

ADMINISTRATIVE HEARINGS DIVISION

January 18, 2024

STIPULATED SETTLEMENT AGREEMENT FOR MARIJUANA VIOLATION CASES

1. **SELENA TOOMEY**
(Worker Permit #2N56Y0)

ORS 475C.213 and OAR 845-025-8520(1) - On or about May 3, 2023, Permittee sold, delivered, transferred or made available a marijuana item to a minor decoy, a person under 21 years of age, who did not hold a valid OMMP patient or caregiver card.

(1st Level Category II(b))

Note: Permittee was charged with this violation by Notice dated November 8, 2023. The standard sanction for this violation is a 30-day suspension or a \$750.00 civil penalty. Permittee requested a hearing and now wishes to enter into this settlement agreement.

TERMS OF AGREEMENT

1. Permittee accepts responsibility for the violation as set out in the Notice. This was Permittee's first Category II(b) violation within two years. Any subsequent Category II(b) violation within the same two years will be charged starting at the second level. This violation will become a permanent part of Permittee's Commission file, and may be considered in any future application for any license or permit by Permittee.
2. The standard sanction for this violation is a 30-day suspension or a \$750.00 civil penalty, and the Notice proposed this standard sanction.
3. The Commission will reduce the penalty by nine days.
4. Permittee will either pay a \$525.00 civil penalty before 5:00 PM on February 15, 2024 **OR** serve a 21-day permit suspension beginning at 7:00 AM on February 22, 2024 and ending at 7:00 AM on March 14, 2024.
5. Permittee withdraws the request for hearing.
6. If Permittee's worker permit expires and is not renewed, or is surrendered before the Commission issues a final order on this allegation, Permittee agrees to accept a Letter of Reprimand for the violation. This reprimand will become a permanent part of Permittee's Commission file and may be considered in any future application for any license or permit by the Permittee.
7. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their January 2024 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void and Permittee's hearing rights, if any, will be restored. If the agreement is accepted and approved in its entirety by the Commission, Permittee waives any and all rights to a contested case hearing under the Administrative Procedures Act (ORS Chapter 183) and to judicial review, or to otherwise challenge this agreement and the final order.

2. Oregon Resources Marketing, LLC,
Co-Licensee
Oregon Resources Wholesale, LLC,
Co-Licensee
Tyson Haworth, Managing Mbr.
Troy Moore, Member
Mark Seid, Member
dba **OREGON'S FINEST**
911 NW 14th Ave
Portland, OR 97209

ORS 475C.213 and OAR 845-025-8520(1) - On or about
May 3, 2023, Licensee's employee, agent, or
representative Selena Toomey sold, delivered,
transferred or made available a marijuana item to a minor
decoy, a person under 21 years of age, who did not hold
a valid OMMP patient or caregiver card.

(1st Level Category II(b))

Note: Licensee was charged with this violation by
Notice dated November 8, 2023. The total proposed
penalty was a 27-day license suspension or a civil
penalty of \$4,455.00. Licensee requested a hearing
and now wishes to enter into this settlement
agreement

MITIGATION

Staff proposed mitigating the penalty by three days or
\$495.00 because Licensee was not personally
involved in or aware of the violation occurring.

(Retailer)

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice. This was Licensee's first Category II(b) violation within two years. Any subsequent Category II(b) violation within the same two years will be charged starting at the second level. This violation will become a permanent part of each licensee's Commission file, and may be considered in any future application for any license or permit by that licensee.
2. The standard sanction for this violation is a 30-day suspension or a \$4,950.00 civil penalty. Commission staff determined that the Licensee was not personally involved in or aware of the violation occurring. OAR 845-025-8590(5)(d)(F). Accordingly, the Notice proposed mitigating the penalty by three days or \$495.00. The total proposed penalty was a 27-day license suspension or a civil penalty of \$4,455.00.
3. The Commission will reduce the penalty by eight days.
4. Licensee will either pay a \$3,135.00 civil penalty before 5:00 PM on February 15, 2024 **OR** serve a 19-day license suspension beginning at 7:00 AM on February 22, 2024 and ending at 7:00 AM on March 12, 2024.
5. Licensee withdraws the request for hearing.
6. If a licensee's interest in the license expires or is transferred before the Commission issues a final order on the charge, the licensee agrees to accept a Letter of Reprimand for the violation. This reprimand will become a permanent part of the licensee's Commission file and may be considered in any future application for any license or permit by the licensee.
7. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their January 2024 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void and Licensee's hearing rights, if any, will be restored. If the agreement is accepted and approved in its entirety by the Commission, Licensee waives any and all rights to a contested case hearing under the Administrative Procedures Act (ORS Chapter 183) and to judicial review, or to otherwise challenge this agreement and the final order.

3. Village Green Incorporated
Yafei Li, Pres/Sec/Dir/Stockholder
dba **VILLAGE GREEN**

(Producer)

ORAR 845-025-8580(4) – On or about September 27, 2022, Licensee allowed the harvesting of usable marijuana during the period of time that the license was under suspension, when Licensee and/or Licensee’s employees, agents or representatives harvested approximately 49 marijuana plants at the premises, in violation of the August 24, 2022 FOISA.

(Category I)

ORAR 845-025-8580(4) - On or about September 28, 2022, September 29, 2022, October 12, 2022, and October 13, 2022, Licensee allowed the harvesting of usable marijuana during the period of time that the license was under suspension, when Licensee and/or Licensee’s employees, agents or representatives harvested marijuana plants at the premises, in violation of the August 24, 2022 FOISA.

(Category I)

ORAR 845-025-2020(1)(e)(C)(D)(E)(F), (2)(a)(A) - On or before the dates listed below, Licensee, a licensed producer without a concentrate endorsement, received and possessed the packages listed below containing (1) marijuana or useable marijuana produced by West and East Consulting, Inc., PROD 101042338F8, a licensed marijuana producer not under common ownership with Licensee; and (2) cannabinoid extracts or concentrates not made using only marijuana produced by Licensee.

<i>Date</i>	<i>Package # (Last 6)</i>	<i>Category</i>
2/2/2022	002781	Non-infused (Plain) Pre-Roll
4/25/2022	003052	Concentrate
11/23/2022	002973	Extracts
11/23/2022	002972	Extracts
11/23/2022	002970	Extracts

(Category III recategorized down from a Category I)

ORAR 845-025-7520(1)(d) - On or before March 8, 2023, and again on or before March 20, 2023, more than 45 days since the last recorded harvest which was recorded as October 21, 2022, Licensee and/or Licensee’s employees, agents, or representatives failed to assign and affix a unique identification (UID) tag to all marijuana

Note: Licensee was charged with these violations by Amended Notice dated May 17, 2023. Staff originally proposed license cancellation for these violations and nonrenewal for these and other prior violations.. Licensee requested a hearing and now wishes to enter into this settlement agreement.

AGGRAVATION

Violations Number One, Number Two, and Number Five were aggravated for the personal involvement of Licensee Yafei Li. Violation Number Two was aggravated because it was intentional. Violations Number Two, Number Three, Number Four, and Number Five were aggravated because they were repeated.

MITIGATION

Violation Number One was mitigated for a good faith effort to avoid a violation. Violation Number Three was mitigated to a Category III violation due to subsequent downward recategorization.

(continue **VILLAGE GREEN**)

items in a manner that establishes an accurate record from one marijuana item to another, and failed to use a new UID tag each time a marijuana item was added to or placed in a receptacle, when multiple untagged bags and totes containing marijuana were observed by the roll-up door and throughout the large building inside the licensed premises, when there were tagged bags and totes containing marijuana whose tags in CTS referred to finished packages in the inventory of other licensees, and Licensee explained discrepancies between tagged items and CTS records by stating that his employees reused old containers with old tags for new harvests.

(1st Level Category III)

OAR 845-025-7540(1) - On or before March 8, 2023, Licensee and/or Licensee's employees, agents, or representatives failed to enter data into CTS that fully and transparently accounted for all inventory tracking activities, due to the multiple errors and misrepresentations described below:

V5.1 – On March 8, 2023, a tote with tag ending 002544 containing loose marijuana buds and five vacuum-sealed bags containing marijuana buds was found at the premises, but it was listed in Licensee's CTS as finished with "0" quantity on August 15, 2021.

V5.2 – On March 8, 2023, a tote with tag ending 002570 containing approximately 15 pounds of loose marijuana buds was found at the premises, but it was listed in Licensee's CTS as containing 1.27 pounds. That night, Licensee repackaged and finished this package, backdating the finish date to January 8, 2023, which was inaccurate.

V5.3 – On March 8, 2023, a tote with tag ending 002994 containing approximately 15 pounds of marijuana buds was found at the premises, but it was listed in

(continue **VILLAGE GREEN**)

Licensee's CTS as containing 205.34 pounds of marijuana shake/trim. On March 12, 2023, Licensee repackaged and finished this package, post-dating the new package to March 16, 2023, which was inaccurate.

V5.4 – On March 8, 2023, a large black plastic bag with tag ending 002993 containing approximately 20 pounds of marijuana buds was found at the premises, but it was listed in Licensee's CTS as containing 335.15 pounds of marijuana shake/trim. On March 12, 2023, Licensee repackaged and finished this package, backdating the new package to March 9, 2023, which was inaccurate.

V5.5 – On March 8, 2023, a tote with tag ending 002961 full of loose marijuana buds was found at the premises, but it was listed in Licensee's CTS as containing 20 jars of Kief concentrate.

(1st Level Category III)

SYNOPSIS: This case arose out of Licensee's failure to comply with the conditions of a license suspension that was imposed in an August 24, 2022 Final Order Incorporating Settlement Agreement. Upon advice of counsel, Licensee harvested marijuana while serving a 56-day license suspension. Despite being advised by an OLCC inspector on September 27, 2022 that this was not permissible under the applicable rule, Licensee continued harvesting multiple marijuana plants while suspended. A follow up investigation revealed CTS inventory failures and discrepancies, as well as the presence of marijuana pre-rolls, extract and concentrate containing marijuana from another licensed marijuana producer.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the Notice. These were Licensee's first and second Category I violations, and first, second, and third Category III violations within two years. These violations will become a permanent part of each licensee's Commission file, and may be considered in any future application for any license or permit by that licensee.
2. Violation Number One was mitigated for a good faith effort to avoid a violation. Violation Number Three was mitigated to a Category III violation due to subsequent downward recategorization. Violations Number One, Number Two, and Number Five were aggravated for the personal involvement of Licensee Yafei Li. Violation Number Two was aggravated because it was intentional. Violations Number Two, Number Three, Number Four, and Number Five were aggravated because they were repeated.

(continue **VILLAGE GREEN**)

3. Commission staff originally proposed license cancellation for these violations and nonrenewal for these and other prior violations.
4. Licensee has begun the process of selling the business. Licensee will surrender its license on the date the transfer of ownership of the business is complete or at 7:00 AM on April 18, 2024, whichever is earlier. Licensee agrees that its license will not be further renewed.
5. Licensee understands and agrees that the Commission is not representing or guaranteeing that a new owner will have an approved license on or before April 18, 2024, or at any time. Licensee understands and agrees that any new owner will have to fully complete the application process, and the application has to receive final approval by the Commission, prior to a license being issued.
6. Each licensee agrees to accept a letter of reprimand for the violations specified above, even if the licensee's interest expires or is transferred or terminated prior to issuance of a final order in this matter. This letter of reprimand will become a permanent part of the licensee's Commission file and may be considered in any future application for any license or permit by the licensee.
7. Licensee hereby relinquishes any and all interest in any marijuana items in its inventory that have not been transferred before the effective date of license surrender, and agrees that the Commission may seize and destroy any such marijuana items.
8. Licensee withdraws the request for hearing.
9. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their January 2024 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void and Licensee's hearing rights, if any, will be restored. If the agreement is accepted and approved in its entirety by the Commission, Licensee waives any and all rights to a contested case hearing under the Administrative Procedures Act (ORS Chapter 183) and to judicial review, or to otherwise challenge this agreement and the final order.