

**STATE OF RHODE ISLAND
DEPARTMENT OF BUSINESS REGULATION
JOHN O. PASTORE COMPLEX
1511 PONTIAC AVENUE
CRANSTON, RI 02920**

IN THE MATTER OF:

Sirius, LLC,

Respondent.

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DBR No.: 20MM001

ORDER OF DISMISSAL

The above-entitled matter came before the undersigned as a result of an Order to Show Cause Why Application Should not be Denied, Notice of Hearing, and Appointment of Hearing Officer (“Order to Show Cause”) dated January 8, 2020 and issued to Sirius, LLC (“Respondent”) by the Department of Business Regulation (“Department”). A pre-hearing conference was held on February 2, 2020. On September 3, 2020, the parties filed a proposed Order of Dismissal which is hereby incorporated by reference. Said proposed order includes the following provisions:

1. On or about February 7, 2020, the Respondent notified the Hearing Officer and the Office of Cannabis Regulation (“OCR”) that it was no longer interested in and would no longer pursue its previously submitted Medical Marijuana Cultivator Application No. MMP CV 0081 (the “Application”), submitted to the Department through the OCR on April 28, 2017, and subsequently supplemented.
2. By way of this Order of Dismissal and without either admitting or denying any of the allegations contained in the Order to Show Cause, Respondent hereby unconditionally and irrevocably withdraws the Application.
3. By withdrawing the Application, the Respondent forever waives any rights associated with the filing of the original Application, including but not limited to the right to have a hearing on OCR’s denial of Respondent’s Application pursuant to R.I. Gen. Laws § 42-35-9(c) and (f) and 230-RICR-10-00-2, *Rules of Procedure for Administrative Hearings*, § 2.15, and the right to appeal any decision rendered as a result of such a hearing pursuant to R.I. Gen. Laws § 42-35-15 and Rules of Procedure §§ 2.17, 2.18 and 2.20.

4. The Respondent has voluntarily and willingly chosen to withdraw its Application to amicably resolve the matter without an administrative hearing and its attendant time and costs.
5. This Order of Dismissal shall not prohibit nor bar the Respondent or any of the Application's key persons as defined in 230-RICR-80-5-1, *Rules and Regulations Related to the Medical Marijuana Program Administered by the Department of Business Regulation*, § 1.5(E)(5)(d) from filing future cannabis applications that are received, evaluated, reviewed or otherwise considered by the Office of Cannabis Regulation. OCR's review of any future application submitted by Respondent or any of the Application's key persons will be reviewed and evaluated on its own merits.

Therefore, as a result of the foregoing and the parties agreed Proposed Order of Dismissal and upon due consideration thereof, it is hereby ordered that the above-captioned matter is dismissed.

As recommended by:

\s\ Catherine R. Warren

Date: September 8, 2020

Catherine R. Warren
Hearing Officer

I have read the Hearing Officer's recommendation and I hereby ADOPT/REJECT the recommendation of the Hearing Officer in the above-entitled Order of Dismissal.

Date: 09-09-2020

Elizabeth M. Tanner

Elizabeth M. Tanner, Esquire
Director

NOTICE OF APPELLATE RIGHTS

THIS DECISION CONSTITUTES A FINAL ORDER OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO R.I. GEN. LAWS § 42-35-12. PURSUANT TO R.I. GEN. LAWS § 42-35-15, THIS ORDER MAY BE APPEALED TO THE SUPERIOR COURT SITTING IN AND FOR THE COUNTY OF PROVIDENCE WITHIN THIRTY (30) DAYS OF THE MAILING DATE OF THIS DECISION. SUCH APPEAL, IF TAKEN, MUST BE COMPLETED BY FILING A PETITION FOR REVIEW IN SUPERIOR COURT. THE FILING OF THE COMPLAINT DOES NOT ITSELF STAY ENFORCEMENT OF THIS ORDER. THE AGENCY MAY GRANT, OR THE REVIEWING COURT MAY ORDER, A STAY UPON THE APPROPRIATE TERMS.

CERTIFICATION

I hereby certify that on this 9th day of September, 2020 that a copy of the within Order of Dismissal and Appellant Rights was sent by first class mail, postage prepaid and by electronic delivery to Michael J. Lepizzera, Jr., Esquire, 117 Metro Center Blvd., Suite 2001, Warwick, R.I. 02886 and by electronic delivery to Sara Tindall-Woodman, Esquire, Department of Business Regulation, Pastore Complex, 1511 Pontiac Avenue, Cranston, RI.

