

**COMMONWEALTH OF MASSACHUSETTS
CANNABIS CONTROL COMMISSION**

WORCESTER, ss

IN THE MATTER OF

Massbiolytics Corporation

Enforcement Case No:

ENF-2025-1787

License No. IL 281290

FINAL DECISION

This is a final decision of the Cannabis Control Commission (Commission). This final decision herein incorporates by reference the Hearing Officer's Recommended Decision dated June 2, 2026.

The Hearing Officer recommended dismissal of Massbiolytics Corporation's (Respondent) Request for a Hearing on the Commission's December 24, 2025, Order to Show Cause; and recommended granting Commission Counsel's Motion to Dismiss.

The Commission hereby modifies the Hearing Officer's recommendation and orders a **SUSPENSION** of the license for 90 days subject to certain conditions. Should Respondent fail to meet those conditions by October 8, 2026, the license will be automatically revoked.

I. Authority and Jurisdiction

The Commission has authority to adjudicate license revocation proceedings; and to delegate to a hearing officer the authority to conduct administrative proceedings and to issue a recommended decision for presentment to the Commission for consideration and final action. See M.G.L. c. 94G,

§ 4(a) (xxiv) and (g) and 935 CMR 500.500.

This matter arises from an Order to Show Cause, dated December 24, 2025, issued under the Commission's regulations. A licensee served with such an action may submit a Request for a Hearing. Failure to timely file a request for a hearing or failure to state the basis of the requested hearing, may result in dismissal of the request. See 935 CMR 500.500(4).

A Request for a Hearing must comply with the Commission's procedural requirements, including that the licensee must: 1) identify each issue and fact in dispute, and 2) state its position, identify the pertinent facts to be adduced at the hearing, and state the reasons supporting that position. See 935 CMR 500.500(4).

Hearings are also governed by the Standard Adjudicatory Rules, including the requirement that requests for extension of time be made, by motion, before the expiration of the applicable deadline. See 801 CMR 1.00 et seq.; 935 CMR 500.500(9)(a)-(c).

II. Procedural History

On December 24, 2025, Commission Counsel issued an Order to Show Cause seeking revocation of Respondent's Independent Testing Laboratory License (No. IL 281290).

The Order to Show Cause alleges multiple violations (Counts I-X), including allegations relating to accreditation status and notice, testing while lacking valid accreditation, false information, surveillance and security deficiencies, visitor log issues, waste control, corrections plans, sanitation/cleanliness, and competent operation.

On December 30, 2025, Respondent submitted a Request for a Hearing.

On March 26, 2026, the Hearing Officer conducted a Pre-Hearing Conference (PHC). At that PHC, Respondent appeared, without counsel, through its President, Craig Sockol.

At the PHC, Commission Counsel asserted that Respondent's hearing request did not comply with the Commission's pleading requirements as it did not identify each issue in dispute and failed to state a basis for its hearing request with sufficient clarity. Commission Counsel requested that Respondent provide a supplemental response.

On March 27, 2026, the Hearing Officer issued a Tracking Order establishing deadlines agreed to at the PHC; to allow the matter to move forward in an orderly, efficient, and fair way; and also to allow the Respondent additional time to either secure counsel or continue Pro Se. The Tracking Order stipulated: 1) an April 13, 2026, deadline for Respondent's representation decision; and; 2) an April 21, 2026, deadline for Respondent to provide a Supplemental Response.

On April 13, 2026, Respondent notified the Hearing Officer and Commission Counsel that it had retained counsel.

Respondent did not submit a Supplemental Response or file a motion requesting an extension before the April 21, 2026, deadline, set in the Tracking Order.

On April 23, 2026, Respondent's counsel filed a Notice of Appearance.

Per the Tracking Order, a PHC was scheduled for April 23, 2026, and was rescheduled to May 7, 2026, due to the unavailability of the Hearing Officer.

On May 6, 2026, Commission Counsel filed a Motion to Dismiss.

On May 7, 2026, a PHC was held at which Respondent was represented by counsel. Respondent was permitted to file an Opposition to the Commission Counsel's Motion to Dismiss by May 15, 2026.

On May 15, 2026, Respondent filed its opposition and also provided the previously required supplemental response (which it had failed to file by the April 21, 2026, deadline).

III. Issues Presented

1. Whether Respondent's hearing request should be dismissed due to its failure to timely cure its supplemental response deficiency; and failure to seek an extension prior to the Tracking Order deadline.
2. Whether Respondent's hearing request should be allowed due to the delay being unintentional; the delay being deemed excusable neglect due to Respondent's Pro Se representation; and given that Respondent retained counsel who cured the deficiencies.

IV. Analysis

The Order to Show Cause indicated that the proceedings for this matter would be conducted under the Informal Hearing Rules. The PHC was conducted in accordance with those regulations. The Hearing Officer takes administrative notice of all papers filed in this matter, as well as M.G.L. c. 94G, Commission Regulations (935 CMR), Adjudicatory Rules (801 CMR) and M.G.L. c. 30A. A Request for a Hearing must comply with the Commission's procedural requirements. The Hearing Request form states:

"Part 4: Basis for Hearing. Please: (1) identify each issue and fact in dispute; and (2) state your position with respect to those issues and facts, the pertinent facts to be adduced at the hearing, and the reasons supporting

your position. If necessary, you may attach additional pages to complete this response. The failure to state the basis for of the hearing request will result in dismissal of the challenge to the findings set forth in the notice of violation(s) or action(s)."

A hearing request must comply with the Commission's procedural requirements so the parties can define the scope of adjudication and manage the proceedings efficiently.

1. Respondent's Initial Hearing Request.

The Commission's regulations require that a hearing request specifically identify each issue and fact in dispute, state the licensee's position, identify the pertinent facts to be adduced at hearing, and state the reasons supporting that position.

Respondent filed a Request for a Hearing within the required period. However, as raised by Commission Counsel at the March 26, 2026 PHC, the hearing request did not adequately perform the required framing function. In particular, it did not clearly identify (for each count) the specific facts and issues Respondent disputed; or the basis for Respondent's position, sufficient to define the scope of adjudication.

Consistent with efficient case management and fairness, Respondent was afforded an opportunity to cure these deficiencies through a supplemental response, under the Tracking Order. The Respondent failed to meet the deadline for the supplemental response and did not file a motion seeking extension of the deadline.

Therefore, the Hearing Officer found that despite Respondent being afforded an opportunity to cure, Respondent's failure to comply with the Tracking Order and failure to seek an extension, are sufficient grounds to justify dismissal of Respondent's Request for a Hearing.

2. Tracking Order Deadline

Where a party misses a clear deadline and fails to request relief through the established procedures before the deadline expires, dismissal is an available consequence.

On March 27, 2026, the Hearing Officer issued a Tracking Order requiring Respondent to submit a supplemental response by April 21, 2026. The Tracking Order outlined clear expectations.

Respondent did not submit the supplemental response by April 21, 2026. Respondent also did not move for an extension before the deadline expired, as required by the rules. Respondent ultimately filed the supplemental response on May 15, 2026, approximately 24 days after the Tracking Order deadline.

Therefore, the Hearing Officer found dismissal of the Respondent's Request for a Hearing is warranted because Respondent failed to comply with the established Commission procedures, despite being afforded additional time to do so.

3. Respondent's Pro Se Status/ Excusable Neglect

The courts in this Commonwealth have held that, "the rules bind a pro se litigant as they bind other litigants." Mmoe v. Commonwealth, 393 Mass. 617, 620 (1985), citing Kornatowski v. Family Mut. Sav. Bank, 388 Mass. 1011 (1983); International Fidelity Ins. Co. v. Wilson, 387 Mass. 841, 847 (1983).

Respondent argues that it lacked the legal knowledge, while Pro Se, and did not understand the consequences of missing the supplemental response deadline. While some deference is given to unrepresented parties, their Pro Se status does not exempt the Respondent from compliance with clear, case-specific orders and deadlines.

Here, the deficiency was explicitly raised during the March 26, 2026, PHC. Further, the March 27, 2026, Tracking Order was issued with an explicit cure deadline of April 21, 2026.

Respondent also contends that the late filing was not intentional or in bad faith, counsel acted diligently upon entering the case, and the Commission suffered no prejudice.

On this record, the Hearing Officer did not find sufficient grounds to excuse the missed April 21, 2026, deadline. Respondent retained counsel on April 13, 2026, but counsel did not file a notice of appearance until April 23, 2026. Further, no motion to extend was filed before the April 21 deadline, and the supplemental response was not submitted until May 15, 2026, well after the established deadline.

Commission Counsel contends that a delay in a matter alleging serious compliance failures implicates the agency's public-interest mandate, as the role of an Independent Testing Laboratory in the cannabis industry is to certify that marijuana and marijuana products are safe for consumption. Regardless of whether conventional litigation prejudice is demonstrated, the Commission has a substantial regulatory interest in the timely resolution of allegations concerning the operations of an Independent Testing Laboratory.

Therefore, the Hearing Officer found the Commission Counsel's public-interest argument compelling and did not find excusable neglect on this record, sufficient to excuse Respondent missing the April 21, 2026, deadline.

4. Requested Relief

The Commission Counsel requested this Hearing Officer to find that:

- 1) Respondent failed to state the basis of its request as required;

- 2) Said failure warrants dismissal of its hearing request to the December 24, 2025, Order to Show Cause; and
- 3) It should be recommended to the Commission that Respondent's Independent Testing Laboratory license be revoked.

The Hearing Officer found there was sufficient evidence in the record to grant the relief requested by the Commission Counsel.

Therefore, the Hearing Officer recommended dismissal of Respondent's request for a Hearing on the Commission's December 24, 2025, Order to Show Cause; and recommended granting Commission Counsel's Motion to Dismiss. The Commission affirms this finding.

5. Conclusion

Allowing the Motion to Dismiss results in dismissal of Respondent's hearing request. In that procedural posture, Respondent has not preserved the right to an adjudicatory hearing on the merits of the December 24, 2025, Order to Show Cause; and the Commission may proceed to consider final agency action on the underlying enforcement matter.

Accordingly, dismissal is warranted because Respondent was given notice of the pleading deficiency, a meaningful opportunity to cure it, and a clear deadline for doing so; yet failed to submit a timely cure or seek a timely extension.

Therefore, the Hearing Officer recommended dismissal of Respondent's request for a Hearing on the Commission's December 24, 2025, Order to Show Cause; and recommended granting Commission Counsel's Motion to Dismiss.

Although the Hearing Officer recommended dismissal of Respondent's request for a Hearing, which would have resulted in revocation of the license, based upon the facts and circumstances of this case, the Commission modifies the Hearing Officer's Recommended Decision and orders a suspension of the license subject to certain conditions. Should Respondent fail to meet those conditions by October 8, 2026, the license will be automatically revoked.

V. Final Decision and Order

The Commission hereby **ORDERS** a **SUSPENSION** of the license for a period of 90 days to provide Massbiolytics Corporation ("Respondent") an opportunity to resolve all violations listed in the Order to Show Cause, subject to the following conditions:

- a. License # IL 281290 and all agent registrations affiliated with IL 281290 shall be suspended effective upon issuance of the Commission's Final Decision;
- b. The Respondent shall post and maintain a copy of the Final Decision, in its entirety, on the outside of all public entrances to its establishment throughout the term of the suspension;
- c. Upon issuance of the Commission's Final Decision, the Respondent may not accept any new samples for testing;
- d. The Respondent may finalize the testing of any in-progress lab samples in its inventory prior to July 31, 2026, or return any such samples that are not completed by such date to the Marijuana Establishment or Medical Marijuana Establishment of origin, or transfer

any such samples to another licensed Independent Testing Laboratory before such date.

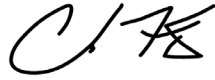
The Respondent shall report the true and accurate results for any in-progress lab samples to the Commission within 72 hours of analysis; and provide the underlying data and lab samples to other licensed Independent Testing Laboratories on or before July 31, 2026;

- e. The Respondent shall identify agents essential for the security and general maintenance of the laboratory and provide the names of those agents to Testing@CCCMass.com Attn: Director of Testing. Upon satisfactory review of the agents proposed by the Respondent, the Commission may approve reinstatement of their Agent Registrations for that limited purpose; and
- f. The Respondent shall cooperate with the Commission as necessary and shall facilitate any inspections by Commission staff on the Premises.

This Order shall take effect upon issuance of the Final Decision and shall remain in effect until expiration of the term of the suspension or demonstrated resolution of all violations listed in the Order to Show Cause and compliance with all conditions listed herein, whichever comes first.

Should Massbiolytics Corporation fail to resolve all violations listed in the Order to Show Cause by October 8, 2026, the license (IL 281290) will be automatically revoked. Additionally, failure to comply with the conditions of this Order may result in further enforcement action against Massbiolytics Corporation up to and including the issuance of a monetary penalty, suspension or revocation of licensure.

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Dated: July 10, 2026

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NOTICE

The parties are hereby notified that this decision constitutes a final agency action within the meaning of M.G.L. 30A, § 14. See 935 CMR 500.500(12)(d). In addition, notice is hereby given of the right to appeal the decision pursuant to M.G.L. 30A, § 11.