

Nature's Alternative, Inc.  
PO Box 961, 2357 State Highway Route 6  
Wellfleet, Massachusetts 02667  
MR283325

Case No. ENF-2024-0000001695

## SUMMARY SUSPENSION ORDER

G.L. c. 94G, §§ 4(a)(xi) and (a<sup>1/2</sup>)(xi)  
935 CMR 500.350

Pursuant to its authority under G.L. c. 94G, §§ 4(a)(xi) and (a<sup>1/2</sup>)(xi) and 935 CMR 500.350, the Commonwealth of Massachusetts Cannabis Control Commission (the "Commission"), acting through its Acting Executive Director, issues this Summary Suspension Order requiring the immediate suspension of License no. MR283325 held by Nature's Alternative, Inc. (the "Respondent"), the immediate suspension of all agent registrations associated with Respondent, and the cessation of all licensed operations having determined that Respondent effectuated a change of control of its license without proper notice to or approval by the Commission. Respondent's failure to comply with regulations related to ownership and control poses an immediate or serious threat to the public health, safety, or welfare.

This Summary Suspension Order shall be effective upon Respondent and shall take effect on August 30, 2024, at 12:01 A.M. (the "Effective Date and Time").

### I. STATUTORY AND REGULATORY AUTHORITY

1. The Commission is charged with the administration and enforcement of laws regulating and licensing adult-use Marijuana Establishments and maintains jurisdiction over the conduct of licensed Marijuana Establishments, including their compliance with the Commonwealth's marijuana laws, G.L. c. 94G, and regulations, 935 CMR 500.000 *et seq.* See G.L. c. 94G, § 4(a), (a<sup>1/2</sup>);
2. Marijuana Retailers are a type of Marijuana Establishment, defined as entities "licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to customers." G.L. c. 94G, § 1;
3. The Commission possesses all powers necessary or convenient to carry out and effectuate its purposes including, but not limited to:
  - a. the power to deny an application or limit, condition, restrict, revoke or suspend a license. G.L. c. 94G, § 4(a)(xi);



- b. the power to gather facts and information applicable to the Commission’s obligation to suspend or revoke licenses for a violation of G.L. c. 94G, or any regulation adopted by the Commission. G.L. c. 94G, § 4(a)(xiv); and
  - c. the power to conduct adjudicatory proceedings in accordance with chapter 30A. G.L. c. 94G, § 4(a)(xxiv);
- 4. The Commission also has the power to promulgate regulations and to adopt, amend, or repeal regulations for the implementation, administration, and enforcement of G.L. c. 94G. *See* G.L. c. 94G, § 4(a)(xxiv), (xxviii);
  - 5. Accordingly, the Commission has adopted regulations for the administration, clarification and enforcement of laws regulating Marijuana Establishments, including 935 CMR 500.350, under which the Commission or a Commission Delegee may impose a Summary Suspension Order prior to a hearing to protect the public health, safety, or welfare. 935 CMR 500.350(1);
  - 6. If based on inspection, affidavits, or other credible evidence, the Commission or Commission Delegee determines that a Licensee or Registrant poses an immediate or serious threat to the public health, safety or welfare, the Commission or Commission Delegee’s may issue a Summary Suspension Order that requires the immediate suspension of a License and its associated registrations and cessation of all operations. 935 CMR 500.350(2)(b);
  - 7. On receipt of a Summary Suspension Order, the Licensee and its associated Marijuana Establishment Agents must immediately comply with the requirements of the order and, if requested, post notice at public entrances to the establishment. 935 CMR 500.350(4);

## II. FACTUAL BASIS


In making this determination, the Commission finds as follows:

- 8. Respondent is an operational adult-use Marijuana Retailer located at 2393 Route 6, Wellfleet, Massachusetts 01331, with a final license to purchase, deliver, sell or otherwise transfer Marijuana to Marijuana Establishments and to customers under License no. MR283325;
- 9. Respondent also holds nine other Marijuana Establishment licenses, five of which are expired, under the entity names Four Score Holdings, LLC (License nos. MR282757, MP281689 (Expired), and MC282187 (Expired)), and Aspen Blue Cultures, Inc. (License nos. MR283141, MP281802, MP282091 (Expired), MC282515, and MC283504 (Expired), and RMDA3032 (Provisional Approval Expired);



10. On December 11, 2020, the Commission approved the Respondent for its provisional license. On July 15, 2021, the Commission issued Respondent a final license to operate as a Marijuana Retailer;
11. After receiving Commission authorization, Respondent commenced retail operations on August 5, 2021, at 2393 Route 6, Wellfleet, Massachusetts 01331 (the “Wellfleet Retail store”);
12. In its application for licensure, Respondent disclosed Patrick Casey, Nicholas Salvadore, Andrew Wilkes (“Mr. A. Wilkes”), Jill Moniz, and Matthew Wilkes (“Mr. M. Wilkes”) as Persons Having Direct or Indirect Authority, and Aspen Blue, LLC as the entity with 99.99% ownership equity and 100% control;
13. According to the Massachusetts Cannabis Industry Portal (MassCIP), there are several active, registered Marijuana Establishment Agents (“Agents”) that work at the Wellfleet Retail store;
14. On October 3, 2023, Respondent submitted a Change of Ownership and Control (COO) application, attached as Enforcement Exhibit 1, requesting a transfer of all ownership from the prior owners to solely Mr. A. Wilkes and a new entity AW Funding, LLC;
15. On October 12, 2023, Respondent submitted the applicable fee for the COO request;
16. On November 16, 2023, the Investigations and Enforcement department’s (the “department”) Financial Investigative Team (FIT) conducted a due diligence investigation of the COO submission. Through this investigation, the FIT interviewed Mr. A. Wilkes, Mr. M. Wilkes, and their counsel Stephen Litwin who confirmed the intent to transfer of ownership to Mr. A. Wilkes and AW Funding, LLC due to a default on the loan;
17. At the Commission’s public meeting on December 14, 2023, the department made its recommendation on Respondent’s COO application to the Commissioners who voted unanimously to approve the request;
18. On December 14, 2023, the department sent notice to Respondent of the Commission’s approval, conditions of that approval, and next steps necessary for effectuating the change, attached as Enforcement Exhibit 2;
19. On June 4, 12, 17, and 18, 2024, the Commission received multiple letters via certified mail from Respondent’s representatives that notified the Commission of upcoming public auctions where Respondent intended to sell all its licenses, including the license held by Nature’s Alternative, attached as Exhibit 3, and all tangible or intangible property, including Marijuana and Marijuana Products;



20. On June 20, 2024, the department sent an email response to Respondent, attached as Enforcement Exhibit 4, reminding it that any ownership or control changes that implicate Commission regulations would require the submission of a COO application and approval from the Commission before effectuation. Respondent acknowledged that it would contact the department after the auctions are complete and are aware of their obligations under Commission regulations;
21. On June 28, 2024, Respondent sold its license to individuals affiliated with Ideal Craft Cannabis, Inc. (herein, "Ideal Cannabis") at public auction;
22. Ideal Cannabis is an entity with licenses to operate as a Marijuana Cultivator (License no. MC283286) and Marijuana Product Manufacturer (License no. MP282007);
23. On June 29, 2024, Ideal Cannabis took control over operations related to License no. MR283325 at the Wellfleet Retail store;
24. On July 3, 2024, Respondent informed the department that it effectuated the COO that was approved on December 14, 2023, transferring ownership to Mr. A. Wilkes and AW Funding, LLC, attached as Enforcement Exhibit 5;
25. 
26. On July 31, 2024, the Town Administrator for the Town of Wellfleet contacted the department, attached as Enforcement Exhibit 7, and asked that the Wellfleet Retail store appears to have a new owner and wanted to know whether the Commission approved the change of ownership and asked why the Town of Wellfleet was not notified as required in Section 11 of its Host Community Agreement (HCA) with Respondent, attached as Enforcement Exhibit 8;
27. Section 11 of the HCA states that the "Company shall not assign, sublet, or otherwise transfer its rights nor delegate its obligations under this Agreement, in whole or in part, without the prior written consent from the Town, and shall not assign or obligate any of the monies payable under the Agreement, except by and with the written consent of the Town. This Agreement is binding upon the parties hereto, their successors, assigns and legal representatives. Events deemed an assignment include, without limitation... (iii) the Company's outright sale of assets and equity, majority stock sale to another organization or entity for which the Company does not maintain a controlling equity interest; (iv) or any other change in ownership or status of the Company... and/or (vi) any other assignment not approved in advance in writing by the Town.";



28. On July 31, 2024, the department spoke with individuals associated with Ideal Cannabis who explained that after the auction it took over management of the Wellfleet Retail store after the sale was finalized but Respondent has not yet issued any shares of common stock;
29. On August 2, 2024, the department issued a Notice of Deficiency (NOD), attached as Enforcement Exhibit 9, to Respondent citing a violation of 935 CMR 500.104;
30. On August 16, 2024, Respondent submitted a Plan of Correction (POC), attached as Enforcement Exhibit 10, stating that it is finalizing a COO application for submission that will be submitted no later than September 15, 2024;


### III. COMMISSION FINDINGS AND VIOLATIONS OF LAW

31. The facts set forth in Paragraphs 1 through 30 warrant the issuance of a Summary Suspension Order;
32. Commission regulations require that prior to a change of ownership or control, “the Marijuana Establishment shall submit a request for such change to the Commission and pay the appropriate fee” and that no “such change shall be permitted until approved by the Commission....” 935 CMR 500.104(1);
33. The Commission requires the submission of a COO application and approval prior to effectuation to determine whether the change may implicate the statutory limitation on the number of licenses an individual or entity may hold, understand the nature of the proposed change, and evaluate the suitability of individuals or entities acquiring ownership. *See* G.L. c. 94G, § 16; *see also* 935 CMR 500.104; *and* 935 CMR 500.800-803;
34. Assigning or attempting to change ownership or assign a License to another entity without approval of the Commission under 935 CMR 500.104 constitutes full and adequate grounds for suspending or revoking a License and may result in a void license. *See* 935 CMR 500.104(1); *see also* 935 CMR 500.415; *and* 935 CMR 500.450(5);
35. Commission regulations authorize the Commission, or a Commission delegee, to issue a Summary Suspension Order on the receipt of credible information that a licensee poses an immediate or serious threat to the public health, safety, or welfare. *See* 935 CMR 500.350(2);
36. Violations of Commission regulations where the result may be a void license are violations that pose an immediate or serious threat to the public health, safety, or welfare;



37. On December 14, 2023, the Commission approved Respondent's request to add the entity AW Funding, LLC and make Mr. A. Wilkes the sole Person Having Direct Control of the License;
38. On June 12, 2024, Respondent notified the department that it intended to sell its license and all the property located at the Wellfleet Retail store at a public auction;
39. On June 20, 2024, the department informed Respondent that it would need to submit a new COO application before making any ownership or control change. Respondent acknowledged its regulatory obligations;
40. Despite this acknowledgement, on June 28, 2024, Respondent sold its license at auction to Ideal Cannabis without submitting a COO application or obtaining approval from the Commission in violation of 935 CMR 500.104(1);
41. On June 29, 2024, Respondent permitted Ideal Cannabis to take control over the operations of the Wellfleet Retail store without submitting a COO application or approval from the Commission in violation of 935 CMR 500.104(1);
42. The sale of Respondent's license, its inventory, and subsequent transfer of control over the operations of the Wellfleet Retail store is the assignment or attempted assignment of the privileges afforded by its license to Ideal Cannabis;
43. Because Respondent failed to submit a COO in accordance with Commission regulations, the Commission does not have a formal record of who currently exercises ownership or control over the license, whether the individuals or entities involved are suitable, or whether the exercise of ownership or control violates the statutory limitation on ownership of licenses;
44. On July 3, 2024, Respondent submitted the COO approval response form to the Commission relative to a previously approved change of ownership and control. That COO approval response form is unrelated to Ideal Cannabis's purchase of Respondent's license at public auction;
45. Respondent failed to obtain written consent from the Town of Wellfleet for the change of ownership to Ideal Cannabis as required in Section 11 of its HCA;
46. The Town of Wellfleet, its constituents, and Ideal Cannabis are members of the public;
47. Respondent's knowing and blatant disregard of Commission regulations by assigning or attempting to assign its license and the Wellfleet Retail store to another entity without Commission review and approval may result in the license deemed void, and therefore its continued operation, let alone by another entity not approved by the Commission, poses an immediate or serious threat to the public safety or welfare;



48. Ideal Cannabis is not an entity approved to exercise ownership or control over Respondent's license and therefore its continued operation without Commission approval poses an immediate or serious threat to the public safety or welfare;
49. By assigning control of its license and the Wellfleet Retail store to Ideal Cannabis without notice to or approval by the Commission created an opportunity for——diversion, theft, or loss of product. Respondent is responsible for the inventory at the Wellfleet Retail store and without a comprehensive understanding of Respondent's inventory, continued operations poses an immediate or serious threat to the public safety or welfare;
50. Respondent's disregard of its obligations to the Town of Wellfleet under its HCA by assigning ownership of its license to Ideal Cannabis poses an immediate and serious threat to the public welfare;

#### IV. ORDER

Based on the above factual findings and violations of law, and Respondent's disregard of Commission regulations related to changes to ownership and control, Respondent's continued operations with an unapproved operator poses an immediate or serious threat to the public health, safety, or welfare.

51. Accordingly, the Commission, acting through its Acting Executive Director, **suspends and requires the immediate cessation of operations** associated with the licenses stated below subject to the conditions of Paragraph 53:

Final License            MR283325    Marijuana Retailer    Wellfleet, Massachusetts

52. Accordingly, the Commission, acting through its Executive Director, **suspends** the following agent registrations and any other agent registrations affiliated with MR283325 subject to the conditions of Paragraph 53:

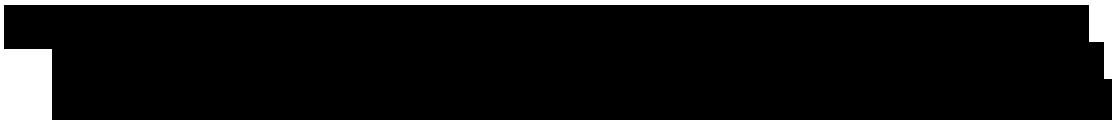
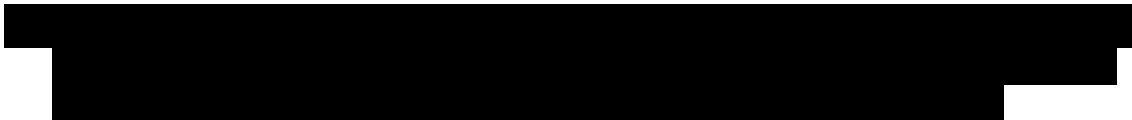
  





53. Further, the Commission, acting through its Acting Executive Director, hereby **orders:**

- a. Respondent **shall** post a copy of this Summary Suspension Order at all public entrances to its establishment;
- b. Respondent **shall** identify agents essential for the security and general maintenance of the Wellfleet Retail store and provide the names of those agents to the [Inspections@CCCMass.com](mailto:Inspections@CCCMass.com) email address Attn: Director of Investigations. Upon satisfactory review of the agents proposed by Respondent, the Commission may approve reinstatement of their Agent Registrations for that limited purposes;
- c. Respondent **shall** identify agents essential for maintaining the inventory of Marijuana and Marijuana Products at the Wellfleet Retail store and provide their names to the [Inspections@CCCMass.com](mailto:Inspections@CCCMass.com) email address Attn: Director of Investigations. Upon satisfactory review of the agents proposed by Respondent, the Commission may approve reinstatement of their Agent Registrations for that limited purpose;





- [REDACTED]
- g. Respondent **shall** not allow anyone other than those identified in subparagraphs b and c of this paragraph to access the premises with the exception of Commission staff, local law enforcement, or emergency personnel. Limited exceptions for other individuals, including, but not limited to, third-party contractors, consultants or visitors, will be considered on a case-by-case basis as outlined below:
    - (i) Respondent shall provide notice of other individuals to the Director of Investigations, at least 24 hours in advance of an expected visit and such request shall include the name(s) of the visitor(s), expected date of visit, purpose of the visit, and name(s) of the Registered Agent(s) who will escort the visitor(s). Visitors may access the facility only on approved dates and may only be present for the purposes stated. All approved visitors shall be signed in and out as Visitors and must be accompanied by a Registered Agent;
  - h. Respondent **shall** cooperate with the Commission as necessary for Commission staff to conduct any inspections or security assessment of the premises to ensure the continued maintenance of Marijuana and Marijuana Products;
  - i. Respondent **shall** submit a COO application to the Commission within 15 days of this Order; and
  - j. Respondent **shall** not assign or attempt to assign ownership or control of any of its other licenses with submitting a COO application to the Commission, paying the applicable fee, and obtaining Commission approval consistent with 935 CMR 500.104(1). The failure to do so will result in the suspension, revocation or a determination that those licenses are void.

Notice is provided pursuant to 801 CMR 1.01(6)(a) that this Summary Suspension Order (herein, the “Order”) shall take effect on August 30, 2024, at 12:01 A.M. A copy of this Order shall be posted at all public entrances to its establishment. Failure to comply may result in further enforcement action against Respondent up to and including suspension or revocation of licensure, or a determination that the license is void.

Nothing herein should be construed as precluding or limiting Commission authority to take additional administrative action to protect the public health, safety, and welfare.

The Commission reserves the right to modify, amend, or rescind the order or take additional enforcement action permitted pursuant to 935 CMR 500.350 and 500.500. The Order shall remain in effect until the Commission rescinds or amends the order or until such other time specified in 935 CMR 500.500.



Respondent may request a hearing no later than 21 calendar days after the Effective Date of this Order by making such request by email to [Commission@CCCMass.com](mailto:Commission@CCCMass.com), Attn: Legal Department, for it to be considered timely under 935 CMR 500.350(5)(a). Respondent may appear *pro se* or be represented by counsel in the administrative hearing process. The hearing will be subject to the Standard Adjudicatory Rules of Practice and Procedure, which includes 801 CMR 1.01, 801 CMR 1.02, and 801 CMR 1.03.

The requirements of the order issued under 935 CMR 500.350(2) shall remain in effect until one of the following events has occurred: (a) the Commission modifies, amends or rescinds the order; (b) there is a Final Decision on the merits of a Commission order, including judicial review of the order, unless the order is vacated or modified by a court of competent jurisdiction or rescinded by the Commission; (c) there is a Final Decision on the merits of a subsequently issued Order to Show Cause under 935 CMR 500.370 including judicial review of the order, unless the order is vacated or modified by a court of competent jurisdiction or rescinded by the Commission; or (d) until such time as is otherwise established under the procedures set forth in 935 CMR 500.000.

Signed this 28th day of August 2024:

**Commonwealth of Massachusetts Cannabis Control Commission**

*Debra Hilton-Creek*

Debra Hilton Creek, Acting Executive Director and  
Chief People Officer

Cc:

Nomxolisi Khumalo, Chief of Investigations and Enforcement  
Katherine Binkoski, Director of Investigations  
Timothy Goodin, Enforcement Counsel  
Tom Guerino, Town Administrator of the Town of Wellfleet



**CERTIFICATE OF SERVICE**

I, Jacob Nielson, hereby certify that on this 28th day of August 2024, I served a copy of this Summary Suspension Order on Nature’s Alternatives, Inc. by electronic mail to the owner of record Andrew Wilkes at [aw@awilx.com](mailto:aw@awilx.com). A copy of the Summary Suspension Order was also sent to Nicholas Saba, the Chief Executive Officer of Ideal Craft Cannabis, Inc., the current occupant of the Wellfleet Retail store, at [nick@idealcraftcannabis.com](mailto:nick@idealcraftcannabis.com).



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