

eave, upper section of the roof on the right-hand side and rear section of the structure[,] which through [] training and experience is consistent with sources of heat used to cultivate marijuana. These observations are consistent with indoor cannabis.” Further, conversations between RISP and Respondent Vitone on July 23rd confirmed that Respondent Vitone and Respondent Ancone were together growing marijuana at 35 Moshassuck Rd., Lincoln.

5. On July 23, 2020, the Rhode Island State Police (“RISP”) executed a search warrant at 95 Doyle Ave, 2nd Floor., Providence, and found over five-hundred and seventy-one (571) grams of dried usable marijuana in various locations, four-hundred and twenty (420) grams of marijuana associated with THC oil, one-hundred and twenty (120) grams of marijuana associated with TCH vape pens, six (6) various firearms, sixty-five thousand and ninety dollars (\$65,090.00) in cash, and various ammunition, among other items.
6. On July 23, 2020, both Respondent Vitone and Respondent Ancone were arrested on charges of Possession with Intent to Deliver Marijuana, Possession with Intent to Deliver Marijuana in Excess of Five (5) Kilograms, Conspiracy, and Possession of a Firearm while Committing a Crime of Violence.²
7. On August 10, 2020 the Department issued an Order to Show Cause (“Order”) to Respondents detailing the Department’s position that as the members/owners of Respondent MAD, Respondent Vitone’s and Respondent Ancone’s cultivation of marijuana at the 35 Moshassuck Rd., Lincoln property (a location other than at the Licensed Premises), Respondent Vitone’s and Respondent Ancone’s distribution and sale of marijuana cultivated at 35 Moshassuck Rd., Lincoln to unauthorized individuals not associated with licensed compassion centers or other licensed cultivators, and the facts and circumstances attending Mr. Vitone’s and Mr. Ancone’s arrest and subsequent criminal charging by the RISP, together constitute violations of R.I. Gen. Laws § 21-28.6-16(a) and R.I. Gen. Laws § 21-28.6-16(i) and (m) and warrant Respondent MAD’s License revocation, an order to cease and desist unlawful cultivation of marijuana, and the imposition of an administrative penalty.
8. The Order also detailed the Department’s position that Respondent Vitone’s possession of dried usable marijuana [REDACTED]
[REDACTED]
[REDACTED] his cultivation of marijuana in excessive and unauthorized amounts at an unauthorized location, and his pursuit and completion of marijuana transactions and/or activity together constitute violations of R.I. Gen. Laws § 21-28.6-4(a), *Rules and Regulations Related to the Medical Marijuana Program Administered by the Office of Cannabis Regulation at the Department of Business Regulation*, 230-RICR-80-05-1 (“Regulation”) § 1.12(D)(6), Regulation § 1.12(D)(12) and Regulation § 1.12(J)(2), and warrant the revocation of his

²Mr. Vitone and Mr. Ancone were charged in District Court Case No.s 32-2020-04698 and 32-2020-04700, respectively. As of the date of the execution of this Consent Agreement, the pre-arraignment conferences are scheduled for October 23, 2020.

██████████ an order to cease and desist unlawful cultivation of marijuana, and the imposition of an administrative penalty.

9. As a result of the Order, Respondents now represent that Respondent MAD intends to surrender its License and Respondent Vitone intends to surrender ██████████ ██████████ and offer such intent as evidence of mitigation in the Department's levying of an administrative penalty.
10. Based on the FOREGOING, the Department believes it has sufficient cause to pursue administrative action against the Respondents in accordance with R.I. Gen. Laws § 21-28.6-9, Regulation §§ 1.13(C)(2)(d), (i), (j) and (o), the *Rules of Procedure for Administrative Hearings*, 230-RICR-10-00-2, Section 2.4(B) and the Administrative Procedures Act § 42-35-1 *et seq.*
11. In an effort to affect a timely and amicable resolution of the issues raised in this Consent Agreement without an administrative hearing, and without the Respondents either admitting or denying the allegations set forth herein, the Department and the Respondent enter into this Consent Agreement solely for the purpose of avoiding the burdens and expenses of litigation. The resolution of this matter is based upon the satisfaction of the following terms and conditions:
 - a. Respondents will pay an administrative penalty for violations of the Act and Regulation heretofore described in paragraphs seven and eight in the amount of twenty-thousand dollars (\$20,000.00) made payable to the "Rhode Island General Treasurer," due in three (3) consecutive initial installments in the amount of two thousand and five-hundred dollars (\$2,500.00) each, and one fourth and final installment of twelve thousand and five-hundred dollars (\$12,500.00). The first installment shall be due upon the signing of this Consent Agreement. The second installment shall be due within thirty days (30) of the signing of this Consent Agreement. The third installment shall be due within sixty (60) days of the signing of this Consent Agreement. The fourth and final installment shall be due within ninety (90) days of the signing of this Consent Agreement;
 - b. Concurrently with the execution of this Consent Agreement, Respondent MAD will irrevocably surrender the License and Respondent Vitone will irrevocably surrender ██████████ ██████████ ;
 - c. On **March 16, 2021**, under supervision of a Department representative, the Respondents shall destroy all marijuana, including marijuana plants, that is located at the Licensed Premises in a manner that has received prior Department approval; Respondents' counsel shall be present at such supervised destruction;
 - d. On or before **March 16, 2021**, under supervision of a Department representative, Respondent Vitone shall destroy all marijuana and marijuana plants cultivated

pursuant to the Plant Tags registration that were not seized by members of the RISP; Respondents' counsel shall be present at such supervised destruction; and

- e. [REDACTED]

12. The parties agree that this Consent Agreement and its terms represent the final determination of this matter.

13. *Waiver of Hearing and Appeal.* By agreeing to resolve this matter through the execution of this Consent Agreement, Respondent knowingly and voluntarily waives any right to an administrative hearing and waives any right to pursue an appeal to the Superior Court under the Rhode Island Administrative Procedures Act, R.I. Gen. Laws § 42-35-1, *et seq.*

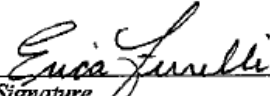
14. *Enforcement.* If the Respondent fails to comply with any term or condition of this Consent Agreement within any applicable time period set forth herein, the Respondent will be in violation hereunder and the Department shall be entitled to immediately take enforcement or other action in accordance with applicable law.

15. *Compliance; Laws.* Compliance with the terms of this Consent Agreement does not relieve the Respondent of any obligation to comply with other applicable laws or regulations administered by or through the Department or any other governmental agency.

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Signature Page

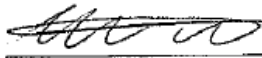
For the Department:



Signature
Date: 3-16-2021

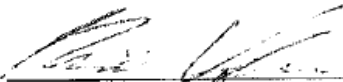
Ms. Erica Ferrelli
Senior Economic and Policy Analyst
Office of Cannabis Regulation

Respondent MAD, LLC:




Signature
Date: 3/15/21

Respondent Michael Vitone:

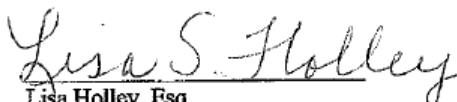


Signature
Date: 3/11/21

Respondent Alfred Ancone:



Signature
Date: 3/4/21



Lisa Holley, Esq.
Counsel for the Respondent
Date: 3-16-2021