANTED** conditioned on posting of bond in the amount of \$ 100.00 and pursuant to Maryland Rule § 15-504 on the grounds that irreparable harm will result to Plaintiff in the form of loss of ability, once all licenses are issued, to seek redress to resolve a potentially arbitrary and capricious or unconstitutional first time application of the applicable statutes to the medical cannabis industry, if this order is not issued; and it is further

ORDERED that Defendants, the Natalie M. LaPrade Maryland Medical Cannabis Commission, *et al.*, including their agents, servants and/or employees, are hereby **RESTRAINED** and **ENJOINED** from authorizing, granting and/or issuing any final licenses to cultivate and grow medical cannabis in Maryland prior to a full adversarial hearing on the propriety of granting a Preliminary Injunction; and it is further

ORDERED that any person affected by this order may apply for a modification or dissolution of the order on two days' notice to the party who obtained the order; and it is further

ORDERED that a full adversarial hearing on the propriety of granting a Preliminary Injunction will be held in front of this Court on Friday June 2, 2017 at 10:00am; and it is further

ORDERED that this order shall expire in ten (10) days time, on June 4th, 2017.

TRUE COPY TEST
Marilyn Bentley
MARILYN BENTLEY, CLERK

Judge Barry G. Williams
Circuit Court for Baltimore City
Signature appears on the original document

Judge Barry G. Williams
Circuit Court for Baltimore City



Notice to the Clerk:

Please Mail Copies to All Parties

Full Distribution List

Counsel for Alternative Medicine Maryland, LLC:

Byron L. Warnken
Byron B. Warnken
WARNKEN, LLC
2 Reservoir Circle, Suite 104
Baltimore, MD 21208
Tel: (443) 921-1100
Fax: (443) 921-1111
byron@warnkenlaw.com

John A. Pica, Jr.
JOHN PICA AND ASSOCIATES, LLC
14 State Circle
Annapolis, MD 21401
Tel: (410) 990-1250
Fax: (410) 280 2546
jpica@johnpica.com

Brian S. Brown
Brown & Barron, LLC
7 St. Paul Street, Suite 800
Baltimore, Maryland 21202
Tel: (410) 547-0202
Fax: (410) 332-4509
bbrown@brownbarron.com

Counsel for Defendants

Heather B. Nelson
Assistant Attorney General
Office of the Attorney General
300 West Preston Street, Suite 302
Baltimore, Maryland 21201
Tel: (410) 767-7546
Fax: (410) 333-7894
Heather.nelson1@maryland.gov

Counsel for Forward Gro, LLC

Arnold M. Weiner
Michael D. Berman
RIFKIN WEINER LIVINGSTON, LLC
2002 Clipper Park Road, Suite 108
Baltimore, MD 21211
Tel: 410-769-8080
Fax: 410-769-8811
aweiner@rwlls.com
Mberman@rwlls.com

Alan M. Rifkin
RIFKIN WEINER LIVINGSTON, LLC
225 Duke of Gloucester Street
Annapolis, Maryland 21401
arifkin@rwlls.com

JANE DOE, *et al.*,

Appellants/Cross-Appellees,

v.

ALTERNATIVE MEDICINE
MARYLAND LLC, *et al.*,

Appellees/Cross-Appellants.

* IN THE
* COURT OF SPECIAL APPEALS
* OF MARYLAND
* September Term, 2017
* No. 40
* (Cir. Ct. No. 24C16005801)

* * * * *

ORDER

Upon consideration of the "Motion for Immediate Stay of Circuit Court Proceedings Pending Further Review" filed by Natalie M. LaPrade Maryland Medical Cannabis Commission, the Department of Health and Mental Hygiene, and the individually named commissioners, Alternative Medicine Maryland, LLC's opposition thereto, and the scheduled deposition of Harry Robshaw III having been held and concluded, it is this 19th day of May 2017, by the Court of Special Appeals,

ORDERED, that the motion be, and is hereby, denied as moot.



CHIEF JUDGE'S SIGNATURE
APPEARS ON ORIGINAL ORDER:
Patrick L. Woodward
PATRICK L. WOODWARD, CHIEF JUDGE

05/25/17

From: Alyson Parker-Kierzewski [mailto:Alyson.Kierzewski@mdcourts.gov]
Sent: Thursday, May 25, 2017 6:08 PM
To: John Pica <JPica@johnpica.com>; Brian Brown <bbrown@brownbarron.com>; Byron Warnken <byron@warnkenlaw.com>; Heather Nelson -DHMH- <heather.nelson1@maryland.gov>; Michael Berman <mberman@rwillaw.com>; Alan M. Rifkin <arifkin@rwillaw.com>; Robert.mccray@maryland.gov
Subject: Order from May 25, 2017, TRO hearing

Counsel,

Please be advised that, I have faxed out the TRO Order to all parties. The original has been filed with the Clerk's office and you should receive a time-stamped copy from them.

Mr. Berman and Mr. Rifkin, I have included you in this message because the Court, at the TRO hearing, invited counsel for only ForwardGro, LLC, to briefly argue at the Preliminary Injunction Hearing scheduled for June 2, 2017 at 10:00am in Courtroom 528E, only on the issue of if the Preliminary Injunction is granted whether or not the license issued to ForwardGro, LLC should be suspended. To that end, I have sent you a copy of the TRO order as well.

Best,

Alyson Parker Kierzewski
Law Clerk to the Honorable Barry G. Williams
Baltimore City Circuit Court
111 N. Calvert Street, 534E
(410) 545-3516 (office)
alyson.kierzewski@mdcourts.gov

ALTERNATIVE MEDICINE MARYLAND,
LLC,

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMMISSION, *et al.*,

Defendants.

IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

Case No.: 24-C-16-005801

LINE FILING BOND PURSUANT TO ORDER DATED MAY 25, 2017

Clerk:

Pursuant to this Honorable Court's Order dated May 25, 2017, attached hereto is evidence of a surety bond in the amount of One Hundred Dollars (\$100.00).




Brian S. Brown
Brown & Barron, LLC
7 St. Paul Street, Suite 800
Baltimore, MD 21202
E-Mail: bbrown@brownbarron.com
Phone: (410) 547-0202
Facsimile: (410) 332-4509

CERTIFICATE OF SERVICE

I hereby certify that, on this 26th day of May, 2017, a copy of the foregoing Notice to take Deposition was served by first-class mail, postage prepaid and emailed to:

Heather Nelson, Esquire
Office of the Attorney General
300 W. Preston Street, Suite 302
Baltimore, Maryland 21201
heather.nelson1@maryland.gov

Arnold M. Weiner
Michael D. Berman
RIFKIN WEINER LIVINGSTON, LLC
2002 Clipper Park Road, Suite 108
Baltimore, MD 21211
Tel: 410-769-8080
Fax: 410-769-8811
aweiner@rwlls.com
mberman@rwlls.com

A handwritten signature in black ink, appearing to read "Brian S. Brown", written over a horizontal line.

Brian S. Brown

STATE OF MARYLAND
IN THE CIRCUIT COURT FOR BALTIMORE CITY

ALTERNATIVE MEDICINE)
MARYLAND, LLC)
Plaintiff)
v.)
NATALIE M. LAPRADE, MARYLAND)
MEDICAL CANNABIS COMMISSION,)
et al.)
Defendants)

UNDERTAKING ON TEMPORARY
RESTRAINING ORDER

Case No.: 24-C-16-005801
BOND POA #615992067

WHEREAS, the Plaintiff has applied for a TEMPORARY RESTRAINING ORDER in the above entitled action, restraining the Defendants, from doing certain things as more fully set forth in the order about to be signed.

Now, therefore United States Fire Insurance Company, having an office and principal place of business in the State of Texas, with certificate of authority in the State of Maryland, as Surety, does hereby pursuant to the statute(s) in such case made and provided, undertake that the Plaintiff will pay to the Defendants so enjoined/restrained, such damages and costs not exceeding the sum of ONE HUNDRED DOLLARS (\$100), as Defendants may sustain by reason of the temporary restraining order, if the Court shall finally decide that the Plaintiff was not entitled thereto; such damages and costs to be ascertained by a reference, or otherwise as the Court may direct.

This 25th day of May, 2017



UNITED STATES FIRE INSURANCE CO.

C. Poindexter
C. Poindexter, Attorney-in-Fact
Maryland Insurance Lic. #149000
Underwriting@SuretyOne.com



UNITED STATES FIRE INSURANCE COMPANY
11490 Westheimer Rd., Suite 300 (77077)
P.O. Box 2807 • Houston, Texas 77252-2807
713-954-8353 • 800-388-1914 FAX

Bond # 615992067

SPECIAL POWER OF ATTORNEY

Know All Men By These Presents:

That United States Fire Insurance Company, hereinafter referred to as the Company, in pursuance of authority granted by Resolution adopted by the Board of Directors, does hereby nominate, constitute and appoint Carlisle Taylor Poindexter, Maria de los Angeles Revnoso & Danny Quarella, its true and lawful agent and Attorney-in-Fact to make, execute, seal and deliver, for and on its behalf and as its act and deed, as surety, bonds and contracts of suretyship to be given to all obligees provided that no bond or contract of suretyship executed under this authority shall exceed the sum of: **One Hundred Thousand Dollars (\$100,000.00)**

Certificate of Resolution:

This power of attorney is granted and is signed and sealed by facsimile under and by the authority of the following By-laws adopted by the Board of Directors of the Company by an unanimous written consent dated as of the 10th day of December 2003.

Except as the Board of Directors may authorize by resolution, the Chairman of the Board, President, any Vice-President, any Assistant Vice President, the Secretary, or any Assistant Secretary shall have power on behalf of the Corporation: (a) to execute, affix the corporate seal manually or by facsimile to, acknowledge, verify and deliver any contracts, obligations, instruments and documents whatsoever in connection with its bus iness including, without limiting the foregoing, any bonds, guarantees, undertakings, recognizances, powers of attorney or revocations of any powers of attorney, stipulations, policies of insurance, deeds, leases, mortgages, releases, satisfactions and agency agreements; (b) to appoint, in writing, one or more persons for any or all of the purposes mentioned in the preceding paragraph (a), including affixing the seal of the Corporation.

In Witness Whereof the Company has caused its official seal to be hereunto affixed, and these presents to be signed by its Assistant Vice President and attested by its Assistant Secretary this 19th day of February, 2016.

Kiki Brown

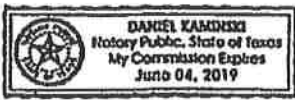
ATTEST: _____
Kiki Brown
(Assistant Vice President)



By: _____
Michael P. Ziomer
(Vice President)

STATE OF TEXAS,
ss.:
COUNTY OF HARRIS

On this 19th day of February, 2016, before me personally came Michael P. Ziomer to me known, who being by me duly sworn, did depose and say : that he resides in Cypress, in the County of Harris, State of Texas; that he is Vice President of United States Fire Insurance Company, the corporation described in and which executed the above instrument; that he knows the seal of the said corporation, that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order, and in his capacity as Vice President.



Daniel Kandissi

County of Harris, State of Texas
My Commission Expires June 04, 2019

I, the undersigned, an Assistant Secretary of United States Fire Insurance Company, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney remains in full force and has not been revoked, and furthermore that the Resolution of the Board of Directors, set forth in the said Power of Attorney, is now in force.

Signed and sealed this 20th day of MAY, 2017



Kiki Brown

(Assistant Vice President)

State of Maryland Insurance License

License No: 2120478

SURETY ONE INC

P.O. BOX 37284

RALEIGH, NC 27627

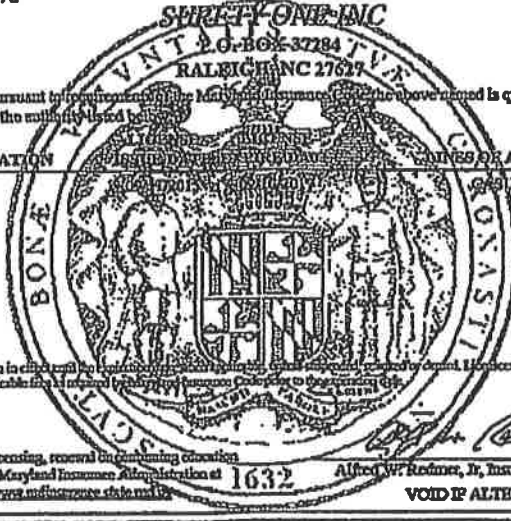
This is to certify that pursuant to requirements of the Maryland Insurance Code the above named is qualified to do business in the state of Maryland with the authority listed below:

LICENSE/REGISTRATION

PRODUCER

LINE OF AUTHORITY

CASUALTY



This qualification shall remain in effect until the licensee is notified by the Department of Insurance that the licensee's qualifications must be renewed and pay all applicable fees as required by the Insurance Code prior to the expiration of the qualification.

For questions regarding licensing, renewal or continuing education requirements, contact the Maryland Insurance Administration at 1-888-204-6198 or visit www.minsurance.state.md.us

1632

Alfred W. Redmer, Jr., Insurance Commissioner

VOID IF ALTERED NON-TRANSFERABLE

Dear Licensee:

Enclosed is your new license.

Please use your new License number, your name as it appears on your License, and your Social Security or National Producer Number whenever calling or writing to the Maryland Insurance Administration. Any update to the information provided on your original application must be reported to The Maryland Insurance Administration within thirty (30) days of the change.

If applicable, you must remain current on, and comply with all Continuing Education requirements for any License and lines of insurance that you hold. Please see the Maryland CE regulation for details.

Should you have any questions or concerns regarding your Maryland Insurance License, please call our customer service unit at 1-888-204-6198 between 8:00AM and 5:00PM EST Monday through Friday, or write to The Maryland Insurance Administration, Attn: Producer Licensing, 200 St. Paul Place, Suite 2700, Baltimore, MD 21202.

Sincerely,
The Maryland Insurance Administration

200 Saint Paul Place, Suite 2700
Baltimore, Maryland 21202

SURETY ONE INC
P.O. BOX 37284
RALEIGH, NC 27627

E 000676



SURETY ONE

SURETY BONDS - FIDELITY BONDS & FINANCIAL GUARANTEE

A MEMBER OF THE POINDEXTER GROUP OF COMPANIES

404 AVENIDA DE LA CONSTITUCIÓN, #708
SAN JUAN, PR. 00901

5 W. HARGETT STREET, 4TH FLOOR
RALEIGH, NC 27601

TELEPHONE
(787) 333-0222
(800) 373-2804

FACSIMILE
(919) 834-7039

WEBSITE
WWW.SURETYONE.COM

FEDERAL TREASURY LISTING (T-LIST) OF QUALIFIED SURETIES

United States Fire Insurance Company (NAIC #21113)

BUSINESS ADDRESS: 305 Madison Avenue, Morristown, NJ 07962. PHONE: (973) 490-6600. UNDERWRITING LIMITATION b/: \$76,088,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: Delaware.

PLEASE DIRECT ACCOUNTING ENQUIRIES TO:

SURETY ONE, INC. (HQ)
P.O. Box 37284, Raleigh, NC 27627
Underwriting@SuretyOne.com
(800) 373-2804

PLEASE DIRECT UNDERWRITING ENQUIRIES TO:

SURETY ONE, INC.
404 Ave. de la Consitución, Suite 708, San Juan, PR 00901
CPointexter@SuretyOne.com
(787) 333-0222

*Surety One, Inc., . . . national surety
leader!*

ALTERNATIVE MEDICINE MARYLAND, LLC,

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND MEDICAL CANNABIS COMM'N., *et al.*,

Defendants.

IN THE

CIRCUIT COURT

FOR BALTIMORE CITY

Case No. 24-C-16-005801

MOTION TO SHORTEN TIME TO RESPOND TO RENEWAL OF THE MOTION TO INTERVENE, MOTION TO INTERVENE IN THIS ACTION, TO CONSOLIDATE, FOR STAY PENDING APPEAL AND MOTION TO CONTINUE JUNE 2, 2017 HEARING; AND OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION

Jane Doe, John Doe, Curio Wellness, LLC, Doctor's Orders Maryland, LLC, Green Leaf Medical, LLC, Kind Therapeutics, USA, LLC, SunMed Growers, LLC, Maryland Wholesale Medical Cannabis Trade Association, and, Coalition for Patient Medicinal Access, LLC, by the undersigned counsel move, pursuant to Maryland Rule 1-204(a), to shorten the time for Plaintiff to respond to Movants' Motion to Continue June 2, 2017 Hearing; Emergency Motion to Dissolve or Modify TRO; Motion for Renewal of the Motion to Intervene; Reconsideration of February 21, 2017 Ruling to Intervene in this Action; To Consolidate; For Stay Pending Appeal; and In Opposition to Motion for Preliminary Injunction, and state as follows:

1. On May 25, 2017, at 3:10 p.m., this Court issued an Order Granting Plaintiff's Emergency Motion for Temporary Restraining Order ("TRO").

2. Movants, many of whom had previously been denied leave to intervene in this matter, were not given notice of Plaintiff's motion for TRO and, therefore, could not participate in the hearing on that motion.

3. The TRO was conditioned upon posting of a bond in the amount of only \$100.00, and that bond was subsequently posted. For reasons set forth in the separately filed Motion to Dissolve the TRO and the memorandum of points and authorities and additional affidavits in support thereof, incorporated herein, the TRO should be dissolved.

4. In the TRO, the Court further ordered that *any person* affected by the TRO may apply for a modification or dissolution of the order on two days' notice to the party who obtained the TRO.

5. The Movants are persons affected by the TRO in that they are: growers¹ who have been granted Stage 1 awards for licenses to grow medical cannabis who have the granting of their licenses threatened by the TRO and subsequent potential preliminary injunction; and, patients who have their receipt of medicine threatened to be halted or delayed by the TRO and any subsequent potential preliminary injunction.

6. The Movants have given timely notice to the Plaintiff that they have applied for dissolution and modification of the TRO.

7. Movants will be prejudiced if Plaintiff does not respond to that motion at the hearing. Specifically, and without limitation, Movants requested that AMM be directed to produce its financial records, application, and ranking at that hearing. Plaintiff will not be prejudiced if it is ordered to produce that information.

8. In the TRO, the Court set a full adversarial hearing on the propriety of granting a Preliminary Injunction for June 2, 2017. Movants have timely moved for permission to participate in that hearing (and to postpone it).

¹ Also included are certain entities also representative of growers as a class.

9. If the Movants are not allowed to participate in the June 2, 2017 hearing, they will be greatly prejudiced in their ability to present their interests and harms that are directly threatened by the TRO and subsequent potential preliminary injunction.

10. Despite the fact that Movants have acted timely, absent an order shortening the time to respond to the motion, it may be asserted that Movants' requests to participate in the June 2, 2017, hearing are not ripe. That would be prejudicial to Movants.

11. Plaintiff has opposed intervention and likely will continue to do so.

12. Having requested emergency relief, Plaintiff will not be prejudiced by an order shortening the time to respond to the intervention request.

WHEREFORE, the Movants respectfully request that this Court shorten the time for Plaintiffs to respond to Movants' Motion to Continue June 2, 2017 Hearing, Motion to Dissolve or Modify TRO, Motion to Intervene in this Action, To Consolidate, For Stay Pending Appeal and Motion to Continue June 2, 2017 Hearing, and Opposition to Motion for Preliminary Injunction until the close of business on June 1, 2017.

RESPECTFULLY SUBMITTED,



Arnold M. Weiner
Michael D. Berman
Barry L. Gogel
RIFKIN WEINER LIVINGSTON LLC
2002 Clipper Park Road, Suite 108
Baltimore, Maryland 21211
AWeiner@rwillaw.com
MBerman@rwillaw.com
Bgogel@rwillaw.com
(410) 769-8080 Telephone
(410) 769-8811 Facsimile

Alan M. Rifkin
RIFKIN WEINER LIVINGSTON LLC
225 Duke of Gloucester Street
Annapolis, Maryland 21401
ARifkin@rwillaw.com
(410) 269-5066 Telephone
(410) 269-1235 Facsimile

Counsel for Movants

CERTIFICATE OF SERVICE

I HEREBY certify that on this 30th day of May 2017, a copy of the foregoing was served,
by first-class mail, postage prepaid, and via email, on:

Heather B. Nelson
Robert D. McCray
Office of the Attorney General
Maryland Department of Health & Mental Hygiene
300 West Preston Street, Suite 302
Baltimore, Maryland 21201
Heather.nelson1@maryland.gov
Robert.mccray@maryland.gov

Attorneys for Defendants

Byron L. Warnken
Byron B. Warnken
Warnken, LLC
2 Reservoir Circle, Suite 104
Baltimore, Maryland 21208

John A. Pica, Jr.
JOHN PICA AND ASSOCIATES, LLC
14 State Circle
Annapolis, Maryland 21401

Brian S. Brown
Christopher T. Casciano
Brown & Barron, LLC
7 St. Paul Street, Suite 800
Baltimore, Maryland 21202

Attorneys for Plaintiff Alternative Medicine Maryland, LLC

Phillip M. Andrews
Christopher C. Jeffries
Sheila R. Gibbs
Louis P. Malick
Kramon & Graham, P.A.
One South Street, Suite 2600
Baltimore, Maryland 21202
pandrews@kg-law.com
cjeffries@kg-law.com
sgibbs@kg-law.com
lmalick@kg-law.com

Attorneys for Plaintiff GTI Maryland, LLC

Alfred F. Belcuore
Law Offices of Alfred F. Belcuore
888 17th Street, NW, Suite 904
Washington, DC 20006
Alfred.belcuore@belcuorelaw.com

Edward Weidenfeld
The Weidenfeld Law Firm, P.C.
888 17th Street, NW, #1250
Washington, DC 20006
edward@weidenfeldlaw.com

Attorney for Plaintiff Maryland Cultivation & Processing, LLC

Bruce L. Marcus
Sydney M. Patterson
6411 Ivy Lane, Suite 116
Greenbelt, Maryland 20770
bmarcus@marcusbonsib.com
spatterson@marcusbonsib.com

Attorneys for Proposed Intervening Defendant, Holistic Industries, LLC

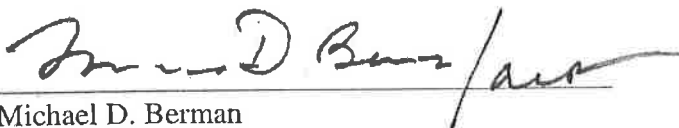
Paul D. Bekman
300 W Pratt Street, #450
Baltimore, Maryland 21201
bekman@bmalawfirm.com

Robert B. Schulman
Schulman, Hershfield & Gilden, P.A.
One East Pratt Street, Suite 904
Baltimore, Maryland 21202
rbs@shg-legal.com

Attorneys for Proposed Intervenor, Temescal Wellness of Maryland, LLC

Ira Kasdan
Allan Weiner
Bezalel Stern
Joseph D. Wilson
Kelley Drye & Warren LLP
3050 K Street, NW, #400
Washington, DC 20007
IKasdan@KelleyDrye.com
AWeiner@KelleyDrye.com
BStern@KelleyDrye.com
JWilson@KelleyDrye.com

Attorneys for Proposed Intervenor, ForwardGro, LLC



Michael D. Berman

ALTERNATIVE MEDICINE MARYLAND,
LLC,

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMM'N., *et al.*,

Defendants.

IN THE

CIRCUIT COURT

FOR BALTIMORE CITY

Case No. 24-C-16-005801

ORDER GRANTING MOTION TO SHORTEN TIME

After review of all related motions, it is this ___ day of _____, 2017, by the
Circuit Court for Baltimore City, ORDERED:

1. The Movants' Motion to Shorten to Respond to Motions for Renewal of
the Motion to Intervene, To Consolidate, For Stay Pending Appeal and Motion to
Continue June 2, 2017 Hearing, and Opposition to Motion for Preliminary Injunction, be
and hereby is GRANTED; and

2. Plaintiff shall respond to Movants' Motions for Renewal of the Motion to
Intervene, To Consolidate, For Stay Pending Appeal and Motion to Continue June 2,
2017 Hearing, and Opposition to Motion for Preliminary Injunction on or before June 1,
2017.

Judge, Circuit Court for Baltimore City

ALTERNATIVE MEDICINE MARYLAND,
LLC,

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMM'N., *et al.*,

Defendants.

IN THE

2017 MAY 30 PM 12:40
CIRCUIT COURT

FOR BALTIMORE CITY

Case No. 24-C-16-005801

HEARING REQUESTED

MOTION TO CONTINUE JUNE 2, 2017 HEARING

Jane Doe, John Doe, Curio Wellness, LLC, Doctor's Orders Maryland, LLC, Green Leaf Medical, LLC, Kind Therapeutics, USA, LLC, SunMed Growers, LLC, Maryland Wholesale Medical Cannabis Trade Association, and the Coalition for Patient Medicinal Access, LLC ("Movants"), by the undersigned counsel, Move to Continue the June 2, 2017 hearing, and state as follows:

1. On May 25, 2017 at 3:10 p.m., this Court issued an Order Granting Plaintiff's Emergency Motion for Temporary Restraining Order ("TRO") and setting a preliminary injunction hearing for June 2, 2017 at 10 o'clock a.m.
2. At the hearing, Plaintiff will ask the Court to enter an injunction that will bring a halt to a State-sponsored industry, for which many of the Movants (the "Grower Movants") have invested hundreds of millions of dollars in reliance upon the issuance of licenses that were conditionally awarded to those Movants nearly a year ago. *See* Affidavits filed herewith. Other Movants (the "Patients") are threatened with delay of needed cannabis therapy, which the General Assembly has declared to be important and valuable to them. *Id.*
3. For those reasons and for the reasons set forth in the other related motions, memorandum, and affidavits filed contemporaneously herewith and incorporated herein Movants

will be irrevocably and substantially prejudiced if the hearing proceeds as scheduled and without adequate time for Movants to prepare to present their significant interests in there being no injunction.¹

4. For the reasons stated above and set forth in Movants' related filings, Movants have direct and vested interests in this proceeding that are adversely being impacted, and are not adequately represented by any other party.

5. Movants are prejudiced in presenting and protecting those interests on such short notice.

6. Rule 2-508 states: "On motion of any party or on its own initiative, the court may continue a trial or other proceeding as justice may require."

7. Justice requires a continuance. There are times where "[t]he need for soundness in the result outweighs the need for speed in reaching it." *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 937, 938, 72 S. Ct. 775 (1952) (concurring op.) (subsequent history omitted).

8. Movants incorporate by reference their February 3, 2017 Supplement to Motion to Consolidate. That paper demonstrates that counsel for Alternative Medicine Maryland, LLC ("AMM") refused to provide copies of discovery to Movants' counsel. As noted therein at page 2: "The Proposed Intervenors unsuccessfully requested copies of AMM's discovery." Movants noted that "AMM has refused to provide intervenors with copies of its discovery in this case." Exhibit B to that filing is an email chain confirming some of these facts.

9. Movants' counsel have since been excluded from key depositions, such as that of Commissioner Robshaw, a copy of which is attached to AMM's motion. Movants' counsel were not notified or permitted to attend, not permitted to pose follow-up questions, or make

¹ It is requested that the Court judicially notice the three-day Memorial Day holiday weekend.

objections; do not know if other depositions have been taken; and, do not have transcripts of any other deposition that may have been taken in this case. Based on information and belief, another deposition of a Commission official is scheduled for today, and Movants have no right to attend. Under these circumstances, Movants have been unfairly deprived of the factual predicates of the pending matter.

10. Additionally, Movants' counsel have not been served with all pleadings or discovery responses, if any, since the denial of intervention on February 23, 2017, Dkt. 38/2. The docket reflects that a motion for protective order was filed and decided without notice to the Movants. Moreover, a motion to quash subpoena, emergency motion to shorten time, motion to compel with exhibits, opposition with documents from Mary Jo Mather, objection to subpoenas for deposition, notices of service of discovery material, objection to subpoenas for deposition, subpoenas, motion to stay circuit court proceedings pending further review, response in opposition to that motion, motion for protective order, and motion to strike testimony of expert witness, have been filed but not served on Movants.

11. Those filings are relevant to the June 2, 2017 hearing. For example, based on information and belief, the Motion to Strike Testimony of Expert Witness, Dkt. 77/0, is relevant to the objection Movants have filed to the Affidavit of Prof. Higginbotham. That motion to strike, however, has not been served on Movants. Movants are prejudiced.

12. Movants' counsel have had insufficient time to arrange for witnesses and documentary evidence on the short notice provided. AMM filed this action on October 31, 2016 and has had months to prepare. It waited approximately seven months to file this motion. There is no emergency, and any alleged injury suffered by AMM is both self-inflicted and speculative. Movants incorporate by reference their other motions, memoranda, and affidavits filed herewith.

13. Movants have contemporaneously requested that AMM produce its RESI ranking and Application for Grower License to determine if AMM has standing. *See* other memoranda filed herewith. Movants are prejudiced without it.

14. Movants have requested that AMM bring financial statements and data necessary to determine a reasonable bond, if relief is granted, to the hearing. AMM's affidavit states that it is capitalized at \$10 million. *See* other memoranda filed herewith and affidavit of AMM. Movants are prejudiced without those documents and data.

15. Under Rule 2-508(b), a matter generally cannot be continued because discovery is incomplete, "except upon good cause shown." Movants have shown good cause. They have been barred from discovery and AMM has refused informal cooperation.

16. For reasons set forth in the contemporaneous other filings, AMM has failed to demonstrate an emergency, injury, standing, or a right to relief.

17. Therefore, AMM will not be prejudiced if this continuance is granted.

18. The June 2, 2017 hearing should be postponed, copies of pleadings and discovery provided to Movants' counsel, a scheduling conference set in, with a discussion of any needed discovery, exchange of witness lists, setting a date to exchange hearing exhibits, and, discussion of stipulations of authenticity should be had before the hearing.

MEMORANDUM OF POINTS AND AUTHORITIES

Rule 2-311 (motions).

Rule 2-508 (continuance).

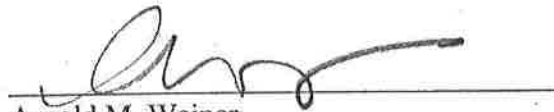
REQUEST FOR HEARING

Movants request a hearing on their motion for a continuance. On the facts presented, this is a functionally, if not in form, dispositive of claims and defenses, and Movants have a right to a

hearing. Rule 3-311(f).

Wherefore, the Movants request that this Court postpone the June 2, 2017 hearing, and enter the proposed order attached hereto.

RESPECTFULLY SUBMITTED,



Arnold M. Weiner
Michael D. Berman
Barry L. Gogel
RIFKIN WEINER LIVINGSTON LLC
2002 Clipper Park Road, Suite 108
Baltimore, Maryland 21211
AWeiner@rwillaw.com
MBerman@rwillaw.com
Bgogel@rwillaw.com
(410) 769-8080 Telephone
(410) 769-8811 Facsimile

Alan M. Rifkin
RIFKIN WEINER LIVINGSTON LLC
225 Duke of Gloucester Street
Annapolis, Maryland 21401
ARifkin@rwillaw.com
(410) 269-5066 Telephone
(410) 269-1235 Facsimile

Counsel for Movants

CERTIFICATE OF SERVICE

I HEREBY certify that on this 30th day of May 2017, a copy of the foregoing was served,
by first-class mail, postage prepaid, and via email, on:

Heather B. Nelson
Robert D. McCray
Office of the Attorney General
Maryland Department of Health & Mental Hygiene
300 West Preston Street, Suite 302
Baltimore, Maryland 21201
Heather.nelson1@maryland.gov
Robert.mccray@maryland.gov

Attorneys for Defendants

Byron L. Warnken
Byron B. Warnken
Warnken, LLC
2 Reservoir Circle, Suite 104
Baltimore, Maryland 21208

John A. Pica, Jr.
JOHN PICA AND ASSOCIATES, LLC
14 State Circle
Annapolis, Maryland 21401

Brian S. Brown
Christopher T. Casciano
Brown & Barron, LLC
7 St. Paul Street, Suite 800
Baltimore, Maryland 21202

Attorneys for Plaintiff Alternative Medicine Maryland, LLC

Phillip M. Andrews
Christopher C. Jeffries
Sheila R. Gibbs
Louis P. Malick
Kramon & Graham, P.A.
One South Street, Suite 2600
Baltimore, Maryland 21202
pandrews@kg-law.com
cjeffries@kg-law.com
sgibbs@kg-law.com
lmalick@kg-law.com

Attorneys for Plaintiff GTI Maryland, LLC

Alfred F. Belcuore
Law Offices of Alfred F. Belcuore
888 17th Street, NW, Suite 904
Washington, DC 20006
Alfred.belcuore@belcuorelaw.com

Edward Weidenfeld
The Weidenfeld Law Firm, P.C.
888 17th Street, NW, #1250
Washington, DC 20006
edward@weidenfeldlaw.com

Attorney for Plaintiff Maryland Cultivation & Processing, LLC

Bruce L. Marcus
Sydney M. Patterson
6411 Ivy Lane, Suite 116
Greenbelt, Maryland 20770
bmarcus@marcusbonsib.com
spatterson@marcusbonsib.com

Attorneys for Proposed Intervening Defendant, Holistic Industries, LLC

Paul D. Bekman
300 W Pratt Street, #450
Baltimore, Maryland 21201
bekman@bmalawfirm.com

Robert B. Schulman
Schulman, Hershfield & Gildea, P.A.
One East Pratt Street, Suite 904
Baltimore, Maryland 21202
rbs@shg-legal.com

Attorneys for Proposed Intervenor, Temescal Wellness of Maryland, LLC

Ira Kasdan
Allan Weiner
Bezalel Stern
Joseph D. Wilson
Kelley Drye & Warren LLP
3050 K Street, NW, #400
Washington, DC 20007
IKasdan@KelleyDrye.com
AWeiner@KelleyDrye.com
BStern@KelleyDrye.com
JWilson@KelleyDrye.com

Attorneys for Proposed Intervenor, ForwardGro, LLC



Michael D. Berman

ALTERNATIVE MEDICINE MARYLAND,
LLC,

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMM'N., *et al.*,

Defendants.

IN THE

CIRCUIT COURT

FOR BALTIMORE CITY

Case No. 24-C-16-005801

ORDER GRANTING MOTION FOR CONTINUANCE OF JUNE 2, 2017 HEARING

It is this ___ day of May, 2017, by the Circuit Court for Baltimore City, ORDERED, that:

1. The Motion to Continue June 2, 2017 Hearing be, and hereby is, GRANTED;
2. Movants and all parties shall appear before the Court on the ___ day of _____, 2017, at ___ o'clock __.m., with calendars, for a scheduling conference;
3. All pleadings filed, and all discovery taken or exchanged, since denial of the motion to intervene shall be served on Movants' counsel no later than the ___ day of _____, 2017, at ___ o'clock, __.m.;
4. At the scheduling conference, parties shall be prepared to discuss any needed discovery, exchange witness lists, set a date to exchange hearing exhibits, and, discuss stipulations of authenticity; and,
5. A copy of this order shall be transmitted to all parties and persons who have appeared.

Barry G. Williams
Judge, Circuit Court for Baltimore City