

Apical, Inc.
MRN283720

APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

Apical, Inc.
d/b/a EMBR
144 King Street, Northampton, MA 01060

2. Type of license sought (if cultivation, its tier level and outside/inside operation) and information regarding the application submission:

Retail

The application was reopened three (3) times for additional information.

3. The applicant is a licensee or applicant for other Marijuana Establishment and/or Medical Marijuana Treatment Center license(s):

Type	Status	Location
Cultivation, Tier 6/Indoor (40,001 – 50,000 sq. ft.)	Provisional License	Chicopee
Product Manufacturing	Provisional License	Chicopee
Retail	Provisional License	Easthampton

4. List of all required individuals and their roles in the Marijuana Establishment:

Individual	Role
Robert McKinley	Person Having Direct/Indirect Control

5. List of all required entities and their roles in the Marijuana Establishment:

Entity	Role
Apical, LLC	Entity Having Direct/Indirect Control

6. Applicant's priority status:

Provisional License Executive Summary 1



General Applicant

7. The applicant and municipality executed a Host Community Agreement on August 6, 2020.
8. The applicant conducted a community outreach meeting on June 8, 2020 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission received a municipal response from the City/Town of Northampton on September 3, 2021 stating the applicant was in compliance with all local ordinances or bylaws.
10. The applicant proposed the following goals for its Plan to Positively Impact Disproportionately Harmed People:

#	Goal
1	Recruit 40% of its workforce comprised of people from areas of disproportionate impact, specifically Holyoke, Springfield, and West Springfield; Commission-designated Economic Empowerment Priority applicants; Commission-designated Social Equity Program participants; Massachusetts residents who have past drug convictions; and Massachusetts residents with parents or spouses who have drug convictions.
2	Create opportunities for individuals and businesses to participate in the industry by utilizing qualified contractors, suppliers and vendors who have been negatively impacted from marijuana prohibition with a goal of sourcing 50% of its contractors, suppliers and vendors that are comprised of people from areas of disproportionate impact, specifically Holyoke, Springfield, and West Springfield; Commission-designated Economic Empowerment Priority applicants; Commission-designated Social Equity Program participants; Massachusetts residents who have past drug convictions; and Massachusetts residents with parents or spouses who have drug convictions.

BACKGROUND CHECK REVIEW

11. There were disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions. None of the disclosures raised suitability issues.
12. There were no concerns arising from background checks on the individuals or entities associated with the application.

MANAGEMENT AND OPERATIONS PROFILE REVIEW



13. The applicant states that it can be operational within three (3) months of receiving its provisional license(s).

14. The applicant's proposed hours of operation are the following:

Day(s)	Hours of Operation
Monday-Sunday	9:00 a.m. to 9:00 p.m.

15. The applicant submitted all required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.

16. The applicant proposed the following goals for its Diversity Plan:

#	Goal
1	Recruit 50% female, 25% minorities, 4 % veterans, 5% people with disabilities, and 6% LBGTQ+ for its hiring initiatives.
2	Utilize suppliers and contractors comprised of 5-10% female owned businesses, 5-10% minority owned businesses, 2-5% veteran owned businesses, 2-5% LBGTQ+ owned businesses, 2-5% businesses owned by disabled persons and 20% Economic Empowerment Priority Applicants.

17. Plan for obtaining marijuana or marijuana products (if applicable):

The applicant plans to obtain marijuana from its affiliated licenses. If the need arises, the applicant will obtain marijuana or marijuana products by contracting with other licensed establishments.

RECOMMENDATION

Commission staff recommend provisional licensure with the following conditions:

1. Final license is subject to inspection to ascertain compliance with Commission regulations.
2. Final license is subject to inspection to ascertain compliance with applicable state laws, local codes, ordinances or bylaws, and local licensing requirements.
3. Final licensure is subject to the applicant ensuring that all remaining required individuals be fingerprinted pursuant to previous Commission notifications.
4. The applicant shall cooperate with and provide information to Commission staff.
5. Provisional licensure is subject to the payment of the appropriate license fee.
6. Final license is subject to the applicant providing Commission staff an updated security plan stating that the appropriate Law Enforcement Authorities and the Commission shall be notified of any breach of security or other reportable incident defined in 500.110(9) immediately and, in no instance, more than 24 hours following discovery of the breach or incident.



7. Final license is subject to the applicant submitting a partnership letter from hiring organizations under program section three (3).
8. Final license is subject to the applicant ensuring that all persons having direct or indirect control over the license, and all newly hired employees involved in the handling or sale of marijuana or marijuana products, successfully complete the Basic Core Curriculum of the Responsible Vendor Training Program and subsequently provide a “certificate of completion” to the Commission for each individual within 90 days of hire to be in compliance with 935 CMR 500.105(2) or 935 CMR 501.105(2).

The applicant has demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Therefore, the applicant is recommended for provisional licensure.

