

Elev8 Cannabis, Inc.  
243 Main Street  
Athol, Massachusetts 01331  
MR281810; MR282630; MR281383

Case No. ENF-2022-0000001336

## 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 Executive Director, issues this Summary Suspension Order requiring the immediate suspension of License no. MR281810, MR282630, and MR281383 held by Elev8 Cannabis, Inc. (the “Respondent”), the immediate suspension of all agent registrations associated with Respondent, and the cessation of all licensed operations having determined that Respondent, through the acts of its majority owner, 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 March 25, 2023, at 12:00 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 243 Main Street, Athol, Massachusetts 01331, with a final license to purchase, deliver, sell or otherwise transfer Marijuana to Marijuana Establishments and to customers under License no. MR281810. Respondent also holds two provisional Marijuana Retailer licenses, License nos. MR281383 and MR282630;
9. On August 22, 2018, March 6, 2019, and April 24, 2019, Respondent submitted three separate applications to the Commission, respectively, Application nos. MRN281810, MRN281383, and MRN282630, seeking to operate Marijuana retail stores in Athol, Williamstown, and Orange, Massachusetts;
10. All three applications were deemed complete by Commission staff on November 27, 2019;



11. The Commission approved the Respondent for three provisional retail licenses on January 16, 2020. On September 10, 2020, the Commission issued Respondent a final license to operate its Marijuana retail store in Athol, License no. MR281810. Respondent has yet to seek final licensure for License nos. MR281383 or MR282630;
12. After receiving Commission authorization, Respondent commenced retail operations in Athol on October 15, 2020;
13. In all of its applications for licensure, Respondent disclosed Oluwaseun Adedeji (“Mr. Adedeji”) and Katherine Tener (“Ms. Tener”) as Persons Having Direct or Indirect Control over each of Respondent’s establishments. According to Application no. MRN281810, Mr. Adedeji holds 93.12% equity interest in the Athol retail store. According to Applications nos. MRN281383 and MR282630, Mr. Adedeji has an 87% equity interest in the Williamstown and Orange establishments;
14. Ms. Tener has a 1.8% equity interest in Elev8 Cannabis, Inc. and is not named as a person associated with Respondent in any of its corporate filings. Ms. Tener is listed as a person associated with Respondent in the Massachusetts Cannabis Industry Portal (MassCIP), but appears to have little to no involvement with Respondent’s business;
15. Mr. Adedeji is Respondent’s founder and the Chief Executive Officer which includes Marijuana retail businesses in Athol, Massachusetts and Eugene, Oregon;
16. According to the Massachusetts Cannabis Industry Portal (MassCIP), there are a number of individuals who are active, registered Marijuana Establishment Agents (“Agents”) at Respondent’s retail store in Athol;
17. On February 8, 2023, Respondent submitted a renewal application, Application no. MRR206360, for its final license which will expire on April 10, 2023;
18. On February 13, 2023, the Commission’s Licensing staff sent a Request for Information (RFI), attached as Enforcement Exhibit 1, to Respondent seeking additional information on the license renewal application;
19. On February 17, 2023, the Commission issued a Notice of Intent to Limit Sales of Marijuana and Marijuana Products (the “Notice”) to Respondent, attached as Enforcement Exhibit 2, due to Respondent’s substantial noncompliance with Commission laws;
20. The Notice identified ten substantial violations of Commission regulations and mandated Respondent take corrective action to address each of the deficiencies by March 9, 2023. The Notice warned that failure to take corrective action by that date could result in the



Commission issuing an order prohibiting Respondent from selling Marijuana and Marijuana Products at its Athol store;

21. On or around February 17, 2023, after the Commission issued the Notice, Mr. Adedeji took disciplinary action against the Agents that were identified in the Notice as lacking mandatory training and related records, resulting in their immediate dismissal;
22. On February 23, 2023, Mr. Adedeji informed Enforcement staff that he had promoted one of his staff to serve as Respondent's Interim Chief Executive Officer;
23. On March 2, 2023, Respondent resubmitted its renewal application uploading the Notice but with no responses or additional documentation addressing Licensing staff's RFI;
24. Since Respondent did not provide any information in response to the RFI, on March 7, 2023, Licensing staff sent a second RFI, attached as Enforcement Exhibit 3;
25. On March 8, 2023, Respondent's staff communicated with and provided Enforcement staff with documentation and responses to the Notice, attached as Enforcement Exhibit 4. The submission is pending a compliance review by Enforcement staff;
26. On March 9, 2023, Respondent again resubmitted its renewal application providing its responses and documentation to the Notice but did not provide answers to Licensing's first or second RFI;
27. On or around March 14, 2023, Mr. Adedeji terminated the employment of Respondent's Interim Chief Executive Officer three weeks after her promotion;
28. On or around March 14, 2023, Respondent's General Manager of the Athol retail store resigned in protest of Mr. Adedeji's conduct towards and termination of the Interim Chief Executive Officer. Respondent's General Manager of the Oregon retail store and all Oregon retail staff also resigned;
29. On March 21, 2023, Licensing staff sent a third RFI, attached as Enforcement Exhibit 5, to Respondent seeking the same information originally requested;
30. On March 22, 2023, Mr. Adedeji informed Enforcement staff that "store is closed, we are fully compliant ccc recording regulation. Temporarily closed. Business decision as we charter blue ocean [wave emoji]";
31. On March 23, 2023, Mr. Adedeji recorded and posted a five-minute video on his Instagram account, attached as Enforcement Exhibit 6. In the video, Mr. Adedeji stated that Athol retail store was open for business and indicated that he was there alone. Mr. Adedeji shouted "and for my all old employees, if you step on my fucking property without my permission, bro, on god, you will feel it";



32. Mr. Adedeji continued, “goofy ass people fucking, fucking with my business, don’t ever fuck with my business. Y’all goofy ass boy. I’ll put a bounty on you...on god, if you ever fuck with me. Fuck with my business, Ima dog you. Ima dog you. Ima fuck you, you fuck with my business, I would dog you” and then said “bang, bang” and made a hand gesture imitating a hand gun;
33. Mr. Adedeji also yelled “you touch my business, I will kill you.” Mr. Adedeji then paused and said “no, boy. I will not kill you. You fuck with me I’m gonna come for your everybody. Your whole family tree” and again imitated the sound of a gun being fired;
34. Mr. Adedeji used the phrase “catch these ones” twice and “I will fuck you” numerous times and shouted if he catches anyone, he will “dog you” and to not ever disrespect him and that there “ain’t no way you can run, I will find you and I will dog you”;
35. Mr. Adedeji again warned staff not to “come on [his] property if you are not here to work bitch.” Mr. Adedeji also stated “I pay your bills and you got the nerve to disrespect me bitch. I’ll dog you and everybody else. Disrespect me, hoe” and if “anybody got a problem, pull the fuck up, gang”;

### **III. VIOLATIONS OF LAW**

36. The facts set forth in Paragraphs 1 through 35 warrant the issuance of a Summary Suspension Order;
37. 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);
38. Respondent’s current and former staff and the Commission’s Enforcement staff are constituents of the greater public;
39. As the majority owner and Person Having Direct or Indirect Control over Respondent’s licenses, Mr. Adedeji is an agent of Respondent, making Respondent liable for his conduct;
40. On February 17, 2023, the Commission issued the Notice of Intent to Limit Sales of Marijuana and Marijuana Products to Respondent. Following receipt, Mr. Adedeji reacted by summarily terminating the two employees who were identified in the Notice as lacking mandatory training and related records;



41. On or around March 14, 2023, Mr. Adedeji dismissed the Interim Chief Executive Officer, who had served in the position for less than three weeks. Respondent's General Manager in Athol resigned in protest. All of Respondent's staff in Oregon also resigned, including that store's General Manager;
42. On March 22, 2023, Mr. Adedeji informed Enforcement staff that the Athol store had closed;
43. Yet, on March 23, 2023, Mr. Adedeji announced on Instagram that the Athol store was open for business and invited customers to come to the store. Mr. Adedeji simultaneously announced that he was alone at the store;
44. Mr. Adedeji's invitation to the public and announcement on social media that he was alone at the Athol store posed a public safety risk because a single individual cannot adequately secure a Marijuana Establishment against potential theft or diversion. Respondent, through Mr. Adedeji's recklessness, poses an immediate or serious threat to the public safety and welfare;
45. Mr. Adedeji also threatened to "fuck," "dog," "kill," and "put a bounty on" his former employees if they were to step on his property throughout the five-minute video. Mr. Adedeji specifically warned that if anyone were to disrespect or threaten his business, he would kill them and their family. By threatening to commit acts of violence, including sexual assault, against former employees and their families, Respondent, through the acts of Mr. Adedeji, poses an immediate or serious threat to the public safety and welfare;
46. Further, Mr. Adedeji threatened to "dog" or "kill" anyone who interferes with his business. Respondent's staff assisted the Commission with information responsive to the Notice, as required under Commission laws. Commission staff are also responsible for monitoring and ensuring Respondent's compliance. Respondent's license to operate is pending renewal and Respondent's compliance with the Notice remains under review by Commission staff. By threatening to commit acts of violence against anyone who Mr. Adedeji perceives as interfering with his business, Respondent, through the acts of Mr. Adedeji, poses an immediate or serious threat to the public safety and welfare;

#### IV. ORDER

Based on the above factual findings, violations of law, and Respondent menacing conduct, Respondent, through the acts of its agent Mr. Adedeji, poses an immediate or serious threat to the public health, safety, or welfare.

47. Accordingly, the Commission, acting through its Executive Director, **suspends and requires the immediate cessation of operations** associated with the licenses stated below:



Final License	MR281810	Marijuana Retailer	Athol, Massachusetts
Provisional License	MR282630	Marijuana Retailer	Williamstown, Massachusetts
Provisional License	MR281383	Marijuana Retailer	Orange, Massachusetts

48. Accordingly, the Commission, acting through its Executive Director, **suspends** the following agent registrations:

Agent Registration	AR281414	Oluwaseun Adedeji
Agent Registration	AR333172	Jerry Francois
Agent Registration	AR333578	Zjontaye Gordon
Agent Registration	AR334877	Jemimah Eseh
Agent Registration	AR336419	Shawn Robinson
Agent Registration	AR336422	Jonathan Nieto
Agent Registration	AR337254	Arianna Montville
Agent Registration	AR337830	Madasyn Moschetti

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

- a. Respondent **shall** not allow anyone other than Mr. Adedeji to access the premises with the exception of Commission staff, local law enforcement, or emergency personnel;
- b. Respondent **shall** notify the Commission of any or all individuals who have the ability to access the licensed Premises;
- c. Prior to accessing the licensed premises, Mr. Adedeji **shall** obtain prior approval from the Commission. In his request for approval, Mr. Adedeji must inform the Commission of the date and duration of his planned visit and must provide a purpose for his visit. Mr. Adedeji must send his request at minimum 48 hours in advance by sending the request in writing to Respondent’s lead Investigator;
- d. Respondent **shall** cooperate with the Commission as necessary for Enforcement staff to conduct a security assessment of the premises to ensure the continued maintenance of Marijuana and Marijuana Products;
- e. Respondent **shall** maintain its security vendor for the duration of this Order and ensure that all surveillance footage of the licensed premises is retained by the security vendor and is accessible by Enforcement staff until otherwise notified by the Commission;
- f. The Commission reserves the right to coordinate with Local Law Enforcement and Respondent shall consent to the Commission’s coordination with the security vendor as necessary to ensure security of the licensed premises in compliance with this Order;



Notice is provided pursuant to 801 CMR 1.01(6)(a) that this Summary Suspension Order (herein, the “Order”) shall take effect on March 25, 2023, at 12:00 A.M. A copy of this Order shall be posted at all public entrances to its establishment. Failure to comply may result in action against Respondent up to and including suspension and/or revocation of licensure.

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 twenty-one (21) calendar days after the Effective Date of this Order by making such request by email to [Commission@CCCMass.com](mailto:Commission@CCCMass.com), for it to be considered timely under 935 CMR 500.500(4). 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, the formal rules at 801 CMR 1.01. See 801 CMR 1.01(1).

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 24<sup>th</sup> day of March 2023:

**Commonwealth of Massachusetts Cannabis Control Commission**

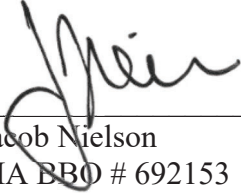


Shawn Collins, Executive Director



**CERTIFICATE OF SERVICE**

I, Jacob Nielson, hereby certify that on this 24<sup>th</sup> day of March 2023, I served a copy of this Summary Suspension Order on Elev8 Cannabis, Inc. by electronic mail to the owner of record of Elev8 Cannabis, Inc., Oluwaseun Adedeji at [seun@elev8cannabis.com](mailto:seun@elev8cannabis.com).



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