

Ember Gardens Delivery, LLC

MDA1274

APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

Ember Gardens Delivery, LLC
11 Charlotte Court, Middleborough, MA 02346

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

Marijuana Delivery Operator

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
Marijuana Courier	Pre-Certification	N/A

Please note that individuals and/or entities associated with the proposed application(s) are also associated with other adult-use retail application under the name of Ember Gardens Boston, LLC and an adult-use marijuana cultivation and product manufacturing license under the name of Fuego Farms, Inc.

4. The applicant was pre-certified by the Commission for Marijuana Delivery Operator on July 23, 2021. Pursuant to 935 CMR 500.101(2)(b), the applicant demonstrated a propensity to successfully operate a Marijuana Establishment.
5. List of all required individuals and their roles in the Marijuana Establishment:

Individual	Role
George Friedlander	Person Having Direct/Indirect Control
Shane Hyde	Person Having Direct/Indirect Control
Daniel Gillan	Person Having Direct/Indirect Control

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

Entity	Role
Fuego Farms, Inc.	Entity Having Direct/Indirect Control
NEC Capital, LLC	Entity Having Direct/Indirect Control / Capital Contributor

7. Applicant's priority status:

Expedited Applicant (Social Equity Program Participant)
George Friedlander / 62% of Ownership / SE304227

8. The applicant and municipality executed a Host Community Agreement on October 27, 2020.
9. The applicant conducted a community outreach meeting on August 26, 2021 and provided documentation demonstrating compliance with Commission regulations.
10. The Commission received a municipal response from the City/Town of Middleborough on October 7, 2021 stating the applicant was in compliance with all local ordinances or bylaws.
11. The applicant proposed the following goals for its Plan to Positively Impact Disproportionately Harmed People:

#	Goal
1	Provide a donation in the amount of \$8,000 to Cannabis Community Care and Research Network to support student scholarships annually.
2	Provide internship/training opportunities for two (2) students annually from areas of disproportionate impact, specifically New Bedford, Fall River, Taunton, and Brockton.

BACKGROUND CHECK REVIEW

12. 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.
13. There were no concerns arising from background checks on the individuals or entities associated with the application.

MANAGEMENT AND OPERATIONS PROFILE REVIEW



14. The applicant states that it can be operational within five (5) months of receiving the provisional license(s).

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

Day(s)	Hours of Operation
Monday-Sunday	8:00 a.m. to 9:00 p.m.

16. 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.

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

#	Goal
1	Recruit 25% women, 25% minorities, 5% veterans, 5% persons with disabilities and 5% LGBTQ+ individuals for its hiring initiatives.
2	Offer interview opportunities for all lead, management, and executive positions to 25% women, 25% minorities, 5% veterans, 5% persons with disabilities and 5% LGBTQ+ individuals as the positions are created and/or become available.

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. Final licensure is subject to the applicant providing Commission staff, upon inspection, an amended Plan to Positively Impact Disproportionately Harmed People to include confirmation that students for the internship program will be over the age of 21 years old.
5. The applicant shall cooperate with and provide information to Commission staff.
6. Provisional licensure is subject to the payment of the appropriate license fee.
7. Prior to performing job functions, all provisional licensees shall ensure that all current Marijuana Establishment, Medical Marijuana Treatment Center, and Independent Testing Laboratory Agents involved in the handling or sale of Marijuana for adult and medical use shall have attended and successfully completed the Basic Core Curriculum of the Responsible Vendor Training Program to be designated a "Responsible Vendor" and provide a "certificate of completion" to the Commission upon request. In addition, all newly hired employees involved in the handling or sale of marijuana or marijuana products must also successfully complete the Basic Core Curriculum of the Responsible Vendor

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Training Program within 90 days of hire, 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.

