



## Massachusetts Cannabis Control Commission

### Marijuana Retailer

#### General Information:

License Number: MR282037  
Original Issued Date: 01/15/2020  
Issued Date: 01/14/2021  
Expiration Date: 01/16/2022

### ABOUT THE MARIJUANA ESTABLISHMENT

Business Legal Name: Herbal Pathways

Phone Number: 603-340-6539 Email Address: kendebbie4@comcast.net

Business Address 1: 1315 East Street

Business Address 2:

Business City: Pittsfield

Business State: MA

Business Zip Code: 01201

Mailing Address 1: 10 West Street

Mailing Address 2:

Mailing City: Allenstown

Mailing State: NH

Mailing Zip Code: 03275

### CERTIFIED DISADVANTAGED BUSINESS ENTERPRISES (DBES)

Certified Disadvantaged Business Enterprises (DBEs): Not a DBE

### PRIORITY APPLICANT

Priority Applicant: no

Priority Applicant Type: Not a Priority Applicant

Economic Empowerment Applicant Certification Number:

RMD Priority Certification Number:

### RMD INFORMATION

Name of RMD:

Department of Public Health RMD Registration Number:

Operational and Registration Status:

To your knowledge, is the existing RMD certificate of registration in good standing?:

If no, describe the circumstances below:

### PERSONS WITH DIRECT OR INDIRECT AUTHORITY

Person with Direct or Indirect Authority 1

Percentage Of Ownership: 90.1

Percentage Of Control: 90.1

Role: Owner / Partner

Other Role:

First Name: Kenneth

Last Name: Crowley

Suffix:

Gender: Male

User Defined Gender:

What is this person's race or ethnicity?: White (German, Irish, English, Italian, Polish, French)

Specify Race or Ethnicity:

#### ENTITIES WITH DIRECT OR INDIRECT AUTHORITY

No records found

#### CLOSE ASSOCIATES AND MEMBERS

No records found

#### CAPITAL RESOURCES - INDIVIDUALS

Individual Contributing Capital 1

First Name: Russell

Last Name: Stewart

Suffix:

Types of Capital: Monetary/Equity Other Type of Capital: Total Value of the Capital Provided: \$400000 Percentage of Initial Capital: 100

Capital Attestation: Yes

#### CAPITAL RESOURCES - ENTITIES

No records found

#### BUSINESS INTERESTS IN OTHER STATES OR COUNTRIES

Business Interest in Other State 1

Business Interest of an Owner or the Marijuana Establishment: Business Interest of an Owner

Owner First Name:

Owner Last Name: Crowley

Owner Suffix:

Kenneth

Entity Legal Name: Herbal Pathways LLC

Entity DBA:

Entity Description: Licensed medical marijuana care giver

Entity Phone:

Entity Email:

Entity Website:

603-340-6539

kendebbie4@comcast.net

Entity Address 1: 472 River Road

Entity Address 2:

Entity City: Lebanon

Entity State: ME

Entity Zip Code: 04027

Entity Country: USA

Entity Mailing Address 1: 472 River Road

Entity Mailing Address 2:

Entity Mailing City:

Entity Mailing State: ME

Entity Mailing Zip Code:

Entity Mailing Country:

Lebanon

04027

USA

#### DISCLOSURE OF INDIVIDUAL INTERESTS

Individual 1

First Name: Kenneth

Last Name: Crowley

Suffix:

Marijuana Establishment Name: Liberty Market LLC

Business Type: Marijuana Retailer

Marijuana Establishment City: Lanesborough

Marijuana Establishment State: MA

#### MARIJUANA ESTABLISHMENT PROPERTY DETAILS

Establishment Address 1: 1317 East Street

Establishment Address 2:

Establishment City: Pittsfield

Establishment Zip Code: 01201

Approximate square footage of the establishment: 1000

How many abutters does this property have?: 13

Have all property abutters been notified of the intent to open a Marijuana Establishment at this address?: Yes

#### HOST COMMUNITY INFORMATION

Date generated: 03/25/2021

Page: 2 of 6

Host Community Documentation:

Document Category	Document Name	Type	ID	Upload Date
Community Outreach Meeting Documentation	Herb Path Municipal Notice Attachment B Pittsfield.pdf	pdf	5be9bfe26427cd044e628453	11/12/2018
Community Outreach Meeting Documentation	Herb Path Municipal Notice Attachment C Pittsfield.pdf	pdf	5be9c050e18b8a04881dd69c	11/12/2018
Community Outreach Meeting Documentation	COM Attestation Form Pitts.pdf	pdf	5be9c1f84088250d697fd17f	11/12/2018
Plan to Remain Compliant with Local Zoning	Plan To Remain Compliant with Local Zoning Herbal Pathways Pittsfield.pdf	pdf	5bec316e4287b10d4f36f1eb	11/14/2018
Plan to Remain Compliant with Local Zoning	Special Permit.pdf	pdf	5bfd55251a7752047b591f4f	11/27/2018
Community Outreach Meeting Documentation	notice in newspaper HP.pdf	pdf	5ce2dc9c13edb917cc1fa500	05/20/2019
Community Outreach Meeting Documentation	abutter documentation HP.pdf	pdf	5ce2dd03bbb9651341338c8a	05/20/2019
Community Outreach Meeting Documentation	letter from abutter.pdf	pdf	5ce3f92f41a4321320f25790	05/21/2019
Certification of Host Community Agreement	HCA certification form signed and dated HP.pdf	pdf	5d1ba7e3acc50017edd65a47	07/02/2019

Total amount of financial benefits accruing to the municipality as a result of the host community agreement. If the total amount is zero, please enter zero and provide documentation explaining this number.: \$1

PLAN FOR POSITIVE IMPACT

Plan to Positively Impact Areas of Disproportionate Impact:

Document Category	Document Name	Type	ID	Upload Date
Plan for Positive Impact	HP Positive Impact Plan.pdf	pdf	5ce2bfec13edb917cc1fa484	05/20/2019

ADDITIONAL INFORMATION NOTIFICATION

Notification: I understand

INDIVIDUAL BACKGROUND INFORMATION

Individual Background Information 1

Role: Other Role:  
 First Name: Kenneth Last Name: Crowley Suffix:  
 RMD Association: Not associated with an RMD  
 Background Question: no

ENTITY BACKGROUND CHECK INFORMATION

No records found

MASSACHUSETTS BUSINESS REGISTRATION

Required Business Documentation:

Document Category	Document Name	Type	ID	Upload
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					Date
Department of Revenue - Certificate of Good standing	Herb Path Cert of Good Standing DOR.pdf	pdf	5be702322d1cf504966f2ea8		11/10/2018
Secretary of Commonwealth - Certificate of Good Standing	Herb Path Cert of Good Standing SOC.pdf	pdf	5be7023d4287b10d4f36ef9c		11/10/2018
Bylaws	Herb Path LLC Bylaws Exhibit 2A.pdf	pdf	5be705a9bcbac00d7d74aee0		11/10/2018
Articles of Organization	HP Art of Org.pdf	pdf	5d024b6f622b7c1357f71b64		06/13/2019

Certificates of Good Standing:

Document Category	Document Name	Type	ID	Upload Date
Secretary of Commonwealth - Certificate of Good Standing	COGS HP 2020.pdf	pdf	5fd16a9f301ec4074f755f53	12/09/2020
Department of Unemployment Assistance - Certificate of Good standing	HP DUA Affidavit.docx.pdf	pdf	5fd16aa115105a0779712e01	12/09/2020
Department of Revenue - Certificate of Good standing	HP MTC COGS.pdf	pdf	5fd16aa363caf5075a67e6d7	12/09/2020

Massachusetts Business Identification Number: 001328456

Doing-Business-As Name: HiBrid

DBA Registration City:

#### BUSINESS PLAN

Business Plan Documentation:

Document Category	Document Name	Type	ID	Upload Date
Plan for Liability Insurance	Herbal Pathways LLC Insurance Proposal.pdf	pdf	5bef2cef4088250d697fd6a9	11/16/2018
Business Plan	HP Business Plan Summary.pdf	pdf	5ce2bd1833099617d79421cc	05/20/2019
Proposed Timeline	A proposed timeline for achieving operation of a Pittsfield (Herbal Pathways) Adult-Use Retail Marijuana Establishment and evidence that the Marijuana Establishment will be ready to operate within the proposed timeline after notification by.pdf	pdf	5fd16c4a5ea0dd074817babe	12/09/2020

#### OPERATING POLICIES AND PROCEDURES

Policies and Procedures Documentation:

Document Category	Document Name	Type	ID	Upload Date
Dispensing procedures	HP Dispensing Procedures.pdf	pdf	5ce2bbeacc50017edd5f6f4	05/20/2019
Inventory procedures	HP Inventory Procedures.pdf	pdf	5ce2bbfd69291617ba85d291	05/20/2019
Maintaining of financial records	HP Maintaining of Financial Records.pdf	pdf	5ce2bc06fe6a8617e208b916	05/20/2019
Personnel policies including background checks	HP Personnel Policies including Background Checks.pdf	pdf	5ce2bc0d622b7c1357f6e6a7	05/20/2019



Plan for obtaining marijuana or marijuana products	HP Plan for Obtaining Marijuana or Marijuana Products.pdf	pdf	5ce2bc16722cea17c125dd4a	05/20/2019
Prevention of diversion	HP Plan for Prevention of Diversion.pdf	pdf	5ce2bc1e13edb917cc1fa465	05/20/2019
Restricting Access to age 21 and older	HP Plan for restricting access to age 21 and older.pdf	pdf	5ce2bc2a33099617d79421c0	05/20/2019
Qualifications and training	HP Qualifications and Training.pdf	pdf	5ce2bc35c70e2b132b312371	05/20/2019
Quality control and testing	HP Quality Control and Testing.pdf	pdf	5ce2bc3f13edb917cc1fa469	05/20/2019
Record Keeping procedures	HP Recordkeeping Procedures.pdf	pdf	5ce2bc4933099617d79421c4	05/20/2019
Security plan	HP Security Plan.pdf	pdf	5ce2bc51fe6a8617e208b91a	05/20/2019
Storage of marijuana	HP Storage Plan.pdf	pdf	5ce2bc5c622b7c1357f6e6ad	05/20/2019
Transportation of marijuana	HP Transportation Plan.pdf	pdf	5ce2bc66624ce5135e92335f	05/20/2019
Diversity plan	HP Diversity 2.0.pdf	pdf	5fea2f91982b2307e1992dc5	12/28/2020
Diversity plan	HP PIP 2.0.pdf	pdf	5fea2fae60fc2607ca6ac46d	12/28/2020

### MARIJUANA RETAILER SPECIFIC REQUIREMENTS

Adequate Patient Supply Documentation:

Document Category	Document Name	Type	ID	Upload Date
	This facility is adult use only, and is not colocated.pdf	pdf	5fd16c8bdd0ccd077448f464	12/09/2020

Reasonable Substitutions of Marijuana Types and Strains Documentation:

Document Category	Document Name	Type	ID	Upload Date
	This facility is adult use only, and is not colocated.pdf	pdf	5fd16c9187f4c7077b6111df	12/09/2020

### ATTESTATIONS

I certify that no additional entities or individuals meeting the requirement set forth in 935 CMR 500.101(1)(b)(1) or 935 CMR 500.101(2)(c)(1) have been omitted by the applicant from any marijuana establishment application(s) for licensure submitted to the Cannabis Control Commission.: I Agree

I understand that the regulations stated above require an applicant for licensure to list all executives, managers, persons or entities having direct or indirect authority over the management, policies, security operations or cultivation operations of the Marijuana Establishment; close associates and members of the applicant, if any; and a list of all persons or entities contributing 10% or more of the initial capital to operate the Marijuana Establishment including capital that is in the form of land or buildings.: I Agree

I certify that any entities who are required to be listed by the regulations above do not include any omitted individuals, who by themselves, would be required to be listed individually in any marijuana establishment application(s) for licensure submitted to the Cannabis Control Commission.: I Agree

Notification: I Understand

I certify that any changes in ownership or control, location, or name will be made pursuant to a separate process, as required under 935 CMR 500.104(1), and none of those changes have occurred in this application.: I Agree

I certify that to the best knowledge of any of the individuals listed within this application, there are no background events that have arisen since the issuance of the establishment's final license that would raise suitability issues in accordance with 935 CMR 500.801.: I Agree

I certify that all information contained within this renewal application is complete and true.: I Agree

### ADDITIONAL INFORMATION NOTIFICATION

Notification: I Understand

## COMPLIANCE WITH POSITIVE IMPACT PLAN

### Progress or Success Goal 1

**Description of Progress or Success:** Goal One: Reduction of barriers in the commercial adult-use cannabis industry

Herbal Pathways is committed to hiring a diverse and representative workforce from communities of disproportionate impact. At this time, there has been no hiring activities, but once they commence, outreach will include jobs fairs, direct community engagement, advertisement in local newspapers in the City of Pittsfield, and targeted online advertisement in those geo-regions.

### Progress or Success Goal 2

**Description of Progress or Success:** 2. Providing financial, mentoring, and professional services for individuals and businesses facing systemic barriers or adversity in disproportionately impacted areas, specifically Pittsfield and North Adams

The facility is not yet operational, and there is no staff on site or ability to host meetings. There is no budget at this point for financial assistance, and the process of getting to commencing operations has taken all available time for engagement. Once buildout is complete and operations have begun, there will be the requisite experience, time and financing available to execute this goal.

## COMPLIANCE WITH DIVERSITY PLAN

### Diversity Progress or Success 1

**Description of Progress or Success:** 1. Recruit diverse employees at all levels.

The facility is in preconstruction, and no hiring has begun. Once hiring has begun, the top priority will be a diverse and representative workforce. Engagement will include jobs fairs, advertising in Pittsfield, a city of Disproportionate Impact, and direct community engagement as well as with Mass Career Centers.

### Diversity Progress or Success 2

**Description of Progress or Success:** Develop and retain diverse employees by promoting an environment that values differences.

No employees have been hired at this time, although creating a supportive and progressive working environment will begin with the first hire.

### Diversity Progress or Success 3

**Description of Progress or Success:** Goal 3 — Increase the diversity of employees in senior and managerial positions

HP is committed to hiring diverse employees at all levels to ensure a variety of experiences, backgrounds, and viewpoints are engaged in all conversations at all levels. At this point there has been no hiring.

## HOURS OF OPERATION

Monday From: 10:00 AM	Monday To: 8:00 PM
Tuesday From: 10:00 AM	Tuesday To: 8:00 PM
Wednesday From: 10:00 AM	Wednesday To: 8:00 PM
Thursday From: 10:00 AM	Thursday To: 8:00 PM
Friday From: 10:00 AM	Friday To: 8:00 PM
Saturday From: 10:00 AM	Saturday To: 8:00 PM
Sunday From: 12:00 PM	Sunday To: 5:00 PM

**NOTICE OF COMMUNITY OUTREACH MEETING**  
Herbal Pathways LLC

**RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA**

**2018 JUL 18 PM 1:05**

Notice is hereby given that Herbal Pathways LLC. will hold a Community Outreach Meeting on July 30, 2018 at the **Berkshire Athenaeum Central Library, 1 Wendell Avenue, Pittsfield, MA 01201** between 11:00am and noon to discuss the proposed siting of an Adult Use Marijuana Establishment in the Town of Pittsfield.

Herbal Pathways LLC. intends to apply for a license to operate for the following Adult use Marijuana Establishment license: retail sales of marijuana to be located at 1317 East Street, Pittsfield, MA 01201 in accordance with M.G.L. c. 94G and the Massachusetts Cannabis Control Commissions regulations at 935 CMR 500.000 *et seq.*

Topics to be discussed at the meeting will include, but not limited to

1. The types of Adult Use Marijuana Establishment to be located at the proposed address
2. Plans for maintaining a secure facility
3. Plans to prevent diversion to minors
4. Plans to positively impact the community
5. Plans to ensure the establishment will not constitute a nuisance to the community

Interested members of the community are encouraged to ask questions and receive answers from Herbal Pathways representatives about Herbal Pathways proposed facility and operations.

A copy of this notice has been published in the local newspaper at least 7 calendar days prior to the meeting and filed with the Town Clerk of Pittsfield. This notice was also mailed at least 7 calendar days prior to the meeting to abutters of the proposed address of the Marijuana Establishment, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of the petitioner as they appear on the most recent applicable tax list.

Herbal Pathways LLC

Ken Crowley

CEO

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Herbal Pathways LLC

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Herbal Pathways LLC

Ken Crowley

CEO

**LIST OF ABUTTERS FOR THE ZONING BOARD OF APPEALS**

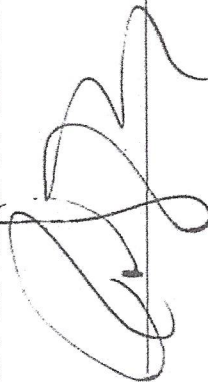
**JULY 12, 2018**

**OWNER: LOUIS A & JOY COSTI**

**APPLICANT: KEN CROWLEY**

**LOCATION: 1315-1317 EAST ST (K100014003)**

**LIST OF ABUTTERS: I CERTIFY THAT THE ATTACHED LIST CONTAINS THE NAMES AND ADDRESSES OF THE ABUTTERS AND THE OWNERS OF LAND NEXT TO AND ADJOINING THE LAND OF THE ABUTTERS TO THE PROPERTY COVERED BY THIS APPLICATION.**



**MEMBER - BOARD OF ASSESSORS**



## Community Outreach Meeting Attestation Form

The applicant must complete each section of this form and initial each page before uploading it to the application. Failure to complete a section will result in the application being deemed incomplete. Instructions to the applicant appear in italics. Please note that submission of information that is "misleading, incorrect, false, or fraudulent" is grounds for denial of an application for a license pursuant to 935 CMR 500.400(1).

I, Kenneth Crowley, (insert name) attest as an authorized representative of Herbal Pathways LLC (insert name of applicant) that the applicant has complied with the requirements of 935 CMR 500 and the guidance for licensed applicants on community outreach, as detailed below.

1. The Community Outreach Meeting was held on July 30, 2018 (insert date).
2. A copy of a notice of the time, place, and subject matter of the meeting, including the proposed address of the Marijuana Establishment, was published in a newspaper of general circulation in the city or town on July 20, 2018 (insert date), which was at least seven calendar days prior to the meeting. A copy of the newspaper notice is attached as Attachment A (*please clearly label the newspaper notice in the upper right hand corner as Attachment A and upload it as part of this document*).
3. A copy of the meeting notice was also filed on July 18, 2018 (insert date) with the city or town clerk, the planning board, the contracting authority for the municipality, and local licensing authority for the adult use of marijuana, if applicable. A copy of the municipal notice is attached as Attachment B (*please clearly label the municipal notice in the upper right-hand corner as Attachment B and upload it as part of this document*).
4. Notice of the time, place and subject matter of the meeting, including the proposed address of the Marijuana Establishment, was mailed on July 20, 2018 (insert date), which was at least seven calendar days prior to the community outreach meeting to abutters of the proposed address of the Marijuana Establishment, and residents within 300 feet of the property line of the petitioner as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town. A copy of one of the notices sent to abutters and parties of interest as described in this section is attached as Attachment C (*please clearly label the municipal notice in the upper right hand corner as Attachment C and upload it as part of this document; please only include a copy of one notice and please black out the name and the address of the addressee*).

5. Information was presented at the community outreach meeting including:
  - a. The type(s) of Marijuana Establishment to be located at the proposed address;
  - b. Information adequate to demonstrate that the location will be maintained securely;
  - c. Steps to be taken by the Marijuana Establishment to prevent diversion to minors;
  - d. A plan by the Marijuana Establishment to positively impact the community; and
  - e. Information adequate to demonstrate that the location will not constitute a nuisance as defined by law.
6. Community members were permitted to ask questions and receive answers from representatives of the Marijuana Establishment.

## **Herbal Pathways LLC Pittsfield; Plan to Remain Compliant with Local Zoning**

Herbal Pathways LLC attests that it will, through its operation of a retail establishment in the town of Pittsfield, MA, follow and remain compliant with all local zoning requirements, including but not limited to the following sections of the Pittsfield Zoning Bylaw:

### **Chapter 23, Zoning Pittsfield:**

#### **SECTION 4 DISTRICT REGULATIONS**

##### **SECTION 4.314 TRANSITION REQUIREMENTS:**

C. Limitations on Business Entrances, Show Windows or Signs

##### **SECTION 7.850 RECREATIONAL MARIJUANA RETAIL AND/OR MEDICAL MARIJUANA REQUIREMENTS:**

###### **(D) Performance Standards: (section 3):**

- a. Character of the neighborhood to include visual compatibility with surrounding uses.
- b. Proximity to other licensed marijuana uses to prevent clustering.
- c. Relationship to surrounding uses to avoid unnecessary exposure to minors.
- d. The provision of adequate lighting to promote security for customers and the public.
- e. Hours of operation.
- f. Site design and other development related site impacts.

##### **SECTION 7.722 MANUFACTURING, PROCESSING OR FABRICATION OF ANY UNLISTED PRODUCT OR MATERIAL, REQUIREMENTS.**

##### **SECTION 7.8 CONDITIONAL USES REQUIRING SPECIAL USE PERMIT**

##### **SECTION 10.1 OFF-STREET PARKING**

##### **Section 10.2 OFF-STREET LOADING**

##### **Section 13.204 SPECIAL PERMIT FINDINGS REQUIRED:**

Before granting a Special Permit for any use requiring such Permit under the provisions of this ordinance, the Special Permit Granting Authority shall find that the proposed use:

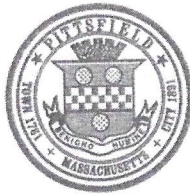


- A. Is in compliance with all applicable provisions and requirements of the ordinance and in harmony with its general intent and purpose.
- B. Will not be detrimental or can be conditioned so as not to be 13-2 detrimental to adjacent uses or to the established character of the neighborhood.
- C. Will not be inconsistent with the overall purpose of the Master Plan as adopted and amended by the Planning Board, and will consider whether the proposed uses:
- D. Will create undue traffic congestion, or unduly impair pedestrian safety.
- E. Will overload any public water, drainage or sewer system or any other municipal facility to such an extent that the proposed use or any other area of the City will be unduly subject to the hazards affecting public health, safety or general welfare.

As Herbal Pathways LLC has been granted a host agreement by the town of Pittsburgh, we plan to follow the use regulations for permitted use at our 1317 East Street location, performance standards for security and fire, and special provisions for parking, loading, signs, etc. We will also communicate with the planning board and other departments on a regular basis to remain updated and compliant with any changes or additions to local zoning.

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Please file with  
Register of Deeds



Date: September 26, 2018



2018 00932257

Bk: 6293 Pg: 22 Doc: NOT  
Page: 1 of 23 10/17/2018 11:57 AM

**CITY OF PITTSFIELD**

ZONING BOARD OF APPEALS, 70 ALLEN STREET, PITTSFIELD, MA 01201

**NOTICE OF SPECIAL PERMIT**

Conditional or Limited Special Permit

(General Laws, Chapter 40 A, Section 18 as amended)

RECEIVED-CITY CLERK  
CITY OF PITTSFIELD, MA  
2018 SEP 26 AM 10:44

Notice is hereby given that a Conditional or Limited Special Permit has been granted

TO: Herbal Pathways LLC

(Owner or Petitioner)

ADDRESS: 10 West St

CITY/STATE/ZIP: Allenstown, NH 03275

By the City of Pittsfield, Board of Appeals affecting the rights of the owner with respect to the use of premises on:

1315 East Street

(Street)

Pittsfield, MA

(City)

Assessors Map, Block and Lot: K10-0014-003

(Identify Land Affected)

The record title standing in the name of: Louis & Joy Costi

Whose address is: 611 Lanesboro Rd Cheshire MA 01225

(Street)

(City)

(State)

(Zip)

By a deed duly recorded in the Berkshire Middle District Registry of Deeds in Book 4976  
Page 328

The decision of said Board is on file with the papers in Decision or Case No. 2877 in the office of the City Clerk of Pittsfield.

Board of Appeals:

Signed this 26<sup>th</sup> day of September, 2018

Albert A. Ingegner, III Chairman <sup>25</sup>

This is to certify that twenty (20) days have elapsed since the filing of the above decision with this office and no appeal has been filed, or appeal has been filed and denied, in the case.

Michele Benjamin City Clerk 10/17/2018 Date  
Malia Windrow-Carlotto, Asst. City Clerk

(SEE FORM 4 & 6 ATTACHED)





## NATIONAL BASKETBALL ASSOCIATION

## Rockets' Harden wins MVP award

The Associated Press

**SANTA MONICA, Calif.** — Third time was the charm for James Harden.

The Houston Rockets star was voted the NBA's Most Valuable Player after two years of being runner-up, beating out four-time winner LeBron James and Anthony Davis of the Pelicans at the NBA Awards on Monday night.

Harden joined Michael Jordan as the only players to average at least 20 points, eight assists, five rebounds and 1.7 steals in a season.

He led the league in scoring, 3-pointers and 60-point games with four while helping the Rockets to an NBA-

leading 65 wins.

"The last four years have been like knocking on the door, knocking on the door. Now the moment is finally here," Harden said backstage. "Just every single year you try to come back and be better than you were the year before, and just to be holding that trophy finally, it means a lot."

James didn't attend the show in Barker Hangar at the Santa Monica Airport amid frenzied speculation about his future. He has until Friday to tell the Cavaliers if he will pick up his \$35.6 million option for next season or opt for free agency.

Harden, who is from Los Angeles, led his mother on stage to accept the trophy from Commissioner Adam Silver.

"I'm not going to get emotional," he said from behind dark sunglasses. "She's my backbone in good times and bad times."

Harden received a total of 965 points and 88 first-place votes. James finished second with 738 points and 15 first-place votes, while Davis was third with 445 points and no first-place votes.

Harden didn't prepare a speech. "I felt like last year I should have won as well, so I didn't see a difference between last year and this year," he said

backstage. "If I won it, then I was going to go off the top and try to show my appreciation to everybody helping me along the way."

Harden's teammate, Chris Paul, popped up among reporters backstage and asked Harden how many bottles of liquor Rockets CEO Tad Brown would have to buy at the next location.

"Couple cases," Harden said, grinning.

The Rockets had another winner in Daryl Morey, who was honored as Executive of the Year.

In other awards, Ben Simmons of the Philadelphia 76ers won Rookie of the Year. The guard averaged 15

points, eight rebounds and six assists, joining the Hall of Famer Oscar Robertson as the only rookies to post those numbers in a season.

Simmons helped Philadelphia to a 58-30 record, including ending the season with a 16-game winning streak.

He beat out finalists Donovan Mitchell of Utah and Jayson Tatum of Boston.

Guard Victor Oladipo of the Indiana Pacers earned Most Improved Player. He averaged 23.1 points in his first season with the Pacers while nabbing his first All-Star berth. He also led the league in steals for the first time.

The Defensive Player of the Year went to center Rudy Gobert of the Utah Jazz.

He was the leading vote-getter for the league's All-Defensive first team while anchoring a Jazz defense that ranked second in the NBA in defensive rating.

Lou Williams of the Los Angeles Clippers took Sixth Man honors.

The guard became the first player to average at least 20 points for the first time in his 18th season or later. He led the league in fourth-quarter points and scoring average.

Williams kissed his two young daughters on his way to the stage after becoming the Clippers' third winner in the last five years.

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## Prospect

FROM PAGE 1

"Well on its way to being a world-class cross-country ski center attracting skiers from far and wide, Prospect also has potential to benefit the local economy during the summer season for hiking, biking, and special events."

He also praised the role of the VCHBC in supporting projects that not only preserve conservation or historic assets but boost the local economy, particularly the Putnam Block redevelopment in downtown Bennington.

"I also have a deep personal connection to Prospect, after a lifetime of use," Campbell said.

## WIDE SUPPORT FOUND

Supporters say the Nordic center, located seven miles east of Bennington off Route 9, is revered by many of the thousands of youth and adults — including a couple of Olympians — who've skied there over the years.

That's reflected, they said, in the financial contributions the group expects to receive from enthusiasts in the area and from nearby Windham County towns, as well as from Berkshire County, Mass.

Williams College alumni are expected to provide "a significant" portion of the total needed to raise the center, the school's Nordic team trains at Prospect Mountain and hosts meets and other winter events there.

Local high schools, including Mount Anthony Union High School in Bennington and Mount Greylock Regional High School in Williamstown, Mass., also send teams to train there and for multi-school races.

David Newell, a spokesman for the group, said the "very enthusiastic" comments of many involved in the effort apparently helped convince the board to award the grant, which his group considered essential to moving forward toward a purchase.

"On behalf of the PMA, I want to say how much I appreciate the confidence the VCHBC has shown in the project," he said. In addition to those who spoke during a presentation Thursday before the board, letters of support were sent by area state

lawmakers, including a joint letter from Rep. Bill Botzow, D-Powell/Woodford; Sens. Dick Sears and Brian Campion, and area Reps. Timothy Corcoran II, Mary Morrissey, Kiah Morris, Laura Sibilla and John Gannon.

"This is great news for the southwestern corner of Vermont," Sears said Friday. "It will provide fantastic recreational opportunities for area residents and tourists. Happy to have played a role in advocating for the grant."

"I'm very pleased VCHBC sees the value of this project," said Botzow. "It builds on an established community resource, reinvigorates the outdoor recreation economy, improves infrastructure, and positions Prospect as a great place for cross-country skiing. At the same time it conserves forest lands the project positively impacts Woodford's small rural town economy."

Letters also were sent by former MAU Nordic team coach Bruce Smith, the Woodford, Wilmington and Bennington select boards; the Bennington County Regional Commission and several individuals. Those include Newell's son, Andy Newell, a member of the US Nordic team over four Olympics after participating as a youth in Bill Koch League programs at Prospect Mountain.

## IMPACT ON YOUTH

MAU senior and Nordic team member Brigit Keenan, who spoke during the presentation to the VCHBC, said the group's effort to preserve the center highlights "how important Prospect is to the youth of Bennington, including to me personally."

Like hundreds of others from the area, including future Olympic Nordic team members, David Jarockis, a two-time biathlon skier, and Andy Newell, Keenan skied in Koch League programs at Prospect.

"There are just not many places like that," Keenan said. "I would not like to see it go to private development."

She said the "great venue has a whole homey feel to it — that's what we are constantly being told by people from other areas."

"This [purchase] will result in the continued use of Prospect as home base for the approximately 100 local kids who annually participate in the Bill Koch Program Nordic skiing, at least twice a week

from December through March," said Katie Swaby, head of the Koch League program at Prospect.

"In addition to simply learning to ski, these kids will continue to make many decades-long friendships and develop a life-long love for Nordic skiing," she said.

The nonprofit group will soon begin a campaign to raise \$250,000 to complete the purchase and cover equipment and transition costs for the center, Newell said.

That fund drive will begin quietly, he said, but at some point will be expanded with outreach to the community. Newell said anyone interested in helping part should contact him at 802-688-7877.

Whitham, who with Amodeo purchased the property in 1993, will remain on to manage the center, Newell said.

Beyond immediate upgrades, such as some new equipment and enhanced Internet service, he said long-range plans call for snowmaking equipment and an enhanced ski shop. Williams College or its alumni are also considering helping with these expensive improvements, Newell said.

Although Woodford is famous in the Bennington area for the many feet of snow it regularly receives, he said there have been times when the need for snowmaking equipment has become evident — particularly when state high school Nordic championships or collegiate events involving Williams could not be held at Prospect.

## PURCHASE AGREEMENT

The group announced in January that it had entered into a sales contract to purchase the facility, providing to preserve it as a Nordic center with Whitham and possibly other staff members continuing to work there, along with an expected cadre of volunteers. Whitham would continue overseeing the maintenance and staff grooming.

Prospect Mountain Association is comprised primarily of ski enthusiasts from Bennington, Wilmington and Williamstown. About a dozen people were involved in the initiative over the past couple of years, and that number is expected to grow as the group seeks financial support from individuals and other sources, according to attorney Jonathan Cohen, of Bennington.

## LOCAL ROUNDUP

## Hunter guides Post 68 to home victory

Berkshire Eagle staff

**PITTSFIELD** — When Pittsfield Post 68 starter Phil Guest fell ill, pitcher Noah Hunter entered and offered the team much needed relief.

Hunter inherited a bases-loaded jam in the second inning. Monson Post 241 scored one, but Hunter stopped the bleeding, leading Post 68 to a 7-2 win on Tuesday at Clapp Park.

Hunter earned the win. He allowed four hits and struck out five over six innings. He helped his cause with a two-run single in the second, putting Post 68 up for good.

Hunter Potash hit a two-run double in the sixth. Pittsfield improves to 6-4. Monson drops to 1-4.

"I did a bullpen with [Hunter] a couple days ago, it helped him out and he was ready to go tonight," Post 68 manager Pat Bassi said. "He shut the door. Did a great job."

**Monson 0-5, Post 68 1-4**  
**Pittsfield 6-4, Monson 1-4**  
Pittsfield: 1-2-3-4-5-6-7-8-9  
Guest (10) and Williams (10) pitched 10 innings. Hunter (1) — Post 68 starter.

**NECBL**  
**NORTH ADAMS 16, VERMONT**

**MONTPELIER, VT.** — The Steeplecats offense was relentless up north, plating five runs in the third and not

stopping until another five came across in the top of the ninth.

North Adams (5-11) pounded out 14 hits, including two each from Matt Koperniak, Chad Minato, Greg Cavalliere, James Cillento and Joe Porriacelli. Porriacelli drove in four runs and hit his first home run of the summer. Minato doubled and drove in three, while Koperniak doubled and drove in two, giving him 10 RBI this season. Jackson Courts was 1 for 5, extending his hit streak to 13 games. The Steeplecats infielder is batting .474.

Greg Casarino pitched two innings of relief to earn the win. He struck out three and allowed just one unearned run. Grant Stone struck out six over three innings of relief.

**Futures League Baseball**  
**NORTH SHORE 9, PITTSFIELD 1**

**LYNN** — The North Shore Navigators (8-15) pitching staff shut down the Pittsfield Sun's (11-12) for a commanding win.

Three pitchers combined to give up one run. Shayne Audet earned the win. He pitched five shut-out innings, striking out eight.

Alexander White and Dylan Faircloth had two hits each for Pittsfield.

## Massificers To place your ad, call 1-800-234-7404

## Public Notices

Commonwealth of Massachusetts  
The Trial Court  
Probate and Family Court

INFORMAL PROBATE  
PUBLICATION NOTICE  
Docket No. BE18P0348A

Estate of:  
George Edward Mulcahy  
Also Known As:  
George E. Mulcahy  
Date of Death: February 23, 2018

Berkshire Division  
14 Bank Road  
Pittsfield, MA 01201  
(413) 442-6941

To all persons interested in the above captioned estate, by Petition of Petitioner Joyce Melillo of Adams MA a Will has been admitted to informal probate. Joyce Melillo of Adams MA has been appointed as the Personal Representative of the estate to serve without surety on the bond.

The estate is being administered under informal procedure by the Personal Representative under the Massachusetts Uniform Probate Code without supervision by the Court. Inventory and accounts are not required to be filed with the Court, but interested parties are entitled to notice regarding the administration from the Personal Representative and can petition the Court in any matter relating to the estate, including distribution of assets and expenses of administration. Interested parties are entitled to petition the Court to institute formal proceedings and to obtain orders terminating or restricting the powers of Personal Representatives appointed under informal procedure. A copy of the Petition and Will, if any, can be obtained from the Petitioner.

James J. Sisto, Esq.

## Public Notices

Berkshire Elder Law Center PC  
40 Main Street  
North Adams, MA 01247  
413-664-7700  
06/27/18

## MONTPELIER PUBLIC NOTICE

The Conservation Commission for the Town of Montpelier will hold a Public Hearing on Wednesday, July 11, 2018 at 6:00pm at the Montpelier Town Offices, Montpelier, VT 05602. The subject of the hearing is a proposed MWPV GLE 131 section 40, for Rita Schwartz of 19 Buckingham Lane, Montpelier to dig around foundation, fill in cracks, seal and waterproof exterior wall, add insulation and drainage pipe to transport runoff to Lake Champlain.

## MONTPELIER PUBLIC NOTICE

The Conservation Commission for the Town of Montpelier will hold a Public Meeting on Wednesday, July 11, 2018 at 6:00 p.m. at the Montpelier Town Offices, Montpelier, VT 05602. The subject of the meeting is a proposed MWPV GLE 131 section 40, for Rita Schwartz of 19 Buckingham Lane, Montpelier to dig around foundation, fill in cracks, seal and waterproof exterior wall, add insulation and drainage pipe to transport runoff to Lake Champlain.

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# LIST OF ABUTTERS FOR THE ZONING BOARD OF APPEALS

JULY 12, 2018

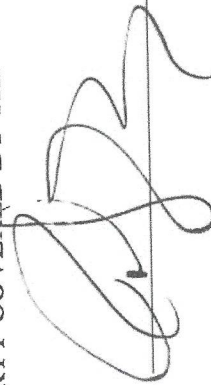
OWNER: LOUIS A & JOY COSTI

APPLICANT: KEN CROWLEY

LOCATION: 1315-1317 EAST ST (K100014003)

LIST OF ABUTTERS:

I CERTIFY THAT THE ATTACHED LIST CONTAINS THE NAMES AND ADDRESSES OF THE ABUTTERS AND THE OWNERS OF LAND NEXT TO AND ADJOINING THE LAND OF THE ABUTTERS TO THE PROPERTY COVERED BY THIS APPLICATION.



MEMBER - BOARD OF ASSESSORS



ID	Owner 1	Owner 2	Owner 3	Owner Address	Owner City	Owner State	Owner Zip
J100009002	GENERAL ELECTRIC COMPANY	% E PROPERTY TAX - DEPT 201		PO BOX 4900	SCOTTSDALE	AZ	85261
K100011001	ATLANTIS REAL ESTATE LLC	ATTN TUMAY BASARANLAR		555 SO COLUMBUS AVE #201	MOUNT VERNON	NY	10550
K100011002	HOWIE REALTY TRUST	TRAMAZZO HAROLD M TR		29 SCHOOL ST	WESTFIELD	MA	01085
K100012001	SMITH AUTO ELECTRIC SERVICE INC	% RYAN ELECTRIC INC		1328 EAST ST	PITTSFIELD	MA	01201
K100013001	HOPKINS MARK A			43 BROOKSIDE DR	PITTSFIELD	MA	01201
K100014001	K & K REALTY CORPORATION			55 SHERWOOD DR	LENOX	MA	01240
K100014002	S & A REALTY INC			22 MAPLE AVE	GT BARRINGTON	MA	01230
K100015005	COLLINS BENJAMIN R			3 FASCE PL	PITTSFIELD	MA	01201
K100015101	VO LANH			1306 EAST ST	PITTSFIELD	MA	01201
K110001015	PENN CENTRAL COMPANY	%CONRAIL	PROPERTY TAX DEPT	PO BOX 8499	PHILADELPHIA	PA	19101
K110001020	CSX TRANSPORTATION-TAX DEPT (J910)	%EPROPERTY TAX - DEPT 201		500 WATER ST	JACKSONVILLE	FL	32202
K110007002	GENERAL ELECTRIC COMPANY	ELECTRIC CO - %GENERAL DYNAMICS	DEFENSE SYSTEM	PO BOX 4900	SCOTTSDALE	AZ	85261
K110007046	UNITED STATES OF AMERICA & GENERAL			100 PLASTICS AVE	PITTSFIELD	MA	01201

I recieved this notice on JULY 21, 2018 in  
the mail.

I am the owner of 3 Farce Place, Pittsford MA  
and have no issue with Herbar Pathways conducting  
business at 1317 East St.

Ben Collins

Ben Collins

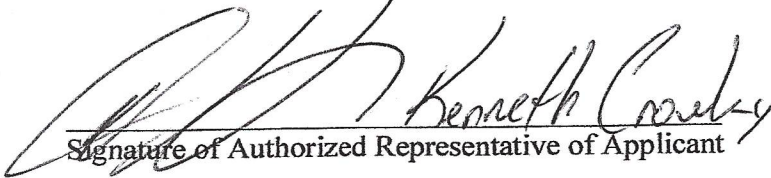


## Host Community Agreement Certification Form

The applicant and contracting authority for the host community must complete each section of this form before uploading it to the application. Failure to complete a section will result in the application being deemed incomplete. Instructions to the applicant and/or municipality appear in italics. Please note that submission of information that is "misleading, incorrect, false, or fraudulent" is grounds for denial of an application for a license pursuant to 935 CMR 500.400(1).

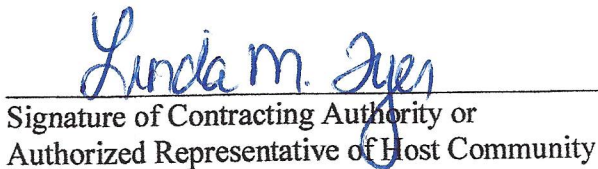
### Applicant

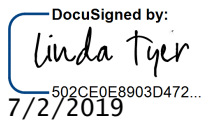
I, Kenneth Crowley, (insert name) certify as an authorized representative of Herbal Pathways LLC (insert name of applicant) that the applicant has executed a host community agreement with Pittsfield (insert name of host community) pursuant to G.L.c. 94G § 3(d) on Sept. 24, 2018 (insert date).

  
Signature of Authorized Representative of Applicant

### Host Community

I, Linda M. Tyer, (insert name) certify that I am the contracting authority or have been duly authorized by the contracting authority for City of Pittsfield (insert name of host community) to certify that the applicant and City of Pittsfield (insert name of host community) has executed a host community agreement pursuant to G.L.c. 94G § 3(d) on 9/24/18 (insert date).

  
Signature of Contracting Authority or  
Authorized Representative of Host Community

DocuSigned by:  
  
502CE0E8903D472...  
7/2/2019

The facility is not yet operational, and no transactions have processed. Therefore, there have been no funds due to or remitted to the municipality. Once transactions occur, all funds due from those operations will be remitted to the municipality and all required records will be kept for those disbursements.



**Plan to Positively Affect Areas of Disproportionate Impact**  
*935 CMR 500.101(1)(b)(10); 935 CMR 500.101(2)(b)(10)*

Herbal Pathways, LLC (“Herbal Pathways”) is dedicated to serving and supporting the areas around it, particularly those that are classified as areas of disproportionate impact.

Affected Parties

Herbal Pathways will be specifically targeting past or present residents of Pittsfield and North Adams, both geographic “areas of disproportionate impact” and Massachusetts residents who have past drug convictions or with parents/spouses who have drug convictions.

Goals

Herbal Pathways has identified measurable goals to make a positive impact on areas of disproportionate impact, including:

1. Reduction of barriers in the commercial adult-use cannabis industry
2. Providing financial, mentoring, and professional services for individuals and businesses facing systemic barriers or adversity in disproportionately impacted areas, specifically Pittsfield and North Adams

Programs

As part of our Positive Impact Plan, Herbal Pathways will develop specific programs to effectuate its goals. These programs may include the following:

1. Herbal Pathways will give hiring preference to individuals from areas of disproportionate impact as defined by the Commission, specifically individuals who are past or present residents of Pittsfield and North Adams. Herbal Pathways intends to reach those communities by:
  - a. Utilizing local media (i.e. The Berkshire Eagle and Pittsfield Gazette) to advertise job listings
  - b. Targeting individuals from the aforementioned areas in marketing efforts to recruit employees (i.e. utilizing social media platforms in accordance with Commission’s restrictions and requirements on marketing/advertising)
  - c. Provide transportation support for employees in these areas
2. Herbal Pathways will provide financial and mentoring services to areas of disproportionate impact, or support/partner with organizations that provide such services. This may include the following activities:
  - a. organize/participate in, on a semi-annual basis, incubator or accelerator programs that seek to aid start-up companies owned by individuals from disproportionately impacted areas or with a prior drug conviction or with a parent/spouse who has a drug conviction
  - b. offer at least four, one-hour management training or other forms of industry-specific technical training
  - c. offer mentorship from experts in the cannabis industry
  - d. make annual donations to Berkshire County Arc, which services Berkshire and Hampden Counties (including Pittsfield and North Adams). Berkshire County Arc services the

community through a variety of initiatives, including employment services and residential services. Berkshire County Arc has been contacted and is willing to accept donations from Herbal Pathways (proof of correspondence attached).

#### Plan Administration

The Human Resources Director will administer the Plan to Positively Impact Areas of Disproportionate Impact (the “Plan”). The Director will be responsible for developing measurable outcomes and ensuring Herbal Pathways continues to uphold its commitment to the community to meet and maintain the staffing goals. A minimum of two times per year, the Director will evaluate and issue a report to the Board with specific statistics regarding current staff as compared to goals. In addition, the Director will present recommendations for continuing success or additional initiatives if goals are not met. The Director will also be responsible for forming philanthropic partnerships in the community to implement and enhance the Plan.

#### Measurements

- Number of employees hired, retained, and promoted that come from North Adams, Pittsfield, or other disproportionately impacted areas
- Specific financial data and/or employee hours showing donations to or investments in specific causes relating to the Plan’s goals and programs
- Number of businesses and/or individuals that obtained financial or mentoring services
- Number and types of jobs created in the adult-use cannabis industry in geographic areas of disproportionate impact
- Number and subject matter of management training or any other form of industry-specific training
- Number and nature of relationship formed through mentorship introductions and programs

Herbal Pathways will adhere to the requirements set forth in 935 CMR 500.105(4) which provides the permitted and prohibited advertising, branding, marketing, and sponsorship practices of every Marijuana Establishment; Any actions taken, or programs instituted, by the applicant will not violate the Commission’s regulations with respect to limitations on ownership or control or other applicable state laws.



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## accepting donations inquiry

---

**David Singer** <dsinger@bcarc.org>

Fri, May 17, 2019 at 11:32 AM

To: Ashley

Hi,

We are able to accept donations from your company and appreciate your offer, and for thinking of us.

If you need more direction than the email below, please let me know.

Dave

David Singer

Director of Marketing & Communications

Berkshire County Arc

Pittsfield, Massachusetts

413-499-4241 x254

**From:** Ashley

**Sent:** Thursday, May 16, 2019 3:07 PM

**To:** David Singer <dsinger@bcarc.org>

**Subject:** Re: accepting donations inquiry

Hi David,

So just to confirm, your organization is able to accept donations from Herbal Pathways/Liberty Market, both adult-use marijuana dispensaries seeking to locate in Pittsfield and Lanesborough, respectively?

Thanks,

Ashley

On Wed, May 15, 2019 at 8:56 PM David Singer <dsinger@bcarc.org> wrote:

Hi Ashley,

Thanks for reaching out. I like your plan that seeks to participate with the community. Thanks for thinking of us.

We have our annual golf tournament on May 23, where some 200 golfers from the community participate. It's not too late to be a sponsor, but you won't get the full benefits at this point.



## CERTIFICATE OF GOOD STANDING AND/OR TAX COMPLIANCE



HERBAL PATHWAYS LLC  
10 WEST ST  
ALLENSTOWN NH 03275-1617

### ***Why did I receive this notice?***

The Commissioner of Revenue certifies that, as of the date of this certificate, HERBAL PATHWAYS LLC is in compliance with its tax obligations under Chapter 62C of the Massachusetts General Laws.

This certificate doesn't certify that the taxpayer is compliant in taxes such as unemployment insurance administered by agencies other than the Department of Revenue, or taxes under any other provisions of law.

**This is not a waiver of lien issued under Chapter 62C, section 52 of the Massachusetts General Laws.**

### ***What if I have questions?***

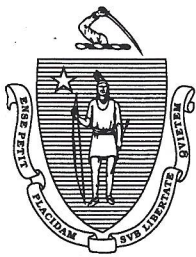
If you have questions, call us at (617) 887-6367 or toll-free in Massachusetts at (800) 392-6089, Monday through Friday, 8:30 a.m. to 4:30 p.m..

### ***Visit us online!***

Visit [mass.gov/dor](http://mass.gov/dor) to learn more about Massachusetts tax laws and DOR policies and procedures, including your Taxpayer Bill of Rights, and MassTaxConnect for easy access to your account:

- Review or update your account
- Contact us using e-message
- Sign up for e-billing to save paper
- Make payments or set up autopay

Edward W. Coyle, Jr., Chief  
Collections Bureau



*The Commonwealth of Massachusetts*  
*Secretary of the Commonwealth*  
*State House, Boston, Massachusetts 02133*

William Francis Galvin  
Secretary of the  
Commonwealth

July 24, 2018

TO WHOM IT MAY CONCERN:

I hereby certify that a certificate of organization of a Limited Liability Company was filed in this office by

**HERBAL PATHWAYS LLC**

in accordance with the provisions of Massachusetts General Laws Chapter 156C on **May 18, 2018**.

I further certify that said Limited Liability Company has filed all annual reports due and paid all fees with respect to such reports; that said Limited Liability Company has not filed a certificate of cancellation or withdrawal; and that said Limited Liability Company is in good standing with this office.

I also certify that the names of all managers listed in the most recent filing are: **KEN CROWLEY**

I further certify, the names of all persons authorized to execute documents filed with this office and listed in the most recent filing are: **KEN CROWLEY, DEBBIE CROWLEY, MICHAEL CUTLER**

The names of all persons authorized to act with respect to real property listed in the most recent filing are: **KEN CROWLEY**



In testimony of which,

I have hereunto affixed the

Great Seal of the Commonwealth

on the date first above written.

*William Francis Galvin*

Secretary of the Commonwealth

## **Herbal Pathways, LLC**

A Massachusetts Limited Liability Company

### **By-Laws**

#### **I.**

##### Context; Relation to Operating Agreement

Provisions for meetings, voting, proxies, admission of new members, assignment of interests, creation of offices and designation of officers, their duties and responsibilities, and other such organizational matters are spelled out in the Herbal Pathways, LLC, Operating Agreement Dated July 31, 2018 (“Operating Agreement”). These By-Laws supplement the provisions of said Operating Agreement, and shall apply only when the Operating Agreement does not sufficiently address circumstances at hand.

#### **II.**

##### Structure

Herbal Pathways, LLC, is a Massachusetts Limited Liability Company organized pursuant to Massachusetts General Laws, Chapter 156B. Ownership and economic control of the business is vested in the Members in proportion to their respective interests; operational control is vested in the Managers.

#### **III.**

##### Offices

The following offices are established: Chairman of the Board of Managers, Secretary, Treasurer and Assistant Treasurer. Other offices may be created by vote of a majority in interest of the Members. One person may hold any number of offices. Terms of office shall be perpetual, until a successor has been appointed by a majority in interest of the Members.

IV.

Management

Operational control is vested in the Board of Managers as provided in Section VI of the Operating Agreement, which includes appointment of members of the Board of Managers, meetings, quorums, telephone conferences, duties and compensation of managers and provisions for their removal.

V.

Other

(A) Meetings. A meeting of the Members shall be held annually as designated by the Chair within sixty (60) days of the close of the LLC's fiscal year. Special Meetings may be called by the Chair at any time, and shall be called upon request of 40% of the membership interest.

(B) Quorum. A majority in interest of the membership shall constitute a quorum at any meeting for the transaction of business.

(C) Proxies. Any member may designate another person to act for him or her as proxy.

(D) Removal of Managers. Any Manager or Officer may be removed for cause by action of a majority in interest of the Members.

(E) Certificates of Ownership. The Managers shall issue to Members sufficient documentation certifying the interests of all Members.

(F) Transfer of Interests. Membership Interests shall be transferred only in accordance with Section III of the Operating Agreement.

(G) Seal. The Managers may adopt a corporate-like seal, and authorize its use.

(H) Amendments. These bylaws may be amended by a majority of interest of the Members and any meeting duly called.

###

*ADOPTED*, this 31 day of July, 2018

## **Articles of Organization**

### *State of Massachusetts Limited Liability Company*

*Pursuant to the laws of the State of Massachusetts governing the formation of Limited Liability Companies:*

Federal Identification Number: 82-4547914.

#### **Article I - NAME**

The name of the Limited Liability Company is as follows: Herbal Pathways, "L.L.C.".

#### **Article II - TYPE**

The entity being formed is a Limited Liability Company.

#### **Article III - PURPOSE**

The purpose of the Limited Liability Company is as follows:

To open a Marijuana Retail (brick and mortar) Establishment

#### **Article IV - ADDRESS**

The mailing address and the street address for the Limited Liability Company are as follows:

Limited Liability Business Address:  
1317 East Street, Pittsfield, MA 01201

Mailing Address: 10 West Street, Allenstown, NH 03275

Owner's Address: 472 River Road, Lebanon, ME 04027

Attorney and Registered Agent Address: Michael Cutler, 90 Conz Street, Northampton, MA 01060



## **Article V - REGISTERED AGENT INFORMATION**

The name and address of the registered agent are as follows:

Michael Cutler, EvansCutler Attorneys, 90 Conz Street, Northampton, MA 01060,  
[Cutler@evanscutler.com](mailto:Cutler@evanscutler.com), 413-584-5111

The street address and the mailing address of the registered agent are the same.

## **Article VI - DISSOLUTION**

The duration of this Limited Liability Company shall be perpetual in nature.

## **Article VII - STRUCTURE**

This limited liability will be managed by the following individual:

Kenneth Crowley  
472 River Road  
Lebanon, ME 04027

*Owner/ Founder*

The name and business address of each person authorized to execute documents filed with the Corporation Division are as follows, these persons have no direct or indirect authority over the business:

Michael Cutler of EvansCutler Attorneys  
90 Conz Street  
Northampton, MA 01060

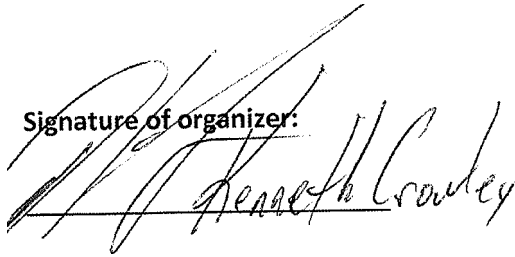
Debra Crowley  
472 River Road  
Lebanon, ME 04027

**Article VIII - EFFECTIVE DATE**

The effective date of this Articles of Organization. May 18, 2018

***EXECUTION***

Signature of organizer:

A handwritten signature in black ink, appearing to read "Kenneth Crowley", is written over a horizontal line.

Printed name of organizer:

Kenneth

Crowley

Title of

organizer:

Founder- CEO - Owner

# CANNABIS INSURANCE PROGRAM

## COVERAGE PROPOSAL

Please find your approved quote per your submission. If you have any questions, please contact your underwriter.



<b>Section I:</b>	Premium Summary
<b>Section II:</b>	Location & Operations Summary
<b>Section III:</b>	Coverage Summary
<b>Section IV:</b>	Coverage Form Summary
<b>Section V:</b>	Binding Requirements

**Section I**

# QUOTE

Quote Herbal Pathways

Date Prepared: 10/8/2018

Broker of Record: Cannabis Insurance Consultants, Inc.

Producer: Tony Carastro

## Falls Lake Fire & Casualty Company

Coverages	Quote	Rating Basis:										
<ul style="list-style-type: none"><li>• General Liability</li><li>• Property</li></ul>	<table><tr><td>Total Premium</td><td>\$26,363.00</td></tr><tr><td>Underwriting Fee</td><td>\$1750.00</td></tr><tr><td>Inspection Fee</td><td>\$225.00</td></tr><tr><td><u>Surplus Lines Tax</u></td><td><u>\$1,054.52</u></td></tr><tr><td>Grand Total</td><td>\$29,392.52</td></tr></table>	Total Premium	\$26,363.00	Underwriting Fee	\$1750.00	Inspection Fee	\$225.00	<u>Surplus Lines Tax</u>	<u>\$1,054.52</u>	Grand Total	\$29,392.52	<ul style="list-style-type: none"><li>• General Liability – Gross Revenue \$12,000,000</li><li>• Property – Property Values</li></ul>
Total Premium	\$26,363.00											
Underwriting Fee	\$1750.00											
Inspection Fee	\$225.00											
<u>Surplus Lines Tax</u>	<u>\$1,054.52</u>											
Grand Total	\$29,392.52											

## United Specialty Insurance Company

Coverages	Quote	Rating Basis:								
<ul style="list-style-type: none"><li>Product Liability</li></ul>	<table><tr><td>Total Premium</td><td>\$39,630.00</td></tr><tr><td>Underwriting Fee</td><td>\$1750.00</td></tr><tr><td><u>Surplus Lines Tax</u></td><td><u>\$1,585.20</u></td></tr><tr><td>Grand Total</td><td>\$42,965.20</td></tr></table>	Total Premium	\$39,630.00	Underwriting Fee	\$1750.00	<u>Surplus Lines Tax</u>	<u>\$1,585.20</u>	Grand Total	\$42,965.20	<ul style="list-style-type: none"><li>Products<ul style="list-style-type: none"><li>Gross Sales - \$12,000,000</li><li>Retroactive Date - Inception</li></ul></li></ul>
Total Premium	\$39,630.00									
Underwriting Fee	\$1750.00									
<u>Surplus Lines Tax</u>	<u>\$1,585.20</u>									
Grand Total	\$42,965.20									

**Section II****Scheduled Operations:**

Cannabis Retail

**Scheduled Locations:**

Loc 1 Bldg 1 : 1315 East Street Pittsfield, MA 01201

### Section III

#### Coverage Summary

##### **General Liability** Falls Lake Fire & Casualty Company (A.M. Best Rated A X)

<b>Occurrence Form</b>	<b>Coverage Limits</b>	<b>Premium</b>
General Aggregate	\$2,000,000.00	\$15,600.00
Each Occurrence	\$1,000,000	
Products Completed Operations	Excluded	
Personal & Advertising Injury	\$1,000,000	
Damage to Premises Rented to You	\$100,000	
Pesticide Endorsement	\$50,000	Not Quoted
Medical Payments	\$1,000	
Stop Gap Coverage-WA Only	\$1,000,000	Not Quoted
Hired and Non-Owned Auto Endorsement	\$0	Not Quoted
Deductible	\$2500 (Per Occurrence)	
Additional Insured Certificate	#0	\$0.00
Primary Wording	#0	\$0.00
Waiver of Subrogation	#0	\$0.00

##### **Property** Falls Lake Fire & Casualty Company (A.M. Best Rated A X)

		<b>Coverage Limits</b>	<b>Premium</b>
			\$10,763.00
Building	RCV, 90% Coinsurance	\$0.00	
Wind and Hail Excluded			
Loss of Income	90% Coinsurance	\$3,000,000.00	
Cannabis Inventory/Finished Stock	ACV	\$100,000.00	
*Cannabis Finished Stock on Display is limited to		\$50,000.00	
Outdoor Sign	RCV, 90% Coinsurance	\$1,000.00	
Indoor Grow Equipment and Tools	RCV, 90% Coinsurance	\$0.00	
Outdoor Grow Equipment and Tools	RCV, 90% Coinsurance	\$0.00	
Business Personal Property	RCV, 90% Coinsurance	\$15,000.00	
Tenants Improvements	RCV, 90% Coinsurance	\$15,000.00	
Property Deductible		\$2,500 (Per Occurrence)	
Commercial Property Endorsement	Form		Not Quoted
• Accounts Receivable		\$25,000	
• Employee Dishonesty		\$25,000	
• Money & Securities		\$25,000	
• Outdoor Property (Trees, Radio/TV, Antennas, Sign)		\$25,000	
• Outdoor Property (Trees, Shrubs or Plants)		\$500 each tree/\$2,500	
• Personal Effects and Property of Others		\$25,000	
• Property In Transit Coverage		\$ theft limit	
• Property Off-Premises		\$25,000	
• Spoilage		\$25,000	
• Valuable Papers and Records(Other than Electronic Data)		\$25,000	
Property endorsement deductible		\$500	

**Note:** Backed Up Sewers and Drains Endorsement is included at no charge, if Property is packaged with General Liability.

**Excess Liability** Falls Lake Fire & Casualty Company (A.M. Best Rated A X)

<b>Occurrence Form</b>	<b><u>Coverage Limits</u></b>	<b><u>Premium</u></b>
Excess Liability	Not Quoted	\$0.00

**Crop:** Falls Lake Fire & Casualty Company (A.M. Best Rated A X)

	<b><u>Coverage Limits</u></b>	<b><u>Premium</u></b>
Crop Schedule:	Not Quoted	\$0.00
• Seeds	RCV, 90% Coinsurance	\$0.00
• Immature Seedlings	RCV, 90% Coinsurance	\$0.00
• Vegetative Plants	RCV, 90% Coinsurance	\$0.00
• Flowering Plants	RCV, 90% Coinsurance	\$0.00
• Harvested Plants	RCV, 90% Coinsurance	\$0.00
• Finished Stock	RCV, 90% Coinsurance	\$0.00
Deductible		\$2500 (Per Occurrence)

**Products Liability:** United Specialty Insurance Company (A.M. Best Rated A IX)

**Claims Made Form**

<b>• Product Liability Coverage</b>	<b><u>Coverage Limits</u></b>	<b><u>Premium</u></b>
Each Claim	\$1,000,000	\$38,880.00
Policy Term Aggregate	\$2,000,000	
Deductible	\$2,500 per claim	
<b>• Endorsements</b>		
Product Withdrawal	\$100,000	\$750.00
Deductible	\$5,000	
Retro Active Period	Date: Inception	\$NOT COVERED
Vendor Certificate		\$NOT COVERED

Falls Lake Fire & Casualty Company

**Section IV**

**COVERAGE FORMS**

<b>Form #</b>	<b>Description</b>
IL DS 00 09 08	COMMON POLICY DECLARATIONS
IL 00 03 09 08	CALCULATION OF PREMIUM
IL 00 17 11 98	COMMON POLICY CONDITIONS
IL 00 21 09 08	NUCLEAR ENERGY LIABILITY EXCLUSION ENDORSEMENT (BROAD FORM)
IL 09 35 07 02	EXCLUSION OF CERTAIN COMPUTER-RELATED LOSSES
IL 09 53 01 15	EXCLUSION OF CERTIFIED ACTS OF TERRORISM
IL 09 85 01 15	DISCLOSURE PURSUANT TO TERRORISM RISK INSURANCE ACT
CG DS 01 10 01	COMMERCIAL GENERAL LIABILITY DECLARATIONS
CG 00 01 04 13	COMMERCIAL GENERAL LIABILITY COVERAGE FORM
CG 21 04 11 85	EXCLUSION - PRODUCTS/COMPLETED OPERATIONS HAZARD
CG 21 06 05 14	EXCLUSION – ACCESS OR DISCLOSURE OF CONFIDENTIAL OR PERSONAL INFORMATION AND DATA-RELATED LIABILITY – WITH LIMITED BODILY INJURY EXCEPTION
CG 21 47 12 07	EMPLOYMENT-RELATED PRACTICES EXCLUSION
CG 21 49 09 99	TOTAL POLLUTION EXCLUSION ENDORSEMENT
CG 21 67 04 02	FUNGI OR BACTERIA EXCLUSION
CG 21 75 01 15	EXCLUSION OF CERTIFIED ACTS OF TERRORISM AND EXCLUSION OF OTHER ACTS OF TERRORISM COMMITTED OUTSIDE THE UNITED STATES
CG 21 76 01 15	EXCLUSION OF PUNITIVE DAMAGES RELATED TO A CERTIFIED ACT OF TERRORISM
CG 03 00 01 96	DEDUCTIBLE LIABILITY INSURANCE
CG 21 44 07 98	LIMITATION OF COVERAGE TO DESIGNATED PREMISES OR PROJECT
CP DS 00 10 00	COMMERCIAL PROPERTY DECLARATIONS
CP 00 10 10 12	BUILDING AND PERSONAL PROPERTY COVERAGE FORM
CP 00 30 10 12	BUSINESS INCOME (AND EXTRA EXPENSE) COVERAGE FORM
CP 00 90 07 88	COMMERCIAL PROPERTY CONDITIONS
CP 01 09 10 00	MASSACHUSETTS CHANGES
CP 01 76 09 06	MASSACHUSETTS – EXCLUSION OF LOSS DUE TO VIRUS OR BACTERIA
CP 10 30 10 12	PROPERTY CAUSES OF LOSS – SPECIAL FORM
CP 10 54 06 07	WINDSTORM OR HAIL EXCLUSION
MMD 10 01 01 15	AUDIT PREMIUMS – AMENDATORY ENDORSEMENT
MMD 10 03 01 15	BACK-UP OF SEWERS, DRAINS OR SUMPS COVERAGE



MMD 10 04 01 15	COMBINATION GL ENDORSEMENT – NON CONTRACTORS
MMD 10 07 01 15	BANNED SUBSTANCE EXCLUSION
MMD 10 08 01 15	CARCINOGENS ENDORSEMENT
MMD 1009 01 15	EXCLUSION – EMPLOYEES OF INDEPENDENT CONTRACTORS, LEASED/TEMPORARY/1099/VOLUNTEER WORKERS, CASUAL LABORERS
MMD 10 17 01 15	EXCLUSION - TOBACCO OR RELATED PRODUCTS
MMD 1011 01 15	EXCLUSION – TOTAL MOLD, MILDEW OR OTHER FUNGI
MMD 10 20 01 17	ADDITIONAL EXCLUSIONS & ENDORSEMENTS CANNABIS AND HEMP BUSINESS PROPERTY FORM
MMD 1012 01 15	EXCLUSION – PROFESSIONAL LIABILITY
MMD 10 30 02 17	TO REPORT A CLAIM
MMD 00 00 01 17	DEFINITION OF A VAULT
MMD 1014 01 15	EXCLUSION - SEXUAL ABUSE AND / OR MOLESTATION
MMD 1015 01 15	EXCLUSION - TANNING BEDS
MMD 00 00 01 18	SHORT RATE CANCELLATION TABLE
MMD 1018 01 15	GOVERNMENTAL ACTS & CRIMINAL ACTIVITIES
MMD 1021 01 15	MINIMUM EARNED PREMIUM ENDORSEMENT
MMD 1022 01 15	EXCLUSION - AMERICANS WITH DISABILITIES ACT
MMD 1027 01 15	PROTECTIVE SAFEGUARDS
MMD 1032 01 15	ABSOLUTE ASBESTOS EXCLUSION
MMD 1033 01 15	ABSOLUTE LEAD EXCLUSION
MMD 1034 01 15	AIRCRAFT PRODUCTS AND AIRCRAFT GROUNDING HAZARDS EXCLUSION
MMD 1037 01 15	POLICYHOLDER DISCLOSURE NOTICE OF TERRORISM
MMD 1040 01 15	RESIDENTIAL EXCLUSION
MMD 1047 05 17	DESIGNATED CLASSIFICATION LIMITATION
FLFCC PP 3000 (07 18)	FALLS LAKE PRIVACY POLICY
FLFCC SOS 1000 CW (07 18)	FALLS LAKE COUNTRYWIDE SERVICE OF SUIT CLAUSE
FLF CC 2018 (SLEX)	SANCTION AND LIMITATION EXCLUSION CLAUSE
MMD 10 53 09 18	EXCLUSION – RACKETEER INFLUENCED CORRUPTION ORGANIZATIONS (RICO)

**NOTE: All Falls Lake Fire & Casualty Company forms listed above are included in this quote. If there are coverages you want included that are not, please contact underwriting with the changes you would like. All changes must be made in writing and will require approval by CannGen Insurance Services, LLC.**

### Products Liability Policy Forms:

FORM NUMBER	DESCRIPTION	Coverage Forms Included
PD DS 1000 02 15	PRODUCTS LIABILITY DECLARATION PAGE	X
PD NWIS 1001 02 15	PRODUCTS/COMPLETED OPERATIONS LIABILITY CLAIMS MADE AND REPORTED	X
PD NWIS 1002 02 15	INSURANCE SPECIFIED HERBAL PRODUCTS EXCLUSION	X
PD NWIS 1003 01 17	VAPORIZING EQUIPMENT AND COMPONENTS EXCLUSION	X
PD NWIS 1004 01 17	FOREIGN PRODUCTS LIABILITY EXCLUSION	X
SRT1000(02/15)	SHORT RATE CANCELLATION TABLE FOR TERM OF ONE YEAR	X
MMD 00 00 01 15	SERVICE OF SUIT CLAUSE (CA)	
MMD 00 00 01 16	SERVICE OF SUIT CLAUSE (ALL OTHER STATES)	X
CG 20 26 04 13	ADDITIONAL INSURED DESIGNATED PERSON OR ORGANIZATION	
CG 21 71 01 15	EXCLUSION OF OTHER ACTS OF TERRORISM COMMITTED OUTSIDE THE UNITED STATES; CAP ON LOSSES FROM CERTIFIED ACTS OF TERRORISM	
CG 21 75 01 15	EXCLUSION OF CERTIFIED ACTS OF TERRORISM AND EXCLUSION OF OTHER ACTS OF TERRORISM COMMITTED OUTSIDE THE UNITED STATES	X
CG 21 76 01 15	EXCLUSION OF PUNITIVE DAMAGES RELATED TO A CERTIFIED ACT OF TERRORISM	
MMD 10 00 01 15	ADDITIONAL INSURED WITH PRIMARY OR PRIMARY AND NONCONTRIBUTING CLAUSE	
USIG 0002 05 17	ONLINE SALE LIMITATION – INTRASTATE ONLY	X
USIG 10 31 01 15	WAIVER OF TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHER TO US	
CNS 404 1117	EXCLUSION – PROPOSITION 65 WARNINGS	
USIG 00 10 01 17	ADDITIONAL INSURED – VENDORS	
USIG 00 11 01 17	BLANKET ADDITIONAL INSURED – VENDORS	
PD NWIS 10 05 01 17	EXTENDED REPORTING PERIOD	
USIG0001 04 17	DEFENSE OUTSIDE THE LIMITS ENDORSEMENT	
PD NWIS 10 04 02 15	Duties In The Event Of A Claim Or Suit Or A Defect Or Product Withdrawal	X
PW 04 36 10 01	LIMITED PRODUCT WITHDRAWAL EXPENSE ENDORSEMENT	X
MMD 10 21 11 17	MINIMUM EARNED PREMIUM	X
MMD 10 37 01 15	POLICYHOLDER DISCLOSURE NOTICE OF TERRORISM	X
D2	NON ADMITTED DISCLOSURE	

**NOTE: All United Specialty Insurance Company forms listed above that have an “ X ” next to them are included in this quote. If there are coverages you want included that are not, please contact underwriting with the changes you would like. All changes must be made in writing and will require approval by CannGen Insurance Services, LLC.**

## Section V

### BINDING REQUIREMENTS

No coverage is bound until accepted & approved by CannGen Insurance Services, LLC. Rates are subject to change upon receipt of completed applications. The terms & conditions offered may differ from what has been requested.

**Signatures and Quotes are only good for 30 days from: 10/08/2018**

Consult the policy for all specific terms and conditions and complete policy exclusions

#### BINDING REQUIREMENTS:

- NWISMMD v1.3 Application signed and dated. Please note that a signed application is required at the time binding is requested. Signatures cannot be older than 5 days.
- TRIA Form
- Inspection Requirement Form
- Copy of signed finance agreement
- Product Liability Year End Audit Requirement Form
- General Liability Year End Audit Requirement Form
- Vault room is pending Underwriting approval. Please have the insured review and initial the attached vault form and include pictures of the vault with your bind order. Please contact underwriting if the vault does not meet the requirements prior to binding
- Please provide a copy of the permit and/or license issued by the state, city or local agency that governs cannabis related businesses . If you're license/permit is pending, please provide any other business license authorizing you to do such business in the state. Upon receipt of your cannabis permit and/or license, please send to our underwriting department to complete the file as this is a requirement to maintain your policy in good standing.
- Please provide a signed no loss statement
- Please provide a signed Duties In The Event of a Claim or Suite or a Defect or Product Withdrawal
- Please provide a copy of the certificate of insurance from the applicant's vape pen/vape accessories distributor/manufacture naming the applicant as a vendor AI on their Product Liability policy with a minimum limit of \$1,000,000. Please also confirm that the distributors/manufacturers Product Liability policy does not exclude these products. We will need this to remove the vaporizing equipment and components exclusion and foreign products exclusion.
- Please select Type #2 on section 1
- Please provide the alarm monitoring company on section 4a question 1
- Please check no to the property endorsement on section 4a as it has been declined due to

the answers on section 4b

- Please remove the building values on section 4a as it has been declined since the insured is not the sole tenant
- Please change the loss of income value on section 4a to \$3,000,000
- Please provide the testing company on section 8a question 4b

Upon receipt of the above, we will determine if the premium is still valid and if coverage can be put in force. If you have any questions please do not hesitate to contact our office. We are pleased to assist you in this regard.

Sincerely,

Cannabis Insurance Consultants, LLC

Underwriter: Tony Carastro

Phone: 8138109507

-Email: [tony@carastroins.com](mailto:tony@carastroins.com)

## Herbal Pathways: Business Plan Summary

This document provides a summary of Herbal Pathways, LLC (“Herbal Pathways”, “the Company”) and its business plan as an Adult-Use Marijuana Retail Establishment in the City of Pittsfield.

Herbal Pathways was created to establish and operate Adult-Use Retail Marijuana Establishments in the State of Massachusetts. Herbal Pathways is comprised of an accomplished and professional owner and is a highly-skilled professional.

Herbal Pathways’s owner will be more than just names on an application; my vision is predicated on an owner-operator business model. Herbal Pathways’s owner will have a direct and active role in business operations at the retail facility. I will represent myself at City meetings and throughout the application process, maintain a presence in the local community, and ensure that I am seen by customers in my retail store.

### Triple Bottom Line

Herbal Pathways recognizes its responsibility to lead by example in all that it does. As such, I have created a business model that ensures I will own and operate an organization that enhances the quality of life for customers, community, and the planet. My triple-bottom-line approach to business ensures that I exercise best practices. Examples of how I will execute this commitment are as follows:

#### People

I seek to bolster the quality of life for our employees, customers, and communities in which I operate.

#### *Employees*

Herbal Pathways prioritizes the local community and will offer preferential hiring to Pittsfield residents. I will pay a living wage starting at \$16 per hour (see “Socially Responsible Employment Practices” herein).

Education underlies my mission and translates into my standards of customer service. All agents of Herbal Pathways will be extensively trained (see Policies & Procedures “Marijuana Establishment Training”) to exude professionalism and proficiency in relation to cannabis knowledge, customer service skills, compliance, and more. The employees will maintain a level of knowledge that exceeds State mandates.

#### *Customers*

The focus on education will be evident to my customers. In my dispensaries, I will have areas dedicated to consumer education. Handouts, videos, instruction manuals, and more will be readily available. Moreover, I will offer one-on-one consultations with a qualified company agent for any customer who would like additional information or assistance.

Herbal Pathways will listen and respond to customer feedback regarding all aspects of the operation, including customer service, product selection, and product quality

### *Community*

Herbal Pathways envisions a true partnership with the City of Pittsfield. My team and employees will integrate as a strong pillar in the community. My mission in City is to provide safe and secure access for adult-use cannabis, educate consumers, and give back to the community. Stellar customer service will be demonstrated inside of our retail facility, and the same level of passion, integrity, and commitment to being great neighbors will translate to my community involvement.

Herbal Pathways is passionate about giving back to Pittsfield. At the suggestion of the City, we will make donations that are appropriate and impactful to local causes, funds, and other recommended organizations.

### **Profits**

As aforementioned, Herbal Pathways will pay a living wage to all employees; please see “Socially Responsible Employment Practices” herein. In addition to this standard, I will be participating in several local community activities, donating volunteer hours from our staff and upper management, and more.

### **Planet**

Herbal Pathways will make efforts to maintain an environmentally-conscious operation. We will be using eco-friendly packaging and materials when possible. Herbal Pathways will offer incentives for customers to recycle their packaging and extend the Company’s eco-friendly initiatives beyond the walls of our retail facility.

## **Plan for Positive Community Impact**

Herbal Pathways will be a great neighbor in City and contribute in a positive way to the local community through the institution of socially responsible employment practices, generous contributions to City organizations and non-profits, and the implementation of a Diversity Program outlined in our Diversity Plan. Moreover, Herbal Pathways has developed a Positive Impact Plan to aid communities of disproportionate impact as outlined by the Cannabis Control Commission.

### **Socially Responsible Employment Practices**

Herbal Pathways is a firm believer in hiring a diverse and inclusive work force that is paid a “living wage”. Our employees are the backbone of Herbal Pathways’s success and they will be compensated in a manner that allows them to live successfully in their local community. The following are some of the benefits Herbal Pathways will be offering to its employees:

- A “Living Wage” starting at \$16 per hour with the ability to earn \$20 per hour over the course of the first year of employment. In a two-person household with both persons

employed by Herbal Pathways at \$20.00 per hour, their household income would exceed the average Massachusetts Household income by approximately \$7,000.

- Health and dental insurance. All employees will be offered the opportunity to enroll in the company-subsidized health and dental insurance programs.
- Paid time off, sick leave, paid vacation time
- Continuing education classes in the cannabis industry
- Eventually, Herbal Pathways will offer a 401K retirement plan

Herbal Pathways has a detailed Diversity Plan to ensure the organization will continue to embrace and uphold the diversity goals of the State, Equal Opportunity, Affirmative Action, and its own cultural initiatives. Please see “Commitment to Diversity in the Workforce” herein.

## Commitment to Diversity in the Workforce

Herbal Pathways is committed to a diverse culture throughout the organization and will continue to embrace the diversity goals of the Massachusetts Department of Health, Equal Opportunity, Affirmative Action and its own cultural goals by hiring and retaining:

- A talented staff of employees that represent the diverse groups living in Massachusetts
- Various contractors, subcontractors, vendors and suppliers from Massachusetts, which ensures a balanced representation of minority, veteran and women-owned businesses.

### *Affirmative Action Plan (AAP)*

Herbal Pathways’s AAP is being drafted to meet or exceed the standards promulgated by the U.S. Equal Employment Opportunity Commission (EEOC) and be compliant with Title VII of the Civil Rights Act (Title VII), Americans with Disabilities Act (ADA), Age Discrimination in Employment Act (ADEA), and Genetic Information Nondiscrimination Act (GINA).

The AAP will demonstrate that Herbal Pathways is prepared to implement tactics that have been narrowly tailored to recruit and retain a diverse and high-quality employee community; and will implement a recording/reporting system to evaluate areas for growth.

Key objectives of Herbal Pathways’s Affirmative Action Plan:

- Increasing the utilization of minorities, women, veterans, and persons with disabilities in job classifications and EEO job categories through targeted recruitment.
- To correct any employment practices that restrict equal employment opportunity by analyzing specific practices and implementing corrective actions.
- To strengthen accountability and evaluation by assigning major responsibility to managers and supervisors in each department.
- To promote support for equal employment opportunity and workforce diversity by providing training to employees, supervisors, managers and executives, pertaining to equal employment opportunity and Herbal Pathways’s AAP.

### *Internal Diversity Goals*

Herbal Pathways intends to target minorities, veterans, and women for hire. Such breakdown is driven by the core values of Herbal Pathways’s founder.



Additionally, Herbal Pathways's Affirmative Action Plan will include the goal of recruiting minority applicants with outreach to local colleges. Most AAPs state that "all things being equal, we will hire a diverse employee population." Herbal Pathways recognizes that all things are not equal for minorities, abused women, and others in crisis, including educational and employment opportunities, hiring equality and other factors. Accordingly, Herbal Pathways intends to hire motivated minority/diverse applicants and provide comprehensive training within the organization to assure their success and upward mobility.

Herbal Pathways's audit and reporting system shall:

1. Measure the effectiveness of the AAP/EEO program;
2. Document personnel activities;
3. Identify problem areas where remedial action is needed; and
4. Determine the degree to which Herbal Pathways's AAP goals and objectives have been obtained.

The following personnel activities are reviewed to ensure nondiscrimination and EEO for all individuals:

1. Recruitment, advertising, job application procedures;
2. Hiring, promotion, award of tenure, layoff, recall from layoff;
3. Pay and any other forms of compensation including fringe benefits;
4. Job assignments, classifications, descriptions, and seniority lists;
5. Sick leave, leaves of absence, or any other leave;
6. Training, apprenticeships, attendance at professional conferences; and
7. Any other term, condition, or privilege of employment.

The following documents are maintained in Herbal Pathways's internal audit process:

1. An applicant file with name, race, sex, date of application, job title, interview status and action taken for all individuals applying for job opportunities;
2. Summary data of external job offers, hires, promotions, resignations, terminations, and layoffs by job, sex, and minority group identifications;
3. Summary data of applicant flow by identifying total applicants, minority applicants, and female applicants for each position;
4. Maintenance of employment applications (for one year); and
5. Records pertaining to Herbal Pathways's compensation system.

### *Diversity Outreach*

Herbal Pathways will support its diversity goals in management, and employment by targeting diverse applicants by;

1. Identifying and partnering with local organizations that train and help secure employment for persons with disabilities.
2. Job descriptions will be carefully written to not include restrictive and unnecessary minimum requirements that might restrict the ability to employ ethnic minorities and/or those with disabilities.
3. Recruiting tools will be employed to help ensure a diverse workforce to include classified advertising in targeted newspapers, job fairs, posting job listings on the internet; working with local special interest organizations and chambers of commerce,

- and listing job openings with local and state agencies.
4. Herbal Pathways will use niche publications that reach out to a broad spectrum of cultures to advertise our job opportunities.
  5. Herbal Pathways will identify civic groups and community organizations that represent diverse constituencies to help promote the message of our employment opportunities.
  6. We will recruit in different languages to promote our employment opportunities to those persons who speak English as a second language.
  7. Recruitment materials will be made available in both English and Spanish.

### *Professional Development*

In the hiring process, to encourage diversity, motivated diverse individuals who do not have the necessary education or experience background, if interested, will be considered for internship programs within the organization. New hires will be required to participate in Herbal Pathways's in-house educational initiatives (see "Marijuana Establishment Training" in Herbal Pathways's Policies & Procedures herein).

If any of the diverse group of employees needs tutoring or language assistance, for success in completing any of the offered educational programs, services will be provided from within Herbal Pathways or with outside consultants or educators, if necessary.

## MAINTAINING OF FINANCIAL RECORDS

Herbal Pathways, LLC (“Herbal Pathways”) has operating policies and procedures that ensure financial records are accurate and maintained in compliance with the Commission’s Adult Use of Marijuana regulations (935 CMR 500). Financial records maintenance measures include policies and procedures requiring that:

- **Confidential information** will be maintained in a secure location, kept separate from all other records, and will not be disclosed without the written consent of the individual to whom the information applies, or as required under law or pursuant to an order from a court of competent jurisdiction; provided however, the Commission may access this information to carry out its official duties.
- All recordkeeping requirements under 935 CMR 500.105(9) are followed, including:
  - Keeping **written business records**, available for inspection, and in accordance with generally accepted accounting principles, which will include manual or computerized records of:
    - Assets and liabilities;
    - Monetary transactions;
    - Books of accounts, which will include journals, ledgers, and supporting documents, agreements, checks, invoices, and vouchers;
    - Sales records including the quantity, form, and cost of marijuana products; and
    - Salary and wages paid to each employee and any executive compensation, bonus, benefit, or item of value paid to any individual affiliated with a marijuana establishment, including members, if any.
- All **sales recording** requirements under 935 CMR 500.140(6) are followed, including:
  - Utilizing a point-of-sale (POS) system approved by the Commission, in consultation with the DOR, and a sales recording module approved by DOR;
  - Conducting a monthly analysis of its equipment and sales date, and maintaining records, available to the Commission upon request, that the monthly analysis has been performed;
  - Complying with 830 CMR 62C.25.1: *Record Retention* and DOR Directive 16-1 regarding recordkeeping requirements;
  - Adopting separate accounting practices at the point-of-sale for marijuana and marijuana product sales, and non-marijuana sales;
  - Maintaining such records that would allow for the Commission and the DOR to audit and examine the point-of-sale system used in order to ensure compliance with Massachusetts tax laws and 935 CMR 500; and
- **Additional written business records** will be kept, including, but not limited to, records of:
  - Compliance with liability insurance coverage or maintenance of escrow requirements under 935 CMR 500.105(10) and all bond or escrow requirements under 935 CMR 500.105(16);
  - Fees paid under 935 CMR 500.005 or any other section of the Commission’s regulations; and
  - Fines or penalties, if any, paid under 935 CMR 500.550 or any other section of the Commission’s regulations

## **PERSONNEL POLICIES INCLUDING BACKGROUND CHECKS**

### **Overview**

Herbal Pathways of Massachusetts, LLC (“Herbal Pathways”) will maintain personnel records as a separate category of records due to the sensitivity and importance of information concerning agents, including registration status and background check records. Herbal Pathways will keep, at a minimum, the following personnel records:

- Job descriptions for each employee and volunteer position, as well as organizational charts consistent with the job descriptions;
- A personnel record for each marijuana establishment agent;
- A staffing plan that will demonstrate accessible business hours and safe conditions;
- Personnel policies and procedures; and
- All background check reports obtained in accordance with 935 CMR 500.030.

### **Job Descriptions**

**Director of Security:** Under the supervision of the Chief Executive Officer, the Director of Security is responsible for the development and overall management of the Security Policies and Procedures for Herbal Pathways, while implementing, administering, and revising the policies as needed. In addition, the Director of Security will perform the following duties:

- Provide general training to Herbal Pathways agents during new hire orientation or re-current trainings throughout the year;
- Provide training specific for Security Agents prior to the Security Agent commencing job functions;
- Review and approve incident reports and other reports written by Security Agents prior to submitting to the executive management team—follow up with security agent if needed;
- Maintain lists of agents authorized to access designated areas of the Herbal Pathways facility, including cash and product storage vaults, the surveillance and network equipment room, and other highly sensitive areas of the Herbal Pathways facility;
- Lead a working group comprised of the Chief Executive Officer, Chief Operating Officer, and any other designated advisors to ensure the current policies and procedures are properly implemented, integrated, effective, and relevant to ensure the safety of Herbal Pathways agents and assets;
- Ensure that all required background checks have been completed and documented prior to an agent performing job functions; ensure agent is granted appropriate level of access to the facility necessary to complete his/her job functions;
- Maintain all security-related records, incident reports and other reports written by security agents;
- Evaluate and determine the number of Security Agents assigned to each shift and proper shift change times; and
- Maintain frequent contact with local law enforcement authorities.

**Security Agent:** Security Agents monitor Herbal Pathways’ security systems including alarms, video surveillance, and motion detectors. Security Agents are responsible for ensuring that only authorized individuals are permitted access to the Herbal Pathways facility by verifying appropriate ID cards and other forms of identification. In addition, Security Agents perform the following duties and other duties upon request:

- Investigate, communicate, and provide leadership in the event of an emergency such as an intrusion, fire, or other threat that jeopardizes customers, authorized visitors, and Herbal Pathways agents;
- Respond and investigate security situations and alarm calls; clearly document the incident and details surrounding the incident in a written report for the Director of Security;
- Oversee the entrance to the facility and verify credentials of each person seeking access to the Herbal Pathways facility;
- Answer routine inquiries;
- Log entries, and maintain visitor log;
- Escort authorized visitors in restricted access areas; and
- Escort Herbal Pathways agents from the facility during non-business hours and perform security checks at designated intervals.

Inventory Manager: The Inventory Manager is responsible for inventory on a day-to-day basis as well as the weekly and monthly inventory counts and waste disposal requirements. The inventory manager will perform the comprehensive annual inventory in conjunction with the executive management team. Additional duties include, but are not limited to:

- Implementing inventory controls to track and account for all dispensary inventory;
- Implementing procedures and notification policies for proper disposal;
- Maintaining records, including operating procedures, inventory records, audit records, storage and transfer records;
- Maintaining documents with each day's beginning, acquisitions, sales, disposal, and ending inventory; and
- Proper storing, labeling, tracking, and reporting of inventory.

Inventory Associate: Inventory Associates support the Inventory Manager during day-to-day operations. Responsibilities include, but are not limited to:

- Maintaining records, including operating procedures, inventory records, audit records, storage and transfer records;
- Maintaining documents with each day's beginning, acquisitions, sales, disposal and ending inventory;
- Ensuring products are properly stored, labeled, and recorded in the POS software system;
- Ensuring waste is properly stored; and
- Coordinating the waste disposal schedule and ensuring Herbal Pathways' policies and procedures for waste disposal are adhered to.

Human Resources Manager: The Human Resources Manager at Herbal Pathways will support the executive management team on a day-to-day basis to effectively implement all personnel policies and procedures for Herbal Pathways, including hiring processes. The Human Resources Manager will:

- Oversee hiring and release of Herbal Pathways agents;
- Review and revise Herbal Pathways personnel policies and procedures in consultation with the executive management team and department managers;
- Develop training schedules and policies for Herbal Pathways agents under the supervision of the executive management team and department managers;

- Handle any and all agent discipline as necessary;
- Ensure compliance with any and all workplace policy laws and requirements; and
- Be responsible for such additional human resources tasks as determined by the executive management team.

Retail Manager: Responsible for overseeing all Member Services Agents and managing day-to-day operations of the retail facility. This includes, but is not limited to:

- Implementing inventory tracking;
- Training retail staff;
- Ensuring customer satisfaction through feedback tools;
- Reporting all incidents and complaints to the executive team; and
- Working with bookkeeping to ensure precise data flow.

Member Services Agent: Member Services Agents ensure that each customer is treated with respect while at a Herbal Pathways facility and that each customer receives the appropriate amount of individualized attention in order to address his/her specific needs and questions.

Member Services Agent responsibilities include, but are not limited to:

- Maintaining a clean, safe, healthy, and productive environment ensuring that customers have a positive experience at a Herbal Pathways facility;
- Answering customer questions regarding products including, but not limited to, flowers, concentrates, tinctures, and edibles;
- Being knowledgeable of strains and various types of products offered by Herbal Pathways;
- Properly setting up product displays pursuant to Herbal Pathways policies and procedures;
- Executing and enforcing compliance with Commission regulations and Herbal Pathways policies and procedures;
- Understanding sales transactions using a POS software system;
- Understanding individual customer goals;
- Reconciling cash from sales transactions, sales reports, and other forms of task management daily; and
- Participating in ongoing education and professional development as required.

#### Agent Personnel Records

Personnel records for each agent will be maintained for at least twelve (12) months after termination of the agent's affiliation with Herbal Pathways and will include, at a minimum, the following:

- All materials submitted to the Commission pursuant to 935 CMR 500.030(2);
- Documentation of verification of references;
- The job description or employment contract that includes duties, authority, responsibilities, qualifications, and supervision;
- Documentation of all required training, including training regarding privacy and confidentiality requirements, and the signed statement of the individual indicating the date, time, and place he or she received said training and the topics discussed, including the name and title of presenters;

- Documentation of periodic performance evaluations;
- A record of any disciplinary action taken;
- Notice of completed responsible vendor and eight-hour related duty training;
- Results of initial background investigation, including CORI reports; and
- Documentation of all security related events (including violations) and the results of any investigations and description of remedial actions, restrictions, or additional training required as a result of an incident.

Personnel records will be kept in a secure location to maintain confidentiality and will only be accessible to the agent's manager or members of the executive management team.

### Staffing Plan and Business Hours

#### Hiring and Recruitment

Herbal Pathways' Human Resource Manager will engage the executive management team and management staff on a regular basis to determine if vacancies are anticipated and whether specific positions need to be created in response to company needs. Herbal Pathways' personnel practices will comply with the following, which will apply to all types of employment situations, including, but not limited to, hiring, terminations, promotions, training, wages and benefits:

- State anti-discrimination statutes and Equal Employment Opportunity Commission (EEOC) requirements;
- Herbal Pathways' Diversity Plan and Community Initiatives;
- Herbal Pathways' Plan to Positively Impact Areas of Disproportionate Impact;
- Background Checks and References; (background checks-Compliance Manager)
- Mandatory reporting of criminal convictions (and termination if necessary);
- State and Federal Family Leave Act;
- Workplace Safety Laws; (Compliance Manager)
- Workers' Compensation;
- State and Federal Minimum Wage Requirements;
- Non-Disclosure and Non-Complete Agreements; and
- Any other applicable local, state, or federal employment laws, rules, or regulations.

#### Standards of Conduct

Herbal Pathways is committed to maintaining an environment conducive to the health and well-being of customers and employees. It is Herbal Pathways' mission to provide a professional workplace free from harassment and discrimination for employees. Herbal Pathways will not tolerate harassment or discrimination based on sex, race, color, national origin, age, religion, disability, sexual orientation, gender identity, gender expression, or any other trait or characteristic protected by any applicable federal, state, or local law or ordinance. Harassment or discrimination on the basis of any protected trait or characteristic is contrary to Herbal Pathways' values and is a violation of the Company Code of Conduct. Harassment is a form of discrimination. There is a broad range of behavior that could constitute harassment. In general, harassment is any verbal or physical conduct that:

- Has the purpose or effect of creating an intimidating, hostile, or offensive working environment;

- Has the purpose or effect of unreasonably interfering with an individual's work performance; or
- Adversely affects an individual's employment opportunities.

Employees are expected to maintain the highest degree of professional behavior. Any harassment or discrimination by employees is strictly prohibited. Further, harassing or discriminatory behavior of non-employees directed at Herbal Pathways employees or customers is also condemned and will be promptly addressed.

#### *Alcohol, Smoke, Drug-free Workplace Policies*

Herbal Pathways' goal is to have an alcohol-, smoke-, and drug-free, healthy, and safe workplace. To promote this goal, employees are required to report to work in the appropriate mental and physical condition to perform their jobs in an exemplary and professional manner. This policy is violated when employees use, possess, or abuse marijuana, alcohol, and illegal drugs. Thus, while on-premises and while conducting business-related activities off-premises, employees may not use, possess, distribute, sell or be under the influence of alcohol or illegal drugs. In addition, while on-premises and while conducting business-related activities off-premises employees may not be under the influence of marijuana unless medically necessary, and employees are expected to follow all state of Massachusetts laws concerning marijuana possession and consumption.

Working while engaged in the legal use of prescribed drugs including marijuana-based medication, is allowed only to the extent that the agent's ability to perform the essential functions of the job effectively and in a safe manner is not impaired and that other individuals in the workplace are not endangered. The agent should notify their manager whenever the use of legal drugs for medical purposes may impair the agent's performance, safety, and/or judgment so that the appropriate accommodations can be made.

Violations of this policy may lead to disciplinary actions, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

#### *Violence and Weapons in the Workplace*

Any and all acts of violence in the workplace will result in immediate dismissal of the employee, customer, or parties involved. Law enforcement will be contacted immediately in the case of a violent event. Weapons are not permitted to be brought on site by employees, customers, or other parties. Any employee found carrying a weapon on the premises of a Herbal Pathways facility will be immediately terminated, and any customer found carrying a weapon on the premises will be asked to leave and/or the police will be notified accordingly.

#### *At-Will Employment*

In the state of Massachusetts, employment is assumed to be at-will unless otherwise stated. At-will employment implies that employer and employee alike may terminate the work relationship at any given moment and for any legitimate purpose. Wrongful termination may be more difficult to prove in an at-will arrangement because of the freedom that each party has to end the



employment. However, there are still many instances wherein a termination or discharge can be called wrongful, even in an at-will employment.

#### *Workplace Attire*

The required attire for registered agents at Herbal Pathways varies based upon required duties. New hire training and the onboarding process will go over the workplace attire specific to each role and the department manager will be responsible for ensuring compliance with all requirements is met.

#### Policy for the Immediate Dismissal of Agents

Per 935 CMR 500.105(1), Herbal Pathways will immediately dismiss any marijuana establishment agent who has diverted marijuana. This incident will be immediately reported to law enforcement officials and to the Commission.

Herbal Pathways will immediately dismiss any agent engaged in unsafe practices with regard to operation of the Marijuana Establishment, which will be reported to the Commission.

Herbal Pathways will immediately dismiss any marijuana establishment agent who has been convicted or entered a guilty plea, plea of nolo contendere, or admission to sufficient facts of a felony drug offense involving distribution to a minor in the Commonwealth, or a like violation of the laws of another state, the United States or a foreign jurisdiction, or a military, territorial, or Native American tribal authority.

#### Overview of Personnel Policies and Procedures

##### Standard Employment Practices

Herbal Pathways values the contributions of its management and staff positions. Herbal Pathways will strive to be the industry leader in workplace satisfaction by offering highly competitive wage and benefits packages and developing a culture that values a proper work-life balance, boasts a transparent and accessible executive management team, and fosters a work ethic that focuses on the mission of the company and spirit of the adult-use marijuana program in Massachusetts.

#### *Advancement*

The organization will be structured in a relatively flat manner, with promotional opportunities within each department. Participation in training and bi-annual performance evaluations will be critical for any promotions or pay increases.

#### *Written Policies*

Herbal Pathways' written policies will address, inter alia, the Family and Medical Leave Act (FMLA), the Consolidated Omnibus Budget Reconciliation Act (COBRA), equal employment opportunity, discrimination, harassment, the Employee Retirement Income Security Act (ERISA), disabilities, workers' compensation, maintenance of personnel files, privacy, email policy, 935 CMR 500.000 et seq., holidays, hours, sick time, personal time, overtime, performance reviews, disciplinary procedures, working hours, pay rates, overtime, bonuses,

veteran preferences, drug testing, personnel policies, military leaves of absence, bereavement leave, jury duty, CORI checks, smoking, HIPAA, patient confidentiality, and compliance hotline.

### *Investigations*

Herbal Pathways will set forth policies and procedures to investigate any complaints or concerns identified or raised internally or externally in order to stay in compliance with 935 CMR 500.000 et seq.

### *Designated Outside Counsel*

Herbal Pathways may retain counsel specializing in employment law to assist the Human Resources Manager with any issues and questions.

### Job Status

#### *Job Classifications*

Positions at Herbal Pathways are categorized by rank and by department. The executive management team oversees the overall success of mission of the company; the CEO is responsible for implementation of the mission and the executive management team as a whole is responsible for ensuring that all departments are properly executing their functions and responsibilities. Job classification is comprised of three rank tiers: Executive Management, Management, and Non-Management Employee.

#### *Work Schedules*

Work schedules will be either part-time, full-time, or salaried, depending of the specific position. Schedules will be set according to the needs of each department as determined by the department manager and the executive manager they report to. It is the department manager's responsibility to develop and implement a work schedule that provides necessary duty and personnel coverage but does not exceed what is required for full implementation of operations. It is also the department manager's responsibility to ensure that adequate coverage occurs on a daily basis and does not lead to unnecessary utilization of overtime coverage.

#### *Mandatory Meetings and Community Service Days*

There will be a mandatory, reoccurring company-wide meeting on a monthly basis. All personnel will be notified if their attendance is required. Certain personnel, such as housekeeping staff, may not be required to attend. Each department will have a mandatory weekly meeting scheduled by the department manager. The department managers will provide agendas for all meetings and will report to their executive manager.

#### *Breaks*

Daily breaks, including lunch breaks, will comply with the laws of the Commonwealth.

#### *Performance Reviews*

Performance reviews will be conducted by executive or department managers. Reviews will be conducted at three-month intervals for new employees during the first year and at six-month intervals thereafter. A written synopsis must be provided to, and signed by, the employee under

review. Reviews must be retained in each employee's employment file. Performance reviews must take into account positive performance factors and areas requiring improvement. Scoring systems may be utilized to help reflect an employee's overall performance.

### *Leave Policies*

Herbal Pathways' leave policies will comport with all state and federal statutes.

All full-time employees will receive two 40-hour weeks of paid vacation per annum. Additional leave must be requested at least two weeks in advance and approved by the employee's department manager. Herbal Pathways will determine which holidays will be observed and which departments will not be required to work. Herbal Pathways will offer unpaid parental leave for eligible employees. Please see Employment Handbook regarding additional leave policies.

Herbal Pathways anticipates observing the following holidays:

- New Year's Day;
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving; and
- Christmas Day.

### *Disciplinary Policies*

#### *Purpose*

Herbal Pathways' progressive discipline policies and procedures are designed to provide a structured corrective action process to improve and prevent a recurrence of undesirable behavior and/or performance issues. The steps outlined below of Herbal Pathways' progressive discipline policies and procedures have been designed consistent with Herbal Pathways' organizational values, best practices, and state and federal employment laws.

Herbal Pathways reserves the right to combine or skip steps depending upon the facts of each situation and the nature of the offense. The level of disciplinary intervention may also vary. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling, and/or training; the employee's work record; and the impact the employee's performance, conduct and/or attendance issues have on Herbal Pathways as an organization.

#### *Procedure*

##### *Step 1: Counseling and Verbal Warning*

Step 1 creates an opportunity for the immediate supervisor to schedule a meeting with an employee to bring attention to the existing performance, conduct, or attendance issue. The supervisor should discuss with the employee the nature of the problem and/or violation of company policies and procedures. The supervisor is expected to clearly outline expectations and steps the employee must take to improve performance or resolve the problem.

Within five business days, the supervisor will prepare written documentation of a Step 1 meeting. The employee will be asked to sign the written documentation. The employee's signature is needed to demonstrate the employee's understanding of the issues and the corrective action needed.

### Step 2: Written Warning

While it is hoped that the performance, conduct, or attendance issues that were identified in Step 1 have been corrected, Herbal Pathways recognizes that this may not always be the case. A written warning involves a more formal documentation of the performance, conduct, or attendance issues and consequences.

During Step 2, the immediate supervisor and a department manager or director will meet with the employee and review any additional incidents or information about the performance, conduct, or attendance issues as well as any prior relevant corrective action plans. Management will outline the consequences for the employee of his or her continued failure to meet performance, conduct and/or attendance expectations. A formal performance improvement plan (PIP) requiring the employee's immediate and sustained corrective action will be issued within five business days of a Step 2 meeting. A warning outlining that the employee may be subject to additional discipline up to and including termination if immediate and sustained corrective action is not taken may also be included in the PIP.

### Step 3: Suspension and Final Written Warning

There may be performance, conduct, or safety incidents so problematic and harmful that the most effective action may be the temporary removal of the employee from the workplace. When immediate action is necessary to ensure the safety of the employee or others, the immediate supervisor may suspend the employee pending the results of an investigation.

Suspensions that are recommended as part of the normal progression of the progressive discipline policies and procedures are subject to approval from a next-level manager and the Human Resources Manager.

Depending upon the seriousness of the infraction, an employee may be suspended without pay in full-day increments consistent with federal, state and local wage-and-hour employment laws. Nonexempt/hourly employees may not substitute or use an accrued paid vacation or sick day in lieu of the unpaid suspension. Due to Fair Labor Standards Act (FLSA) compliance issues, unpaid suspension of salaried/exempt employees is reserved for serious workplace safety or conduct issues. The Human Resources Manager will provide guidance so that discipline is administered without jeopardizing the FLSA exemption status.

Pay may be restored to an employee if an investigation of the incident or infraction absolves the employee.

#### *Step 4: Recommendation for Termination of Employment*

The last and most serious step in the progressive discipline procedures is a recommendation to terminate employment. Generally, Herbal Pathways will try to utilize the progressive steps of this policy by first providing warnings, a final written warning, and/or suspension from the workplace before proceeding to a recommendation to terminate employment. However, Herbal Pathways reserves the right to combine and skip steps depending upon the circumstances of each situation and the nature of the offense, and an employee may be terminated without prior notice or disciplinary action.

Management's recommendation to terminate employment must be approved by the Human Resources Manager and department manager or designee. Final approval may be required from the CEO or designee.

Nothing in this policy provides any contractual rights regarding employee discipline or counseling nor should anything in this policy be read or construed as modifying or altering the employment-at-will relationship between Herbal Pathways and its employees.

#### *Appeal Process*

Any employee subject to a disciplinary action will have the opportunity to present information on their own behalf that may challenge information management relied upon in making the decision to issue the disciplinary action. The purpose of this appeal process is to provide insight into extenuating circumstances that may have contributed to the employee's performance, conduct and/or attendance issues, while allowing for an equitable solution.

If an employee does not present information on their own behalf during a step meeting, they will have five business days after the meeting to present such information to the supervisor who conducted the meeting.

#### *Performance and Conduct Issues Not Subject to Progressive Discipline*

Behavior that is illegal is not subject to progressive discipline and may be reported to local law enforcement. Theft, intoxication at work, fighting and other acts of violence are also not subject to progressive discipline and may be grounds for immediate termination.

#### *Documentation*

Any employee subject to progressive discipline will be provided with copies of all relevant documentation related to the progressive discipline process, including all PIPs. The employee will be asked to sign copies of this documentation attesting to their receipt and understanding of the corrective action outlined in these documents. Copies of these documents will be placed in the employee's official personnel file.

#### *Separation of Employment*

Separation of employment within an organization can occur for several different reasons. Employment may end as a result of resignation, retirement, release (end of season or

assignment), reduction in workforce, or termination. When an employee separates from Herbal Pathways, the employee's supervisor must contact the Human Resources Manager to schedule an exit interview, which will typically take place on the employee's last workday.

### *Types of Separation*

1. *Resignation*

Resignation is a voluntary act initiated by the employee to end employment with Herbal Pathways. The employee must provide a minimum of two (2) weeks' notice prior to resignation. If an employee does not provide advance notice or fails to actually work the remaining two weeks, the employee will be ineligible for rehire. The resignation date must not fall on the day after a holiday.

2. *Retirement*

An employee who wishes to retire is required to notify their department director and the Human Resources Manager in writing at least one (1) month before planned retirement date. It is the practice of Herbal Pathways to give special recognition to employees at the time of their retirement.

3. *Job Abandonment*

An employee who fails to report to work or contact their supervisor for two (2) consecutive workdays will be considered to have abandoned their job without notice effective at the end of the employee's normal shift on the second day. The department manager will notify the Human Resources Manager at the expiration of the second workday and initiate the paperwork to terminate the employee. Employees who are separated due to job abandonment are ineligible for rehire.

4. *Termination*

Employees of Herbal Pathways are employed on an at-will basis, and the company retains the right to terminate an employee at any time.

5. *Reduction in Workforce*

An employee may be laid off due to changes in duties, organizational changes, lack of funds, or lack of work. Employees who are laid off may not appeal the layoff decision through the appeal process.

6. *Release*

Release is the end of temporary or seasonal employment. The Human Resources Manager, in consultation with the department manager, will inform the temporary or seasonal worker of their release according to the terms of the individual's temporary employment.

### *Exit Interview*

The separating employee will contact the HR department as soon as notice is given to schedule an exit interview. The interview will be held on the employee's last day of work or another day, as mutually agreed upon.

### *Return of Property*

The separating employee must return all company property at the time of separation, including but not limited to, uniforms, cell phones, keys, computers, and identification cards. Failure to return certain items may result in deductions from the employee's final paycheck. All separating employees will be required to sign a Wage Deduction Authorization Agreement, allowing Herbal Pathways to deduct the costs of such items from their final paycheck.

### *Termination of Benefits*

An employee separating from Herbal Pathways is eligible to receive benefits as long as the appropriate procedures are followed as stated above. Two weeks' notice must be given, and the employee must work the full two work weeks. Accrued vacation leave will be paid in the last paycheck.

### *Health Insurance*

Health insurance terminates on the last day of the month of employment, unless employee requests immediate termination of benefits. Information about the Consolidated Omnibus Budget Reconciliation Act (COBRA) continued health coverage will be provided. Employees will be required to pay their share of the dependent health and dental premiums through the end of the month.

### *Rehire*

Former employees who left in good standing and were classified as eligible for rehire may be considered for reemployment. An application must be submitted to the Human Resources Manager, and the applicant must meet all minimum qualifications and requirements of the position, including any qualifying exam, when required.

Department managers must obtain approval from the Human Resources Manager or designee prior to rehiring a former employee. Rehired employees begin benefits just as any other new employee. Previous tenure will not be considered in calculating longevity, leave accruals, or any other benefits.

An applicant or employee who is terminated for violating policy or who resigned in lieu of termination from employment due to a policy violation will be ineligible for rehire.

### Compensation

As an employer, Herbal Pathways believes that it is in the best interest of both the organization and Herbal Pathways' employees to fairly compensate its workforce for the value of the work provided. It is Herbal Pathways' intention to use a compensation system that will determine the current market value of a position based on the skills, knowledge, and behaviors required of a fully-competent incumbent. The system used for determining compensation will be objective and non-discriminatory in theory, application and practice. The company has determined that this can best be accomplished by using a professional compensation consultant, as needed, and a system recommended and approved by the executive management team.

### *Selection Criteria*

1. The compensation system will price positions to market by using local, national, and industry specific survey data.
2. The market data will primarily include marijuana-related businesses and will include survey data for more specialized positions and will address significant market differences due to geographical location.
3. The system will evaluate external equity, which is the relative marketplace job worth of every marijuana industry job directly comparable to similar jobs at Herbal Pathways, factored for general economic variances, and adjusted to reflect the local economic marketplace.
4. The system will evaluate internal equity, which is the relative worth of each job in the organization when comparing the required level of job competencies, formal training and experience, responsibility and accountability of one job to another, and arranging all jobs in a formal job-grading structure.
5. Professional support and consultation will be available to evaluate the compensation system and provide on-going assistance in the administration of the program.
6. The compensation system must be flexible enough to ensure that the company is able to recruit and retain a highly-qualified workforce, while providing the structure necessary to effectively manage the overall compensation program.

#### *Responsibilities*

The executive management team will give final approval for the compensation system that will be used by Herbal Pathways.

1. On an annual basis the executive management team will review and approve, as appropriate, recommended changes to position-range movement as determined through the vendor's market analysis process.
2. As part of the annual budgeting process, the executive management team will review and approve, as appropriate, funds to be allocated for total compensation, which would include base salaries, bonuses, variable based or incentive-based pay, and all other related expenses, including benefit plans.

#### *Management Responsibility*

3. The CEO is charged with ensuring that Herbal Pathways is staffed with highly-qualified, fully-competent employees and that all programs are administered within appropriate guidelines and within the approved budget.
4. The salary budget will include a gross figure for the following budget adjustments, but the individual determinations for each employee's salary adjustment will be the exclusive domain of the CEO: determining the appropriate head count, titles, position levels, merit and promotional increases and compensation consisting of salary, incentive, bonus, and other discretionary pay for all positions.
5. The CEO will ensure that salary ranges are updated at least annually, that all individual jobs are market priced at least once every two years, and that pay equity adjustments are administered in a fair and equitable manner.

#### Agent Background Checks



- In addition to completing the Commission's agent registration process, all agents hired to work for Herbal Pathways will undergo a detailed background investigation prior to being granted access to a Herbal Pathways facility or beginning work duties.
- Background checks will be conducted on all agents in their capacity as employees or volunteers for Herbal Pathways pursuant to 935 CMR 500.100 and will be used by the Director of Security, who will be registered with the Department of Criminal Justice Information Systems pursuant to 803 CMR 2.04: I CORI Registration and the Commission for purposes of determining the suitability of individuals for registration as a marijuana establishment agent with the licensee.
- For purposes of determining suitability based on background checks performed in accordance with 935 CMR 500.101(1), Herbal Pathways will consider:
  - a. All conditions, offenses, and violations are construed to include Massachusetts law or like or similar law(s) of another state, the United States or foreign jurisdiction, a military, territorial or Native American tribal authority, or any other jurisdiction.
  - b. All criminal disqualifying conditions, offenses, and violations include the crimes of attempt, accessory, conspiracy, and solicitation. Juvenile dispositions will not be considered as a factor for determining suitability.
  - c. Where applicable, all look back periods for criminal conditions, offenses, and violations included in 935 CMR 500.802 commence upon the date of disposition; provided, however, that if disposition results in incarceration in any institution, the look back period will commence upon release from incarceration.
- Suitability determinations will be made in accordance with the procedures set forth in 935 CMR 500.800. In addition to the requirements established in 935 CMR 500.800, Herbal Pathways will:
  - a. Comply with all guidance provided by the Commission and 935 CMR 500.802: Tables B through D to determine if the results of the background are grounds for Mandatory Disqualification or Presumptive Negative Suitability Determination.
  - b. Consider whether offense(s) or information that would result in a Presumptive Negative Suitability Determination under 935 CMR 500.802. In the event a Presumptive Negative Suitability Determination is made, Herbal Pathways will consider the following factors:
    - i. Time since the offense or incident;
    - ii. Age of the subject at the time of the offense or incident;
    - iii. Nature and specific circumstances of the offense or incident;
    - iv. Sentence imposed and length, if any, of incarceration, if criminal;
    - v. Penalty or discipline imposed, including damages awarded, if civil or administrative;
    - vi. Relationship of offense or incident to nature of work to be performed;
    - vii. Number of offenses or incidents;
    - viii. Whether offenses or incidents were committed in association with dependence on drugs or alcohol from which the subject has since recovered;
    - ix. If criminal, any relevant evidence of rehabilitation or lack thereof, such as information about compliance with conditions of parole or probation, including orders of no contact with victims and witnesses, and the

subject's conduct and experience since the time of the offense including, but not limited to, professional or educational certifications obtained; and

- x. Any other relevant information, including information submitted by the subject.
  - c. Consider appeals of determinations of unsuitability based on claims of erroneous information received as part of the background check during the application process in accordance with 803 CMR 2.17: Requirement to Maintain a Secondary Dissemination Log and 2.18: Adverse Employment Decision Based on CORI or Other Types of Criminal History Information Received from a Source Other than the DCJIS.
- Upon adverse determination, Herbal Pathways will provide the applicant a copy of their background screening report and a pre-adverse determination letter providing the applicant with a copy of their right to dispute the contents of the report, who to contact to do so and the opportunity to provide a supplemental statement.
    - a. After 10 business days, if the applicant is not disputing the contents of the report and any provided statement does not alter the suitability determination, an adverse action letter will be issued providing the applicant information on the final determination made by Herbal Pathways along with any legal notices required.
  - All suitability determinations will be documented in compliance with all requirements set forth in 935 CMR 500 et seq. and guidance provided by the Commission.
  - Background screening will be conducted by an investigative firm holding the National Association of Professional Background Screeners (NAPBS®) Background Screening Credentialing Council (BSCC) accreditation and capable of performing the searches required by the regulations and guidance provided by the Commission.
  - References provided by the agent will be verified at the time of hire.
  - As deemed necessary, individuals in key positions with unique and sensitive access (e.g. members of the executive management team) will undergo additional screening, which may include interviews with prior employers or colleagues.
  - As a condition of their continued employment, agents, volunteers, contractors, and subcontractors are required to renew their Program ID cards annually and submit to other background screening as may be required by Herbal Pathways or the Commission.

## PLAN FOR RESTRICTING ACCESS TO AGE 21 AND OLDER

Pursuant to 935 CMR 500.050(5)(b), Herbal Pathways, LLC (“Herbal Pathways”) will only be accessible to consumers 21 years of age or older with a verified and valid, government-issued photo ID. Upon entry into the premises of the marijuana establishment by an individual, an Herbal Pathways agent will immediately inspect the individual’s proof of identification and determine the individual’s age, in accordance with 935 CMR 500.140(2).

In the event Herbal Pathways discovers any of its agents intentionally or negligently sold marijuana to an individual under the age of 21, the agent will be immediately terminated and the Commission will be promptly notified, pursuant to 935 CMR 500.105(1)(l). Herbal Pathways will not hire any individuals who are under the age of 21 or who have been convicted of distribution of controlled substances to minors, pursuant to 935 CMR 500.030(1).

Pursuant to 935 CMR 500.105(4), Herbal Pathways will not engage in any marketing, advertising or branding practices that are targeted to, deemed to appeal to or portray minors under the age of 21. Herbal Pathways will not engage in any advertising, marketing and branding by means of television, radio, internet, mobile applications, social media, or other electronic communication, billboard or other outdoor advertising, including charitable, sporting or similar events, unless at least 85% of the audience is reasonably expected to be 21 years of age or older as determined by reliable and current audience composition data. Herbal Pathways will not manufacture or sell any edible products that resemble a realistic or fictional human, animal or fruit, including artistic, caricature or cartoon renderings, pursuant to 935 CMR 500.150(1)(b). In accordance with 935 CMR 500.105(4)(a)(5), any marketing, advertising and branding materials for public viewing will include a warning stating, **“For use only by adults 21 years of age or older. Keep out of the reach of children. Marijuana can impair concentration, coordination and judgment. Do not operate a vehicle or machinery under the influence of marijuana.”** Pursuant to 935 CMR 500.105(6)(b), Herbal Pathways packaging for any marijuana or marijuana products will not use bright colors, resemble existing branded products, feature cartoons or celebrities commonly used to market products to minors, feature images of minors or other words that refer to products commonly associated with minors or otherwise be attractive to minors. Herbal Pathways’ website will require all online visitors to verify they are 21 years of age or older prior to accessing the website, in accordance with 935 CMR 500.105(4)(b)(13).

All marketing, advertising, and branding will use the following warning, including capitalization: “This product has not been analyzed or approved by the Food and Drug Administration (FDA). There is limited information on the side effects of using this product, and there may be associated health risks. Marijuana use during pregnancy and breast-feeding may pose potential harms. It is against the law to drive or operate machinery when under the influence of this product. KEEP THIS PRODUCT AWAY FROM CHILDREN. There may be health risks associated with consumption of this product. Marijuana can impair concentration, coordination, and judgment. The impairment effects of edible marijuana may be delayed by two hours or more. In case of accidental ingestion, contact poison control hotline 1-800-222-1222 or 9-1-1. This product may be illegal outside of MA.”

## **HERBAL PATHWAYS LLC QUALIFICATIONS FOR EMPLOYMENT AND TRAINING:**

*935CMR 500.105(2)(A), 935 CMR 500.105(2)(B)*

As per CMR 935.500.105 (2), all Herbal Pathways registered marijuana agents (employees) will complete training prior to performing any job functions. Training will be tailored to the roles and responsibilities of their job function, and will include a Responsible Vendor Program as per 935 CMR 500.105(2)(b). Staff at Herbal Pathways, LLC will receive a minimum of eight hours of on-going training annually after their initial employment training. As per CMR 935.500.105 (2), employees will also be trained regarding customer privacy and confidentiality requirements pursuant to 201 CMR 17.00 STANDARDS FOR THE PROTECTION OF PERSONAL INFORMATION OF RESIDENTS OF THE COMMONWEALTH.

### **Qualifications:**

In accordance with 935 CMR 500.030, a candidate for employment as a marijuana establishment agent must be 21 years of age or older. In addition, the candidate cannot have been convicted of a criminal offense in the Commonwealth involving the distribution of controlled substances to minors, or a like violation of the laws of another state, the United States, or foreign jurisdiction, or a military, territorial, or Native American tribal authority.

Herbal Pathways will also ensure that its employees are suitable for registration consistent with the provisions of 935 CMR 500.802. In the event that Herbal Pathways discovers any of its agents are not suitable for registration as a marijuana establishment agent, the agent's employment will be terminated, and Herbal Pathways will notify the Commission within one (1) business day that the agent is no longer associated with the establishment.

### **Workforce:**

Herbal Pathways LLC will seek to hire a diverse workforce of responsible, compassionate, and upstanding local citizens. Some of the desirable backgrounds we are looking for include security personnel, retail sales professionals, customer service, and previous marijuana sales experience.

#### *Security Guards*

Duties include ensuring the integrity of the facility's security systems and protecting the facility and its customers from outside criminal disturbance. Desired backgrounds include previous military, law enforcement, and security experience.

#### *Retail Sales Agent*

Herbal Pathways, LLC will have an ongoing need for retail sales professionals who can communicate articulately and passionately with customers about a wide range of cannabis products while maintaining compliance with Massachusetts law. Desirable backgrounds include retail sales, cannabis sales, and customer service. Knowledge of cannabis, the varieties, and the manner in which they are safely and effectively used or ingested is highly relevant. Retail Sales Agents are responsible for greeting customers, diligently recording customer personal data, providing product information regarding cannabis types and strains, and guiding customers towards suitable purchases from our product range. The Retail Sales Agent should be professional, personable, appropriately dressed, and knowledgeable about both the products and the industry. They will be trained by the Retail Store Manager, and will work alongside them to learn the total operation of the retail store as well as compliance to regulations. Both part-time and full-time positions may be available.

### *Retail Store Manager*

Our Retail Store Manager is the public face of who we are, and what we stand for. The manager must interface with customers, staff, law enforcement, vendors, consultants, outside contractors, and compliance officers. The primary responsibility of the Retail Store Manager is to coordinate and facilitate transactions of the retail store. They must maintain records, have contact with the wholesaler, embrace customer education and understand marketing. They will train employees, help decide which product to carry and help determine best pricing based on market conditions. They are responsible for keeping up with all changes in local and state law regarding operation of the facility. The most important tasks of the dispensary manager are to ensure security, prevent diversion, diligently maintain records, enforce procedures and processes, and ensure that our customers receive the very best product and the very best service.

All employees will be hired on a three (3) month probationary basis. During this probationary period, candidates will undergo a training program and will also be evaluated for suitability in restricted-access areas within the establishment. They will need to meet Herbal Pathways' qualifications for continued employment which will be compliance with all CCC regulations and Herbal Pathways LLC policies and procedures.

### **Training:**

As required by 935 CMR 500.105(2), and prior to performing job functions, each of Herbal Pathways' agents will successfully complete a comprehensive training program that is tailored to the roles and responsibilities of the agent's job function. Training will be done on site or at a suitable location and will include a detailed review of the employee handbook and relevant reading materials. Agent training will at least include the Responsible Vendor Program and eight (8) hours of on-going training annually.

### *Responsible Vendor Program:*

On or after July 1, 2019, all of Herbal Pathways' current owners, managers, and employees will have attended and successfully completed a Responsible Vendor Program operated by an education provider accredited by the Commission to provide the annual minimum of two hours of responsible vendor training to marijuana establishment agents. Herbal Pathways' new, non-administrative employees will complete the Responsible Vendor Program within 90 days of the date they are hired. Herbal Pathways' owners, managers, and employees will then successfully complete the program once every year thereafter. Herbal Pathways will also encourage administrative employees who do not handle or sell marijuana to take the responsible vendor program on a voluntary basis to help ensure compliance. Herbal Pathways' records of responsible vendor training program compliance will be maintained for at least four (4) years and made available during normal business hours for inspection by the Commission and any other state licensing authority upon request.

As part of the Responsible Vendor program, Herbal Pathways' agents will receive training on a variety of topics relevant to marijuana establishment operations, including but not limited to the following:

1. Marijuana's effect on the human body, including physical effects based on different types of marijuana products and methods of administration, and recognizing the visible signs of impairment;
2. Best practices for diversion prevention and prevention of sales to minors;
3. Compliance with tracking requirements;

4. Acceptable forms of identification, including verification of valid photo identification and medical marijuana registration and confiscation of fraudulent identifications;
5. Such other areas of training determined by the Commission to be included; and
6. Other significant state laws and rules affecting operators, such as:
  - Local and state licensing and enforcement;
  - Incident and notification requirements;
  - Administrative and criminal liability and license sanctions and court sanctions;
  - Waste disposal and health and safety standards;
  - Patrons prohibited from bringing marijuana onto licensed premises;
  - Permitted hours of sale and conduct of establishment;
  - Permitting inspections by state and local licensing and enforcement authorities;
  - Licensee responsibilities for activities occurring within licensed premises;
  - Maintenance of records and privacy issues; and
  - Prohibited purchases and practices.

#### *Additional Training:*

In addition to the Responsible Vendor Training pursuant to 935 CMR 500.105(2)(b), training will include but not be limited to:

- Legal/compliance training covering all applicable laws and regulations at the local, state, and federal levels. Legal training documents and agenda will receive consistent review by an attorney to ensure accurate and up to date legalities.
- Work Ethics training will cover Herbal Pathways' general rules, sexual harassment, and effective interaction with law enforcement personnel. All employees will be required to sign off on training.
- Operational safety and compliance training will cover all required elements of safety and security. Employees will also undergo job specific training, etc. Employees will also be trained on how to respond in crises such as robbery, theft, earthquake or acts of terrorism.

Employees will be instructed that the manager on duty is in charge during an emergency to minimize confusion. Annually, staff will be trained to address:

- Individual roles and responsibilities during a fire emergency or drill.
- Threats, hazards, and protective actions regarding fire safety.
- Notification, warning, and communications procedures in the event of a fire emergency.
- Means for locating family members in an emergency.
- Emergency response procedures.
- Evacuation, shelter, and accountability procedures.
- Location and use of common emergency equipment including fire extinguishers and fire alarms.
- Emergency shutdown procedures.

#### *Ongoing Training & Education:*

All workers will be initially trained by management and a copy of the training manual will always be easily available for employee/staff review. The manual outlines safety, policies, standards, procedures, how to operate equipment and all other information relevant to serving customers and operating the site in a safe, secure manner.

Training sessions will be conducted regularly to re-familiarize and review standards, procedure, safety and equipment operations with an emphasis on expanding worker knowledge and comfortability. Workers are encouraged to request additional training materials that will be provided to them at no cost and shared with all workers pending management approval. Regular skill-building sessions and workshops in the areas of safety, customer advocacy, community service and more are provided to workers at no cost. Workers are encouraged to request skill-building sessions based on their experiences serving customers and their observations onsite and within the community.

## Training Plan:

Consultants: Experienced individuals from out of state onsite for training week and for business launch providing real time support and assistance. Consultants have experience using Metrc

- Experienced managers and sales staff from the Colorado, Oregon and Washington market are on site for training and coaching.

### Training (in addition to Responsible Vendor Program):

1. Four-five day training program
  - a. Day 1
    - i. Introduction and new hire paperwork onboarding – 2 hours
    - ii. Employee manual review – 2 hours
    - iii. Lunch – 30 minutes
    - iv. City and State compliance – 2 hours
    - v. POS training – 2 hours
    - vi.
  - b. Day 2
    - i. City and State compliance – 2 hours
    - ii. Product training – 2 hours (emphasis on leaf)
    - iii. Lunch – 30 minutes
    - iv. Product training 4 hours
    - v. (leaf)
  - c. Day 3
    - i. Security and ID check training – 2 hours
    - ii. Product Training – 2 hours (oils and extracts)
    - iii. Lunch – 30 minutes
    - iv. Product training – 2 hours (edibles)
    - v. Product training – 2 hours (ancillary items, glass and vaporizers)
  - d. Day 4
    - i. Overview and questions from first 3 days – 2 hours
    - ii. Bud Tender training – 2 hours (sales and customer service training)
    - iii. Lunch – 30 minutes
    - iv. Bud Tender training – 4 hours (role playing, understanding how to pitch products, working with difficult customers, etc.)
  - e. Day 5
    - i. Extended training for Managers and Security – 4 hours
    - ii. Continued role play training for sales staff – 4 hours
    - iii. Lunch -30 minutes
    - iv. How to manage your team, customers, role playing, Q & A– 4 hours



## **QUALITY CONTROL AND TESTING**

### **Quality Control**

Herbal Pathways of Massachusetts, Inc. ("Herbal Pathways") will comply with the following sanitary requirements:

1. Any Herbal Pathways agent whose job includes contact with marijuana or nonedible marijuana products, including cultivation, production, or packaging, is subject to the requirements for food handlers specified in 105 CMR 300.000, and all edible marijuana products will be prepared, handled, and stored in compliance with the sanitation requirements in 105 CMR 500.000, and with the requirements for food handlers specified in 105 CMR 300.000.
2. Any Herbal Pathways agent working in direct contact with preparation of marijuana or nonedible marijuana products will conform to sanitary practices while on duty, including:
  - a. Maintaining adequate personal cleanliness; and
  - b. Washing hands thoroughly in an adequate hand-washing area before starting work, and at any other time when hands may have become soiled or contaminated.
3. Herbal Pathways' hand-washing facilities will be adequate and convenient and will be furnished with running water at a suitable temperature. Hand-washing facilities will be located in Herbal Pathways' production areas and where good sanitary practices require employees to wash and sanitize their hands, and will provide effective hand-cleaning and sanitizing preparations and sanitary towel service or suitable drying devices;
4. Herbal Pathways' facility will have sufficient space for placement of equipment and storage of materials as is necessary for the maintenance of sanitary operations;
5. Herbal Pathways will ensure that litter and waste is properly removed and disposed of to minimize the development of odor and minimize the potential for the waste attracting and harboring pests. The operating systems for waste disposal will be maintained in an adequate manner pursuant to 935 CMR 500.105(12);
6. Herbal Pathways' floors, walls, and ceilings will be constructed in such a manner that they may be adequately kept clean and in good repair;
7. Herbal Pathways' facility will have adequate safety lighting in all processing and storage areas, as well as areas where equipment or utensils are cleaned;
8. Herbal Pathways' buildings, fixtures, and other physical facilities will be maintained in a sanitary condition;
9. Herbal Pathways will ensure that all contact surfaces, including utensils and equipment, will be maintained in a clean and sanitary condition. Such surfaces will be cleaned and sanitized as frequently as necessary to protect against contamination, using a sanitizing agent registered by the US Environmental Protection Agency (EPA), in accordance with labeled instructions. Equipment and utensils will be so designed and of such material and workmanship as to be adequately cleanable;
10. All toxic items will be identified, held, and stored in a manner that protects against contamination of marijuana products;
11. Herbal Pathways will ensure that its water supply is sufficient for necessary operations, and that such water supply is safe and potable;
12. Herbal Pathways' plumbing will be of adequate size and design, and adequately installed and maintained to carry sufficient quantities of water to required locations throughout the

marijuana establishment. Plumbing will properly convey sewage and liquid disposable waste from the marijuana establishment. There will be no cross-connections between the potable and waste water lines;

13. Herbal Pathways will provide its employees with adequate, readily accessible toilet facilities that are maintained in a sanitary condition and in good repair;
14. Herbal Pathways will hold all products that can support the rapid growth of undesirable microorganisms in a manner that prevents the growth of these microorganisms; and
15. Herbal Pathways will store and transport finished products under conditions that will protect them against physical, chemical, and microbial contamination, as well as against deterioration of finished products or their containers.

Herbal Pathways' vehicles and transportation equipment used in the transportation of marijuana products or edibles requiring temperature control for safety will be designed, maintained, and equipped as necessary to provide adequate temperature control to prevent the marijuana products or edibles from becoming unsafe during transportation, consistent with applicable requirements pursuant to 21 CFR 1.908(c).

Herbal Pathways will ensure that Herbal Pathways' facility is always maintained in a sanitary fashion and will comply with all applicable sanitary requirements.

Herbal Pathways will follow established policies and procedures for handling voluntary and mandatory recalls of marijuana products. Such procedures are sufficient to deal with recalls due to any action initiated at the request or order of the Commission, and any voluntary action by Herbal Pathways to remove defective or potentially defective marijuana products from the market, as well as any action undertaken to promote public health and safety.

Any inventory that becomes outdated, spoiled, damaged, deteriorated, mislabeled, or contaminated will be disposed of in accordance with the provisions of 935 CMR 500.105(12), and any such waste will be stored, secured, and managed in accordance with applicable state and local statutes, ordinances, and regulations.

### Testing

Herbal Pathways will not cultivate or manufacture marijuana or marijuana products. Herbal Pathways will ensure that the marijuana and marijuana product sold is compliant with the Testing of Marijuana and Marijuana Products guidance as provided by 935 CMR 500.160. Herbal Pathways will not sell or otherwise market marijuana or marijuana products that are not capable of being tested by Independent Testing Laboratories, except as allowed under 935 CMR 500.000. No marijuana product will be sold or otherwise marketed for adult use that has not first been tested by an Independent Testing Laboratory and deemed to comply with the standards required under 935 CMR 500.160. Testing of Herbal Pathways' marijuana products will be performed by an Independent Testing Laboratory in compliance with the Protocol for Sampling and Analysis of Finished Medical Marijuana Products and Marijuana-infused Products, as amended in November 2016, published by the DPH. Testing of Herbal Pathways' environmental media will be performed in compliance with the Protocol for Sampling and Analysis of Environmental Media for Massachusetts Registered Medical Marijuana Dispensaries published by the DPH.

Herbal Pathways' policy of responding to laboratory results that indicate contaminant levels are above acceptable limits established in the DPH protocols identified in 935 CMR 500.160(1) include notifying the Commission within 72 hours of any laboratory testing results indicating that the contamination cannot be remediated and disposing of the production batch. Such notification will describe a proposed plan of action for both the destruction of the contaminated product and the assessment of the source of contamination.

Herbal Pathways will maintain testing results in compliance with 935 CMR 500.000 *et seq* and the record keeping policies described herein and will maintain the results of all testing for no less than one year.

All transportation of marijuana to and from Independent Testing Laboratories providing marijuana testing services will comply with 935 CMR 500.105(13). All storage of Herbal Pathways' marijuana at a laboratory providing marijuana testing services will comply with 935 CMR 500.105(11). All excess marijuana will be disposed in compliance with 935 CMR 500.105(12), either by the Independent Testing Laboratory returning excess marijuana to Herbal Pathways for disposal or by the Independent Testing Laboratory disposing of it directly.

## **RECORDKEEPING PROCEDURES**

*935 CMR 500.105(9)*

### **General Overview**

Herbal Pathways, LLC (“Herbal Pathways”) has established policies regarding recordkeeping and record-retention in order to ensure the maintenance, safe keeping, and accessibility of critical documents. Electronic and wet signatures are accepted forms of execution of Herbal Pathways documents. Records will be stored at Herbal Pathways in a locked room designated for record retention. All written records will be available for inspection by the Commission upon request.

### **Recordkeeping**

To ensure that Herbal Pathways is keeping and retaining all records as noted in this policy, reviewing Corporate Records, Business Records, and Personnel Records to ensure completeness, accuracy, and timeliness of such documents will occur as part of Herbal Pathways’ quarter-end closing procedures. In addition, Herbal Pathways’ operating procedures will be updated on an ongoing basis as needed and undergo a review by the executive management team on an annual basis.

- **Corporate Records**: are defined as those records that require, at a minimum, annual reviews, updates, and renewals, including:
  - Insurance Coverage: Directors & Officers Policy; Product Liability Policy; General Liability Policy; Umbrella Policy; Workers Compensation Policy; Employer Professional Liability Policy
  - Third-Party Laboratory Contracts
  - Commission Requirements: Annual Agent Registration, Annual Marijuana Establishment Registration
  - Local Compliance: Certificate of Occupancy Special Permits, Variances, Site Plan Approvals, As-Built Drawings
  - Corporate Governance: Annual Report, Secretary of State Filings
- **Business Records**: Records that require ongoing maintenance and updates. These records can be electronic or hard copy (preferably electronic) and at minimum include:
  - Assets and liabilities;
  - Monetary transactions;
  - Books of accounts, which will include journals, ledgers, and supporting documents, agreements, checks, invoices, and vouchers;
  - Sales records including the quantity, form, and cost of marijuana products;
  - Salary and wages paid to each agent, and any executive compensation, bonus, benefit, or item of value paid to any individual affiliated with Herbal Pathways, including members, if any.
- **Personnel Records**: At a minimum will include:
  - Job descriptions for each agent and volunteer position, as well as organizational charts consistent with the job descriptions;
  - A personnel record for each marijuana establishment agent. Such records will be maintained for at least twelve (12) months after termination of the agent’s affiliation with Herbal Pathways and will include, at a minimum, the following:
    - All materials submitted to the Commission pursuant to 935 CMR 500.030(2);
    - Documentation of verification of references;

- The job description or employment contract that includes duties, authority, responsibilities, qualifications, and supervision;
  - Documentation of all required training, including training regarding privacy and confidentiality requirements, and the signed statement of the individual indicating the date, time, and place he or she received said training and the topics discussed, including the name and title of presenters;
  - Documentation of periodic performance evaluations; and
  - A record of any disciplinary action taken.
  - Notice of completed responsible vendor and eight-hour related duty training.
- A staffing plan that will demonstrate accessible business hours and safe cultivation conditions;
- Personnel policies and procedures; and
- All background check reports obtained in accordance with 935 CMR 500.030.
- Handling and Testing of Marijuana Records: Herbal Pathways will maintain the results of all testing for a minimum of one (1) year.
- Inventory Records: The record of each inventory will include, at a minimum, the date of the inventory, a summary of the inventory findings, and the names, signatures, and titles of the agents who conducted the inventory.
- Seed-to-Sale Tracking Records: Herbal Pathways will use a POS software system to maintain real-time inventory. The POS software's inventory reporting meets the requirements specified by the Commission and 935 CMR 500.105(8)(c) and (d), including, at a minimum, an inventory of marijuana plants; marijuana plant-seeds and clones in any phase of development such as propagation, vegetation, flowering; marijuana ready for dispensing; all marijuana products; and all damaged, defective, expired, or contaminated marijuana and marijuana products awaiting disposal.
  - Inventory records will include, at a minimum, the date of the inventory, a summary of the inventory findings, and the names, signatures, and titles of the individuals who conducted the inventory.
- Incident Reporting Records: Within ten (10) calendar days, Herbal Pathways will provide written notice to the Commission of any incident described in 935 CMR 500.110(7)(a), by submitting an incident report, detailing the incident, the investigation, the findings, resolution (if any), confirmation that the Police Department and Commission were notified within twenty-four (24) hours of discovering the breach, and any other relevant information. Reports and supporting documents, including photos and surveillance video related to a reportable incident, will be maintained by Herbal Pathways for no less than one year or the duration of an open investigation, whichever is longer, and made available to the Commission and law enforcement authorities upon request.
- Visitor Records: A visitor sign-in and sign-out record will be maintained at the security office. The record will include the visitor's name, address, organization or firm, date, time in and out, and the name of the authorized agent who will be escorting the visitor.
- Waste Disposal Records: When marijuana or marijuana products are disposed of, Herbal Pathways will create and maintain a written record of the date, the type and quantity disposed of or handled, the manner of disposal or other handling, the location of disposal or other handling, and the names of the two Herbal Pathways agents present during the

disposal or handling, with their signatures. Herbal Pathways will keep disposal records for at least three (3) years. This period will automatically be extended for the duration of any enforcement action and may be extended by an order of the Commission.

- Security Records
  - A current list of authorized agents and service personnel that have access to the surveillance room will be available to the Commission upon request.
  - Twenty-four (24) hour recordings from all video cameras that are available for immediate viewing by the Commission upon request and that are retained for at least ninety (90) calendar days.
- Transportation Records: Herbal Pathways will retain all shipping manifests for a minimum of one (1) year and make them available to the Commission upon request.
- Agent Training Records: Documentation of all required training, including training regarding privacy and confidentiality requirements, and a signed statement of the individual indicating the date, time, and place he or she received the training, the topics discussed and the name and title of the presenter(s).
- Closure: In the event Herbal Pathways closes, all records will be kept for at least two (2) years at Herbal Pathways' expense in a form (electronic, hard copies, etc.) and location acceptable to the Commission. In addition, Herbal Pathways will communicate with the Commission during the closure process and accommodate any additional requests the Commission or other agencies may have.
- Written Operating Policies and Procedures: Policies and Procedures related to Herbal Pathways' operations will be updated on an ongoing basis as needed and undergo a review by the executive management team on an annual basis. Policies and Procedures will include the following:
  - Security measures in compliance with 935 CMR 500.110;
  - Agent security policies, including personal safety and crime prevention techniques;
  - A description of Herbal Pathways' hours of operation and after-hours contact information, which will be provided to the Commission, made available to law enforcement officials upon request, and updated pursuant to 935 CMR 500.000.
  - Storage of marijuana in compliance with 935 CMR 500.105(11);
  - Description of the various strains of marijuana to be cultivated, processed or sold, as applicable, and the form(s) in which marijuana will be dispensed;
  - Procedures to ensure accurate recordkeeping, including inventory protocols in compliance with 935 CMR 500.160;
  - Plans for quality control, including product testing for contaminants in compliance with 935 CMR 500.160;
  - A staffing plan and staffing records in compliance with 935 CMR 500.105(9);
  - Emergency procedures, including a disaster plan with procedures to be followed in case of fire or other emergencies;
  - Alcohol, smoke, and drug-free workplace policies;
  - A plan describing how confidential information will be maintained;
  - Policy for the immediate dismissal of any dispensary agent who has:
    - Diverted marijuana, which will be reported the Police Department and to the Commission;

- Engaged in unsafe practices with regard to Herbal Pathways operations, which will be reported to the Commission; or
- Been convicted or entered a guilty plea, plea of *nolo contendere*, or admission to sufficient facts of a felony drug offense involving distribution to a minor in the Commonwealth, or a like violation of the laws of another state, the United States or a foreign jurisdiction, or a military, territorial, or Native American tribal authority.
- A list of all executives of Herbal Pathways, and members, if any, of the licensee must be made available upon request by any individual. 935 CMR 500.105(1)(m) requirement may be fulfilled by placing this information on Herbal Pathways' website.
- Policies and procedures for the handling of cash on Herbal Pathways premises including but not limited to storage, collection frequency and transport to financial institution(s).
- Policies and procedures to prevent the diversion of marijuana to individuals younger than 21 years old.
- Policies and procedures for energy efficiency and conservation that will include:
  - Identification of potential energy use reduction opportunities (including but not limited to natural lighting, heat recovery ventilation and energy efficiency measures), and a plan for implementation of such opportunities;
  - Consideration of opportunities for renewable energy generation, including, where applicable, submission of building plans showing where energy generators could be placed on site, and an explanation of why the identified opportunities were not pursued, if applicable;
  - Strategies to reduce electric demand (such as lighting schedules, active load management and energy storage); and
  - Engagement with energy efficiency programs offered pursuant to M.G.L. c. 25 § 21, or through municipal lighting plants.

#### Record-Retention

Herbal Pathways will meet Commission recordkeeping requirements and retain a copy of all records for two (2) years, unless otherwise specified in the regulations.



## **Herbal Pathways, LLC Plan for Diversity 2.0**

It is the policy of the Herbal Pathways LLC (HP) to foster equal opportunity for all prospective employees and to promote diversity management that will enhance the level of effectiveness and efficiency of our procedures. The concept of diversity management is a strategic business objective that seeks to increase organizational capacity in a workplace where the contributions of all potential employees are recognized and valued.

The CCC and Herbal Pathways support the development of a Diversity Plan to guide diversity management. The Diversity Plan represents a structured approach to ensure continued progress in reaching its diversity management goals, promoting a discrimination-free work environment, and providing opportunities for all prospective employees.

Herbal Pathways is committed to the following objectives:

- Building a talented, dedicated, diverse workforce;
- Educating the workforce regarding diversity management principles;
- Improving communication throughout HP;
- Motivating employees to reach their highest potential and to make their greatest contribution to HP;
- Encouraging employees to offer their views and suggestions toward achieving program and organizational goals without threat of retribution;
- Respecting and appreciating individual differences; Creating and maintaining an inclusive approach to all systems, policies, and practices

### **Role of Herbal Pathways's Leadership (Managers and Supervisors)**

Leaders are responsible for leading change, fostering desired behaviors, and ensuring that:

- Organizational systems, policies, and practices support the vision and are responsive to change;
- The workplace is inclusive; and
- Diversity is integrated into the operations of HP

### **Role of All Employees**

- Support the principles of diversity management;
- Respect others, including differences and similarities in views, styles, backgrounds, etc.;
- Fully participate in the HP's efforts to foster greater organizational effectiveness and efficiency through the application of the principles of diversity management.

### **Herbal Pathways's goals, Goal 1 — Recruit diverse employees at all levels.**

**Outcome Measure** - Diversity of new hires at HP will compare favorably to relevant jobs in the surrounding labor market – HP will, all other factors being equal, use best efforts to hire at least 50% women and at least 30% persons of color for all levels of staffing. Should these efforts not be met by the

end of Year One, HP will confer with local community leaders and community organizers to refocus marketing efforts and ensure effective communication and cultural competency exists within HP's outreach efforts.

**Goal 2 — Develop and retain diverse employees by promoting an environment that values differences.**

**Outcome Measure** - HP's retention rate by demographic group will compare favorably with the surrounding area. HP will seek to have a retention rate 10% less than the market average for similar positions, and will work with existing employees to design employee wellness and employee feedback systems to encourage greater retention.

**Goal 3 — Increase the diversity of employees in senior and managerial positions.**

**Outcome Measure** - Consistent with applicable law, representation of minorities, veterans, and women in senior level and managerial positions will be encouraged through internal training and promotion of candidates with diverse backgrounds, as well as recruitment efforts for direct hires. HP will run an equal number of jobs fairs in diverse communities as in less-diverse communities. HP will seek to have 50% of senior and managerial staff from diverse backgrounds by the end of Year One. If this measure is not met, HP will coordinate with jobs placement organizations with a history of working in diverse communities to ensure effective messaging.

**HP's Organizational Values**

HP's Organizational Values serve as a guide to decision-making and individual conduct. They indicate qualities HP endorses and how HP will conduct critical work efforts as well as how it will value and treat its employees. Each of the values embodies the diversity management and inclusion initiatives. Integrity ... in our working relationships, practices and decisions. Excellence ... both in our individual and collective actions. Service ... to the community's we do business in. Respect ... for individuals' roles, diversity, and viewpoints. Cooperation ... in the planning, management, and work of HP. Commitment... to protecting the public health and safety. Openness ... in communications and decision making.

**Strategic Plan**

The Strategic Plan includes five goals:

1. Safety
2. Security
3. Openness
4. Effectiveness
5. Management Excellence.

Of these, the Management Excellence Goal provides for the use of innovative recruitment strategies, leadership development, enhanced management accountability, creation of a discrimination-free environment, and support for training and development of staff.

## **Performance Plan**

HP's Performance Plan incorporates the diversity workforce goals of sustaining a high-performing, diverse workforce and achieving a level of workplace diversity that compares favorably with the CCC plan of diversity.

### **HP's Executive Core Qualifications—Leading People.**

Every HP manager and supervisor will aspire to the following key leadership attributes which reflect the goals of diversity management:

- build diversity
- communicate effectively
- demonstrate personal leadership
- build capability
- coach
- mentor
- develop
- motivate

## **Affirmative Employment Plan**

Herbal Pathways Affirmative Employment Plan includes four Guiding Principles that embody HP's diversity management plan.

They include:

- Creating a working environment that is free of discrimination, including harassment, and is accessible to individuals with disabilities;
- Ensuring that HP's policies, processes, and procedures provide all employees the opportunity to participate in mission accomplishments, and to compete fairly and equitably for career enhancement and advancement;
- Employing a competent and highly skilled workforce, enabling employees to accomplish HP's mission by providing support, tools, and a positive environment;
- Recognizing, appreciating and valuing diversity, thereby establishing trust, respect, and concern for the welfare of all employees within HP.

## **Examples of Herbal Pathways's EEO and Diversity Strategies**

STRATEGIES - Examples of HP's diversity strategies are provided

GOAL 1.0 - Recruit diverse employees at all levels.

STRATEGIES - Use diverse interviewers to evaluate candidates for vacancies, when possible. Strengthen and develop relationships with targeted groups (e.g., minority populations) at community's, colleges/universities and professional organizations and identify other institutions with large diverse populations. HP will continue to serve as liaison with community members and employees, and encourage them to apply for positions at HP locations.

GOAL 2.0 - Develop and retain diverse employees by promoting an environment that values differences.

STRATEGIES - Communicate strategies to clarify links between diversity management strategies and mission accomplishment. Support skills and training needs assessments and the development and implementation of individual development plans (IDPs) consistent with CCC and HP's priorities and workforce goals. Conduct an organizational assessment to determine organizational strengths and areas for improvements related to diversity. Develop action plans to address any improvement areas identified or based upon office-specific organizational assessment. Enhance mechanisms (e.g., discussion groups, staff meetings) where managers and employees can express their ideas and concerns on diversity and work environment issues.

#### **Diversity Plan Updates for 2021:**

- 1) **Goal:** Recruit diverse employees at all levels
  - 2) **Measurement:** HP will, all other factors being equal, use best efforts to hire at least 50% women and at least 30% persons of color for all levels of staffing
  - 3) **Current Progress:** No hiring has yet commenced. The facility is in pre-operational stages.
  - 4) **Plan to enhance:**
    - a. Herbal Pathways has identified a candidate for general manager, who is a person of color, and has secured a verbal commitment to employment from the candidate. Once the time is appropriate, this individual will be brought on to manage all day-to-day aspects of the retail establishment. This individual will be responsible for all hiring at the facility, and has committed to meeting these diversity goals.
    - b. Herbal Pathways has brought on a strategic partner who is a woman of color. This individual has filed paperwork with the CCC to transfer greater than 9.9% ownership and control of Herbal Pathways to her entity, and once approved will be a full partner in operations. This individual will manage strategic affairs, and will be responsible for ensuring compliance with diversity goals.
    - c. Herbal Pathways will run a jobs fair in 2021 once buildout is complete, and will coordinate with Pittsfield community leaders to ensure messaging is diverse, comprehensive, and effective in the community. The Jobs Fair will be held outside of normal business hours to ensure the most people possible can attend, and will also offer virtual interviews for those unable to attend.
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- 1) **Goal:** Develop and retain diverse employees by promoting an environment that values differences
  - 2) **Measurement:** HP will seek to have a retention rate 10% less than the market average for similar positions, and will work with existing employees to design employee wellness and employee feedback systems to encourage greater retention.

- 3) **Current Progress:** No hiring has yet commenced. The facility is in pre-operational stages.
  - 4) **Plan to Enhance:**
    - a. Once hiring has commenced, HP looks forward to ensuring that there is a welcoming and culturally conscious workplace.
    - b. HP's owners have been educating themselves on promotion of a welcoming work environment and strategies to begin this culture from the first part of training.
    - c. Employees will be asked as part of their interview if they feel they could commit to working in such an environment, for any strategies to make such an environment welcoming for them, and asked to play out various scenarios for potential workplace conflict and work through inclusive de-escalation strategies.
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- 1) **Goal:** Increase the diversity of employees in senior and managerial positions.
  - 2) **Measurement:** HP will seek to have 50% of senior and managerial staff from diverse backgrounds by the end of Year One.
  - 3) **Current Progress:** 50% of the senior and managerial staff (1 of 2 current senior managers) is a woman of color.
  - 4) **Plan to Enhance:**
    - a. Once approved by the CCC, this individual will represent a fully-minority-owned entity that will take 100% control of the entity. An application for transfer of ownership and control has been filed and deemed complete, and an initial interview has been conducted with the parties and CCC enforcement. HP is awaiting formal approval before effecting this plan.
    - b. Once the transfer of ownership and control is approved, this ratio will be maintained with all new hires.

## Plan to Positively Affect Areas of Disproportionate Impact 2.0

935 CMR 500.101(1)(b)(10); 935 CMR 500.101(2)(b)(10)

Herbal Pathways, LLC (“Herbal Pathways”) is dedicated to serving and supporting the areas around it, particularly those that are classified as areas of disproportionate impact. Affected Parties Herbal Pathways will be specifically targeting past or present residents of Pittsfield and North Adams, both geographic “areas of disproportionate impact” and Massachusetts residents who have past drug convictions or with parents/spouses who have drug convictions.

### Goals

Herbal Pathways has identified measurable goals to make a positive impact on areas of disproportionate impact, including:

1. Reduction of barriers in the commercial adult-use cannabis industry
2. Providing financial, mentoring, and professional services for individuals and businesses facing systemic barriers or adversity in disproportionately impacted areas, specifically Pittsfield and North Adams

### Programs

As part of our Positive Impact Plan, Herbal Pathways will develop specific programs to effectuate its goals.

#### These programs may include the following:

1. Herbal Pathways will give hiring preference to individuals from areas of disproportionate impact as defined by the Commission, specifically individuals who are past or present residents of Pittsfield and North Adams. Herbal Pathways intends to reach those communities by:
  - a. Utilizing local media (i.e. The Berkshire Eagle and Pittsfield Gazette) to advertise job listings
  - b. Targeting individuals from the aforementioned areas in marketing efforts to recruit employees (i.e. utilizing social media platforms in accordance with Commission’s restrictions and requirements on marketing/advertising)
  - c. Provide transportation support for employees in these areas
2. Herbal Pathways will provide financial and mentoring services to areas of disproportionate impact, or support/partner with organizations that provide such services. This may include the following activities:
  - a. organize/participate in, on a semi-annual basis, incubator or accelerator programs that seek to aid start-up companies owned by individuals from disproportionately impacted areas or with a prior drug conviction or with a parent/spouse who has a drug conviction
  - b. offer at least four, one-hour management training or other forms of industry-specific technical training
  - c. offer mentorship from experts in the cannabis industry
  - d. make annual donations to Berkshire County Arc, which services Berkshire and Hampden Counties (including Pittsfield and North Adams). Berkshire County Arc services the community through a variety of

initiatives, including employment services and residential services. Berkshire County Arc has been contacted and is willing to accept donations from Herbal Pathways (proof of correspondence attached).

### **Plan Administration**

The Human Resources Director will administer the Plan to Positively Impact Areas of Disproportionate Impact (the “Plan”). The Director will be responsible for developing measurable outcomes and ensuring Herbal Pathways continues to uphold its commitment to the community to meet and maintain the staffing goals. A minimum of two times per year, the Director will evaluate and issue a report to the Board with specific statistics regarding current staff as compared to goals. In addition, the Director will present recommendations for continuing success or additional initiatives if goals are not met. The Director will also be responsible for forming philanthropic partnerships in the community to implement and enhance the Plan.

### **Measurements**

- Number of employees hired, retained, and promoted that come from North Adams, Pittsfield, or other disproportionately impacted areas
- Specific financial data and/or employee hours showing donations to or investments in specific causes relating to the Plan’s goals and programs
- Number of businesses and/or individuals that obtained financial or mentoring services
- Number and types of jobs created in the adult-use cannabis industry in geographic areas of disproportionate impact
- Number and subject matter of management training or any other form of industry-specific training
- Number and nature of relationship formed through mentorship introductions and programs

Herbal Pathways will adhere to the requirements set forth in 935 CMR 500.105(4) which provides the permitted and prohibited advertising, branding, marketing, and sponsorship practices of every Marijuana Establishment; Any actions taken, or programs instituted, by the applicant will not violate the Commission’s regulations with respect to limitations on ownership or control or other applicable state laws.

## **2020 Evaluation and Plan for Enhancement**

- 1) Number of employees hired, retained, and promoted that come from North Adams, Pittsfield, or other disproportionately impacted areas

**2020 Evaluation:** No employees were hired in 2020.

**Compliance with Goal in 2020?:** N/A

**Plan to Enhance:** A jobs fair will be held in 2021 in Pittsfield with advertisements in both Pittsfield and North Adams. This will include coordination with community leaders to ensure effective and representative communication .

- 2) Specific financial data and/or employee hours showing donations to or investments in specific causes relating to the Plan's goals and programs

**2020 Evaluation:** No donations or investments were made in 2020 due to all available funds and other resources being directed to getting Herbal Pathways build out and operational.

**Compliance with Goal in 2020?:** No

**Plan to Enhance:** Once operational, Herbal Pathways commits to making both financial and non-financial donations to causes identified in coordination with Pittsfield community leaders. This includes a goal of up to \$5,000.00 in direct donations and \$5,000.00 worth of employee time investments to be made to deserving organizations in 2021.

- 3) Number of businesses and/or individuals that obtained financial or mentoring services

**2020 Evaluation:** No financial or mentoring services were made in 2020 due to all available funds and other resources being directed to getting Herbal Pathways build out and operational.

**Compliance with Goal in 2020?:** No

**Plan to Enhance:** Once operational, Herbal Pathways will have representation in Pittsfield business networking groups such as Berkshire Business Roundtable and the Rotary Club as well as coordination with the Pittsfield Economic Development Office to identify candidates for mentoring services. Once buildout is complete and there is a venue to do so, Herbal Pathways management plans to have mentoring roundtable nights with selected candidates to work on skills building, resume coaching, and entry into the cannabis industry along with general small business advice and sharing of best practices.



- 4) Number and types of jobs created in the adult-use cannabis industry in geographic areas of disproportionate impact

**2020 Evaluation:** No adult-use cannabis industry jobs have been created due to Herbal Pathways not yet being operational.

**Compliance with Goal in 2020?:** No

**Plan to Enhance:** Herbal Pathways will host a jobs fair in Pittsfield in 2021 once the PPLI inspection is conducted, and advertise this jobs fair with coordination with community leaders. This jobs fair is expected to create around 25 FTE positions at all levels of the company, from entry level to management. This will be the primary source of recruiting for Herbal Pathways.

- 5) Number and subject matter of management training or any other form of industry-specific training

**2020 Evaluation:** No management trainings were made in 2020 due to all available funds and other resources being directed to getting Herbal Pathways build out and operational.

**Compliance with Goal in 2020?:** No

**Plan to Enhance:** Once employees are hired, there will be a 10-day training period prior to opening. This training period will include daily sessions on cannabis business operations, recordkeeping, small business management, and cannabis regulatory compliance. There will be opportunities for experts to train staff, for hands-on training, for discussion and sharing of experiences, and for breakdown into small teams to roleplay potential transactions. There will also be one day fully devoted to inclusivity, tolerance, and cultural competency training (10% of all training curriculum).

- Number and nature of relationship formed through mentorship introductions and programs

**2020 Evaluation:** No mentoring services were made in 2020 due to all available funds and other resources being directed to getting Herbal Pathways build out and operational.

**Compliance with Goal in 2020?:** No

**Plan to Enhance:** After buildout is complete, Herbal Pathways looks forward to joining at least two Pittsfield networking organizations (Berkshire Business Roundtable and Rotary Club) as well as the Berkshire Center for Justice to connect with those disproportionately harmed by the war on drugs, to assist potential candidates for employment with record sealing and expungement. The goal for 2021 will be to mentor at least one small business candidate looking to enter or service the marijuana industry, and mentor one individual who has been impacted by the war on drugs in support of their entry to the marijuana industry.