

ADMINISTRATIVE HEARINGS DIVISION

April 18, 2024

STIPULATED SETTLEMENT AGREEMENTS FOR MARIJUANA VIOLATION CASES

1. Tracey McReynolds
dba **FOUR SEASONS DISPENSARY
AND RESOURCE CENTER**
30943 Ehlen Drive
Albany, OR 97321

(Retailer)

ORS 475C.213 and OAR 845-025-8520(1) - On or about July 25, 2023, Licensee Tracey McReynolds sold, delivered, transferred, or made available a marijuana item to 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 January 10, 2024. The total proposed sanction was a 33-day suspension or a \$5,445.00 civil penalty. Licensee requested a hearing and now wishes to enter into this settlement agreement.

AGGRAVATED

Commission staff added three days of aggravation because the violation was personally committed by Licensee Tracey McReynolds.

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) violations within the same two years will be charged starting at the second level. The 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. Commission staff originally proposed the standard sanction of a 30-day suspension or a civil penalty of \$4,950.00. Commission staff added three days of aggravation because the violation was personally committed by Licensee Tracey McReynolds. The total proposed sanction was a 33-day suspension or a \$5,445.00 civil penalty.
3. The Commission will reduce the sanction for the violation by nine days.
4. Licensee will either pay a \$3,960.00 civil penalty before 5:00 PM on May 15, 2024, OR serve a 24-day license suspension beginning at 7:00 AM on May 22, 2024, and ending at 7:00 AM on June 15, 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 April 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.

2. Emerald Corner Corporation
Jonathan Kendall, Pres/Dir/Stkhldr
Suzette Hefner, Secretary/Dir
Clay Bearnson, Treas/Dir/Stkhldr
Matthew Noyes, Dir /Stockholder
Christopher Helton, Director
Robin Bittinger, Director
dba **OREGON FARMACY**
1 West 6th St, Ste 104
Medford, OR 97501

(Retailer)

ORS 475C.213 and OAR 845-025-8520(1) - On or about January 25, 2023, Licensee Jonathan Kendall sold, delivered, transferred, or made available a marijuana item to 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 September 13, 2023. The total proposed sanction was a 33-day suspension or a \$5,445.00 civil penalty. Licensee requested a hearing and now wishes to enter into this settlement agreement.

AGGRAVATED

Commission staff added three days of aggravation because the violation was personally committed by Licensee Johnathan Kendall.

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) violations within the same two years will be charged starting at the second level. The 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. Commission staff originally proposed the standard sanction of a 30-day suspension or a civil penalty of \$4,950.00. Commission staff added three days of aggravation because the violation was personally committed by Licensee Johnathan Kendall. The total proposed sanction was a 33-day suspension or a \$5,445.00 civil penalty.
3. The Commission will reduce the sanction for the violation by nine days.
4. Licensee will either pay a \$3,960.00 civil penalty before 5:00 PM on May 15, 2024, OR serve a 24-day license suspension beginning at 7:00 AM on May 22, 2024, and ending at 7:00 AM on June 15, 2024.
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