

The Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Department of Public Health  
Bureau of Health Care Safety and Quality  
**Medical Use of Marijuana Program**

99 Chauncy Street, 11<sup>th</sup> Floor, Boston, MA 02111

CHARLES D. BAKER  
Governor

KARYN E. POLITO  
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MARYLOU SUDDERS  
Secretary

MONICA BHAREL, MD, MPH  
Commissioner

Tel: 617-660-5370  
[www.mass.gov/medicalmarijuana](http://www.mass.gov/medicalmarijuana)

May 24, 2017

Re: Request for Further Information Regarding Provisional Certificate of Registration and Applications 2 and 3

Thank you for the information submitted updating information regarding Brighton Health Advocates, Inc. ("BHA") in January, February, March, and April 2017. The Department of Public Health ("DPH") requires further information before it may proceed with your registration for the Wareham RMD and before RMD applications (Applications 2 and 3) may result in Provisional Certificates of Registrations. Specifically, please submit the following information:

1. Regarding the information submitted on January 30, 2017, please confirm that the loan attached as Exhibit B is the third proposed loan between BHA and PharmaCann, the first and second loans being described in an independent legal opinion dated November 17, 2016. According to our records, the first and second loans have not yet been submitted to DPH for review. Please submit the loans described in the independent legal opinion dated November 17, 2016 as soon as possible.
2. Please submit one document listing and summarizing the status of all agreements that would be responsive to Section C of the *Management and Operations Profile* with Massachusetts Recovery Services and PharmaCann, LLC, as well as agreements with any other parties (e.g., Beach Equities, LLC, [REDACTED]). For each agreement listed, identify the independent opinion of commercial real estate appraisers or attorneys, as applicable, that has been submitted demonstrating its compliance with 105 CMR 725.100(A)(1) and the Guidance for Registered Marijuana Dispensaries Regarding Non-Profit Compliance, together with the date it was submitted, or the reason why the applicant does not believe one is required.
3. Pursuant to 105 CMR 725.100(F), BHA must notify DPH if any BHA officials obtain an ownership interest in PharmaCann, LLC while still involved with BHA.
4. The updated response to Question C.11 states that the PharmaCann Mass, LLC will provide services on a cost-plus basis at 20%, but the independent legal opinion and the Agreement itself state that services will be provided at cost plus 15%. Please update the

documentation submitted by BHA as necessary so that all documents are consistent regarding this issue.

5. The independent legal opinion dated January 30, 2017 does not appear to address the proposed loans in Exhibit B and Exhibit C of the Management Agreement, or the documents submitted as executed and renamed versions by BHA. Please submit an independent legal opinion in compliance with the Guidance for Registered Marijuana Dispensaries Regarding Non-Profit Compliance (<http://www.mass.gov/eohhs/docs/dph/quality/medical-marijuana/applications/non-profit-compliance-guidance.pdf>) that addresses these loans.

6. Regarding the Amendment to Commercial Sublease between BHA and Massachusetts Recovery Services, Inc., the amendments to the commercial sublease with a Related Party changes the terms of the sublease and requires an opinion of a Massachusetts licensed real estate appraiser specializing in commercial property in compliance with paragraph 3 of the Guidance for Registered Marijuana Dispensaries Regarding Non-Profit Compliance (<http://www.mass.gov/eohhs/docs/dph/quality/medical-marijuana/applications/non-profit-compliance-guidance.pdf>). Please submit this appraisal.

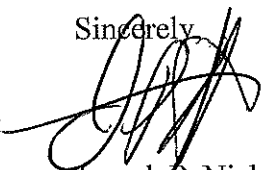
7. Regarding the document titled "Assignment of License Rights," DPH does not regulate non-medical use of marijuana and cannot comment on the legalities of agreements pertaining to such use. Please note no further information is needed regarding the assignment.

Please submit this information via U.S. mail or hand-delivery, to:

The Department of Public Health  
Medical Use of Marijuana Program  
RMD Compliance  
99 Chauncy Street, 11<sup>th</sup> Floor  
Boston, MA 02111

You may direct any questions regarding the application process to [RMDcompliance @state.ma.us](mailto:RMDcompliance@state.ma.us) or 617-660-5370.

Sincerely,



Joseph P. Nicholson | Director of Compliance and Investigations  
Medical Use of Marijuana Program  
Bureau of Healthcare Safety and Quality  
Massachusetts Department of Public Health