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, 11th Floor, Boston, MA 02111

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Governor

KARYN E. POLITO
Lieutenant Governor

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MONICA BHAREL, MD, MPH
Commissioner

Tel: 617-660-5370
www.mass.gov/medicalmarijuana

December 19, 2018

Francis Perullo
Ascend Mass, LLC
137 Lewis Warf
Boston, MA 02110

Re: Request for Information

Dear Mr. Perullo,

This letter is to inform you that the Department of Public Health ("Department") has reviewed Ascend Mass, LLC's *Management and Operations Profile* (Application 2 of 3). The *Management and Operations Profile* requires the following information before the Department may complete its evaluation:

1. The applicant did not submit its Operating Agreement as required under Section B of the *Management and Operations Profile*. Please submit a copy of the applicant's Operating Agreement.

2. In response to Question E.21, the applicant states, "Ascend will only use DPH approved pesticides (none currently)....Cultivation best practices employed to limit contamination, incl. mold, fungus, bacterial diseases, rot, pests, *non-DPH approved pesticides*, mildew, and other contaminants [emphasis added]." Based on this response, it is unclear whether the applicant intends to be in compliance with the regulations regarding pesticides. Pursuant to 105 CMR 725.105(B)(1)(d), "Application of any pesticide not approved by the Department in the cultivation of marijuana is prohibited." Please resubmit a complete response to Question E.21 that is in compliance with the regulations regarding pesticides.

   Currently, there are no pesticides approved for use in the cultivation of marijuana and RMDs are prohibited from using any pesticides. Please also provide an affirmative statement that the applicant understands that unless and until such express written approval is given, it will not use any pesticides in cultivating marijuana.

3. In its response to Question E.29, the applicant states that is will test for, "the presence of non-DPH approved pesticides..." 105 CMR 725.105(C)(2)(a) requires that, "Marijuana shall be tested for the cannabinoid profile and for contaminants specified by the Department including, but not limited to, mold, mildew, heavy metals, and plant-growth regulators, *and the presence of pesticides* [emphasis

added]." Please resubmit a complete response to Question E.29 that is in compliance with the regulations regarding pesticides.

Currently, there are no pesticides approved for use in the cultivation of marijuana and RMDs are prohibited from using any pesticides. Please also provide an affirmative statement that the applicant understands that unless and until such express written approval is given, it will not use any pesticides in cultivating marijuana.

4. Based upon the information submitted to the Department, Brad Baker, who is identified as the Director of Security for Ascend Mass, LLC, is affiliated with multiple RMDs. Please submit any agreement between Brad Baker and Ascend Mass, LLC for review for compliance with 105 CMR 725.100(A)(2). If there is no written agreement between the applicant and Brad Baker, please submit a written confirmation signed by an executive or member of the corporation (other than the Director of Security as that is Brad Baker) for the applicant that there is no employment agreement and that he is not an executive as it is defined under the regulations, 105 CMR 725.004 ("[e]xecutive means the chair of a board of directors, chief executive officer, executive director, president, senior director, other officer, and any other executive leader of a RMD") or a member of more than 3 RMDs, and further, that he does not control an entity that directly or indirectly controls more than 3 RMDs. Please note that if information provided by the RMD is materially inaccurate, incomplete, or fraudulent, it may serve as the basis for denial of an initial application pursuant to 105 CMR 725.400(A) or revocation or denial of renewal pursuant to 105 CMR 725.405(B).

   Please be advised that Ascend Mass, LLC must submit this information as soon as possible but prior to receiving a Provisional Certificate of Registration. An application will not be deemed complete until all materials requested by the Department are submitted. If anything Brad Baker's status within the organization changes, please further note that the organization must inform the Department within 5 business days as required pursuant to 105 CMR 725.100(F)(4).

If the applicant has been requested to resubmit their response to a question, please do so using the page on the application form for that particular question, and include an initialed attestation at the bottom of the page. The applicant need not resubmit the entire application and may submit only the page for the particular question that needs to be submitted.

Please remember to type all responses in the information or materials resubmitted to the Department, other than any required signatures, as well as include the name of the Applicant Corporation *and* the number of the application (e.g., Application 1 of 1) at the top of each page of the resubmitted information or materials.

Please resubmit the additional or revised information as outlined above, via U.S. mail or hand-delivery, to:

Department of Public Health
Medical Use of Marijuana Program
RMD Applications
99 Chauncy Street, 11th Floor
Boston, MA 02111

Upon receipt, the Department will review the information and will notify the applicant if it is invited to submit a *Siting Profile* or if further information is required before the applicant may proceed.

If you have questions or need assistance, you may contact the Department at 617-660-5370 or RMDapplication@state.ma.us.

Sincerely,

Elizabeth Chen, PhD, MBA, MPH
Assistant Commissioner
Massachusetts Department of Public Health