

CANNABIS CONTROL COMMISSION

February 10, 2026

10:15 AM

Remote via [Microsoft Teams Live*](#)

PUBLIC MEETING MINUTES

Documents:

- December 22, 2025, email from Tom Moore from Assured.
- December 29, 2025, email from the Executive Director to Mr. Moore from Assured.
- December 5, 2025, email exchange(s) with Assured.
- July 10, 2025, email from General Counsel to Commissioners.
- February 6, 2026, delegation of amendment to Stipulated Agreement Memorandum.
- The Chair's written notes and timeline.
- [Meeting Packet](#)

In Attendance:

- Chair Shannon O'Brien
- Commissioner Carrie Benedon
- Commissioner Kimberly Roy
- Commissioner Bruce Stebbins

Minutes:

- I. Call to Order
 - The Chair recognized a quorum and called the meeting to order.
 - The Chair gave notice that the meeting is being recorded.
 - The Chair gave an overview of the agenda.
 - II. Commissioners' Comments & Updates – 00:00:52
 - Commissioners Benedon and Stebbins reserved their comments for the February 12th Public Meeting (PM). Commissioner Roy recognized Black History Month.
 - III. Commission Discussion and Votes – 00:01:52
 - The Chair noted she was taking the agenda out of order.
1. Assured Testing Laboratories, LLC. Stipulated Agreement



- The Chair prefaced a discussion regarding delegation, emphasizing that enumerated powers are distinct from so-called implied powers. She provided examples of failing to adhere to enumerated powers, with specific citation in statute. She cited M.G.L. c. 10, § 76 and expressed that in the fall of 2023, the then-Executive Director (ED) appointed an Acting ED (AED), which the Comptroller deemed constituted an illegal delegation of authority. She added that in September 2023, the then-Acting General Counsel (AGC) failed to follow the Chair’s delegation and in August of 2022 the board vote upon policy regarding the collection of pro-rated fees was not followed. She added that the current ED failed to follow process in a Final Order and Stipulated Agreement with Assured Testing Laboratories, LLC. (Assured) on August 14, 2025, and the unanimous vote by Commissioners at that time. The Chair provided a timeline and explained that on July 10, 2025, General Counsel Kajal Chattopadhyay (GC Chattopadhyay) sent out an email warning that Commissioners could not engage in ex parte communications with Assured. Commissioner Roy read an email dated December 22, 2025, from Tom Moore from Assured. The ED then read his own response on December 29, 2025, to Mr. Moore from Assured. Commissioner Roy challenged the subsequent actions of the ED and stated that there was no meeting to deal with the second scheduled payment due from Assured. Commissioner Roy requested that the ED read into the record email exchange(s) on December 5, 2025, and the ED did. He also noted that Assured left him a voicemail. Commissioner Roy read an email to Commissioners from GC Chattopadhyay on July 10, 2025. The Chair read a memorandum, citing section M.G.L. c. 10, § 76(j) concerning the powers and duties of the Enforcement Counsel (EC) at the Commission. The Chair cited the language of former GC Christine Baily’s opinion, that concluded that when discretion and judgment are involved, it could not be delegated to administrative staff. The Chair expressed that the ED did not engage in a simple ministerial decision in a major discussion involving extending Assured and its second payment due. The ED emphasized that the change allowed at a PM that the second payment due date was extended. Commissioner Roy asked if the ED used his discretion and judgment in making his decision regarding the extension being granted. The ED mentioned that payments in general are tied to a business’ cash flow. The Chair referenced the ED’s discussion(s) between the ED and Assured. The Chair asked the ED if he unilaterally amended the Final Order with Assured. Commissioner Roy asked the ED if or when he modified the Final Order with Assured. The Chair asked Commissioner Stebbins what he intended when the Final Order was originally approved by the Commissioners at the time. Commissioner Stebbins felt that it was a severe penalty voted on August 14, 2025. The Chair asked Commissioner Stebbins if he discussed anything with the ED on August 14, 2025, regarding the timing of the \$300,000 payments. The Chair asked Commissioner Benedon about her opinion, and she noted that she was not at the Commission on August 14, 2025, but related what was voted on then. She cited that only one amendment was made, and she believed that the actions were in alignment with the August 14th agreement and vote. Commissioner Benedon expressed approval of extending the date of the second payment and not the third payment and she opined that this amendment was minor. Commissioner



Stebbins asked whether other conditions in the Final Order were also altered and noted he thought that the key was the final payment date. The ED urged that the amendment was minor. Commissioner Roy stated that she had prepared proposed motion language to ensure the type of issue was not repeated in the future. The ED clarified that he did not return the voicemail from Assured. Commissioner Roy read ex parte language particularly with someone who exercised an adjudicatory function. The Chair focused on ministerial matters, not major versus minor amendments. Upon the Chair's request, Commissioner Roy opined what are considered ministerial changes, which concerns minor typographical type of changes. The Chair asked Commissioner Benedon about what she considered administrative decisions and Commissioner Benedon expressed that she believed that there was discretion to make minor changes to the Final Order. She focused on the Commission's prior decision not to put Assured out of business, noting that she was not on the Commission at that time and is not in a position to state whether she would have agreed with that decision, and that the extension was consistent with the prior decision. Commissioner Roy expressed her concerns about process, and that the ED did not respect it. The ED stated that he could refer back to video of the PM when the vote was approved. Commissioner Roy asked where the delegation was granted and expressed her concerns about the process regarding Open Meeting Law (OML), the Administrative Procedures Act, and what can and cannot be delegated. The ED disagreed with the three points of concern raised by Commissioner Roy. Commissioner Roy read her proposed motion. Commissioner Stebbins expressed that he thought that the vote may be outside the purview of the posted agenda discussion items and suggested it be voted on at the February 12th PM, or at a later PM. Commissioner Benedon opined that the discussion and the vote on the proposed motion by Commissioner Roy were properly brought forward. The Chair looped into larger concern about potential testing fraud in the industry. She cited that many Licensees were fiscally struggling, but that did not mean that ex parte discussions could be held with them. Commissioner Benedon referenced that the third payment extension date was significant and should be the focus of the Commissioners. Commissioner Roy read the language of her proposed motion.

- Commissioner Roy moved that the Commission direct the Executive Director to refrain from engaging in any offline or informal communications with Licensees for the purpose of renegotiating, modifying, or otherwise altering the terms of any Final Order and Stipulated Agreement previously ratified by the Commission. Any request for modification or reconsideration of such agreements must be brought back before the full Commission for deliberation and vote.
- Commissioner Benedon seconded the motion.
- The Chair took a roll call vote:
 - Commissioner Benedon – Yes
 - Commissioner Roy – Yes
 - Commissioner Stebbins – No
 - Chair O'Brien – Yes



- The Commission approved the motion by a three in favor and one opposed.
- Commissioner Benedon moved to take a recess returning at 12:00 PM.
- Commissioner Roy seconded the motion.
- The Chair took a roll call vote:
 - Commissioner Benedon – Yes
 - Commissioner Roy – Yes
 - Commissioner Stebbins – Yes
 - Chair O’Brien – Yes
- The Commission unanimously approved the motion.
- The Commission took a brief recess. (Returned at 01:43:54.)
- The Chair referenced a note from GC Chattopadhyay that Associate General Counsel Steven Laduzinski (AGC Laduzinski)’s memorandum which the Chair discussed earlier did not represent the office of the General Counsel. The Chair acknowledged the point and stated that AGC Laduzinski’s memorandum was in line with a memorandum from a prior GC. Commissioner Roy expressed her expectation that the GC not take punitive action against AGC Laduzinski for issuing the memorandum. Enforcement Counsel (EC) and Co-Interim Chief of Investigations and Enforcement (Co-Interim CIE) Timothy Goodin read into the record Assured’s request to extend the third and final payment an additional 60 days. Assured’s attorney Daniel Glissman affirmed that the check for the second payment would be postmarked that today, pending the vote. Attorney Glissman was asked whether his client would be able to pay the full \$200,000 that day if the extension to the third payment was not approved and responded that he had to consult with his client if full \$200,000 was available but stated that \$100,000 would be paid that day. Attorney Glissman advocated for the extension to the third payment due date, specifically emphasizing the safeguards that would be utilized, including employing an auditor. Attorney Glissman also stated that this was a major issue for Assured.
- Commissioner Stebbins moved to take a recess returning at 12:35 PM.
- Commissioner Benedon seconded the motion.
- The Chair took a roll call vote:
 - Commissioner Benedon – Yes
 - Commissioner Roy – Yes
 - Commissioner Stebbins – Yes
 - Chair O’Brien – Yes
- The Commission unanimously approved the motion.
- The Commission took a brief recess. (Returned at 02:15:06.)
- Attorney Glissman confirmed that the Director of Sales had been on half-salary and the Chief Executive Officer (CEO) had not been compensated for the past month. He noted that Assured was at 15% of sales currently compared to pre-suspension weeks.



Attorney Glissman stated that the proposed extension was a major issue for Assured. Commissioner Stebbins asked if other conditions, other than making payment dates as originally set forth, had been met, and what section(s) of the Final Order would be affected. Attorney Glissman responded to Commissioner Stebbins' concern that there be no further extensions requested. GC Chattopadhyay confirmed that requested extension(s) were subject to the Commissioners' approval and Commissioners could also request interim payments in lieu of the third full final payment made in April 2026. Commissioner Roy proposed three interim payments of 33 1/3% of the last full payment be made, starting with the first payment due on February 28, 2026. Chief Financial and Accounting Officer Lisa Schlegel (CFAO Schlegel) explained the different options that money is paid to the Commission. Commissioner Stebbins asked how much Assured had expended for public relations staff and consultants. Attorney Glissman stated that recently Assured had seen the need for public relations assistance. The Chair reviewed potential issues with testing data accuracy and ascertained that payments owed to the Commission do not have interest assessed against it. Commissioner Benedon advocated splitting final payments into four with some small increase to the payments. After a discussion that it is not interest but an increase to the stipulated payment, Commissioner Benedon explained that she was proposing an additional \$10,000 be added to the total final payment(s) due. Commissioner Stebbins clarified that if Assured wished it could decline any amendments to the Stipulated Agreement and make the full \$200,000 payment today. The ED broke down how incremental payments with the additional penalty could be made. Attorney Glissman stated that Assured would accept the amended terms including the additional \$10,000. Commissioner Roy requested a quick recess to rework motion language.

- The Commission took a brief recess. (Returned at 03:03:49.)
- Commissioner Roy read her proposed motion language into the record. GC Chattopadhyay believed that the motion language reflected the current discussion conclusions. A small addition was added to address potential future ministerial revisions.
- Commissioner Roy moved to revise the final and third payment schedule under the Stipulated Agreement duly executed on August 14, 2025 (and further amended on December 11, 2025), between Assured Testing Laboratories, LLC and the Massachusetts Cannabis Control Commission, by increasing the third and final payment to \$110,000 and restructuring the due dates as follows: February 27, 2026: 25% of \$110,000 due (\$27,500), March 13, 2026: 25% of \$110,000 due (\$27,500), March 27, 2026: 25% of \$110,000 due (\$27,500), April 10, 2026: 25% of \$110,000 due (\$27,500; final payment). No further extensions of any payment due dates under this Agreement shall be granted, subject to any ministerial edits by Enforcement Counsel.
- Commissioner Benedon seconded the motion.



- Commissioner Benedon – Yes
- Commissioner Roy – Yes
- Commissioner Stebbins – Yes
- Chair O’Brien – Yes
- The Commission unanimously approved the motion.

2. Open Meeting Law and Release of Executive Session Minutes Policy

- Commissioner Benedon presented OML practices for Executive Session (ES) meeting minutes and proposed that a policy be prepared in compliance with the OML. She shared that she had spoken to members and General Counsels from other boards and Commissions for their input. She shared a potential policy with the anticipation of it being discussed more fully during the February 12th PM. In response to Commissioner Roy’s query, the policy did not specifically set forth a policy for redactions. The Chair mentioned a policy concerning recording ES meetings, noting the need for an accurate record and concerns about recalling months or years later. Commissioner Benedon stated that there was no legal prohibition against doing so nor requirement that they be recorded. Commissioner Benedon noted that her proposed policy was more than is currently required by the OML, with a quick turnaround for preparation of the minutes required. She noted that the Legal department would still prepare the minutes for the approval of the Commissioners.

3. Delegation of Powers to Approve Licenses

- Commissioner Roy questioned the requirements for delegating authority to approve a license in the event of a recusal such that there are not three Commissioners able to vote. She asked if a Commissioner could delegate their authority to approve a matter that the Commissioner themselves is recused from. The Chair requested how information in a legal memorandum deemed privileged and confidential could be discussed at a PM and GC Chattopadhyay explained how attorney-client privilege applied. The Chair suggested that the matter be tabled with the potential for a vote on removing the privilege attached to GC Chattopadhyay’s memorandum on the issue and requested that GC Chattopadhyay prepare research on the rules of necessity. The Chair also noted concerns about responses to Public Records Requests (PRRs). GC Chattopadhyay responded that to his knowledge all requests are responded to appropriately and he is unaware of any missed deadlines.

XII. Next Meeting Date – 03:32:52

- The Chair stated that the next meeting was scheduled for February 12, 2026.

XIII. Adjournment – 03:33:00

- Commissioner Stebbins moved to adjourn.
- Commissioner Benedon seconded the motion.
- The Chair took a roll call vote:
 - Commissioner Benedon – Yes
 - Commissioner Roy – Yes



- Commissioner Stebbins – Yes
 - Chair O’Brien – Yes
- The Commission unanimously approved the motion.

