



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  
Lieutenant Governor

MARYLOU SUDDERS  
Secretary

MONICA BHAREL, MD, MPH  
Commissioner

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

June 1, 2016

Re: Request for Information

Dear [REDACTED]

This letter is to inform you that the Department of Public Health ("Department") has reviewed Manna Wellness, Inc.'s *Siting Profile* (Application 3 of 3). The *Siting Profile* requires the following information before the Department may complete its evaluation:

1. Thank you for the information submitted on May 25, 2016 regarding the Pittsfield property and how the Option to Purchase Real Estate combined with a letter from the option holder assigning the option to the applicant complies with the Application Instructions for Section B. To further focus your response, the Department provides the following information. As the applicant is aware, Section B of the *Siting Profile* requires a demonstration of the applicant's property interest in the proposed location, namely (a) a clear legal title to the proposed site; (b) an option to purchase the proposed site; (c) a lease; (d) a legally enforceable agreement to give such title under (a) or (b), or such lease under (c), in the event that Department determines that the applicant qualifies for registration as a RMD; or (e) evidence of binding permission to use the premises. The applicant has not satisfied (a), (b) or (c), as it has not shown clear legal title as required under (a), the option to purchase allowed under (b) runs to Ethos Realty and not the applicant, and the applicant has not submitted a lease under (c). The Department is attempting to determine whether the information submitted, an option to purchase combined with a letter that has not been countersigned (as opposed to an assignment agreement similar to that submitted in support of applicant's *Siting Profile* 2 of 3), would, under Massachusetts law, be considered a legally enforceable agreement under (d) or evidence of binding permission to use the premises under (e). Please submit an explanation for review, including citations to legal support.
2. In Section 1.3 of the Framingham lease, the insurance policies recited do not appear to comply with 105 CMR 725.105(Q). If the insurance policies identified in the lease are intended to be additional

and separate from the insurance required in 105 CMR 725.105(Q), please submit the declarations page for the different policies. If the insurance policies identified in the lease are intended to be those required by 105 CMR 725.105(Q), please submit documentation demonstrating that the policies will comply fully with 105 CMR 725.105(Q).

3. The Department reviewed the Framingham lease, Exhibit A1, and requires more information. Please describe, in detail, how Manna Wellness Inc. will ensure that the utilities in the “common utility room” will be secured. This description must include the specific utilities that will be housed (i.e. electrical, furnace etc.) and the systems that will be implemented to prevent auxiliary entities from accessing this space. Measures must be in place to reduce all security threats to vital operating utilities. Please include in your response information that demonstrates compliance with 105 CMR 725.110 (A) (1), (2) and (13).
4. The Department has not yet received an independent legal opinion that the Ethos Realty, LLC agreements for the Framingham and Pittsfield properties are in compliance with the non-profit requirements of 105 CMR 725.100(A)(1) and the Guidance for Registered Marijuana Dispensaries Regarding Non-Profit Compliance, as requested on October 1, 2015. Please submit this legal opinion.
5. To confirm compliance with 105 CMR 725.110(A)(14) for the proposed RMD in the Town of Framingham, please list all uses within 500 feet of the proposed RMD in Framingham, as the distance is defined in 105 CMR 725.110(A)(14).

Thank you for the information submitted on May 6, 2016 regarding the agreement with [REDACTED] that has been reviewed for compliance with 105 CMR 725.100(A)(2) and has been deemed compliant. Please note that compliance with 105 CMR 725.100(A)(2) is reviewed on an ongoing basis.

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 Non-Profit 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.

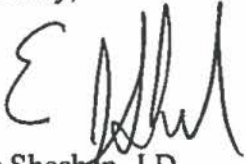
Please resubmit the additional or revised information as outlined above, via U.S. mail or hand-delivery, to:

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

Upon receipt, the Department will review the information and will notify the applicant if it will proceed or if further information is required.

If you have questions or need assistance, you may contact the Department at 617-660-5370 or [RMDapplication@state.ma.us](mailto:RMDapplication@state.ma.us).

Sincerely,

A handwritten signature in black ink, appearing to read 'E Sheehan', written over a faint, illegible typed name.

Eric Sheehan, J.D.  
Interim Bureau Director  
Bureau of Health Care Safety and Quality  
Massachusetts Department of Public Health