This letter is to inform you that the Department of Public Health ("Department") has reviewed Mass Alternative Care, Inc.'s Siting Profile (Application 2 of 3). The Siting Profile requires the following information before the Department may complete its evaluation:

1. As requested on January 11, 2016 and January 25, 2016, please submit an independent legal opinion that the agreement with MJardin Massachusetts, LLC described in Question C.11, and the agreement with DKRV Commercial Properties described in Question C.12 in the Management and Operations Profile 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.

2. Also as requested on January 11, 2016 and January 25, 2016, please submit an independent legal opinion regarding the agreement between 4Front Advisors LLC and the applicant. The August 6, 2015 letter from Patridge, Snow & Hahn provides an opinion regarding a “Application, Training and Consulting Agreement” dated January, 2013 between 4Front Advisors, LLC and unidentified clients in Massachusetts. The agreement submitted to the Department, however, is titled “Limited, Non-Exclusive License to Use Proprietary Instructional Manuals and Other Property” dated April 14, 2015.

3. In section 8 of the Lease, the insurance policies recited do not appear to comply with 105 CMR 725.105(Q) regarding the minimum aggregate requirement. If the insurance policies identified in the lease are intended to be additional and separate from the insurance required in 105 CMR 725.105(A), 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).
4. Section 15 of the Lease calls for the Lessors, under certain circumstances, to re-possess the leased premises and any property therein. Only those authorized to possess marijuana for medical use pursuant to Ch. 369 of the Acts of 2012 and its implementing regulations, 105 CMR 725.000, et seq., are permitted to possess regulated assets, such as marijuana and marijuana-infused products, without being subject to law enforcement action. Please identify the provision(s) of the lease that safeguard regulated assets from seizure by the Lessor or other parties unauthorized to possess them.

Please be advised that the applicant must submit such documents prior to receiving a Provisional Certificate of Registration. An application will not be deemed complete until all materials requested by the Department are submitted.

Please submit the 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 will receive a Provisional Certificate of Registration 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,

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